

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 26, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 37

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

In this memorial season, O God, we honor and pay tribute to those who have made the supreme sacrifice to preserve the honor and glory of the Stars and Stripes. We thank Thee for all those who have heard the call to serve in the Armed Forces and whose graves are marked in the cemeteries of our land. Heavenly Father, bless all those who have answered the summons to serve in this land of ours in keeping alive for all posterity that land of the free and the home of the brave. O God, keep us ever humble, alert to those to whom we need to pay tribute, and alive to accomplish Thy truth. In Thy blest name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. The approval of the Journal for Tuesday, May 12, 1987, will be postponed unless there be objection, the Journal not yet being in print. The Chair does not hear such objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1370 By Representatives LaGROTTA, KOSINSKI, BELFANTI, MRKONIC, HALUSKA, PISTELLA, MARKOSEK, FISCHER, LASHINGER, MILLER, CORRIGAN, COLAFELLA, MORRIS, MELIO and LINTON

An Act providing a job-creation program for Pennsylvania industry; providing further duties of the Economic Development Partnership; and making an appropriation.

Referred to Committee on APPROPRIATIONS, May 26, 1987.

No. 1371 By Representative GAMBLE

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Public Welfare, to convey to Kirwan Heights Volunteer Fire Department a tract of land situate in Collier Township, Allegheny County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, May 26, 1987.

No. 1372 By Representatives ARTY, RYBAK, TRELLO, R. C. WRIGHT, FARMER, FOX, STABACK, KOSINSKI, LASHINGER, CIVERA, DURHAM, DeLUCA, RITTER, KUKOVICH, PETRONE, HARPER, OLASZ and E. Z. TAYLOR

An Act amending the act of April 27, 1927 (P. L. 465, No. 299), referred to as the "Fire and Panic Act," providing for specialized smoke detectors for the deaf and hearing impaired in lodging houses, hotels and motels.

Referred to Committee on LABOR RELATIONS, May 26, 1987.

No. 1373 By Representatives ARTY, JOSEPHS, TRELLO, D. W. SNYDER, R. C. WRIGHT, PRESSMANN, STABACK, KOSINSKI, LASHINGER, DURHAM, CIVERA, DeLUCA, BELFANTI, KUKOVICH, PETRONE and HARPER

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for health services and reimbursement for health services.

Referred to Committee on EDUCATION, May 26, 1987.

No. 1374 By Representatives McCLATCHY, HAGARTY, FLICK, FOX, NAHILL, LASHINGER, GLADECK, REBER, BUNT, CORNELL, FISCHER, HOWLETT, BOYES, J. L. WRIGHT, MICOZZIE, SEMMEL, CARLSON, NOYE, SIRIANNI, SHOWERS, DISTLER, HERSHEY, KENNEY, JOHNSON, GODSHALL, TRUMAN, WOGAN, JADLOWIEC, SAURMAN, McVERRY, ARTY,

D. W. SNYDER, E. Z. TAYLOR, CESSAR, FARMER, STAIRS, RAYMOND, CIVERA and PHILLIPS

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), known as the "Pennsylvania Urban Mass Transportation Law," further providing for the appropriation for free or reduced fare transit programs.

Referred to Committee on APPROPRIATIONS, May 26, 1987.

No. 1375 By Representative HERMAN

An Act establishing certain criteria for funding of State-related universities.

Referred to Committee on APPROPRIATIONS, May 26, 1987.

No. 1376 By Representatives KENNEY, J. TAYLOR, CARLSON, LASHINGER, REBER, J. L. WRIGHT, O'BRIEN, HERSHEY, JOHNSON, JACKSON, SAURMAN, TRELLO, FOX, R. C. WRIGHT and KOSINSKI

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the operation of vehicles in funeral processions; and providing for the offense of interruption of a funeral procession.

Referred to Committee on TRANSPORTATION, May 26, 1987.

No. 1377 By Representatives GRUPPO, FREEMAN, CLYMER, HAYES, MERRY, D. W. SNYDER, KENNEY, ARGALL, ROBBINS, JADLOWIEC, ANGSTADT, CORNELL, BUNT, SEMMEL, J. TAYLOR, J. L. WRIGHT, REINARD, HECKLER, DIETTERICK, WOZNIAK, LINTON, RITTER, PRESSMANN, RYBAK, TELEK, FISCHER, STAIRS and HAGARTY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sale or illegal use of certain solvents.

