

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 9, 1992

SESSION OF 1992 176TH OF THE GENERAL ASSEMBLY

No. 40

HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

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

Let us pray:

Dear God, the other day on the bulletin board of one of Your churches was seen the expression, "We can't change the wind, but we can adjust our sails."

Father, as the songwriter, I, too, sing, "When the storms of life are raging, stand by me; when the storms of life are raging, stand by me; when the world is tossing me like a ship upon the sea, you who rule both wind and water, stand by me."

And so today we do not fear, though the earth be removed and the mountains be carried into the midst of the sea and though the waters thereof roar and be troubled. We do not fear, O God, for in spite of the weight of office, in spite of our constituents' expectations, in spite of the many disappointments that flesh is heir to, and in spite of the storms of life, we can adjust our sails and rejoice, for You have promised to be with us always, even until the end of the world.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 8, 1992, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2814 By Representatives HARLEY, PESCI, NAHILL, HARPER, ROEBUCK, JOSEPHS, HAGARTY, KRUSZEWSKI, CORNELL, STEELMAN, NOYE, RICHARDSON, BUTKOVITZ, LINTON, BUNT, HECKLER and NICKOL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain individuals from preventing others from entering or leaving a medical facility; providing exceptions; and imposing penalties.

Referred to Committee on JUDICIARY, June 9, 1992.

No. 2815 By Representatives McHUGH, LANGTRY, NAILOR, SAURMAN, JOHNSON, NOYE, STISH, J. TAYLOR, ANDERSON, O'BRIEN, WOGAN, TIGUE, GIGLIOTTI, KRUSZEWSKI, BARLEY, OLASZ, STABACK, GEIST, M. N. WRIGHT, ARMSTRONG, BILLOW, DERMODY, MELIO, PERZEL, BROWN, DeLUCA, CLARK, KASUNIC, BELFANTI and KENNEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of assault by AIDS carrier; and providing a penalty.

Referred to Committee on JUDICIARY, June 9, 1992.

No. 2816 By Representatives HARLEY, PESCI, NAHILL, HARPER, ROEBUCK, JOSEPHS, HAGARTY, KRUSZEWSKI, CORNELL, STEELMAN, NOYE, RICHARDSON, BUTKOVITZ, LINTON, BUNT, HECKLER and NICKOL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing civil remedies against certain activities at medical facilities.

Referred to Committee on JUDICIARY, June 9, 1992.

No. 2817 By Representatives VEON, OLIVER, McNALLY, LAWLESS, KOSINSKI, MELIO, KUKOVICH, TIGUE, CAPPABIANCA, BILLOW, KRUSZEWSKI, TRICH, DERMODY, SALOOM, CAWLEY, COWELL,

HARPER, WOZNIAK, TRELLO,
VAN HORNE, BELFANTI, JOSEPHS,
LAUGHLIN, GIGLIOTTI, McGEEHAN
and TANGRETTI

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act," further providing for political activity of persons in the classified service.

Referred to Committee on STATE GOVERNMENT,
June 9, 1992.

No. 2818 By Representatives BISHOP, HALUSKA,
NAILOR, ROEBUCK, FAJT, DeLUCA,
SAURMAN, TIGUE, SALOOM,
JOHNSON, HARPER, JAMES,
LAUGHLIN, TRELLO, OLIVER,
STEELMAN, FREEMAN, TRICH,
RITTER, LINTON, STETLER, STURLA
and RICHARDSON

An Act requiring landlords to grant medical access; providing for termination of residential leases for terminal or mental illness; and making a repeal.

Referred to Committee on BUSINESS AND COM-
MERCE, June 9, 1992.

No. 2819 By Representatives BISHOP, DeLUCA,
ROEBUCK, MUNDY, KENNEY,
KASUNIC, SALOOM, JOHNSON,
HARPER, JAMES, PISTELLA, TRELLO,
WILSON, OLIVER, FREEMAN, TRICH,
RITTER, LINTON and RICHARDSON

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), known as "The Dental Law," providing for required practices.

Referred to Committee on PROFESSIONAL LICEN-
SURE, June 9, 1992.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 343
(Concurrent) By Representatives CLYMER, JOHNSON,
KOSINSKI, TIGUE, MIHALICH,
WOZNIAK, DeLUCA, TRELLO,
STABACK, PETRONE, GERLACH,
GEIST, ULIANA, ITKIN, LAWLESS,
BELFANTI, HESS, OLASZ, BILLOW,
HALUSKA, MELIO, LAUGHLIN,
CARLSON, KING, TOMLINSON,
KASUNIC and ANDERSON

A Concurrent Resolution memorializing Congress to require the Federal Government to purchase only American-made toy replicas.

Referred to Committee on RULES, June 9, 1992.

SENATE BILLS FOR CONCURRENCE

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

SB 37, PN 2290

Referred to Committee on TRANSPORTATION, June 9, 1992.

SB 629, PN 2291

Referred to Committee on CONSUMER AFFAIRS,
June 9, 1992.

SB 1378, PN 2281

Referred to Committee on EDUCATION, June 9, 1992.

SB 1731, PN 2209

Referred to Committee on HEALTH AND WELFARE,
June 9, 1992.

SENATE MESSAGE

ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate
June 8, 1992

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 15, 1992, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 15, 1992, 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.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. It has been a singular honor and privilege to serve as Speaker, and with your permission, that is a privilege that I would like to share with some of the retiring members.

Accordingly, I would like at this time to ask Representative Pete Wambach to preside.

**THE SPEAKER PRO TEMPORE
(PETER C. WAMBACH) PRESIDING
SENATE MESSAGE**

**HOUSE BILLS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 1314, PN 1512; HB 1621, PN 2595; and HB 2300, PN 2927**, with information that the Senate has passed the same without amendment.

LEAVES OF ABSENCE

The **SPEAKER** pro tempore. Are there any requests for leaves of absence?

The Chair recognizes the gentleman, Mr. Steighner, from Butler County.

Mr. **STEIGHNER**. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask for leave for today only for the gentleman from Westmoreland, Mr. **PETRARCA**; the gentelady from Indiana, Ms. **STEELMAN**; the gentelady from Philadelphia, Ms. **JOSEPHS**.

The **SPEAKER** pro tempore. Without objection, the leaves are granted.

There are no leaves from the minority side.

The Chair thanks the gentleman.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

Chadwick	Heckler	Nyce	Trello
Civera	Herman	O'Brien	Trich
Clark	Hershey	Ojasz	Tulli
Clymer	Hess	Oliver	Uliana
Cohen	Hughes	Perzel	Van Horne
Colafrilla	Itkin	Pesci	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Johnson	Pjistella	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Preston	Wogan
DeLuca	Kenney	Raymond	Wozniak
DeWeese	King	Reber	Wright, D. R.
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermody	LaGrotta	Robinson	

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

LEAVES ADDED—1

Lee

LEAVES CANCELED—1

Steelman

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

HB 1548, PN 1864 By Rep. **OLIVER**

An Act amending the act of April 29, 1937 (P. L. 487, No. 115), known as "The Permanent Registration Act for Cities of the Second Class, Cities of the Second Class A, Cities of the Third Class, Boroughs, Towns, and Townships," providing for reports of death from local registrars of vital statistics.

STATE GOVERNMENT.

HB 2482, PN 3219 By Rep. **RICHARDSON**

An Act amending the act of December 18, 1980 (P. L. 1241, No. 224), known as the "Pennsylvania Cancer Control, Prevention and Research Act," further providing for the use of cancer registry information; and extending the expiration date.

HEALTH AND WELFARE.

HB 2602, PN 3743 (Amended)

By Rep. **RICHARDSON**

An Act providing minimum standards, terms and conditions for the licensing of persons who engage in wholesale distributions in interstate commerce of prescription drugs; and making a repeal.

HEALTH AND WELFARE.

HB 2612, PN 3430 By Rep. **OLIVER**

An Act amending the act of July 18, 1935 (P. L. 1314, No. 411), entitled, "An act authorizing the utilization of the Pennsylvania State Police Academy for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such stu-

dents; conferring certain powers upon the Pennsylvania State Police; and making an appropriation," increasing the age limit for veterans who may enter the State Police Academy.

STATE GOVERNMENT.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 1299, PN 2317 (Amended)

By Rep. OLIVER

An Act amending the act of December 19, 1990 (P. L. 1200, No. 202), entitled "Solicitation of Funds for Charitable Purposes Act," further defining "charitable organization," "commercial conventurer," "contribution," "professional fundraising counsel" and "professional solicitor"; and further providing for registration and fees, for filing information, deposits and withdrawals and for cancellations.

STATE GOVERNMENT.

SB 1393, PN 2318 (Amended)

By Rep. LLOYD

An Act providing for licensure of screening mammography service providers; prescribing powers and duties of the Department of Health; establishing radiation machine and facility inspection procedures; providing for licensure revocation and nonrenewal; and imposing penalties.

PROFESSIONAL LICENSURE.

SB 1709, PN 2193

By Rep. MRKONIC

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

MILITARY AND VETERANS AFFAIRS.

BILLS REREPORTED FROM COMMITTEE

HB 2196, PN 3441

By Rep. EVANS

An Act amending the act of January 8, 1960 (1959 P. L. 2119, No. 787), known as the "Air Pollution Control Act," adding and amending certain definitions; further providing for the powers and duties of the Department of Environmental Resources, the Environmental Quality Board and the Environmental Hearing Board; further providing for plans and permits; providing for certain fees and civil penalties, for acid control and for hazardous air pollutants; further providing for certain procedures; providing for compliance; establishing the Compliance Advisory Panel and providing for its powers and duties; further providing for enforcement, for criminal and civil penalties and for the abatement and restraint of violations; and making editorial changes.

APPROPRIATIONS.

HB 2751, PN 3656

By Rep. EVANS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the implementation and administration of an enhanced vehicle emission inspection program.

APPROPRIATIONS.

SB 950, PN 2316 (Amended)

By Rep. EVANS

An Act amending the act of December 14, 1967 (P. L. 746, No. 345), entitled "Savings Association Code of 1967," providing for reciprocal interstate operations; further providing for acquisi-

tions of the stock of a savings association; revising proxy rules; further providing for approval of branch by the Department of Banking; further providing for number and qualification of directors; and making a repeal.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

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

HB 2196, PN 3441; HB 2751, PN 3656; and SB 950, PN 2316.

RULES SUSPENDED

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

Mr. DeWEESE. Mr. Speaker, I move to suspend rule 30, which will permit HB 734, once sent from the Senate, to appear immediately on our calendar.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

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

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

NAYS—0

NOT VOTING—1

Carn

EXCUSED—4

Freind Josephs Petrarca Steelman

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

SENATE MESSAGE

AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE

The clerk of the Senate, being introduced, returned **HB 734, PN 3702**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 2499, PN 3734; and HB 2653, PN 3633.

* * *

The House proceeded to second consideration of **HB 2346, PN 3647**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the crime of stalking; providing for penalties; further providing for protective orders and warrantless arrests relative to victim and witness intimidation; and further providing for relief relative to protection from abuse.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2346, PN 3647, be recommitted to the Committee on Appropriations.

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

Motion was agreed to.

* * *

The House proceeded to second consideration of **SB 539, PN 1254**, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," authorizing the mayor to employ outside counsel where a legal dispute exists between the mayor and council.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that SB 539 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2187, PN 2741**, entitled:

An Act amending the act of October 11, 1972 (P. L. 909, No. 216), known as the "Veterans' Education Act of 1971," further defining "qualified veterans."

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2187 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2473, PN 3210**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the State Veterans' Commission.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2473 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2742**,
PN 3615, entitled:

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

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2742 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2745**,
PN 3618, entitled:

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

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2745 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2746**,
PN 3619, entitled:

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

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2746 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2747**,
PN 3620, entitled:

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

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2747 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2748**,
PN 3621, entitled:

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

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2748 be recommitted to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 2749**,
PN 3622, entitled:

An Act providing for manufactured housing community cooperatives; establishing the Manufactured Housing Community Purchase Fund; providing for loans by the Pennsylvania Housing Finance Agency; and making an appropriation.

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

BILL RECOMMENDED

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

Mr. DeWEESE. Mr. Speaker, I move that HB 2749 be recommitted to the Committee on Appropriations.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2713, PN 3573**, entitled:

An Act amending the act of July 2, 1984 (P. L. 568, No. 113), known as the "Employee-Ownership Assistance Program Act," further providing for prefeasibility assessment funding and for the extension of the final date for approvals.

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

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

The question is, shall the bill pass finally?

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

YEAS—194

Acosta	Durham	Langtry	Roebuck
Adolph	Evans	Laughlin	Rudy
Allen	Fairchild	Lawless	Ryan
Anderson	Fajt	Lee	Saloom
Angstadt	Fargo	Leh	Saurman
Argall	Farmer	Lescovitz	Scheetz
Armstrong	Fee	Levdansky	Schuler
Arnold	Fleagle	Linton	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Foster	Lucyk	Serafini
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gallen	McGeehan	Smith, S. H.
Billow	Gamble	McHale	Snyder, D. W.
Birmelin	Gannon	McHugh	Snyder, G.
Black	Geist	McNally	Staback
Blaum	George	Maiale	Stairs
Bowley	Gerlach	Markosek	Steighner
Boyes	Gigliotti	Marsico	Stetler
Broujos	Gladeck	Mayermik	Stish
Brown	Godshall	Melio	Strittmatter
Bunt	Gruitza	Merry	Stuban
Bush	Gruppo	Michlovic	Sturla
Butkovitz	Hagarty	Micozzie	Surra
Caltagirone	Haluska	Mihalich	Tangretti
Cappabianca	Hanna	Mrkonic	Taylor, E. Z.
Carlson	Harley	Mundy	Taylor, F.
Carn	Harper	Murphy	Taylor, J.
Carone	Hasay	Nahill	Telek

Cawley	Hayden	Nailor	Thomas
Cessar	Hayes	Nickol	Tigue
Chadwick	Heckler	Nyce	Tomlinson
Civera	Herman	O'Brien	Trello
Clark	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Tulli
Colaifella	Hughes	Perzel	Uliana
Colaizzo	Itkin	Pesci	Van Horne
Cole	Jadlowiec	Petrone	Vance
Cornell	James	Phillips	Veon
Corrigan	Jarolin	Piccola	Vroon
Cowell	Johnson	Pistella	Wambach
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Preston	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	King	Reber	Wozniak
Davies	Kosinski	Reinard	Wright, D. R.
Dempsey	Krebs	Richardson	Wright, M. N.
Dent	Kruszewski	Rieger	
Dermody	Kukovich	Ritter	O'Donnell,
Donatucci	LaGrotta	Robinson	Speaker

NAYS—0

NOT VOTING—3

Bishop	Cohen	Noye	
Freind	Josephs	Petrarca	Steelman

EXCUSED—4

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

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

* * *

The House proceeded to third consideration of **HB 2679, PN 3526**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman
Argall	Fargo	Lescovitz	Scheetz
Armstrong	Farmer	Levdansky	Schuler
Arnold	Fee	Linton	Scrimenti
Barley	Fleagle	Lloyd	Semmel
Battisto	Flick	Lucyk	Serafini
Belardi	Foster	McCall	Smith, B.
Belfanti	Freeman	McGeehan	Smith, S. H.
Billow	Gallen	McHale	Snyder, D. W.
Birmelin	Gamble	McHugh	Snyder, G.
Bishop	Gannon	McNally	Staback
Black	Geist	Maiale	Stairs
Blaum	George	Markosek	Steighner

Bowley	Gerlach	Marsico	Stetler
Boyes	Gigliotti	Mayernik	Stish
Broujos	Gladeck	Melio	Strittmatter
Brown	Godshall	Merry	Stuban
Bunt	Gruitza	Michlovic	Sturla
Bush	Gruppo	Micozzie	Surra
Butkovitz	Hagarty	Mihalich	Tangretti
Caltagirone	Haluska	Mrkonic	Taylor, E. Z.
Cappabianca	Hanna	Mundy	Taylor, F.
Carlson	Harley	Murphy	Taylor, J.
Carn	Harper	Nahill	Telek
Carone	Hasay	Nailor	Thomas
Cawley	Hayden	Nickol	Tigue
Cessar	Hayes	Noye	Tomlinson
Chadwick	Heckler	Nyce	Trello
Civera	Herman	O'Brien	Trich
Clark	Hershey	Olasz	Tulli
Clymer	Hess	Oliver	Uliana
Cohen	Hughes	Perzel	Van Horne
Colaafella	Itkin	Pesci	Vance
Colaizzo	Jadlowiec	Petrone	Veon
Cole	James	Phillips	Vroon
Cornell	Jarolin	Piccola	Wambach
Corrigan	Johnson	Pistella	Williams
Cowell	Kaiser	Pitts	Wilson
Coy	Kasunic	Preston	Wogan
DeLuca	Kenney	Raymond	Wozniak
DeWeese	King	Reber	Wright, D. R.
Daley	Kosinski	Reinard	Wright, M. N.
Davies	Krebs	Richardson	
Dempsey	Kruszewski	Rieger	O'Donnell,
Dent	Kukovich	Ritter	Speaker
Dermodity	LaGrotta	Robinson	

NAYS—0

NOT VOTING—0

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

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

* * *

The House proceeded to third consideration of **HB 2684, PN 3531**, entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

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

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

The question is, shall the bill pass finally?

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

YEAS—197

Acosta	Donatucci	Langtry	Roebuck
Adolph	Durham	Laughlin	Rudy
Allen	Evans	Lawless	Ryan
Anderson	Fairchild	Lee	Saloom
Angstadt	Fajt	Leh	Saurman

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

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

* * *

The House proceeded to third consideration of **HB 2692, PN 3539**, entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

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

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

The question is, shall the bill pass finally?

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

YEAS—184

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

NAYS—10

Blaum	Hanna	McNally	Thomas
Carone	Hasay	Nickol	Tigue
Fajt	Kaiser		

NOT VOTING—3

Battisto	Bishop	Oliver	
----------	--------	--------	--

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

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

* * *

The House proceeded to third consideration of **SB 1606, PN 1979**, entitled:

An Act amending the act of June 28, 1947 (P. L. 1110, No. 476), entitled "Motor Vehicle Sales Finance Act," further providing for installment sale contract requirements.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

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

NAYS—0

NOT VOTING—1

Bishop

EXCUSED—4

Freind Josephs Petrarca Steelman

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

HB 2773, PN 3745 (Amended)

By Rep. CAPPABIANCA

An Act providing for uniform health insurance claim forms; imposing powers and duties on the Insurance Department; imposing penalties; and making a repeal.

FEDERAL-STATE RELATIONS.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 6, PN 2221**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for the use of increased State allocations, for payments on account of transportation of nonpublic school pupils and for payments on account of building costs; and imposing powers and duties on the Department of Education.

On the question,

Will the House agree to the bill on third consideration?

Mr. EVANS offered the following amendments No. A2082:

Amend Sec. 2 (Sec. 2509.3), page 4, line 12, by inserting brackets before and after ", FOR" and inserting immediately thereafter

. For

Amend Sec. 2 (Sec. 2509.3), page 4, line 15, by inserting a bracket before "YEAR"

Amend Sec. 2 (Sec. 2509.3), page 4, line 15, by striking out the bracket before "1991-1992"

Amend Sec. 2 (Sec. 2509.3), page 4, line 15, by inserting after "[1991-1992]"

years

Amend Sec. 2 (Sec. 2509.3), page 4, lines 16 and 17, by striking out "AND EACH SCHOOL YEAR THEREAFTER" and inserting

and 1991-1992

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, this is a technical amendment to clarify that the reimbursement for nonpublic transportation is to be increased from \$124 to \$159 per student. In the drafting of the amendment to the bill, language was added that could be interpreted to mean that school districts will continue to be reimbursed at \$124 per student for nonpublic transportation. Thus, a school district would receive \$124 plus \$159 rather than the intended \$159. Clearly, this is not the intent of the bill.

Secondly, also, Mr. Speaker, under the House Democratic budget, the House Republican budget, and Senate Republican budget, if we were to pass this bill as it is, without this correction, there would be a mistake in the budget.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vroon. For what purpose does the gentleman rise?

Mr. VROON. I do not see a copy of this amendment, Mr. Speaker. I wonder if it has been circulated.

The SPEAKER pro tempore. Will the pages please see that Representative Vroon gets the amendment. The amendment is being distributed as we speak.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

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

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

NAYS—0

NOT VOTING—2

Bishop O'Brien

EXCUSED—4

Freind Josephs Petrarca Steelman

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

On the question,

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

The SPEAKER pro tempore. The Chair recognizes at this time the Representative from Lancaster, Representative Strittmatter, who offers the following amendment, which the clerk will read.

Would the gentleman like to make a statement?

Mr. STRITTMATTER. Yes, sir.

The SPEAKER pro tempore. Without objection, the gentleman is in order and may proceed.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Mr. Speaker, I was going to offer today the amendment dealing with lease acquisition for school construction costs. We have discussed this many times before as a cost-saving measure for our local school districts and for the Commonwealth. I have been asked once again to not attach our amendment to a Senate bill so that it can go on to the Governor.

I am hopeful that we will be able to resolve this situation and be able to have legislation as early as next week, I would be hopeful, or certainly by the end of June, to solve Warwick School District's problems as well as provide all of these savings to all the other school districts in the Commonwealth. Right now there is planning in Warwick School District to place our children in the churches next September because of the delay with this legislation.

We would please ask for consideration at the appropriate time, but at this time I would say I am withdrawing our amendment to SB 6 so that we will not complicate this issue. But we would please ask the House's indulgence when we are able to pass this amendment and ask for a positive vote at that time. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. LAWLESS offered the following amendment No. A2362:

Amend Sec. 1 (Sec. 687), page 2, by inserting between lines 22 and 23

(2.1) Those districts which levy taxes and in which the increased State allocations when compared to State revenue figures utilized in their originally adopted 1991-1992 budget exceed the budgeted figures, thereby necessitating an adjustment in favor of their taxpayers, shall apply to the Department of Education for reimbursement of their administrative costs if the adjustment in favor of taxpayers is effected by distributing abatement checks to the taxpayers. Those school districts which did not make tax abatements to their taxpayers, as directed under paragraph (2), and which instead placed these moneys in interest-bearing escrow accounts pending litigation shall pay the interest yielded by these accounts to the Department of Education to help carry out the administrative reimbursements under this paragraph.

On the question,

Will the House agree to the amendment?

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an attempt to balance an inequity among school districts. Those districts which conformed with the legislative process are being penalized for just listening to what we legislators told them to do. Those districts which refunded the excess levied taxes incurred administrative costs. In addition, those districts also did not receive the interest they would have received had they placed the excess tax money in escrow, as did the districts which chose not to refund the taxpayers.

This amendment would reimburse those districts for the administrative costs and would require those districts which received interest to turn over the interest to the Department of Education, to be disbursed to the districts which refunded the money.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I understand the issue that Representative Lawless is trying to address, but I believe that the method that he proposes is unmanageable, the costs that would be incurred are unknown, and it creates a great likelihood that our purpose in trying to move this bill to the Governor within the next day or so will be defeated. We are trying to get this bill to the Governor very quickly, without any confusion or controversial issues, so that this option of allowing school districts to use the extra money they received last year for a tax credit for 1992-93 will be available to them with some certainty within the next day or so, rather than leaving them in an uncertain situation until the end of this month. We are also trying to move the bill quickly to the Governor so that the Commonwealth can make the higher or increased nonpublic school transportation payments to school districts as soon as possible.

The problem with Representative Lawless' amendment is that we have no idea what kinds of administrative costs he would wish to reimburse school districts for, we have no idea what kind of interest earnings may have in fact been generated by school districts that invested these dollars or put them into bank accounts for the short term, and therefore, we have no idea whether there will be a net cost to the State to implement the Lawless amendment, as is indicated in the fiscal note which has been circulated.

Secondly, Mr. Speaker, although I recognize that some school districts did in fact make the rebates as required by the legislature, others did not because they were either granted waivers or because the courts intervened and issued an injunction and put this whole program on hold. So we would be inaccurate to suggest that some school districts did not do what the legislature told them to do, if we are suggesting they in some way violated the law. They simply waited, pending some kind of final determination from the courts. So we really should not feel a need to penalize anybody.

Additionally, Mr. Speaker, it is important to recognize that school districts that did issue the rebates were allowed to withhold those moneys that were going to be required for administrative costs before they rebated these dollars to their local taxpayers, and so the school district in fact did have its additional costs compensated for by the extra money that the Commonwealth gave them. So it is unnecessary to go through this whole rigmarole and this whole guessing game of transferring moneys from some of your school districts to some other districts, and I would suggest to you, Mr. Speaker, there are very few men and women on this floor right now who have any idea whether their school district would have to cough up interest earnings or whether they would be one of the beneficiaries.

Well, I assure you that there are many districts around the State that would be penalized under the Lawless amendment - many districts represented by many members on both sides of the aisle. So I would suggest that we avoid this cumbersome, onerous, administrative nightmare that the Lawless amendment would get us into. School districts across the State generally have not been contacting any of us asking for anything like this, and so I think it is unnecessary. I urge that we defeat it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Chester County, Representative Taylor.

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

Mr. Speaker, maybe there are some on the floor that do not know whether their school districts rebated or they did not, but I can assure you, when you go home, you will find out real quickly whether your school district was one that rebated or did not rebate. This General Assembly last year, for the first time, said—and it was the intent of you members who voted—to return the excess money to your taxpayers. Some of the districts listened to you, and some of those districts complied with our intent. Those districts should not be penalized.

Are you going to penalize a school district that tried to honor the intent of this body? I suggest to you that the school districts that rebated to your taxpayers had three costs: postage, administrative costs, and a loss of interest. Some school districts deducted the postage. But I am telling you right now that too often have the courts, too often have school boards ignored the wishes of this body. This body's intent was to return the money to the taxpayers. Do not penalize those that were in compliance with that intent.

By voting for this amendment, you will uphold your promise to the taxpayers of your district. I suggest strongly an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question of the amendment, the Chair recognizes the gentleman from Allegheny, Representative Cowell, for the second time.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would only remind members that we are really not penalizing anybody. This bill that we have before us would not even be considered except for the fact that we are trying to give school districts some additional flexibility in providing tax credits rather than rebates. There is no other problem that we are trying to solve, as would be addressed by the Lawless amendment.

Some folks are trying to get some extra icing, if you will, on their cake right now. They have already been allowed, when they received extra money from the State, they have been allowed to use some of those extra moneys to cover the administrative costs of the rebate program. So there has been no cost to those school districts. They got extra money from the State. Most of it went to their taxpayers, and a small amount was used to cover the administrative costs. Other districts did not violate the law. They simply were told by the courts that you can hold up on making the rebates until the litigation is disposed of, and those school districts wisely put money into some place where it was going to earn some interest. It is good management.

Now, the proposal is that we get into this administrative nightmare where we take money from most of the school districts, money that we have not had calculated, money that the State somehow would have to determine how much of it exists, take that money back from probably 200 or 300 districts to distribute to about 100 other districts that did provide rebates. It is an administrative nightmare and it may well end up costing the State money, because, again, the Lawless amendment does not guarantee that the money taken back from districts for interest earnings will equal or exceed the additional money given out to cover administrative costs, and so there is some probability that the State will be in a position of having to make up extra money that is not provided for in this bill or anywhere else, and that creates the likelihood then that this bill is not going to be signed by the Governor within the next day or two, we are not going to allow our school districts to provide for this tax credit as they prepare their tax bills during the next few weeks, and we are not going to have a bill that is going to allow the school districts to get the extra

money for nonpublic pupil transportation that this bill intends to allow to flow to them.

So it makes absolutely no sense. We are going to screw up a bill that is intended to solve a couple of problems by injecting into it an amendment that does not really intend to solve any particular problem that any of us have heard about and which will simply be an administrative nightmare with probable cost to State Government.

Mr. Speaker, I urge that we defeat the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Westmoreland and Allegheny, Representative Van Horne.

Mr. VAN HORNE. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, Mr. Lawless.

The SPEAKER pro tempore. Will the gentleman agree to interrogation? He indicates he shall. The gentleman may proceed.

Mr. VAN HORNE. Mr. Speaker, my home school district, I think, is one that may fall into this category you are trying to address. They incurred costs between \$20,000 and \$30,000 in complying with the intent of the law and rebating the money. Is this the kind of situation you are trying to address with this amendment today?

Mr. LAWLESS. That is correct, Mr. Speaker.

Mr. VAN HORNE. Okay. So if this amendment would pass, the Burrell School District in Westmoreland County would be able to file for a reimbursement with the Commonwealth for those expenses. Is that accurate?

Mr. LAWLESS. That is correct, Mr. Speaker.

Mr. VAN HORNE. Okay. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes Representative Lawless for the second time.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I urge that this amendment pass. This would balance the two districts - those that did give a rebate and those that did not.

Mr. Cowell had spoken earlier about an interest that they received from the escrow account, and that would take the interest money away from those districts. Let us keep in mind that that money was not their money. That money was taxpayers' money that was sitting in an escrow account, money that was not planned on that they would have. The interest is not money that they had planned on. Therefore, that interest should be given to those districts that complied with what the legislative process asked them to do.

I urge a positive vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Adolph	Durham	Johnson	Rudy
Allen	Fairchild	Kaiser	Ryan
Anderson	Fargo	Kenney	Scheetz
Angstadt	Fleagle	King	Schuler

Argall	Flick	Langtry	Semmel
Armstrong	Foster	Lawless	Serafini
Barley	Gallen	Leh	Smith, B.
Birmelin	Gannon	McHugh	Smith, S. H.
Black	Geist	Markosek	Snyder, D. W.
Bowley	Gerlach	Marsico	Snyder, G.
Boyes	Gladeck	Micozzie	Stairs
Brown	Godshall	Nahill	Strittmatter
Bunt	Gruppo	Noye	Taylor, E. Z.
Bush	Hagarty	Nyce	Taylor, J.
Carlson	Harley	O'Brien	Telek
Chadwick	Hasay	Perzel	Tomlinson
Civera	Hayes	Phillips	Tulli
Clark	Heckler	Piccola	Uliana
Clymer	Herman	Pitts	Van Horne
Cornell	Hershey	Raymond	Vroon
Davies	Hess	Reber	Wilson
Dempsey	Jadlowiec	Reinard	Wogan
Dent			

NAYS—104

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

NOT VOTING—4

Bishop	Lee	Merry	Mrkonic
--------	-----	-------	---------

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

On the question recurring,

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

Mrs. TAYLOR offered the following amendment No. A2420:

Amend Sec. 1 (Sec. 687), page 4, by inserting between lines 3 and 4

(7) School districts which abated local property taxes or nuisance taxes, or both, during the 1991-1992 fiscal year from unanticipated State allocations for subsidy payments on account of instruction, small district assistance, payments on account of transportation of nonpublic school pupils and State reimbursement for health services while the provisions of this subsection were in litigation shall be reimbursed by the Commonwealth for

lost interest earnings as if the district has delayed the abatement until required to make the abatement as required by the provisions of this subsection and the Department of Education. Districts shall receive payment based on an interest rate of six (6) per centum per annum.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the lady, Representative Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

This amendment is similar to the one that we just debated. The only difference is that this amendment does not include returning money to those who did rebate for administrative costs or postage.

But what my amendment does, it does say that any interest that was lost on the money paid by those school districts that rebated would be returned to the school district by the Commonwealth. My amendment addresses only the interest lost by your school district complying with the intent of this General Assembly.

I urge passage of this amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

PARLIAMENTARY INQUIRY

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

Mr. COWELL. Mr. Speaker, point of parliamentary inquiry.

It is my understanding that rule 19(a) would require a fiscal note for this kind of amendment. I am not aware of a fiscal note being prepared or distributed. I would ask the Chair if a fiscal note is required under the rules of the House.

The SPEAKER pro tempore. In the opinion of the Chair, the amendment A2420 does require a fiscal note since there are reimbursements to the districts by the Commonwealth.

Mrs. TAYLOR. Thank you very much.

Mr. Speaker, I asked for a fiscal note. I have not received that yet, but I have asked for that. I did note that when we did—what was the first amendment?—I did note that when we did Representative Evans' amendment, we did not have a fiscal note for his. I have requested the fiscal note.

The SPEAKER pro tempore. The House will be at ease.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The House will come to order.

The Chair will go over the Taylor amendment temporarily, without objection, and take up the Mayernik amendment.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The Chair will go over temporarily SB 6 and remind the members who have amendments and/or fiscal notes required to amendments to get them to Reference Bureau and request a fiscal note from the Appropriations Committee at a suitable and reasonable time.

The Chair will go over temporarily SB 6.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Representative Noye. For what purpose does the gentleman rise?

Mr. NOYE. Thank you, Mr. Speaker.

To correct the record, sir.

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

Mr. NOYE. When HB 2713 was voted, I was out of my seat. Had I been in my seat, I would have voted in the affirmative.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1312, PN 1510**, entitled:

An Act requiring public employees who are not members of a collective bargaining unit to contribute a fair share fee; establishing payment, notice, objection and reporting procedures; imposing penalties; and making repeals.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. GALLEN. Mr. Speaker, I would like to move that this bill be over temporarily. I am waiting for an amendment to come down. I just ordered it.

The SPEAKER pro tempore. This is the only bill that is remaining on the calendar other than SB 6 for consideration today. I would like to propose that we move on with the amendments in the hopes that by that time your amendment will be down. We would like to roll the bill, however, today.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. HECKLER offered the following amendments No. A1634:

Amend Title, page 1, line 3, by inserting after "procedures;" providing for representation;

Amend Bill, page 5, by inserting between lines 20 and 21 Section 8. Representation.

(a) Eligibility.—An exclusive representative may not be certified to represent the public employees in a bargaining unit to bargain on wages, hours, terms and conditions of employment, unless it receives a majority vote of all public employees in the bargaining unit. Representation elections for certification of an exclusive representative shall be conducted at least every four years.

(b) Duties.—The exclusive representative need only represent the members of such employee organization.

(c) Multiple membership.—Public employees may belong to and pay membership dues to any employee organization. Nothing in this act shall be construed to require a public employee to

belong to or pay membership dues to any employee organization. An employee organization which is not the exclusive representative shall be entitled to have the public employer deduct membership dues from its members and remit those dues to the respective organization. The exclusive representative and the public employer may not discriminate in providing for the deduction of membership dues for employee organizations.