Referred to Committee on JUDICIARY, May 26, 1987.

No. 1378 By Representatives MURPHY, KUKOVICH, DOMBROWSKI, VAN HORNE, CALTAGIRONE, HALUSKA, MARKOSEK, DAWIDA, MORRIS, LaGROTTA, O'DONNELL, J. L. WRIGHT, JOHNSON, ANGSTADT, R. C. WRIGHT, LEVDANSKY, YANDRISEVITS, FISCHER, JOSEPHS, HUGHES, HARPER, FOX, PRESSMANN, GEIST, MICOZZIE, WOGAN, TRUMAN, FREEMAN, McHALE, J. TAYLOR, MELIO, PISTELLA, ITKIN, TIGUE, BELARDI, D. W. SNYDER and RITTER

An Act providing housing development financing to municipalities and community development corporations for preservation, rehabilitation and production of housing units; and making an appropriation.

Referred to Committee on APPROPRIATIONS, May 26, 1987.

No. 1379 By Representatives MAIALE, HOWLETT, TIGUE, BATTISTO, KOSINSKI, JOHNSON, PRESTON, WOGAN, COLAFELLA and CORRIGAN

An Act providing for certain arrest powers of Federal agents in cases of State law violations.

Referred to Committee on JUDICIARY, May 26, 1987.

No. 1380 By Representatives MAIALE, HOWLETT and WIGGINS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing penalties for prostitution.

Referred to Committee on JUDICIARY, May 26, 1987.

No. 1381 By Representatives PRESTON, O'DONNELL, RUDY, COY, ARTY, JOHNSON, LASHINGER, HAYDEN, TRUMAN, HAGARTY, CARN, SHOWERS, SWEET, CALTAGIRONE, COWELL, HECKLER, R. C. WRIGHT, LEVDANSKY, YANDRISEVITS, BELFANTI, MICOZZIE, MILLER, RUDY, STABACK, ITKIN, KASUNIC, BELARDI, McVERRY, FATTAH, JOHNSON, KUKOVICH, ACOSTA, BATTISTO, BLAUM, VEON, JOSEPHS, TIGUE, GEIST, MELIO, J. TAYLOR, MICHLOVIC, HARPER, PISTELLA, D. W. SNYDER, RITTER and HUGHES

An Act amending the act of July 22, 1974 (P. L. 589, No. 205), known as the "Unfair Insurance Practices Act," further providing for unfair discriminatory practices in relation to maternity coverage.

Referred to Committee on INSURANCE, May 26, 1987.

No. 1382 By Representatives O'DONNELL, RUDY, COY, PRESTON, ARTY, JOHNSON, LASHINGER, HAYDEN, TRUMAN, HAGARTY, CARN, SHOWERS, SWEET, CALTAGIRONE, HECKLER, DORR, R. C. WRIGHT, LEVDANSKY, YANDRISEVITS, BELFANTI, MICOZZIE, RUDY, STABACK, ITKIN, BELARDI, McVERRY, FATTAH, KUKOVICH, ACOSTA, BATTISTO, BLAUM, VEON, JOSEPHS, TIGUE, GEIST, MELIO, J. TAYLOR, HARPER, PISTELLA, D. W. SNYDER, RITTER and HUGHES

An Act establishing the Family Life Education Board within the Department of Education and providing for its powers and duties; and making an appropriation.

Referred to Committee on EDUCATION, May 26, 1987.

No. 1383 By Representatives RUDY, O'DONNELL, COY, PRESTON, ARTY, JOHNSON, LASHINGER, HAYDEN, TRUMAN, HAGARTY, CARN, SWEET, CALTAGIRONE, HECKLER, LEVDANSKY, YANDRISEVITS, BELFANTI, MICOZZIE, STABACK, ITKIN, BELARDI, FATTAH, KUKOVICH, ACOSTA, VEON, JOSEPHS, TIGUE, GEIST, MELIO, J. TAYLOR, MICHLOVIC, HARPER, PISTELLA, D. W. SNYDER, RITTER and HUGHES

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for the authority to operate or contract for day care services.

Referred to Committee on EDUCATION, May 26, 1987.

No. 1384 By Representatives GEORGE, LEVDANSKY, LUCYK, FREEMAN, BELARDI, MORRIS, RYBAK, HALUSKA, BLAUM, JACKSON, CARLSON, DORR, TELEK, YANDRISEVITS, FOX, STAIRS, MRKONIC, STABACK, OLASZ and DeLUCA

An Act requiring certain signs on vehicles carrying waste to landfills within this Commonwealth.

Referred to Committee on CONSERVATION, May 26, 1987.

No. 1385 By Representatives HASAY and HUTCHINSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for antique vehicles; and providing for collector vehicles.

Referred to Committee on TRANSPORTATION, May 26, 1987.

No. 1386 By Representatives HASAY, HUTCHINSON and MAYERNIK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for additional red blinking lights on the sides of school buses.

Referred to Committee on TRANSPORTATION, May 26, 1987.

No. 1387 By Representatives GEORGE, COHEN, GLADECK, WOZNIAC, YANDRISEVITS, JOSEPHS, TRELLO, HALUSKA, LASHINGER, MORRIS, GRUPPO, KOSINSKI, STABACK, BOYES and STUBAN

An Act placing a moratorium on the issuance of permits for certain waste incinerators.

Referred to Committee on CONSERVATION, May 26, 1987.

No. 1388 By Representatives LANGTRY, BURD, BOOK, FARMER, McVERRY, DISTLER, NOYE, ARTY, TRELLO, FOX, HALUSKA, SEMMEL, DeLUCA, CLYMER, KENNEY, FARGO, CIVERA, MAIALE, HOWLETT, VEON and E. Z. TAYLOR

An Act providing for the establishment, licensing and operation of personal care facilities; and imposing powers and duties on the Department of Health.

Referred to Committee on HEALTH AND WELFARE, May 26, 1987.

No. 1389 By Representative WILSON

An Act Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for limitation on automobile insurance premium increases.

Referred to Committee on TRANSPORTATION, May 26, 1987.

No. 1390 By Representatives WOZNIAC, McHALE, RYBAK, STABACK, YANDRISEVITS, BLAUM, PISTELLA, LaGROTTA, PRESSMANN, DIETTERICK, RAYMOND, BUNT and FREEMAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for child passenger protection.

Referred to Committee on TRANSPORTATION, May 26, 1987.

No. 1391 By Representatives DIETTERICK, MRKONIC, BELARDI, CAWLEY, STABACK, TIGUE, BLAUM, SERAFINI, HASAY, SIRIANNI, BIRMELIN, DISTLER, ROBBINS, S. H. SMITH, HERMAN, JADLOWIEC, CHADWICK, LEH, FARMER, JAROLIN, HECKLER, STUBAN, BATTISTO, HESS, STEVENS, ARTY, CORRIGAN, FOX, TRELLO, SCHULER, BOOK, NAHILL, PUNT, FARGO, JACKSON, ANGSTADT, NOYE, BELFANTI, HALUSKA, CLYMER, FISCHER, CIMINI, McHALE, BUNT, BOWSER, LaGROTTA, MELIO, SHOWERS, WASS, FLICK, RAYMOND, McVERRY, MORRIS, ROBBINS and CARLSON

An Act authorizing the Department of Military Affairs to establish and maintain an additional home for military veterans.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, May 26, 1987.

SENATE BILLS FOR CONCURRENCE

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

SB 56, PN 976

Referred to Committee on PROFESSIONAL LICENSURE, May 26, 1987.

SB 137, PN 911

Referred to Committee on CONSERVATION, May 26, 1987.

SB 154, PN 596

Referred to Committee on EDUCATION, May 26, 1987.

SB 345, PN 369

Referred to Committee on MINES AND ENERGY MANAGEMENT, May 26, 1987.

SB 514, PN 567

Referred to Committee on LOCAL GOVERNMENT, May 26, 1987.

SB 666, PN 912

Referred to Committee on APPROPRIATIONS, May 26, 1987.

SB 747, PN 925

Referred to Committee on FINANCE, May 26, 1987.

**HOUSE RESOLUTIONS
INTRODUCED AND REFERRED**

No. 111

(Concurrent) By Representatives HAYES, MORRIS, SHOWERS and BARLEY

Urging the Governor to establish a Commission on Education in Agriculture to study existing programs and policies concerning education in agriculture.

Referred to Committee on RULES, May 26, 1987.

No. 112 By Representatives DeLUCA, DAWIDA, TRELLO, GLADECK, CHADWICK, MARKOSEK and MAYERNIK

Urging the Governor to issue an Executive order to restrict smoking in State buildings.