(d) Terms.—A collective bargaining agreement between an exclusive representative and a public employer may be for any term; however, no collective bargaining agreement may extend for more than six months after a regularly scheduled representation election as required under subsection (a).

(e) Transition.—Each collective bargaining unit shall hold an election for exclusive representative in accordance with the procedures described in section 605 of the act of July 23, 1970 (P.L. 563, No. 195), known as the Public Employe Relations Act, upon the expiration of the agreement. Nothing in this section shall be construed to bar the exercise of an existing right of a public employee or group of public employees to petition for exclusive representation or decertification under the Public Employe Relations Act.

Amend Sec. 8, page 5, line 21, by striking out "8" and inserting

9

Amend Sec. 9, page 6, line 6, by striking out "9" and inserting

10

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

11

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, a few years ago we enacted legislation similar to the bill before us today which granted unions representing teachers and State employees the right to impose a representation fee upon all employees whether they chose to be a union member or chose not to be. Mr. Speaker, we have granted these union organizations the legal authority to impose taxes upon persons who do not want their services, who want nothing to do with them. That is an authority generally limited to government. At the very core of our beliefs about government in this country is the belief that no taxes should be imposed without the right of representation. Our forefathers fought a revolution based upon that premise.

Mr. Speaker, since we passed that agency fee legislation for certain employee representative groups, we have seen results such as a president's salary for PSEA (Pennsylvania State Education Association), according to their 1991 Labor Management Report, of \$137,000 and change, a total employee payroll for that organization of better than \$13 million, a net worth which increased from \$10 to \$12 million in 1991 alone. AFSCME (American Federation of State, County, and Municipal Employes) reported a figure of a \$108,000 salary for their executive director, a total payroll of \$4.8 million, and an increase of 30 percent in their net assets, from \$12.4 to \$16.9 million.

Mr. Speaker, I offer a few amendments which, if we are going to accept the idea we are going to extend this taxing

power to other employee representative groups, at least will insure that the people who are being taxed, these members, our constituents, upon whom we are placing this yoke, will have some of the rights, just a few of the rights, which, if we tried to take away from our constituents as they view us as a governing body, we would have another revolution.

The first right I would propose is embodied in this amendment and it would provide simply that the employee representative group would have to stand for election every 4 years. It specifically contains language which avoids interfering with the duration of collective-bargaining agreements either now in place or which would be negotiated in the future, but it simply says that every 4 years this entity, which has a right to impose a tax on members whether or not they want to be a part of that entity, has to stand up, as we stand up before our constituents every 2 years, has to stand up every 4 years and say, do you want me to continue as an organization representing you or do you want somebody else? Give somebody else at least an opportunity to provide an alternative level of representation.

Mr. Speaker, I would urge the enactment of this amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I have just had an opportunity to obtain a copy of this amendment, so I am reading it even as we speak.

It seems to me, Mr. Speaker, that what Representative Heckler would have us do with this amendment is to apply rules that have never been applied at all in the past to public employee unions and he would have us apply rules to public employee unions that are significantly different than the rules which are applied to unions in the private sector in the Commonwealth. For instance, Mr. Speaker, we have many unions in the Commonwealth in the private sector that operate in an agency shop setting, where an individual must be a member of the union if in fact somebody is going to work at that particular workplace, and that has been negotiated. We do not tell unions in those circumstances that they have to have a different election every 4 years, but Mr. Heckler would have us say to a public union that they must have a new election every 4 years if they are going to be the exclusive representative. Mr. Speaker, I do not understand why we would apply that kind of rule here.

Additionally, I would note that this new rule, this unusual rule, is applied to this public employee union even if a fair-share-fee arrangement has not been negotiated. And so this is not even a trade-off for fair share fee. It is simply saying, under the current laws, under the current procedures, if you are going to be a public employee union in this State and you are going to be the exclusive representative, you are going to have to have an election every 4 years. Mr. Speaker, I do not understand why we would do that, and I would suggest that is grossly unfair.

Additionally, Mr. Speaker, paragraph (b) of the Heckler amendment with respect to duties would substantially, very substantially, dramatically change the rules under which we

operate in this State and I would suggest create a rule that would be unworkable. The Heckler amendment would say that this exclusive representative need only represent the members of the employee organization. This means, for instance, Mr. Speaker, that the representatives of a union representing county employees would only need to represent those who were dues-paying members and somehow would not represent the other employees in that workplace.

Mr. Speaker, I do not know how you resolve the question then of salaries and benefits, for instance. Would the county commissioners be confronted with a situation where they would have to pay raises or pay fringe benefits only to those individuals, those employees, who were members of the employee organization and would not have to give raises or would not have to provide benefits to those who were not dues-paying members of the union even though they were working side by side with those individuals in the county's workplace? And who would represent these individuals with respect to grievance procedures? I would suggest the Heckler amendment would create a situation where the employer might deal with one employee organization, one union, if you will, for perhaps 80 percent of the employees in the workplace and then have to deal with a couple of other hundred individuals one by one by one by one who were not members of the union. I would suggest it creates an administrative nightmare, a logistical nightmare, for the employer as well as being unfair to the employees.

Mr. Speaker, this whole amendment again represents an attack on unions, and again in particular it represents an attack on public employee unions in this Commonwealth. Mr. Speaker, we have seen this kind of attack in the past. It has never prevailed in this House of Representatives because Republicans and Democrats alike have joined together to defeat these kinds of amendments. I would suggest that we do that again and that we defeat the Heckler amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I guess, Mr. Speaker, I should not be surprised that the previous speaker fails to see the difference between negotiated and mandated situations, although he referred to both in his speaking. What we are talking about here is an entirely different situation, because we as a legislative body are going to say to these people, you must pay dues if you do not care to belong to the union, and that is a whole lot different than the agency shops that are negotiated whereby through a process other than our mandating, they determine for themselves, in what we consider to be the arena of freedom, what they will or will not do.

Mr. Speaker, subsequently, comments were made that this is an attack on unionism. Mr. Speaker, I would say that this legislation that we are considering is an attack on freedom and that this amendment is an attempt to restore at least some parameters of freedom for the people who are being mandated as to what they must do in their labor relations.

Representative Heckler in his amendment is trying to preserve some of the freedoms which we have held so close and so dear and which we seem so ready to surrender not only for ourselves but to impose that surrender on others who have no opportunity to defend themselves or to defend their own liberties. This amendment is an attempt to salvage some of what we in our Constitution said we would protect for our members and our citizens, those freedoms which we talk about and which we so easily forget on the floor of this House.

I would ask you to support the Heckler amendment. Thank you, Mr. Speaker.

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

Mr. GANNON. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of the amendment.

The SPEAKER pro tempore. The sponsor indicates he shall stand for interrogation. The member, Mr. Gannon, can interrogate and proceed.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, let me give you a hypothetical and then ask you whether or not your amendment would affect the hypothetical. Let us assume that an employee in a bargaining unit is not a member of the public employee union and would not pay dues to the public employee union and that employee develops a grievance against his or her employer. Would the union be required to represent that employee before the bargaining unit concerning that agreement?

Mr. HECKLER. No.

Mr. GANNON. Now, how does that affect the way the bill is written right now? Let me explain. As I understand the way the bill is written right now, the employee does not necessarily have to join the union, but if they have a grievance, then the union has to represent that employee, and therefore, we are being asked to require that that nonunion employee pay dues to the union because of the fact that they will be entitled to representation by the union.

Now, as I understand that hypothetical, your amendment changes that so that the employee does not join the union, does not pay dues, and therefore is not entitled to any representation before the employer in a grievance.

Mr. HECKLER. Mr. Speaker, if I understand the question you pose, the bill would, if enacted in its present form or with my amendment, would authorize unions representing public employees to bargain for the right to have the employer collect an agency fee whether or not the individual worker joined the union.

My amendment anticipates that if an employer indeed granted such a right to the union, that the individuals who would then be forced to pay such a fee would very likely join the union, as they would be required to pay in either event.

Mr. GANNON. So as I understand what you are saying then is that even with your amendment in the bill, an employee who elected not to join the union may very well still be required to pay a fair share cost of the union representation.

Mr. HECKLER. That is correct.

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Pistella.

Mr. PISTELLA. Mr. Speaker, would the gentleman be kind enough to stand for an interrogation, please?

The SPEAKER pro tempore. Will the gentleman, Mr. Heckler, stand for interrogation? He indicates he shall. The gentleman is in order and may proceed.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, in 1634, section 8, subsection (c), you refer to multiple membership, and you say, "Public employees may belong to and pay membership dues to any employee organization." You then go on to say, "An employee organization which is not the exclusive representative shall be entitled to have the public employer deduct membership dues from its members and remit those dues to the respective organization."

What are you attempting to do in that section of this amendment, Mr. Speaker?

Mr. HECKLER. Mr. Speaker, in line with the concept of democracy, we are providing the opportunity for employees to opt to be a—

Mr. PISTELLA. Excuse me. Mr. Speaker, would you be kind enough to yield for one moment? I cannot hear.

The SPEAKER pro tempore. The gentleman is entitled to hear the answer of Representative Heckler's. Will the House come to order. We only delay the process when the interrogation cannot be disseminated. The Chair thanks the House.

The gentleman is in order and may proceed.

Mr. HECKLER. Mr. Speaker, the intent of this section, in keeping with the modeling of this legislation along more *democratic lines than presently exist*, would permit an employee to opt to be a member of another organization representing employees other than that which has been elected to be the exclusive representative for bargaining purposes. If they made such a choice, this facilitates the payment of dues to that organization which they chose to join.

Mr. PISTELLA. So in other words, if you and I were members of a bargaining unit and under the definition of "bargaining unit" you and I were both in a work environment; you and I had both voted to have representation; your organization won, is considered to be the exclusive representative of our bargaining unit; I, however, under your amendment now have the opportunity to join or pay dues to another group that will serve to do what, Mr. Speaker? To represent me?

Mr. HECKLER. Among other things, Mr. Speaker, to represent my interests in observing the way in which the bargaining unit which had won the election was conducting themselves. Again, what services they provide would be determined by my arrangements with them, and I presume that I would not choose to be a member of the, as you posit, the losing

organization unless I was satisfied that the dues they were asking me to pay were commensurate with the services they proposed to perform.

Mr. PISTELLA. Now, speaking of the dues, the dues you are talking about go to the group that I have chosen or the group that is the exclusive representative?

Mr. HECKLER. The group that you have chosen.

Mr. PISTELLA. Okay.

Mr. HECKLER. The exclusive representative, if they negotiate it, has the right to get agency fees if that is bargained as the bill would provide.

Mr. PISTELLA. And the last thing, so that I understand then, so really what we have then in our group, you and I, is we have an exclusive representative that negotiates with management for the working conditions and the contract that is going to affect both you and me. But I still have the option to join and pay my dues to another group that is going to do what in terms of helping me in my working conditions, if your group, if you have voted for and your group has won exclusive representation?

Mr. HECKLER. As I say, they could provide a variety of services: One, act as an ombudsman, act effectively as my representative to the collective bargaining, to the exclusive representative which happens to have won this election. They could observe the various negotiation and grievance processes that are going on. Again, they would have to convince me as to whether they could provide services that were commensurate with the dues that they were asking me for.

The analogy that occurs to me, Mr. Speaker, is that when one party or the other wins an election, let us say for Governor in this State, everybody does not automatically jump ship and change their registration to that of the newly elected Governor.

Mr. PISTELLA. Okay.

Mr. Speaker, I have concluded my interrogation. I would like to make a few remarks, if I could, on this amendment, if it is appropriate.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if the members are aware of what is being suggested by the amendment that is being offered to us, but I think on the surface it certainly sounds very democratic, yet at the same time when you read into it, I think it is going to cause even more problems than those that the prime sponsor is attempting to address.

First of all, it does a couple of things. Number one, it takes this process that the prime sponsor refers to as exclusive representation and it puts it on a 4-year-6-month track, which means it is constantly under the process of being certified every 4 years and 6 months in order to have exclusive representation by the bargaining unit. The problem is at that point it begins to fall down because then it is difficult to understand, according to the prime sponsor, just what is exclusive representative. What he is saying is, you hold an election to determine who is going to be the bargaining representative in

contract negotiations, yet at the same time, once that representative has negotiated a contract for the entire bargaining unit, then it is okay for members of the bargaining unit to belong to another group and pay dues for something and some role that no one is really quite sure what they are going to play. If anything, it is going to establish, I think, more confusion, not on the part of the members who are going to benefit from the results of the representative negotiating a union contract, but confusion on the part of management that is going to have to decide who are they dealing with. In fact, what you are doing is you are giving the opportunity to public employees to wear a couple of different hats during the course of their working in an environment under the terms of being in a bargaining unit.

It is for that reason I would strongly urge the members to defeat this particular amendment. It serves no further purpose other than to completely confuse the public employees' management in trying to decide whom they are to work with, whom they are to negotiate with, and whom they are to bargain with. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Representative Snyder.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, listening to the previous interrogation, the response, I think there needs to be a little bit more clarification, so I would like to interrogate the sponsor of the amendment.

The SPEAKER pro tempore. The gentleman indicates he shall. The gentleman may proceed.

Mr. D. W. SNYDER. Mr. Speaker, as I read HB 1312, section 3, it requires that if the collective-bargaining agreement provides, a nonmember of a collective-bargaining unit shall be required to pay the exclusive representative a fair share fee, and then section 4 goes into how the fee is deducted, et cetera. Now, your amendment does not alter or amend or delete that section of the bill. Is that correct?

Mr. HECKLER. That is correct.

Mr. D. W. SNYDER. Then your amendment, a new section 8, provides that where there is multiple membership, the act should not be construed to require the public employee to belong to or pay membership dues to any employee organization. Is there a differentiation between the requirement of paying dues to an organization and paying a fair share fee?

Mr. HECKLER. Yes. The agency fee, if it is properly established, is presumably less than membership dues. It goes only to the management of the contract, if you will - issues such as grievance and negotiation. Therefore, the employee, if it is so negotiated, is going to be obliged to pay an agency fee; may or may not choose, number one, to be a member of that winning union, in which case they would pay a higher dues; may or may not choose to continue to be a member of some other competing organization. If they do, that competing organization is entitled to have the employer collect, through the wage deduction process, such dues as the member has agreed to pay.

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

That ends my interrogation. May I make a statement?

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

Mr. D. W. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, for those who are concerned about voting for the amendment, who are concerned that it may negate the requirement to pay a fair share fee, that is not the case with this amendment. This amendment would still provide for the fair share fee to be paid to the exclusive representative. This amendment makes this bill better by providing that other employee organizations may also have membership in that bargaining unit area for that employer and sets up the problem when you have more than one organization for employees.

I think the amendment enhances HB 1312. It does not provide any impact on the fair-share-fee requirement, and I think it is one we should all support. Thank you.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER pro tempore. The maker indicates he shall, and the member may proceed.

Mr. PRESTON. Thank you.

Mr. Speaker, if you could tell me, from your amendment, I notice how you always talk about employees. It has always been my understanding that when someone is elected representative of a union, and especially dealing with the public sector, we budget so many positions. What happens to those positions that are not currently filled? It does not address that at all. You say it only addresses employees. Even though some people may not pay union dues, are you going to strip the representation of vacant positions?

As an example, let us say that there is an accounting section that is represented by clerks, clerk II's. Let us say that there are 20 positions for clerk but only 5 of them are filled. What happens with the representation for the other 15?

Mr. HECKLER. If I understand your question, Mr. Speaker, a bargaining agent that wins an election represents the entire bargaining unit. Now, I am not quite clear how you go about representing employees who are not there, representing unfilled posts, but certainly, we are not changing the dynamic. Maybe if I could, I would change that dynamic, but what we are saying is, okay, you have a representation election and somebody wins, and now they are claiming the right to impose what I see is a tax. We are going to make them do certain things, including stand periodically for election. I hope that answers your question.

Mr. PRESTON. You see, all too often, every time when we bring this subject up, it always just deals with employees, but when you are in the public sector, we budget for so many positions, of which that union has to represent the position, whether there is someone there or not.

My concern that I continuously see in this is, we talk about the employees, whether they pay or not, and I am saying that

even if there is a grievance over a job description, over a position or time, whether there is someone there or not, the union still has to represent them, but this does not represent them; it only represents employees. But the union does not represent the employees; it represents the employees and/or the position. Your amendment does not address that at all. It only addresses the employees. So therefore, if it would only address the employees, it does not address the position, so therefore, you are talking about two separate entities, and I think that you have an ambiguity here when you are dealing as far as union law is concerned, because now you are treating the employee different than the position.

Mr. HECKLER. Thank you, Mr. Speaker.

I believe I understand your point, and the only thing I can really respond to it is, this amendment does not do anything different than the bill itself does with regard to the question of— For instance, I guess one of the logical extensions of what you are suggesting is that an agency fee should be collected for vacant positions. I honestly do not believe the bill authorizes that, but I am not trying to change that or mess with that one way or another.

If the bill allows for the collection of agency fees based on positions, on your logic, then I do not propose to interfere with that, and in fact, if there were a bunch of vacant positions, the sole collective-bargaining agent should be happy, because since they are not people, they are not in a position to decide whether or not to be represented. But at any rate, if what you point out is a flaw, it is a flaw in the underlying bill. I do not believe my amendment touches on it one way or the other.

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

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

Mr. PRESTON. Thank you.

This has always been a reoccurring problem with me, because I think that all too often we fail to forget that. To reverse the thought is when a union and management create a new position way before anybody is even hired and whether or not that is bargained in and is still represented and whether or not the management even decides to fill the job. They may or they may not. This amendment only deals with the respective employees, and if this amendment is passed, in my opinion, it would only represent, again, the employees, not the job title, not the position.

I have given an example. If you create a new section of employees and management decides never to fill them, the union is still obligated to represent them, but with this amendment, unfortunately—and I think it is very farsighted—it would only represent the employees. This has been an antiquated thought that people are always only looking at individuals, and in the public sector, you have to look at it in a different way.

Thank you, Mr. Speaker. Vote “no” on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland

County, Representative Belfanti. Is Representative Belfanti seeking recognition?

Mr. BELFANTI. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman will stand for interrogation, and you may proceed.

Mr. BELFANTI. Thank you, Mr. Speaker.

Much of this amendment is of concern to me, but in particular, paragraph (c), and I know that you briefly explained this in your opening remarks, but would you once again explain to me the section as it refers to “An employee organization which is not the exclusive representative shall be entitled to have the public employer deduct membership dues from its members and remit those dues to the respective organization.” I take that to mean that there can be no exclusive employee representative; that this section would in fact allow the employer, the municipality, to form its own union within the rank-and-file ranks, its own organization, not necessarily a union—in fact, it could be an antiunion group—and that dues would be deducted and put into this fund for the purpose of antiunion activities.

Mr. HECKLER. Mr. Speaker, I believe that the particular scenario which you describe is prohibited by other provisions of Act 195 which make it an unfair labor practice for management - in this case, the public employer - to interfere with the right of the employees to organize and bargain collectively, so that while, yes, an individual employee could choose to retain membership in some organization other than the organization which won the right to represent for the 4-year term, you are still not opening the door and repealing other procedures which are presently barred, to have an employer set up an antiunion union or some phony group which would be intended to in fact thwart the collective-bargaining process.

Mr. BELFANTI. Mr. Speaker, I am not sure that Act 195 precludes an employer, through surrogates, through the rank and file, to form an antiunion group within a collective-bargaining unit; to withhold dues from those individuals who are against the AFSCME representation or the PSSU (Pennsylvania Social Services Union) or whatever that representation might be and whose sole purpose would be to disrupt the rank-and-file membership. Act 195 does not address that. Act 195 does not speak to surrogates who are rank and file, who are simple employees.

This completely guts the intention of the legislation as we know it. This one sentence would allow for all types of skulduggery to occur so that there would be absolutely no meat left in the provisions of this act if passed. That is my opinion, and I do not believe that the gentleman has been very forthright in his response by skirting the issue with Act 195.

The simple question is, can a second or third or fourth group of individuals, maybe at the behest of their employers, form an antilabor organization, withhold dues for the purpose of promoting that organization within the rank and file?

Mr. HECKLER. To the extent that your question differs at all from your last question, to which you suggest I was being less than forthright in my answer, Mr. Speaker, this amendment does not create any different situation than presently exists with regard to a competition for collective-bargaining rights. Moammar Gadhafi can infiltrate or whomp up an organization secretly funded for whatever purposes he might have and attempt to subvert the benign and desirable representation of PSSU or AFSCME or whomever. You are putting the rabbit into the hat and then, with great amazement, yanking it up. You posit that a particular competing labor organization could be sponsored by, could be a surrogate for, the employer who actually wants to subvert the collective-bargaining process.

Certainly, there is nothing that prohibits that now, except at least my understanding of what an unfair labor practice is under existing law. This amendment creates the possibility for competing organizations but, first of all, only if the member wants to be—you know, strictly at the member's option, strictly at the member's option. The member can choose now to be a part of some phony union, if that is what they choose to do, and to support them in a collective-bargaining election. The only answer to that is free debate; is the presumption that if in fact this organization is being prompted for some malign purpose, even if they manage to skirt an unfair labor practice, presumably the valid labor organization is going to be able to persuade the members that these folks are no good.

Mr. BELFANTI. That response was even less forthright than the initial one.

Mr. Speaker, you would have the members of this body believe that where there is an exclusive employee bargaining unit that now represents rank-and-file members, this does not change any of that. It does. It precludes, it precludes—

POINT OF ORDER

Mr. GALLEN. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, Mr. Belfanti, on a couple of occasions, has used the words "less than forthright." Mr. Speaker, I think that is demeaning to a member of this House, and I think those words should not appear in the record.

Mr. BELFANTI. I am going to change that to, I take issue with the—

The SPEAKER pro tempore. Will the gentleman yield.

I think all of us in the House have heard the words. That is reflective only of his opinion and not of the body's. I would suggest to the member that maybe a different choice of words in the future might be more appropriate.

The gentleman may proceed. I think as you can tell by the body of the House, we are looking towards possibly coming to a swift conclusion on the discussion on the Heckler No. 1 amendment.

The Chair recognizes the gentleman from Northumberland.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will use the word "candid," if I might. I believe that the last answer was as candid as the previous one.

This does change the law dramatically. If this language is left standing, there will be no exclusivity by any collective-bargaining agent. If a particular union is certified to represent a particular shop in the public sector, this language would allow for any number of nonexclusive employee organizations, some of whom possibly would not be created in the best interest of the rank and file. I believe that there is great latitude in this one sentence in section (c) that completely eliminates or guts what we know as collective bargaining today. This makes dramatic and major changes in the law, and it would have the impact of taking any of the teeth out of a fair share fee for municipal workers.

I guess I am on comments now, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order and may conclude.

Mr. BELFANTI. I have concluded my interrogation.

I will just ask that the members really look at this section along with the other sections that are contained in this amendment and defeat it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time, the member from Allegheny County, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, I would just like to summarize the several reasons why this amendment does not work and is a bad idea.

First of all, it would have us establish very different rules for some of our public employee unions than exist for other public employee unions and than exist in the private sector. For instance, we would for the first time require that the election for the exclusive representation must occur when that candidate for the exclusive representative requires a majority vote of all the public employees in the bargaining unit, not everybody who is voting but everybody who is a member of the bargaining unit. That is like saying we have got to get 50 percent of everybody who lives in our district rather than those who choose to participate in the election.

It also would require for the first time elections at least every 4 years and even more frequently if contracts are of a shorter duration. This language requires that there be a new election after every contract has expired. It makes no sense, Mr. Speaker, a brand-new rule, it makes no sense that we apply it only to some of these unions.

Secondly, I emphasize that this language would apply only to some public employee unions. This bill applies only to those who are operating in community colleges and at the municipal government level. It would not apply to our school district unions and our State union. It makes no sense again that we set up two entirely different systems.

Thirdly, it creates a mess for the employer who is going to deal with a union that is representing only its members and then have to deal somehow with all the other employees individually around salary and fringes and grievance procedures, et cetera, et cetera.

This language also creates the kind of situation that I do not think was intended, but it came out through Mr. Snyder's *interrogation*. The fair-share-fee language would be maintained in the bill, and so a union might negotiate a fair-share-fee provision in the contract, which means that nonmembers are going to have to pay a fair share fee in some situations, but paragraph (b) says that the union, the exclusive representative, need only represent the members of the employee organization. So you may have a situation under the Heckler amendment where somebody is required to pay a fair share fee but is guaranteed no rights of representation, which is what the fair share fee is supposed to be all about.

Mr. Speaker, this amendment simply represents an attack on public employee unions. We have seen this before; we have defeated it before. I urge that we defeat the Heckler amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time, the prime sponsor, Representative Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Very briefly, to respond to a few of the arguments which have been advanced.

Public employers presently deal with work forces which are split in various ways as to the representation of their membership and, so far as I am aware, deal with it very adequately. If we are talking about candor and disingenuousness, the suggestion that an employer necessarily values the ability to deal with one exclusive bargaining agent and would cherish that opportunity is one that you can test for yourself from your own experience.

Secondly, obviously, there is some confusion about the section (c) of this amendment, "multiple membership." Contrary to some of the argument that has been made, there is nothing in this language which gives any status or any standing to any organization other than the exclusive bargaining agent which has won the particular election. It provides the opportunity for other organizations to receive fees collected by the employer if that is what the employee wants.

There seems to be a fear being expressed here that workers will somehow be hoodwinked, and particularly, be hoodwinked into participating in some antiunion union. Where that comes from, I do not know. My thought is that we supposedly trust our constituents to know what they are doing in making their choices when they elect us; in making their choices when they choose to, for instance, register as a member of a particular organized political party. Why we would suddenly assume that because a multiple membership is authorized that employees will somehow become the victims of designing employers reaches beyond my ability to imagine.

Also, I would suggest to you that the language of this amendment does not call for shorter than 4-year terms of representation. It limits the collective-bargaining agreement to a period not more than 6 months after the next election, but unless I misconstrue my amendment, it is my reading, certainly—and it is there for you to read—that once a collective-bargaining agent wins an exclusive representation election, they are in for 4 years.

I suspect, Mr. Speaker, that discussions like this took place in the British Parliament somewhere before the American Revolution. I suspect that we will look back on this dialogue at some point in the future the same way we look at that discourse.

The idea that a single collective-bargaining agent, once selected, is the only agent who can possibly represent the best interests of the employee and that everybody else is likely to be some kind of an employer plot is just plain crazy. To carry that belief to its logical extension would be to say that once a given district elects a representative of a particular party, that is it; that district can never go over to another party. The party itself may select new people to be in that seat. Now, I know that there are some of you who may find that an idea of which you would approve, but it certainly is not in keeping with our ideas of democracy, with the ideas of democracy that people sent us here for.

We create in this amendment— Certainly it is revolutionary. It is indeed revolutionary. I would not try to fool you about that. It gives unions the opportunity not to represent people who do not want their representation, the whole basis for the agency fee to begin with, and it provides workers with opportunities, freedoms, which they are now denied.

I would urge the enactment of this amendment.

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

The following roll call was recorded:

YEAS—72

Adolph	Dent	Hershey	Reinard
Allen	Fairchild	Hess	Ryan
Anderson	Fargo	Jadlowiec	Saurman
Armstrong	Farmer	Johnson	Scheetz
Barley	Fleagle	Langtry	Schuler
Birmelin	Flick	Lawless	Semmel
Black	Foster	Lec	Smith, B.
Brown	Gallen	Leh	Smith, S. H.
Bunt	Gannon	Marsico	Snyder, D. W.
Bush	Geist	Merry	Snyder, G.
Carlson	Gerlach	Nahill	Strittmatter
Cessar	Gladeck	Nailor	Taylor, E. Z.
Chadwick	Godshall	Nickol	Tomlinson
Civera	Hagarty	Noye	Tulli
Clark	Harley	Phillips	Vance
Clymer	Hayes	Piccola	Vroon
Cornell	Heckler	Pitts	Wilson
Dempsey	Herman	Raymond	Wright, M. N.

NAYS—124

Acosta	Durham	Lloyd	Rudy
Angstadt	Evans	Lucyk	Saloom
Argall	Fajt	McCall	Scrimenti
Arnold	Fee	McGeehan	Serafini
Battisto	Freeman	McHale	Staback
Belardi	Gamble	McHugh	Stairs
Belfanti	George	McNally	Steighner
Billow	Gigliotti	Maiale	Stetler
Bishop	Gruitza	Markosek	Stish
Blaum	Gruppo	Mayernik	Stuban
Bowley	Haluska	Melio	Sturla
Boyes	Hanna	Michlovic	Surra
Broujos	Harper	Micozzie	Tangretti
Butkovitz	Hasay	Mihalich	Taylor, F.
Caltagirone	Hayden	Mundy	Taylor, J.
Cappabianca	Hughes	Murphy	Telek
Carn	Itkin	Nyce	Thomas

Carone	James	O'Brien	Tigue
Cawley	Jarolin	Olasz	Trello
Cohen	Kaiser	Oliver	Trich
Colafrilla	Kasunic	Perzel	Uliana
Colaizzo	Kenney	Pesci	Van Horne
Cole	King	Petrone	Veon
Corrigan	Kosinski	Pistella	Wambach
Cowell	Krebs	Preston	Williams
Coy	Kruszewski	Reber	Wogan
DeLuca	Kukovich	Richardson	Wozniak
DeWeese	LaGrotta	Rieger	Wright, D. R.
Daley	Laughlin	Ritter	
Davies	Lescovitz	Robinson	O'Donnell,
Dermody	Levdansky	Roebuck	Speaker
Donatucci	Linton		

NOT VOTING—1

Mrkonic

EXCUSED—4

Freind Josephs Petrarca Steelman

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. HECKLER offered the following amendments No. A1623:

Amend Title, page 1, line 3, by inserting after "procedures;" providing for open meetings;

Amend Bill, page 5, by inserting between lines 20 and 21 Section 8. Open meetings.

Except as provided in section 8(a)(1) of the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, all meetings at which the public employer and the exclusive representative are present and at which there is an issue of collective bargaining, an issue of concerted activity or an issue on which public employees and the public employer may meet and discuss shall be open to public employees within the bargaining unit. Meeting notices shall be distributed and posted in locations where other notices are required by statute or regulation to be posted.

Amend Sec. 8, page 5, line 21, by striking out "8" and inserting

9

Amend Sec. 9, page 6, line 6, by striking out "9" and inserting

10

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

11

On the question,

Will the House agree to the amendments?

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

Mr. HECKLER. Mr. Speaker, I think we see where the votes lie, and I do not want to belabor this. However, I would like to see consideration of this amendment, which would simply require that the same standards we apply to ourselves and to the various governments in our Commonwealth be applied to those discussions which take place between the public employer and the exclusive representative, that be that those meetings be open, similar to the Sunshine Law which presently governs our activities and, particularly, local municipalities; that if we are going to force individuals to in effect

be members or at least pay tribute, pay taxes, to a collective-bargaining agency, that we provide the opportunity for them to know what it is that that agency is doing with management, supposedly at their behalf.

The amendment is a short one. You can read it for yourself. It provides that notices will be distributed and posted and that individuals who are employees within the collective-bargaining unit may attend such meetings, just as the public is given the opportunity to attend meetings at present - governmental meetings which decide issues critical to their fate. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat this amendment.

First of all, to correct the statement that the gentleman made, this law or this legislation, if it becomes law, would not force anybody to join a union. It would not force anybody to pay a fair share fee. It simply says that the creation of a fair-share-fee principle may be negotiated. We are not forcing anyone to do anything.

Secondly, Mr. Speaker, it makes no sense again that we require negotiations to occur in a public setting. If we want to do anything to help create more strikes across the Commonwealth, we probably ought to support this amendment, because we are going to force negotiations to occur in that public setting, where there will be a lot of posturing and there will be little compromise. So it makes no sense again that we force negotiations into the public setting, where there will be no negotiations, there will be a lot of posturing.

And thirdly, Mr. Speaker, in terms of the outcome, in terms of whatever is agreed to, the Sunshine Law does apply. A public employer is required to approve a contract in compliance with the provisions of the Sunshine Law, and so the public is protected. It will know exactly what has been agreed to. It need not sit there as negotiations go on. None of us in any reasonable way would suggest that the public sit in on the negotiations. The people who suggest that really want to get in the way of settlements and inadvertently would cause more and longer strikes across the Commonwealth. Thank you, Mr. Speaker.

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

Mr. HECKLER. Just very briefly, I believe that the gentleman misconstrues my amendment. We are not proposing to open these discussions to the public, meaning the entire public; we are proposing to open them to the members of the collective-bargaining unit. In other words, this whole approach represented by this and prior amendments is analogous to the public process. Everybody is a voter, so the public is, by the Sunshine Law, permitted in most matters where government debates public issues.

We are saying that where a collective-bargaining activity or other meeting between the collective-bargaining agent and the employer is taking place, the employees—only the employees, not the public in general—have a right to know that that

meeting is taking place and to be there and see what is happening. So we are not talking about throwing these public— The Sunshine Law specifically exempts that, and I am not attempting to inject the public, only the people who are supposed to be represented by this organization. Thank you.

The SPEAKER pro tempore. The Chair recognizes the member from Allegheny County, Representative Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Would the gentleman be kind enough to stand for interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he shall. The gentleman may proceed.

Mr. PISTELLA. Sir, following up on your last answer, so I understand, you are saying that you are not inviting the public or you are not stipulating that the public be invited to the open meetings that you have identified here. Okay?

Mr. HECKLER. That is correct.

Mr. PISTELLA. Where is that in your amendment, Mr. Speaker?

Mr. HECKLER. Well, there is not a specific limitation. What the amendment says in relevant part is that the meetings—and they are described as to what they would cover—“...shall be open to public employees within the bargaining unit,” period.

Mr. PISTELLA. Yes, I understand that, Mr. Speaker, but my question is, though, where in your amendment does it say that it shall be exclusively open to the public employees and the public shall not attend or shall not be permitted to attend?

Mr. HECKLER. It does not say that. However, the public is not permitted at those meetings now, either under the Sunshine Law or any other laws governing collective bargaining. There is nothing in this amendment that creates that ability.

Mr. PISTELLA. Well, would you be kind enough then to tell me where in your amendment or where in the Sunshine Law, for example, the public would not be allowed to attend a grievance meeting?

Mr. HECKLER. I cannot tell you off the top of my head.