Referred to Committee on RULES, May 26, 1987.

No. 113 By Representatives SAURMAN, MARKOSEK, COWELL, MAYERNIK, FOX, MOWERY, HECKLER, FOSTER, BATTISTO, ARTY, WAMBACH and CESSAR

Providing for the appointment of a nine-member special bipartisan committee to investigate sentencing of persons convicted of driving under the influence of alcohol or controlled substances.

Referred to Committee on RULES, May 26, 1987.

No. 114 By Representative JOHNSON

Memorializing the Governor to proclaim June 20, 1987, as "Pennsylvania Jugglers' Day."

Referred to Committee on RULES, May 26, 1987.

No. 115 By Representative KUKOVICH

Urging the Commission on Crime and Delinquency to conduct a study on postpartum depression.

Referred to Committee on RULES, May 26, 1987.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Fee. Do you have any requests for leaves of absence?

Mr. FEE. Yes, Mr. Speaker. The gentleman from Luzerne, Mr. TIGUE, for the week; the gentleman from Allegheny, Mr. MURPHY, for the week; and the lady from Philadelphia, Mrs. HARPER, for the week.

The SPEAKER. The leaves are granted, absenting an objection. The Chair hears no objection.

The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Lancaster County, Mr. SCHEETZ, for the day; the gentleman from Lebanon County, Mr. JACKSON, for the day; the gentleman from Delaware County, Mr. GANNON, for the day.

The SPEAKER. The leaves are granted, absenting an objection. The Chair hears no objection.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—191

Acosta	Dorr	Leh	Rieger
Angstadt	Duffy	Lescovitz	Ritter
Argall	Dürham	Letterman	Robbins
Arty	Evans	Levdansky	Roebuck
Baldwin	Fargo	Linton	Rudy
Barley	Farmer	Livengood	Ryan
Battisto	Fattah	Lloyd	Rybak
Belfanti	Fee	Lucyk	Saloom
Birmelin	Fischer	McCall	Saurman
Black	Flick	McClatchy	Schuler
Book	Foster	McHale	Semmel
Bortner	Fox	McVerry	Serafini
Bowley	Freeman	Maiale	Seventy
Bowser	Freind	Maine	Showers
Boyes	Gallen	Manderino	Sirianni
Brandt	Gamble	Manmiller	Smith, B.
Broujos	Geist	Markosek	Smith, S. H.
Bunt	George	Mayernik	Snyder, D. W.
Burd	Gladeck	Melio	Snyder, G.
Burns	Godshall	Merry	Staback
Bush	Gruppo	Michlovic	Stairs
Caltagirone	Hagarty	Micozzie	Steighner
Carlson	Haluska	Miller	Stevens
Carn	Hasay	Moehlmann	Stuban
Cessar	Hayden	Morris	Sweet

Chadwick	Hayes	Mowery	Taylor, E. Z.
Cimini	Heckler	Mrkonic	Taylor, F.
Civera	Herman	Nahill	Taylor, J.
Clark	Hershey	Noye	Telek
Clymer	Hess	O'Brien	Trello
Cohen	Honaman	O'Donnell	Truman
Colafella	Howlett	Olasz	Van Horne
Cole	Hughes	Oliver	Veon
Cornell	Hutchinson	Perzel	Vroon
Corrigan	Itkin	Petrarca	Wambach
Cowell	Jadlowiec	Petrone	Wass
Coy	Jarolin	Phillips	Weston
DeLuca	Johnson	Piccola	Wiggins
DeVerter	Josephs	Pievsky	Wilson
DeWeese	Kasunic	Pistella	Wogan
Daley	Kennedy	Pitts	Wozniak
Davies	Kenney	Pressmann	Wright, D. R.
Dawida	Kosinski	Preston	Wright, J. L.
Deal	Kukovich	Punt	Wright, R. C.
Dietterick	LaGrotta	Raymond	Yandrisevits
Dininni	Langtry	Reber	
Distler	Lashingner	Reinard	Irvis,
Dombrowski	Laughlin	Richardson	Speaker
Donatucci			

ADDITIONS—5

Belardi	Cappabianca	Cawley	Gruitza
Blaum			

NOT VOTING—0

EXCUSED—6

Gannon	Jackson	Scheetz	Tigue
Harper	Murphy		

LEAVES CANCELED—1

Gannon

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 9, PN 1586 (Amended)

By Rep. COWELL

An Act promoting the development of programs to prevent students from dropping out of school.