Mr. PISTELLA. Can you tell me where in your amendment and where in the Sunshine Law the public would be excluded from attending a meet-and-discuss meeting?

Mr. HECKLER. Again I cannot tell you off the top of my head, but this amendment plainly, if there is not an obstacle to that now, this amendment does not affect that one way or another. For all I know, they can come, but this is not going to give them any enhanced ability to come or any enhanced right to come other than what exists in present law.

Mr. PISTELLA. Thank you, Mr. Speaker.

I have concluded my interrogation.

Focusing on the gentleman's response, it would appear as if what he is doing under his amendment is attempting to give public employees that are members of the bargaining unit the opportunity to attend these meetings. However, it does not go a step further and prohibit the attendance at those very same meetings of the general public. What in fact he would be capable of doing under this amendment would be setting up an environment in which it would be actually coun-

terproductive for individuals to actually sit down and go through in a legitimate fashion grievance meetings, meet-and-discuss meetings, and others. I think the members should be conscious of that fact, should be aware of it when they vote on this.

I would certainly suggest that this does nothing to help or encourage the process the gentleman has identified and would strongly recommend and suggest that the members vote against this amendment.

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes the gentleman from Allegheny, Representative Cowell.

Mr. COWELL. Mr. Speaker, for purposes of a quick debate, we will accept Mr. Heckler's suggestion that this does not open it wide to the public and it opens it only to the public employees. Can you imagine a situation where negotiations are going on and you have got that county commissioner there or the personnel director and a couple thousand employees show up to be watching over the shoulder of the union representative, to be, if not participating, observing and commenting and debating and heckling every move, every comment? Can you imagine how free the union representative will feel with a couple hundred people looking over his or her shoulder to compromise, to make concessions?

If we want to get in the way of settling problems, if we want to create more strikes, pass the Heckler amendment. Otherwise, we ought to defeat it.

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes the gentleman, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, once again I am appalled at the basis on which this discussion has focused, and that is that what we are saying is that those people who are affected by these meetings would only complicate the matter by being present.

Mr. Speaker, I do not know what representation means. I do not know why anyone would pay dues to an organization when they are not even able to participate in what is going on, except, I guess, we have seen an illustration of it here in some of the past proceedings.

Mr. Speaker, why are people not allowed to exercise their right of freedom in this country, where we stand and pledge a flag or we take an oath to the Constitution of the country and the State? Why is it that we insist on denying them the opportunity to participate?

I ask you to support the Heckler amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

For the reasons given by Representatives Cowell and Pistella along with another observation, and that observation is that all employees do get a copy of the negotiated settlement, which is only a recommendation by the officers to the rank and file. All of the employees are therefore given an opportunity to scrutinize the collective-bargaining outcome.

They are then allowed and permitted to cast a vote "yes" or "no," and we have seen many, many times through the course of history that the rank and file have rejected the negotiated recommendation of settlement by the union's officers.

This is nothing more than an amendment to circumvent and to turn this process into complete turmoil. It is not visionary in any respect. It is an attempt to encumber a process that has long been recognized in the United States when we consider collective bargaining.

I therefore ask that the members take special care in voting for this amendment and vote "no." Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—70

Adolph	Fargo	Johnson	Ryan
Anderson	Farmer	King	Saurman
Armstrong	Fleagle	Langtry	Scheetz
Barley	Flick	Lawless	Schuler
Birmelin	Foster	Lee	Semmel
Black	Gallen	Leh	Smith, B.
Brown	Geist	Marsico	Smith, S. H.
Bunt	Gerlach	Merry	Snyder, D. W.
Bush	Gladeck	Micozzie	Snyder, G.
Cessar	Godshall	Nahill	Strittmatter
Chadwick	Hagarty	Nailor	Taylor, E. Z.
Civera	Harley	Nickol	Tomlinson
Clark	Hayes	Noye	Tulli
Clymer	Heckler	Phillips	Vance
Cornell	Herman	Piccola	Vroon
Dempsey	Hershey	Pitts	Wilson
Dent	Hess	Reinard	Wright, M. N.
Fairchild	Jadlowiec		

NAYS—127

Acosta	Donatucci	Linton	Roebuck
Allen	Durham	Lloyd	Rudy
Angstadt	Evans	Lucy	Saloom
Argall	Fajt	McCall	Scrimenti
Arnold	Fee	McGeehan	Serafini
Battisto	Freeman	McHale	Staback
Belardi	Gamble	McHugh	Stairs
Belfanti	Gannon	McNally	Steighner
Billow	George	Maiale	Stetler
Bishop	Gigliotti	Markosek	Stish
Blaum	Gruitza	Mayernik	Stuban
Bowley	Gruppo	Melio	Sturla
Boyes	Haluska	Michlovic	Surra
Broujos	Hanna	Mihalich	Tangretti
Butkovitz	Harper	Mrkonic	Taylor, F.
Caltagirone	Hasay	Mundy	Taylor, J.
Cappabianca	Hayden	Murphy	Telek
Carlson	Hughes	Nyce	Thomas
Carn	Itkin	O'Brien	Tigue
Carone	James	Olasz	Trello
Cawley	Jarolin	Oliver	Trich
Cohen	Kaiser	Perzel	Uliana
Colaella	Kasunic	Pesci	Van Horne
Colaizzo	Kenney	Petrone	Veon
Cole	Kosinski	Pistella	Wambach
Corrigan	Krebs	Preston	Williams
Cowell	Kruszewski	Raymond	Wogan
Coy	Kukovich	Reber	Wozniak
DeLuca	LaGrotta	Richardson	Wright, D. R.
DeWeese	Laughlin	Rieger	
Daley	Lescovitz	Ritter	
Davies	Lvdansky	Robinson	O'Donnell, Speaker

Dermody

NOT VOTING—0

EXCUSED—4

Freind Josephs Petrarca Steelman

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

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

The SPEAKER pro tempore. Does the gentleman have a third amendment?

Mr. HECKLER. I will withdraw my remaining amendments, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. SAURMAN offered the following amendment No. A2157:

Amend Sec. 2, page 2, line 20, by inserting after "employee" who works more than 50% of the hours in the work-week of the public employer and

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment only addresses part-time workers. It seems to me that those persons who supplement the family income by working for whatever municipal organization and spend less than half of the week there ought not be a part of this paying for the dues. I had a letter from a woman who had worked under such circumstances. I forget the exact number of hours that she worked; somewhere near 20, 25. Her net pay was \$1.99.

Mr. Speaker, I do not think people who have to do this on a part-time basis, who are trying to supplement their income, who could very well be people on welfare under certain circumstances, who may be senior citizens who are able to earn a little money to make their Social Security go further, should have it further eroded in this fashion.

I would urge your adoption of this amendment, which would exclude those persons who work less than 50 percent of the week, 50 percent of the time during the week, and are part-time employees. Thank you.

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Pistella.

Mr. PISTELLA. Would Mr. Saurman be kind enough to stand for interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he shall stand for interrogation. Representative Pistella is in order and may proceed.

Mr. PISTELLA. Mr. Speaker, the employees you are referring to, are they covered by the contract of the bargaining unit?

Mr. SAURMAN. I am not familiar with whether they are or not. I would rather think not. They are not under the same kind of contract. In many instances, I think they are brought in to just fill a particular situation. But I am not sure, Mr. Speaker.

Mr. PISTELLA. Okay. Thank you, Mr. Speaker.

I appreciate the gentleman's honesty in not knowing, but I think for the benefit of the members, they should consider the fact that there is a strong likelihood that part-time employees are in fact covered by the terms of the contract that is negotiated by the bargaining unit. Now, that might in fact mean that they would receive a certain hourly wage, even though they would not be working 40 hours a week. It also may mean that they would be subject to the same working conditions as a full-time employee in terms of their own health, safety, and welfare in the working environment. In fact, what the prime sponsor is going to be doing is setting up a two-tiered system wherein part-time employees will be dealt with differently than full-time employees in terms of the recognition of that bargaining unit and the terms of the contract. It is for that reason in setting up this two-tiered system that I would suggest that this amendment be defeated.

I am sure the intentions of the prime sponsor are well meaning, but I think what he is in fact doing is wielding a double-edged sword. What he in fact would be doing would be taking away from those individuals that work on a part-time basis, whether they are welfare recipients or someone else; would be relegating them to second-class citizenships in terms of the bargaining unit's effectiveness in representing them in the workplace and work safety.

It is for those reasons I would strongly urge the members to defeat this amendment. Thank you.

The SPEAKER pro tempore. On the question of agreeing to the amendment, the Chair recognizes, for the second time, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Would the gentleman yield.

The Chair would like to recognize Representative Cowell before you so that you could have the last say, Mr. Saurman.

The Chair recognizes the gentleman from Allegheny, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we defeat the Saurman amendment for several reasons.

First, again we must remember that the legislation that we are considering is permissive. It allows a fair share fee to be negotiated. We often make a mistake here in Harrisburg when we try to micromanage these things, when we try to impose a uniform formula on everybody who is out there. There are literally hundreds and thousands of different situations, literally hundreds and thousands of local collective-bargaining agreements that may be entered into. We should not try to impose some kind of formula on how part-timers are treated because we will mess it up again.

This is permissive. It allows it to be negotiated. It allows the unique circumstances in each of these local governments that are covered by this particular bill to be considered separately and to be considered by the employer and the collective-bargaining unit in that particular circumstance.

We also need to keep in mind, Mr. Speaker, that many unions already provide for a reduced fee for part-time employees. I am told that that is already the case, for instance, with members of the AFSCME Union. Now, although this language in this bill does not pertain to the State collective-bargaining agreement or any State collective-bargaining agreements, we should keep in mind that unions typically have a way of providing for the part-timer, and again, a reduced fair share fee for part-time employees could well be something that is negotiated at the local level when the whole idea of a fair share fee is negotiated at all.

Mr. Speaker, I would encourage us to not try to intrude here. I would encourage us not to get into the business of defining what part time is, and that is what this amendment does. I would encourage us to allow the flexibility to exist, allow these things to be negotiated even as the fair share fee itself can be negotiated at the local level.

I would urge we defeat the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

One of the things that occurred to me as I was listening to not the last speaker but the speaker before him was, as a result of the interrogation of me as to whether or not I knew that these people were under contract and I admitted that I did not know, it seemed to me that he proceeded then on a speculative nature indicating that since I did not know and we did not know, we ought to go ahead and just guess from there on, because he did not know either whether or not they are under contract.

Most part-time workers in the private sector are not under contract. Most of those that I know are under that provision without benefits, without any of the other things that have been negotiated for them.

Mr. Speaker, it can be negotiated; that is true. But somewhere along the line we ought to be strong enough to say we are going to protect those persons who are so vulnerable. And, Mr. Speaker, I think we have that opportunity today to protect that group of people who are not fully employed, who are only working part time to supplement incomes, and prevent them from having to pay these dues to an organization that they choose not to belong to.

Mr. Speaker, I would ask for an affirmative vote on my amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

Adolph	Durham	Johnson	Reinard
Allen	Fairchild	King	Ryan
Anderson	Fargo	Langtry	Saurman
Argall	Farmer	Lawless	Scheetz

Armstrong	Fleagle	Lee	Schuler
Barley	Flick	Leh	Semmel
Birmelin	Foster	McHugh	Serafini
Black	Gallen	Marsico	Smith, B.
Brown	Geist	Merry	Smith, S. H.
Bunt	Gerlach	Micozzie	Snyder, D. W.
Bush	Gladeck	Nahill	Snyder, G.
Carlson	Godshall	Nailor	Strittmatter
Cessar	Hagarty	Nickol	Taylor, E. Z.
Chadwick	Harley	Noye	Taylor, J.
Civera	Hasay	Nyce	Tomlinson
Clark	Hayes	Perzel	Tulli
Clymer	Heckler	Phillips	Vance
Cornell	Herman	Piccola	Vroon
Davies	Hershey	Pitts	Wilson
Dempsey	Hess	Raymond	Wogan
Dent	Jadlowiec	Reber	Wright, M. N.

NAYS—110

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

NOT VOTING—3

Kenney	Mrkonic	O'Brien
--------	---------	---------

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. FARGO offered the following amendments No. A2427:

Amend Title, page 1, line 3, by inserting after "procedures;" providing for posting of notice of nonunion members' right to object to use of their union dues for certain purposes;

Amend Sec. 1, page 1, line 8, by striking out "Public"

Amend Sec. 2, page 2, by inserting after line 30

"Secretary." The Secretary of Labor and Industry of the Commonwealth.

Amend Bill, page 5, by inserting between lines 20 and 21 Section 8. Posting of notices.

The Commonwealth, school districts and unionized public and private employers shall post a notice of such size and in such form as the secretary may prescribe, in conspicuous places in and about their plants and offices, including all places where notices to employees are customarily posted, containing the following information:

NOTICE TO EMPLOYEES

Under Federal law, under certain conditions, a union and an employer are permitted to enter into a union-security agreement requiring employees to pay uniform periodic membership dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can be required to pay only their share of union costs relating to collective bargaining, contract administration and grievance adjustment.

If you believe you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

For further information concerning your rights, employees of the private sector should contact a regional office of the National Labor Relations Board or:

National Labor Relations Board
Division of Information
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Employees of the public sector should contact their employer concerning the right to challenge the propriety of the amount of the fair share fee or the amount that is being charged.

Amend Sec. 8, page 5, line 21, by striking out all of said line and inserting

Section 9. Penalties for violations:

Amend Sec. 9, page 6, line 6, by striking out "9" and inserting

10

Amend Sec. 10, page 6, lines 10 and 11, by striking out all of said lines and inserting

Section 11. Effective date.

This act shall take effect as follows:

(1) Section 8 of this act shall take effect in 60 days.

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

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

A pretty well known decision of the Supreme Court called the Beck decision declared that any nonmember who must pay a fee to a union in lieu of dues must pay a fee equal to only that portion of dues which are attributable to collective bargaining, administrative expenses, and grievance proceedings.

This amendment that I am presenting here today merely requires that this information be made available so that those paying the fair share fee will know their rights and will know who to turn to if they feel they are being overcharged by the fees that they are paying.

I think it is a very reasonable amendment, and I would appreciate your support.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Representative McNally.

Mr. McNALLY. Mr. Speaker, I want to move that this amendment be ruled unconstitutional based upon the supremacy clause of the United States Constitution.

The SPEAKER pro tempore. The gentleman, Mr. McNally, of Allegheny County, raises the point of order that amendment A2427 to HB 1312 is unconstitutional.

The Speaker under rule 4 is required to submit questions affecting the constitutionality of an amendment or a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendments?

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

Mr. McNALLY. Thank you, Mr. Speaker.

The amendment A2427 is unconstitutional under the supremacy clause of the United States Constitution. Under that clause Federal law does preempt any State law, and to differing degrees.

Mr. Speaker, if I could just have a little bit more quiet.

The SPEAKER pro tempore. The gentleman is entitled to be heard to explain his reasons for raising the issue of constitutionality.

The gentleman may proceed.

Mr. McNALLY. Thank you, Mr. Speaker.

Under the case of *Gould v. Wisconsin*, which was decided a few years ago by the Supreme Court of the United States, the Supreme Court ruled that the National Labor Relations Act completely preempts State law within the scope of that legislation. The *Gould* decision indicated that in fact State law cannot only not restrict the scope of the National Labor Relations Act, neither can it enhance or enlarge the scope of the National Labor Relations Act.

What we see in A2427 is an enlargement of the scope or the jurisdiction of the National Labor Relations Board. Typically the National Labor Relations Board and the National Labor Relations Act which it enforces only applies to private employers. It does not in fact apply to State employees or municipal employees. What we are doing then in effect with this amendment is enlarging the scope or the jurisdiction of the National Labor Relations Board to apply to the employees of the State of Pennsylvania and/or the municipal employees within the State. Therefore, it is unconstitutional. It is not permitted under the supremacy clause or the decision of *Gould v. Wisconsin*.

I urge the defeat of the amendment based upon its unconstitutionality.

The SPEAKER pro tempore. On the motion on constitutionality, the Chair recognizes the gentleman, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

The Supreme Court of our United States actually determined through the *Beck* decision that this was constitutional,

made the decision themselves, and for whatever reason we may have presented here, I question whether we should be stating that the Supreme Court of the United States is wrong in a decision like this. But aside from that, the very fact that what is being asked for here is fair. I do not believe that we should be considering it as unconstitutional.

I certainly hope that we will vote that this is a constitutional amendment.

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

Mr. HECKLER. Mr. Speaker, I would suggest that the argument that this amendment, which simply requires that a notice be posted advising employees that they may have rights under Federal law and how to go about attempting to vindicate those rights, is somehow unconstitutional is just absurd. This legislature, this House, certainly does not have the ability either to add or subtract from the jurisdiction of the National Labor Relations Board. That is well beyond our scope. This amendment does not do that. All it does is suggest that a notice be posted so that people can figure out what their rights are and attempt to pursue them. That plainly is not unconstitutional. Plainly that does not interfere with the authority of the Federal Government or any of its constituent agencies and we should vote this— You may think it is a bad idea. You may think that this notice would in fact be incorrect. If what Mr. McNally suggests, maybe this notice is incorrect, but it is not unconstitutional.

The SPEAKER pro tempore. On the question of constitutionality, those voting "aye" will vote to declare the amendment to be constitutional; those voting "no" will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—97

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

NAYS—99

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

NOT VOTING—1

Harper

EXCUSED—4

Freind Josephs Petrarca Steelman

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendments was not sustained.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. ARMSTRONG offered the following amendments No. A1626:

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

Providing for membership in public employee organizations; providing for representation of public employees; providing for agency contracts and fees for services between public employee organizations and nonmembers; providing for public employee rights; providing for reporting and disclosure by public employee organizations; providing penalties; and making repeals.

Amend Bill, page 1, lines 7 through 16; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 8, by striking out all of said lines on said pages and inserting.

Section 1. Short title.

This act shall be known and may be cited as the Public Employee Agency Law.

Section 2. Definitions.

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

“Agency contract.” A written agreement between an employee organization that serves as exclusive representative and agent for a bargaining unit and a nonmember for services rendered on behalf of the nonmember that are attributable to collective bargaining, contract administration or grievance adjustment.

“Agency fee.” The monetary charges by an employee organization that serves as exclusive representative and agent for a bargaining unit for the payment of costs for contracted services rendered pursuant to an agency contract.

“Board.” The Pennsylvania Labor Relations Board.

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

“Employee organization.” An employee organization within the meaning of section 301 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

“Exclusive representative.” The employee organization selected by the public employees to represent them for the purposes of collective bargaining under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

“Membership dues.” The fees and obligations payable for privileges of membership in an employee organization; for costs associated with organizing political and ideological activities and with organization-related activities of an employee organization; and for costs associated with collective bargaining, contract administration, and grievance adjustment.

“Nonmember.” A public employee who is not a member of the exclusive representative but who is in a collective bargaining unit in which the public employees are represented by the exclusive representative.

“Public employee.” A police officer or firefighter employed by a political subdivision; and a public employee within the meaning of section 301 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

“Public employer.” As defined in section 301 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act.

“Statewide employee organization.” The Statewide affiliated parent organization of an exclusive representative, or an exclusive representative representing employees Statewide.

Section 3. Representation.

The exclusive representative need only represent the members of such employee organization and those nonmembers with whom the exclusive representative has contracted for certain services in accordance with the terms of the agency contract.

Section 4. Agency contracts and fees.

(a) Contracts.—The exclusive representative for a bargaining unit may enter into agency contracts with nonmembers for specified services to be rendered on behalf of a nonmember.

(b) Fees.—The exclusive representative may charge an agency fee. The agency fee must be reasonably related to the cost of the services provided. The exclusive representative shall file with the board, and post in a conspicuous place, a schedule of fees for services. The exclusive representative shall charge fees uniformly. Agency contracts shall provide for the proration of expense-incurred fees, for contracts terminated by the nonmember prior to the expiration or conclusion of the contract.

(c) Agency fee agreement.—The exclusive representative and the public employer may enter into an agency fee agreement which would require the public employer to make an agency fee deduction from the salary or wages of public employees with whom the exclusive representative has an agency contract. The agency fee deduction shall be in accordance with the agency contract, a copy of which shall be submitted to the public employer, together with a copy of the schedule of agency fees. Agency fee deductions shall not exceed 1.5% of the nonmember's gross salary or wages paid.

Amend Sec. 6, page 5, line 9, by striking out “6” and inserting

5

Amend Sec. 7, page 5, line 15, by striking out “7” and inserting

6

Amend Sec. 8, page 5, line 21, by striking out “8” and inserting

7

Amend Sec. 9, page 6, lines 6 through 9, by striking out all of said lines and inserting
Section 8. Repeals.

(a) *Specific.*—Section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

(b) *Inconsistent.*—The act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, is repealed insofar as it is inconsistent with this act.

Amend Sec. 11, page 6, line 10, by striking out “10” and inserting

9

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

My amendment simply allows for a nonmember union to be able to negotiate with a contract with the exclusive representative. It does not deal with multiple representatives as a previous amendment did. I believe it would address some of your concerns in that area, and it definitely would allow for a purer democratic opportunity for proper representation. Should they want to enter into a contract with the union, they can do so. It also does not require the union to represent nonmember unions if they have not joined in with the contract with the union.

I appreciate your affirmative vote on this amendment.

The SPEAKER pro tempore. On the question of the Armstrong amendment, the Chair recognizes the gentleman from Allegheny, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, would Mr. Armstrong consent to interrogation, please?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I was trying to listen and read at the same time. Did I hear you say that a second entity, a second union or organization, employee organization, could negotiate with the employer just as another, perhaps a majority employee representative organization, could negotiate or did I mishear that?

Mr. ARMSTRONG. I believe you misheard. This only allows for representation by just one exclusive organization, not any more than one, with the employer.

Mr. COWELL. Then would you summarize again the essence of your amendment? Correct me. I do not want to put words in your mouth. Is the essence of this amendment such that you are simply relieving the exclusive representative from the responsibility to represent nonmembers and you are providing for an opportunity for the exclusive representative to enter into agency contracts with nonmembers?

Mr. ARMSTRONG. Correct. In section 3 under “Representation,” you will see “The exclusive representative need only represent the members of such employee organization and those nonmembers with whom the exclusive representative has contracted for certain services...”

Mr. COWELL. So in effect, the exclusive representative, rather than negotiating with the employer for a fair share fee,

would negotiate with individual nonmembers for something similar to a fair share fee?

Mr. ARMSTRONG. Correct.

Mr. COWELL. Thank you, Mr. Speaker.

I am done with my interrogation. I would like to make some remarks, please.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I urge that we defeat the amendment.

The amendment again creates some of the problems that we have discussed when discussing other amendments; that is, it creates a situation where the exclusive bargaining unit, the exclusive employee representative, will negotiate with the employer for only some of the members of a workplace - certainly the majority, certainly those who are members of the union - but it leaves open the question, with whom will the employer negotiate for all those other folks, those who are not members of the union and those who choose not to be represented through these individual contracts that are provided for in this amendment? It leaves the employer in a situation where the employer may negotiate with one union for 60 or 70 or 80 or even 90 percent of the members in the workplace and then will have to negotiate in some other way, perhaps one on one, with everybody else who chose not to be a member of the union and who chose not to engage in one of these agency contracts provided for here.

Similarly it would create a need for the union, the exclusive representative, to begin to negotiate with maybe 10, 15, or in a larger workplace or a larger bargaining unit, several hundred or even several thousand individuals, apparently one on one, about issues pertaining to how the union will represent them if at all; how the union will represent them in terms of contract issues, salary, benefits; how the union might represent them or not represent them in terms of grievance procedures and all the other things for which a union now provides representation and services.

Mr. Speaker, this again attacks not only the heart of what we currently propose with the agency fair share fee, but it attacks practices in the current law, in the current workplace, when it says that the union will no longer have the obligation to represent everybody who is there, whether or not that individual happens to be a member of the union.

Mr. Speaker, for a lot of the reasons that were discussed in more detail earlier today, I would urge that we defeat this amendment.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes, for the second time, Representative Armstrong from Lancaster County.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

I wish to submit when the argument is given that a union will not be able to represent the nonmember unions if they are not involved in a contract with them, that that is something that is foreign to the workplace. In our workplace here, all across our State and all across our country, we have a lot of nonunion shops that already have thousands of employees

that have to deal with their employers, whether it be through grievances or raises or problems that they may have. That already is occurring. It is not a foreign matter that is taking place. It is happening even now.

I am just merely asking that those nonmember unions would have the opportunity to be able to join the membership or pay a fair share because they have entered into a contract with the union, not that it would be imposed upon them mandatorily, but in full conscience sake they would enter into that on their own cognizance.

I would appreciate an affirmative vote on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—72

Adolph	Dempsey	Hershey	Reber
Allen	Fairchild	Hess	Reinard
Anderson	Fargo	Jadlowiec	Ryan
Argall	Farmer	Johnson	Saurman
Armstrong	Fleagle	Langtry	Scheetz
Barley	Flick	Lawless	Schuler
Birmelin	Foster	Lee	Semmel
Black	Gallen	Leh	Smith, B.
Brown	Geist	Marsico	Smith, S. H.
Bunt	Gerlach	Merry	Snyder, G.
Bush	Gladeck	Micozzie	Strittmatter
Carlson	Godshall	Nahill	Taylor, E. Z.
Cessar	Hagarty	Nailor	Tomlinson
Chadwick	Harley	Nickol	Tulli
Civera	Hasay	Noye	Vance
Clark	Hayes	Phillips	Vroon
Clymer	Heckler	Piccola	Wilson
Cornell	Herman	Pitts	Wright, M. N.

NAYS—123

Acosta	Durham	Lloyd	Saloom
Angstadt	Evans	Lucyk	Scrimenti
Arnold	Fajt	McCall	Serafini
Battisto	Fee	McGeehan	Snyder, D. W.
Belardi	Freeman	McHale	Staback
Belfanti	Gamble	McHugh	Stairs
Billow	Gannon	McNally	Steighner
Bishop	George	Markosek	Stetler
Blaum	Gigliotti	Mayernik	Stish
Bowley	Gruitza	Melio	Stuban
Boyes	Gruppo	Michlovic	Sturla
Broujos	Haluska	Mihalich	Surra
Butkovitz	Hanna	Mrkonic	Tangretti
Caltagirone	Harper	Mundy	Taylor, F.
Cappabianca	Hayden	Murphy	Taylor, J.
Carn	Hughes	Nyce	Telek
Carone	Itkin	O'Brien	Thomas
Cawley	James	Olasz	Tigue
Cohen	Jarolin	Oliver	Trello
Colafigli	Kaiser	Perzel	Trich
Colaizzo	Kasunic	Pesci	Uliana
Cole	King	Petrone	Van Horne
Corrigan	Kosinski	Pistella	Veon
Cowell	Krebs	Preston	Wambach
Coy	Kruszewski	Raymond	Williams
DeLuca	Kukovich	Richardson	Wogan
DeWeese	LaGrotta	Rieger	Wozniak
Daley	Laughlin	Ritter	Wright, D. R.
Davies	Lescovitz	Robinson	
Dent	Levdansky	Roebuck	O'Donnell,
Dermody	Linton	Rudy	Speaker
Donatucci			

NOT VOTING—2

Kenney Maiale

EXCUSED—4

Freind Josephs Petrarca Steelman

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

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

CONSTITUTIONALITY OF AMENDMENT
A2427 RECONSIDERED

The SPEAKER pro tempore. The Chair is in possession of a reconsideration motion filed by Mr. Fargo, who moves that the vote by which amendment 2427 to PN 1510 of HB 1312 was declared unconstitutional on the 9th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—195

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

Davies	Kruszewski	Richardson	Wright, M. N.
Dempsey	Kukovich	Rieger	
Dent	LaGrotta	Ritter	O'Donnell,
Dermody	Langtry	Robinson	Speaker
Donatucci			

NAYS—0

NOT VOTING—2

Carn Kenney

EXCUSED—4

Freind Josephs Petrarca Steelman

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

On the question recurring,

Will the House sustain the constitutionality of the amendments?

CONSTITUTIONAL POINT OF ORDER
WITHDRAWN

The SPEAKER pro tempore. We have now before us the constitutionality of amendment 2427 to HB 1312.

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

Mr. McNALLY. Mr. Speaker, in the interest of giving everyone the opportunity to vote on an amendment which is not only unconstitutional but bad on its merits, I withdraw the motion.

The SPEAKER pro tempore. Withdrawing the motion for unconstitutionality, now before us is amendment 2427.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes Representative Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

I am certainly pleased to see that, in the interest of being fair, we are going to have the opportunity to look at this amendment. I sincerely hope that that interest in being fair as to the constitutionality carries over to an interest in being fair to those people, to those nonunion people, who would like to not pay union dues or not join the union. I hope that we will continue to be fair to those people so that when they have paid their fair share fee, that at least we give them the opportunity to know what their rights are. I do not believe, in anything that we do from day to day, that we should ever be forced to do something and then not be told what our rights are under that particular decision.

All we are asking for here is what is fair. All we are asking for here is to let those people who are paying a fair share fee to assist the union in their activities, that they have the right to know what procedures they can follow if in fact they feel that what has been done or the manner in which it has been done is being done unfairly.

Certainly when the word "fair" is being used, we have to acknowledge that this is a fair amendment and approve it. I hope you will give me your support.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat the Fargo amendment.

Mr. Speaker, currently this legislation deals only with some limited number of public employers. The Fargo amendment would have us strike the word "public" from the title of the bill and now would apparently make it a private as well as a public employee fair-share-fee law. Now again, I know that is not what he intends to do and there is other language elsewhere in the bill that would speak in a different direction, but simply by amending the title and taking out the word "public," the gentleman begins to create confusion.

Secondly, he does begin to impose requirements on private employers. Nowhere else in this legislation do we impose any kind of a requirement on private employers. The gentleman's amendment would do that for the first time and in a rather narrow way, and I do not understand again why we want to take a piece of legislation that is written to apply to only limited circumstances in which we have public employers and we begin to put requirements on private employers.

And finally, Mr. Speaker, in addition to the gentleman requiring this burden on private employers to post notices, we also find that in the public sector the gentleman would require employees to contact their local employer concerning their right to challenge the propriety of the amount of the fair share fee or the amount that is being charged. If we would want to insure that there were uniform answers being provided to public employees across the State, at least those who would be covered by this, I would think that we would want to direct them to the appropriate State agency, even as for the private employees, they are directed to the appropriate Federal agency for the uniform information about their rights.

So, Mr. Speaker, for a variety of reasons - this confuses public and private; it imposes requirements on private employers for the first time in this legislation; and because I think it misdirects public employees, misdirects them to their employer rather than to a State agency for consistent, accurate information - I believe that we should defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, the maker of the amendment had to strike the word "public" so that this legislation would fit the Federal Labor Relations Act in that it would bestow, without striking the word "public," it would bestow upon public employees at the municipal level protection under Federal law that they do not presently enjoy. It is confusing apples and oranges. If the word "public" remained in the legislation as it was originally intended, then the provisions of the notice to employees could not be extended to the public employee sector. The first three words state, "Under Federal law," and then it goes on to say,

“under certain conditions, a union and an employer are permitted to enter...,” and so on and so forth. This law does not apply to public employees presently, and I believe the gentleman, Mr. McNally, in his argument on constitutionality makes that very plain. So what Representative Cowell said earlier, simply removing the word “public” in the opening definition is not by itself going to extend protection to employees that they presently do not have under Federal law.

The amendment is very confusing and is also an attempt to confuse the entire issue of agency fair share fee, and I would ask that the members once again defeat this amendment on the grounds of constitutionality. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I certainly am happy that the vote on the unconstitutionality was reconsidered and removed, because I was concerned for brochures that I have distributed that delineate certain Federal primacy acts that have been passed so that my constituents would know what was happening, and if that is a violation of the Constitution, I apologize to my constituents, and certainly that is the logic on which that vote was based.

In this instance what we are asking for is that same thing, that the people involved be notified. That is all it says, so that they are aware of what their rights are. Heaven forbid us if that is an unconstitutional act or if it is one that we should deny them. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Representative Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

I rise to support this amendment.

As I read the amendment, it seems very simple to me. It is very straightforward. It talks about supplying additional information to employees. You know, we continually work as Representatives to inform our constituency of what we are doing here in Harrisburg. We have the floor open to the media so they can record what is going on and provide that information to the public, so I do not think there is anything out of turn with employers providing this kind of information to their employees.

I have a small business; I am a partner in a small business, and in our little office we have a whole corkboard, a whole one side of the office devoted to information that we must by law make available to our employees, so I doubt that one little additional brochure would be that difficult to put up there with all the other information that we are mandated to supply to them.

You know, we have to comply with right-to-know laws, and we can go on and on and on. And I just think that, again, coming back to the simple premise of the intention of this amendment - to provide some additional information to employees - I think it is a great idea, and I think we should pass the amendment here today so that we provide this information to the employees across the State of Pennsylvania. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny, Representative Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a couple of comments on this particular amendment. I do so with great reluctance. Yes; that is right. I said I would do it with great reluctance, but I am going to do it anyhow.

First of all, this particular amendment goes beyond what this legislation is intended to do. What this in fact does is it requires that a notice be put up by private employers about nonexistent rights and how they affect private employees.

The impact of this amendment goes far beyond the intention of affecting only public employees, so it will have a chilling effect for employers, not alone for employees. For employees it is going to cause great confusion. The confusion stems from the fact that the contact should be made not with the employer but with the Pennsylvania Labor Relations Board, who is in fact not a party to any existing or standing dispute. That is the difficulty that you face with this particular amendment.

It is for those reasons that I encourage that this amendment be defeated. Thank you.

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

Mr. FARGO. Thank you, Mr. Speaker.

All the arguments about private and public employees as it pertains to this amendment are smokescreens. These are merely smokescreens to try to get away from— And I cannot believe that the people who would vote for legislation such as this fair-share-fee legislation would, by the very same breath, the very same breath, come up with arguments for not allowing those people who are getting the fair share fee to be told what their rights are. That just is beyond my comprehension. The idea of whether we are talking about private or public employers here is a smokescreen.

The purpose behind this amendment is merely to require that those people who have to pay a fair share fee are told, are given the information, about what their rights are. And if you want to vote against this amendment and say that, yes, we are going to take away from you a certain amount of money every month but we do not feel any obligation to tell you what your rights are, then you go ahead and vote for it, because I feel very strongly that all employees, all fair-minded employees, whether they be union employees or nonunion employees, would feel that they should know, they should have the right to be told, what their next step is if they feel that there is something being done to them which is incorrect. I cannot imagine that you really believe that employees should be kept in the dark whenever money is taken away from them in a fair share fee.

The word “fair” itself is really being dragged around in the mud this afternoon when we hear the discussions about public and private as a way to get someone, as a way to show that this amendment is something that you should vote against. It is smokescreens; it will not make any difference. All I am

asking is that those people paying fair share fees be told what their rights are. If you feel that is wrong, then go ahead and vote against it. I cannot convince you any further. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Representative Belfanti.

Mr. BELFANTI. Mr. Speaker, very briefly.

The amendment itself is a smokescreen. We here in the Pennsylvania General Assembly cannot, by virtue of an action in the hall of this House or in this chamber, extend Federal law to employees, whether they be public or private. That is the purview of the United States Congress and the Federal regulatory agencies. We cannot tell people that they have rights under Federal law that they do not have.

This amendment creates nothing but confusion and is absolutely untenable. I am asking that the members see through this and understand that we are not in a position to pass Federal law here in Harrisburg or pass on Federal protections to Pennsylvania residents. That is the purview of people in Washington, not here in Harrisburg.

This amendment is unconstitutional. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Representative Pistella, for the second time.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, you know, I do not know. It has been suggested that some people are suggesting that this is a smoke-screen, and I noticed the prime sponsor sort of took umbrage to that fact. Well, in defense of the prime sponsor, this is not a smoke-screen, Mr. Speaker. He is spelling out very plainly and very simply in the language that he is requiring a public notice to take place on the part of private employers. There is no smoke-screen. He is saying it flat out in the language contained herein: if you are a private employer and you have got unionized employees, you have got to put up this notice.

Where the amendment falls, though, is it directs the individuals that have concerns or questions to contact the National Labor Relations Board, which, depending upon the circumstances, may not solve any problem they have whatsoever. It may in fact be the Pennsylvania Labor Relations Board they might want to contact, not the National Labor Relations Board.

In any event, that is just an example of the futility of the amendment that is being offered. Even though his intentions are noble, there is no smoke-screen. He has made a mistake and he wants us to embrace that mistake by adopting this amendment.

I urge the members of this House to defeat amendment A2427. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—86

Adolph	Dempsey	Hershey	Raymond
Allen	Dent	Hess	Reber
Anderson	Durham	Jadlowiec	Reinard
Angstadt	Fairchild	Johnson	Ryan
Argall	Fajt	King	Saurman
Armstrong	Fargo	Langtry	Scheetz
Barley	Farmer	Lawless	Schuler
Battisto	Fleagle	Lee	Semmel
Birmelin	Flick	Leh	Serafini
Black	Foster	Marsico	Smith, B.
Boyes	Gallen	Merry	Smith, S. H.
Brown	Gannon	Micozzie	Snyder, D. W.
Bush	Geist	Nahill	Snyder, G.
Carlson	Gerlach	Nailor	Strittmatter
Carone	Gladeck	Nickol	Taylor, E. Z.
Cessar	Godshall	Noye	Tomlinson
Chadwick	Hagarty	Nyce	Tulli
Civera	Harley	Perzel	Vance
Clark	Hasay	Phillips	Vroon
Clymer	Hayes	Piccola	Wilson
Cornell	Heckler	Pitts	Wright, M. N.
Davies	Herman		

NAYS—107

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

NOT VOTING—4

Bunt	Corrigan	Kenney	Mrkonic
------	----------	--------	---------

EXCUSED—4

Freind	Josephs	Petrarca	Steelman
--------	---------	----------	----------

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

STATEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. I would like to take this opportunity to thank our Speaker, Bob O'Donnell, for this privilege to come before you in my last term and serve as Speaker pro tem.

As some of you remember, I last served here under Jim Manderino, but that was when I had a dream that started back in 1963 when I was a page here in the House to, first of all, become a member and then, second of all, once achieving that, to ultimately become the Speaker. So when Mr. Manderino appointed me Speaker pro tem last term, I still had the eye on the rostrum. I do not have that eye on the rostrum anymore, and my dream has come closer by the permission of the Speaker to allow me to serve you today. Thank you very much.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

COMMEMORATIVE GAVEL PRESENTED

The SPEAKER. And in further commemoration of a long and faithful service in the House, I would like to give Pete, as a token of our collective appreciation, a gavel commemorating his effort today in the Pennsylvania House.

Mr. WAMBACH. Thank you very much.

CONSIDERATION OF HB 1312 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GALLEN offered the following amendments No. A1620:

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

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," repealing provisions on required contributions to employee organizations by public employees.

Amend Bill, page 1, lines 7 through 16; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Section 2215 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

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

Mr. GALLEN. Mr. Speaker, I am one of the few members on the floor of this House who was here when we passed Act 195, and it was a real struggle to have that enacted. I ended up voting for it but only after PSEA, AFSCME, PFT (Pennsylvania Federation of Teachers), and others came to me and said, no way, no way will we ever go for agency shop; we do not want it; all we want is Act 195 this way, and they convinced a lot of members to vote for it. Of course, lo and behold, a couple years ago we passed what they call the fair share piece of legislation and now want to extend it.

Well, Mr. Speaker, there has been a lot of talk about being fair to public employees here. Nobody is talking about being fair to taxpayers. You know, during this last primary election, we had a lot of contested elections in our county. The whole issue was property taxes, property taxes, property, higher taxes, higher local taxes. That was the issue. And, Mr. Speaker, by strengthening public employee unions, we sure as heck are not helping the taxpayer.

Now, Mr. Speaker, this bill was supposed to level the playing field between all public employees, allow municipal employees to have the same benefit as others. Well, Mr. Speaker, this amendment levels the playing field by repealing—by repealing—the legislation that we passed 2 years ago with the so-called fair share or agency shop legislation.

I urge its adoption.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I think the maker of the amendment almost said it all. He guts the bill and he would repeal a law that was enacted only a couple of years ago, which gave the opportunity to negotiate a fair share fee to collective-bargaining agents representing employees at the State level and representing employees of school districts. It is in effect a step backwards.

Mr. Speaker, I urge that we defeat the amendment.

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I just want to reiterate: Remember the taxpayer. They are going to remember you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—68

Adolph	Fairchild	Hershey	Pitts
Allen	Fargo	Hess	Reinard
Anderson	Farmer	Jadlowiec	Roebuck
Argall	Fee	Johnson	Ryan
Armstrong	Fleagle	Langtry	Saurman
Barley	Flick	Lawless	Scheetz
Birmelin	Foster	Lee	Schuler
Black	Gallen	Leh	Smith, B.
Brown	Geist	Marsico	Smith, S. H.
Bunt	Gladeck	Merry	Snyder, G.
Bush	Godshall	Micozzie	Strittmatter
Chadwick	Hagarty	Nahill	Taylor, E. Z.
Clark	Harley	Nailor	Tomlinson
Clymer	Hasay	Nickol	Vance
Cornell	Hayes	Noye	Vroon
Dempsey	Heckler	Phillips	Wilson

Dent	Herman	Piccola	Wright, M. N.
NAYS—124			
Acosta	Dermody	Lucyk	Scrimenti
Angstadt	Donatucci	McCall	Semmel
Arnold	Durham	McGeehan	Snyder, D. W.
Battisto	Evans	McHale	Staback
Belardi	Fajt	McHugh	Stairs
Belfanti	Freeman	McNally	Steighner
Billow	Gamble	Markosek	Stetler
Bishop	Gannon	Mayernik	Stish
Blaum	George	Melio	Stuban
Bowley	Gigliotti	Michlovic	Sturla
Boyes	Gruiza	Mihalich	Surra
Broujos	Gruppo	Mrkonic	Tangretti
Butkovitz	Haluska	Mundy	Taylor, F.
Caltagirone	Hanna	Murphy	Taylor, J.
Cappabianca	Hayden	Nyce	Telek
Carlson	Hughes	O'Brien	Thomas
Carn	Itkin	Olasz	Tigue
Carone	James	Oliver	Trello
Cawley	Jarolin	Perzel	Trich
Cessar	Kaiser	Pesci	Tulli
Civera	Kasunic	Petrone	Uliana
Cohen	King	Pistella	Van Horne
Colafrella	Kosinski	Preston	Veon
Colaizzo	Krebs	Raymond	Wambach
Cole	Kruszewski	Reber	Williams
Corrigan	Kukovich	Richardson	Wogan
Cowell	LaGrotta	Rieger	Wozniak
Coy	Laughlin	Ritter	Wright, D. R.
DeLuca	Lescovitz	Robinson	
DeWeese	Levdansky	Rudy	O'Donnell,
Daley	Linton	Saloom	Speaker
Davies	Lloyd		
NOT VOTING—5			
Gerlach	Kenney	Maiale	Serafini
Harper			
EXCUSED—4			
Freind	Josephs	Petrarca	Steelman

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. RYAN offered the following amendments No. A2423:

Amend Bill, page 5, by inserting between lines 20 and 21 Section 8. Administrative costs.

All costs incurred by a public employer in administering this act shall be reimbursed by the Commonwealth.

Amend Sec. 8, page 5, line 21, by striking out "8" and inserting

9

Amend Sec. 9, page 6, line 6, by striking out "9" and inserting

10

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

11

On the question,

Will the House agree to the amendments?

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

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, we have done a great deal of talking over the past months, the past years really, about the Federal Government putting mandates on the State and not funding them. We have heard our local governments talking about us putting mandates on them and not funding it. Well, here I think we can show that we are well intentioned even though we are not really doing perhaps a whole lot for our local government units.

What my amendment does is provide that any costs associated with the collection of the administration fees by reason of this bill will be borne by the Commonwealth, we the people who have passed the bill. Now, that is probably not a whole lot of money, according to Mr. Evans. He sends me a "Dear Matt" letter, signs it "Dwight," so you know it is a friendly letter. The midparagraph of this fiscal note is "The cost of deducting the fair share fee is minimal for an employer. As well, the fair share fee is only implemented if the collective bargaining agreement so provides. Any cost to the Commonwealth in reimbursing the administrative costs is minimal." So, I mean, Mr. Evans is saying this does not cost anything; it is minimal.

We have a letter, we all got the same letter, I am sure, because it is from the Pennsylvania State Association of Township Commissioners, and they voice some concern with this bill. But the one sentence I call to your attention is this one, and I quote: "Little consideration is given to the financial record maintenance required and subsequent legal implications." So what I am saying to these folks is, we are concerned with the cost required to maintain these records and to implement this. Mr. Evans says it is minimal for the State to pick it up; it is minimal for anyone. Well, let us give them that assurance that despite the fact that it is minimal, we are going to pick it up; we the State are going to pick it up. This is the least we can do for our local governments to perhaps make them feel a little bit better about this bill. Thank you.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman spoke about mandates. Again I would reemphasize that we mandate nothing in this legislation. We create an opportunity for a fair share fee to be negotiated, and the conditions that would surround the imposition and collection of that fair share fee can be negotiated. I do not think that it would be helpful nor appropriate for us to at this point make a judgment about what those negotiations will look like or what the outcome of the negotiations will be.

For instance, Mr. Speaker, there is a fiscal note that says that the cost to the Commonwealth would be minimal, but nobody really knows what kinds of costs, if any costs, we are talking about. Nobody has stepped forward and said that school districts which have been living with a similar law over the last couple of years have had any additional costs incurred. So we are not quite sure at this point what we are picking up, or more importantly, we are not sure about who is being relieved of the burden of whatever costs in fact are incurred.

For instance, Mr. Speaker, with respect to the collection of the fair share fee by the Commonwealth of Pennsylvania pur-

suant to a collective-bargaining agreement with AFSCME, the Commonwealth does not pay anything. In fact, it is the union that pays all of the costs, I am told; it is the union that pays all of the costs related to the collection of the fair share fee, and I have been told that the Commonwealth agreement with the union even required the union to pay for the reprogramming of the computer, which was required to facilitate the collection of the fair share fee.

So, Mr. Speaker, if we apply these circumstances to the local level, we are creating the possibility that this amendment will relieve not the local taxpayers of any costs but, more likely, if practice is followed, will relieve the union of the cost. It will not shift the cost from the local folks to the State, but instead, it will shift the cost from the union to the Commonwealth.

Again, it is not certain that that would happen, but the practice to date has largely been that the union has paid to the employer the cost incurred for the collection of the fair share fee. If that practice would be followed at the local level and if in fact this is a cost that would be picked up by the union as a result of the collective-bargaining agreement, keep in mind, the folks who are being relieved of this burden are the union or the unions around the State, and under the Ryan amendment, we will shift the responsibility for these costs from the union to the Commonwealth.

Is that really what we want to do? Mr. Speaker, I would suggest that it is not. I would urge that we defeat the amendment.

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. Mr. Speaker, I am amazed at how antiunion the gentleman is. He says that we do not know what the cost will be. He raises the specter that it may be a great deal of cost. We do know what the cost will be. Dwight Evans has told us what the cost will be, and again, I point it out: "Any cost to the Commonwealth in reimbursing the administrative costs is minimal."

Now, that is your Appropriations Committee chairman. It is minimal. Now, he did not just say that once; that was said on an earlier occasion, when a fiscal note was provided back on the bill itself. I do not have a date. Yes, I do. May 12, 1992, and at that time the "Fiscal Impact" reads, "There is no additional cost to the Commonwealth"—this is without my amendment; this is on the bill—"There is no additional cost to the Commonwealth as an employer. For political subdivisions, the cost of deducting the fair share fee is minimal."

Now, if it is just a minimal amount, let the Commonwealth pick it up and let these local governments feel some relief that we are not imposing on them another new burden, another new job, that some small communities maybe end up having to hire a part-time bookkeeper or secretary or whatever and impose additional burdens on their taxpayers. Look, if we are going to do it to the local communities, we are going to give them more work, let us pay for it, and that is all this amendment says. And your Appropriations Committee says that it does not cost much money; it is minimal.

The SPEAKER. The Chair recognizes Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, while I believe the comments and arguments already delivered by Representative Cowell are just rationale to defeat this amendment, I would like to also add some clarification to the fiscal note that Mr. Ryan keeps referring to.

While the Appropriations staff assumes that the cost would be minimal, under the provisions of the Ryan amendment, there is going to be the need for a third party to determine just whether or not the vouchers submitted by local government to the State government are in fact directly related to administrative costs. That is going to also require the need for additional audits for a function that presently has no audit requirements. Now we have a new level of bureaucracy, a new level of costs, which might not be so minimal. We all know what auditors cost, and are those auditing costs going to also be placed on the backs of the taxpayers of the State of Pennsylvania?

The Ryan amendment does not speak to that, but there is a new set of costs involved should this amendment pass. There is only one person who is going to pay it. Instead of the unions, as was pointed out by Representative Cowell, it falls back on the backs of the taxpayers.

I would also like to suggest that the unions are quite willing to assume these costs at the local level, since they were willing to do it when they negotiated this benefit at the State level.

I urge the defeat of the Ryan amendment.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of Representative Steelman in the hall of the House. Her name will be added to the master roll.

CONSIDERATION OF HB 1312 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—93

Adolph	Durham	Johnson	Rudy
Allen	Fairchild	King	Ryan
Anderson	Fargo	Langtry	Saurman
Argall	Farmer	Lawless	Scheetz
Armstrong	Fleagle	Lee	Schuler
Barley	Flick	Leh	Semmel
Birmelin	Foster	Levdansky	Serafini
Black	Gallen	Marsico	Smith, B.
Bowley	Gannon	Merry	Smith, S. H.
Broujos	Geist	Micozzie	Snyder, D. W.
Brown	Gerlach	Murphy	Snyder, G.
Bunt	Gladeck	Nahill	Staback
Bush	Godshall	Nailor	Stairs
Carlson	Gruppo	Nickol	Stetler
Cessar	Hagarty	Noye	Strittmatter
Chadwick	Harley	Nyce	Taylor, F. Z.
Civera	Hasay	Perzel	Telek
Clark	Hayes	Phillips	Tomlinson
Clymer	Heckler	Piccola	Tull
Cornell	Herman	Pitts	Vance
Coy	Hershey	Raymond	Vroon
Davies	Hess	Reber	Wilson
Dempsey	Jadlowiec	Reinard	Wright, M. N.

Dent

NAYS—103

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

NOT VOTING—1

Maiale

EXCUSED—4

Freind Josephs Petrarca Steelman

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

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

VOTE CORRECTION

The SPEAKER. On the previous vote, the lady, Ms. Steelman, should be voted in the negative. The lady's vote will be recorded in the negative.

CONSIDERATION OF HB 1312 CONTINUED
AMENDMENT A1620 RECONSIDERED

The SPEAKER. The Chair is in possession of a motion to reconsider the vote by which amendment 1620, offered by the gentleman, Mr. Gallen, was defeated today.

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

The following roll call was recorded:

YEAS—196

Acosta	Donatucci	Laughlin	Rudy
Adolph	Durham	Lawless	Ryan
Allen	Evans	Lee	Saloom
Anderson	Fairchild	Leh	Saurman
Angstadt	Fajt	Lescovitz	Scheetz
Argall	Fargo	Levdansky	Schuler
Armstrong	Farmer	Linton	Scrimenti
Arnold	Fee	Lloyd	Semmel

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

NAYS—0

NOT VOTING—2

Kenney Maiale

EXCUSED—3

Freind Josephs Petrarca

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

On the question recurring,
Will the House agree to the amendments?
The clerk read the following amendments No. A1620:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting
Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other

executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," repealing provisions on required contributions to employee organizations by public employees.

Amend Bill, page 1, lines 7 through 16; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Section 2215 of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, is repealed.

Section 2. This act shall take effect immediately.

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

The SPEAKER. The House now has before it amendment 1620, offered by the gentleman, Mr. Gallen.

For the information of the members, this is the amendment that was briefly debated by Mr. Gallen and Mr. Cowell. As the vote is taken, the Chair urges the members to seek whatever counsel they need and vote carefully. This is for the record.

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

The following roll call was recorded:

YEAS—66

Adolph	Fairchild	Hess	Pitts
Allen	Fargo	Jadlowiec	Reinard
Anderson	Farmer	Johnson	Ryan
Argall	Fleagle	Langtry	Saurman
Armstrong	Flick	Lawless	Scheetz
Barley	Foster	Lee	Schuler
Birmelin	Gallen	Leh	Smith, B.
Black	Geist	Marsico	Smith, S. H.
Brown	Gladeck	Merry	Snyder, G.
Bunt	Godshall	Micozzie	Strittmatter
Bush	Hagarty	Nahill	Taylor, E. Z.
Chadwick	Harley	Nailor	Tomlinson
Clark	Hasay	Nickol	Vance
Clymer	Hayes	Noye	Vroon
Cornell	Heckler	Phillips	Wilson
Dempsey	Herman	Piccola	Wright, M. N.
Dent	Hershey		

NAYS—130

Acosta	Donatucci	Lloyd	Scrimenti
Angstadt	Durham	Lucyk	Semmel
Arnold	Evans	McCall	Serafini
Battisto	Fajt	McGeehan	Snyder, D. W.
Belardi	Fee	McHale	Staback
Belfanti	Freeman	McHugh	Stairs
Billow	Gamble	McNally	Steelman
Bishop	Gannon	Markosek	Steighner
Blaum	George	Mayernik	Stetler
Bowley	Gerlach	Melio	Stish
Boyes	Gigliotti	Michlovic	Stuban
Broujos	Gruitza	Mihalich	Sturla
Butkovitz	Gruppo	Mrkonic	Surra
Caltagirone	Haluska	Mundy	Tangretti
Cappabianca	Hanna	Murphy	Taylor, F.
Carlson	Harper	Nyce	Taylor, J.
Carn	Hayden	O'Brien	Telek
Carone	Hughes	Olasz	Thomas
Cawley	Itkin	Oliver	Tigue
Cessar	James	Perzel	Trello

Civera	Jarolin	Pesci	Trich
Cohen	Kaiser	Petrone	Tulli
Colafella	Kasunic	Pistella	Uliana
Colaizzo	King	Preston	Van Horne
Cole	Kosinski	Raymond	Veon
Corrigan	Krebs	Reber	Wambach
Cowell	Kruszewski	Richardson	Williams
Coy	Kukovich	Rieger	Wogan
DeLuca	LaGrotta	Ritter	Wozniak
DeWeese	Laughlin	Robinson	Wright, D. R.
Daley	Lescovitz	Roebuck	
Davies	Levdansky	Rudy	O'Donnell,
Dermody	Linton	Saloom	Speaker

NOT VOTING—2

Kenney Maiale

EXCUSED—3

Freind Josephs Petrarca

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

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

Is the gentleman, Mr. Armstrong, seeking recognition?
Mr. ARMSTRONG. Yes, sir.

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

Mr. ARMSTRONG. I would like to interrogate the maker of the bill for a couple minutes, please.

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

Mr. ARMSTRONG. Recently I asked a question of another member as to what would the average weekly deduction per employee be, and I have not obtained an answer. I was wondering if you could respond to that question - for a nonunion member.

Mr. COWELL. I do not know that there is such a thing as an average that would be useful information here. I think that will vary from workplace to workplace, union to union, and again, depending on the activities of the union, the percent of the typical union fee may vary. That portion of it which represents a fair share fee may vary from place to place as well. So I do not think there is such a thing as an average figure that would be helpful here.

Mr. ARMSTRONG. I was hoping for a better answer. There is no such thing as a fair fee anyway.

Okay. I also have another question. Dealing with page 4, under the challenge based upon religious grounds, line 23: "If the exclusive representative accepts the verification, the challenging nonmember shall pay the equivalent of the fair share fee to a nonreligious charity agreed upon by the nonmember and the exclusive representative."

One particular organization comes to mind that I know is involved in charitable endeavors such as feeding the hungry, and that particular organization that I can recall is World

Vision. Of course, it also has some religious background. Would a situation like that occur where an employee would like to be able to give to World Vision but they would not be able to because of this language?

Mr. COWELL. Mr. Speaker, the test in the bill and the test in the current law as it applies to employees of school districts in the State is that it must be a nonreligious charity agreed upon by the nonmember and the exclusive representative. I think that remains the test. It must be mutually agreed to.

Mr. ARMSTRONG. Okay. Thank you very much. I would like to make a couple comments on the bill.

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

Mr. ARMSTRONG. I have my reservations about this particular language, and I would ask whatever avenues could be taken to address this particular concern that I have so that hopefully the funds that an employee would like to be able to see go to an organization that may have some kind of religious background, that is involved with such things as feeding the hungry and taking care of homeless and what have you, that the language could be clear that that would be allowed, so that it is down on paper. Thank you very much.

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—117

Acosta	Freeman	McHugh	Staback
Angstadt	Gamble	McNally	Stairs
Belardi	Gannon	Markosek	Steelman
Belfanti	George	Mayermik	Steighner
Billow	Gigliotti	Melio	Stetler
Bishop	Gruitza	Michlovic	Stish
Blaum	Gruppo	Mihalich	Stuban
Bowley	Haluska	Mrkonic	Sturla
Boyes	Hanna	Mundy	Surra
Butkovitz	Harper	Murphy	Tangretti
Caltagirone	Hayden	Nyce	Taylor, F.
Cappabianca	Hughes	O'Brien	Taylor, J.
Carn	Itkin	Olasz	Telek
Carone	James	Oliver	Thomas
Cawley	Jarolin	Perzel	Tigue
Civera	Kaiser	Pesci	Trello
Cohen	Kasunic	Petrone	Trich
Colafella	Kosinski	Pistella	Tulli
Colaizzo	Kruszewski	Preston	Uliana
Corrigan	Kukovich	Raymond	Van Horne
Cowell	LaGrotta	Richardson	Veon
DeLuca	Laughlin	Rieger	Wambach
DeWeese	Lescovitz	Ritter	Williams
Daley	Levdansky	Robinson	Wogan
Davies	Linton	Roebuck	Wozniak
Dermody	Lloyd	Rudy	Wright, D. R.
Donatucci	Lucyk	Saloom	
Evans	McCall	Scrimenti	O'Donnell,
Fajt	McGeehan	Semmel	Speaker
Fee	McHale	Snyder, D. W.	

NAYS—79

Adolph	Cornell	Heckler	Piccola
Allen	Coy	Herman	Pitts
Anderson	Dempsey	Hershey	Reber
Argall	Dent	Hess	Reinard
Armstrong	Durham	Jadlowiec	Ryan
Arnold	Fairchild	Johnson	Saurman
Barley	Fargo	King	Scheetz

Battisto	Farmer	Krebs	Schuler
Birmelin	Fleagle	Langtry	Serafini
Black	Flick	Lawless	Smith, B.
Broujos	Foster	Lee	Smith, S. H.
Brown	Gallen	Leh	Snyder, G.
Bunt	Geist	Marsico	Strittmatter
Bush	Gerlach	Merry	Taylor, E. Z.
Carlson	Gladeck	Micozzie	Tomlinson
Cessar	Godshall	Nahill	Vance
Chadwick	Hagarty	Nailor	Vroon
Clark	Harley	Nickol	Wilson
Clymer	Hasay	Noye	Wright, M. N.
Cole	Hayes	Phillips	

NOT VOTING—2

Kenney Maiale

EXCUSED—3

Freind Josephs Petrarca

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

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

CONSIDERATION OF SB 6 CONTINUED

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

The SPEAKER. The lady, Mrs. Taylor, has offered the following amendment, which has been read by the clerk. It is amendment A2420.

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

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

Mr. HAYES. Mr. Speaker?

LEAVE OF ABSENCE

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

Mr. HAYES. I apologize for interrupting, but it has become necessary for the gentleman from Wyoming, Mr. LEE, to leave the House, and I would request a leave of absence at this time.

The SPEAKER. Without objection, leave is granted.

CONSIDERATION OF SB 6 CONTINUED

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

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

First, I would like to thank Representative Evans and his office for responding to my request for a fiscal note, which is now on your desk.

I want to return to the issue at hand and remind the members that my amendment is addressing only the interest

that would have accrued on the taxpayers' money that had been returned to them and was collecting interest from school districts where the money was not rebated. Also, it will have no negative effect on any school district that did not rebate the money. The bottom line, Mr. Speaker, is that school districts that complied with the intent of this legislature to return to the taxpayer the overpayment should not be punished.

This is a taxpayers amendment. We are talking about overpayment by the taxpayer and the intent of this legislature to return to the taxpayer that which is theirs - their money, their overpayment. I suggest to you that if you do not know whether your school district rebated or whether they did not, your taxpayers will let you know very, very clearly and as soon as this amendment takes place.

I urge you to vote in the affirmative, and I thank you for your attention.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat this amendment.

Mr. Speaker, this is a taxpayers bill. All the taxpayers in the Commonwealth are going to pay for some additional dollars that will go to a few school districts in this State. It is going to be an additional cost to all the taxpayers of the Commonwealth.

What the lady suggests with this amendment is that in those cases where school districts—and it is about 100 school districts or so—in those school districts where they did do what we told them to do under the law—they took extra money that they received and they rebated it to taxpayers last year—she is suggesting that now we should give them interest that they never had any right to, they never had any reason to expect, they never had any cause to expect at all; we should manufacture up some artificial interest rate and pay these school districts extra money for doing what they did, as we directed them to do.

Keep in mind that the only reason some of the school districts did not follow the law was that the courts intervened and said they did not have to. This is kind of like a situation where we all pay our taxes but one of us does not, and that person does not pay his or her taxes or fines, and then a couple years from now the local government says there is going to be an amnesty period and they can just pay their regular taxes late, without other penalty. Well, under the lady's thinking, all of us who paid our taxes on time ought to declare for an interest payment from the State or from local government because we paid our taxes on time, although somebody else did not and somebody else may have inadvertently benefited.

Mr. Speaker, this makes no sense. It is not expected by school districts; it is not deserved by school districts, and it simply would impose an additional cost on the taxpayers of the Commonwealth. I urge we defeat it.

The SPEAKER. The Chair recognizes Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I will be very brief.

What I believe this amendment is trying to do and previous amendments tried to do is reach a balance for each taxpayer.

You should not have one district which can take advantage of a situation over another district.

I urge the passage of this amendment. Thank you.

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor, on unanimous consent.

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

I tried very hard to follow the logic of the Representative from Allegheny County, but I failed to do that. I am certainly not asking for any more for my school district or for your school district that rebated taxpayers' money to the taxpayers; I am simply saying they should not be penalized. I am saying that they did what was the intent of this legislature for many years, and just this past year we put it in law and we said, you shall rebate it. Now, because of a court injunction, we again are sitting here many, many hours arguing an issue, only to find ourselves being upstaged once again by the courts. I am saying that people who did not wait for that court decision but went ahead and followed the intent of this legislature were penalized. I am not asking for any more. I am just asking for what every other school district received in interest when they did not comply with our intent. Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

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

NAYS—103

Acosta	Fajt	Lloyd	Rudy
Arnold	Fee	Lucyk	Saloom
Battisto	Freeman	McCall	Scrimenti
Belardi	Gamble	McGeehan	Staback
Belfanti	George	McHale	Steelman
Billow	Gigliotti	McNally	Steighner
Bishop	Gruitza	Majale	Stetler
Blaum	Haluska	Markosek	Stish
Butkovitz	Hanna	Mayernik	Stuban
Caltagirone	Harper	Meljo	Sturla
Cappabianca	Hayden	Michlovic	Surra
Carn	Hughes	Mihalich	Tangretti
Carone	Itkin	Mrkonic	Taylor, F.
Cawley	James	Mundy	Thomas
Cohen	Jarolin	Murphy	Tigue

Colaifella	Kaiser	Olasz	Trello
Colaizzo	Kasunic	Oliver	Trich
Cole	Kosinski	Pesci	Van Horne
Corrigan	Krebs	Petrone	Veon
Cowell	Kruszewski	Pistella	Wambach
Coy	Kukovich	Preston	Williams
DeLuca	LaGrotta	Richardson	Wozniak
DeWeese	Laughlin	Rieger	Wright, D. R.
Daley	Lescovitz	Ritter	
Dermody	Levdansky	Robinson	O'Donnell,
Donatucci	Linton	Roebuck	Speaker
Evans			

NOT VOTING—0

EXCUSED—4

Freind	Josephs	Lee	Petrarca
--------	---------	-----	----------

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

On the question recurring,

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

Mr. MAYERNIK offered the following amendment No. A2428:

Amend Sec. 1 (Sec. 687), page 2, line 22, by removing the period after "BILLS" and inserting
or may use such abatements to reduce or retire outstanding school district indebtedness.

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

SB 6 permits districts to implement the tax abatements in the form of tax credits. Amendment A2428 would state that if a school district has a debt to retire, they may take this money and, instead of using it as a tax credit, they may use it to reduce or retire the outstanding school district indebtedness. I believe it is a commonsense approach of saying, if we owe the money, let us pay it back; let us get rid of the debt. It is something that you and I would do in our own personal lives.

I would ask for an affirmative vote to permit the school districts to help retire their debt with this money instead of—well, it is the taxpayers' debt—instead of giving the money back in a tax credit and then asking for it in taxes. As Mr. Markosek said, a commonsense approach. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the Mayernik amendment is consistent with the intent of SB 6. It provides another reasonable option for school districts to use the extra funds which many of them received last year.

I urge that we approve the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Freind	Josephs	Lee	Petrarca
--------	---------	-----	----------

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—196

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

NAYS—0

NOT VOTING—1

Mrkonic

EXCUSED—4

Freind Josephs Lee Petrarca

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. For the information of the members, there will be no more votes held today. The House will convene in a voting session tomorrow at 11 a.m.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Blood-Mobile is outside the Capitol Annex today from 9 a.m. to 4 p.m. We have to meet a quota of 180 donors to continue our blood bank coverage, so all donors are greatly appreciated.

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

HB 1703, PN 3750 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the jurisdiction of the court regarding testamentary trusts; adding a section providing that documents submitted to the register of wills, except for probate, may be attested to by an affidavit or by a verified statement; broadening the class of property deemed disclaimed when a spouse takes an elective share; avoiding automatic modification of wills and inter vivos conveyances that are made in contemplation of a marriage or divorce; adding a rule of interpretation for wills and conveyances regarding corporate fiduciaries; conforming existing law that a gift to any unfunded trust is valid; adding a chapter relating to contracts concerning succession; providing for notice to beneficiaries and heirs; authorizing personal representatives to make certain temporary investments; allowing fiduciaries to hold certain securities in book-entry form; further providing for notice to parties in interest; further providing for rights and limitations on rights of claimants; authorizing the guardian of the estate of a minor to distribute certain income without court approval; adding the Pennsylvania Uniform Transfers to Minors Act; authorizing the court to exercise all rights and privileges under certain contracts which provide for payments to an incompetent or others after the incompetent's death; authorizing the court to modify the estate plan of an incompetent to reflect changes in applicable tax laws; further providing for the execution, interpretation, effect, form, implementation and operation of powers of attorney; authorizing the court to allow a shorter period of notice to an absentee; providing that as a matter of law divorce revokes any revocable beneficiary designation made in favor of the former spouse; further providing for the annexation of accounts; further authorizing the court to divide trusts; authorizing a bank or trust company to invest their fiduciary accounts in mutual funds which they service; further authorizing the court to grant declaratory relief with respect to certain interests in real property; and making technical changes.

JUDICIARY.

HB 2496, PN 3238

By Rep. COLE

An Act amending the act of April 6, 1921 (P. L. 95, No. 58), referred to as the "Bee Law," increasing criminal penalties; further providing for civil penalties and injunctive relief; and providing for the registration of apiaries.

AGRICULTURE AND RURAL AFFAIRS.

HB 2804, PN 3715

By Rep. COWELL

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for credited school service and for termination of annuities.

EDUCATION.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that SB 1299 be removed from the table and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 1314, PN 1512

An Act authorizing the Department of Transportation, with the approval of the Governor, to acquire a tract of land in Fairview Township, York County, Pennsylvania, for the use of Capital City Airport.

HB 1621, PN 2595

An Act repealing certain obsolete laws relating to Pittsburgh and Allegheny County.

HB 2300, PN 2927

An Act redesignating the South Street Bridge (S.R. 2007) in Luzerne County as The Ellis Roberts Bridge.

VOTE CORRECTION

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

Mr. BUNT. I wish to be recorded as voting affirmative on Mr. Fargo's amendment, A2427.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, June 10, 1992, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:27 p.m., e.d.t., the House adjourned.