EDUCATION.

HB 452, PN 490

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing limited Pennsylvania Fair Campaign funding of certain Statewide elections; limiting certain contributions; imposing powers and duties on the Department of State; and providing penalties.

STATE GOVERNMENT.

HB 547, PN 597

By Rep. OLIVER

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," making provision for children to accompany electors into polling places and into voting compartments or voting machine booths.

STATE GOVERNMENT.

HB 618, PN 1587 (Amended)

By Rep. OLIVER

An Act requiring that trucks delivering gasoline, diesel fuel or kerosene and storage tanks receiving such fuels be equipped with certain devices; and providing penalties.

STATE GOVERNMENT.

HB 926, PN 1588 (Amended)

By Rep. OLIVER

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; establishing the Cultural Heritage Board and prescribing its powers and duties; imposing duties on local political subdivisions of this Commonwealth; authorizing the creation of local cultural heritage authorities; providing for cultural heritage project areas; and making an appropriation.

STATE GOVERNMENT.

HB 1183, PN 1347

By Rep. OLIVER

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," removing limits on Energy Development Authority indebtedness.

STATE GOVERNMENT.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Erie, Mr. Cappabianca's name will be added to the master roll.

COMMITTEE APPOINTED

The SPEAKER. This is to announce to Mr. Colafella that I have appointed him this day as the chairman of the select committee to investigate alcohol abuse in State colleges and universities pursuant to HR 86 of 1987. The other members of the committee are Chaka Fattah, Stanley Jarolin, Edward Wiggins, Frank LaGrotta, Harold Mowery, George Saurman, Merle Phillips, and Jerry Birmelin.

The clerk will file the appointments.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Lackawanna, Mr. Cawley's name will be added to the master roll.

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House the son of Representative Connie Maine, Tuan Nguyen-Ngoc. Will you please rise, Tuan. Welcome to the hall of the House.

To the left of the Speaker we have a distinguished group of young men from Vision Quest. Paul Davis and Bryn Davis are the seniors here along with their baby. Will you please rise. Pat Ziems is here, Tony Bruneau, Dwayne Buckner, Troy Paulin, Vicque Rondeau, and Frank Wareham. They are all to the left of the Speaker. Please stand. Welcome to the hall of the House. We are delighted to have you here.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 83, PN 1516.

* * *

The House proceeded to second consideration of **HB 40, PN 43**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, allowing special tax exemptions for homestead property.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 40 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 524, PN 1511**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, expanding a category of authorized investments.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 524 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

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

HB 1006, PN 1108.

* * *

The House proceeded to second consideration of **HB 1010, PN 1112**, entitled:

An Act permitting deposits of moneys of the Commonwealth and its political subdivisions into thrift institutions.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1010 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1140, PN 1512**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," providing for voluntary contributions to the United States Olympics Committee, Pennsylvania Division and making a repeal.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1140 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

The House proceeded to second consideration of **HB 1141, PN 1289**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," changing the definition of "average net income" for purposes of the capital stock tax.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 1141 be recommitted to the Committee on Appropriations for a fiscal note.

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

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin. Do you wish to announce a caucus?

Mr. ITKIN. Mr. Speaker, since the minority party has requested a caucus and since we have an agenda of bills to caucus on later this afternoon, I am going to suggest that the Democrats go into caucus now during this recess period, and we will handle our legislative matters at this time.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye. Do you have a request for caucus?

Mr. NOYE. Yes, Mr. Speaker.

I would like the members of the Republican Caucus to come to the caucus room immediately. It is going to be a very brief caucus, but there are one or two amendments that we do want to cover and I think all of you ought to be there to discuss them. So we will caucus immediately.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

It is going to be that kind of a day apparently.

Mr. MANDERINO. We are in trouble, Mr. Speaker.

Mr. Speaker, there are two bills that are scheduled for today's session, among whatever else may be on the calendar, having to do with fair share or agency shop, however you might look at the bills. My understanding is that the Appropriations Committee has received requests for fiscal notes on a number of amendments to both bills. The majority leader's office has one amendment scheduled for one of the bills. I would request that every member who has an amendment inform the majority leader's desk that amendments will be offered and the nature of those amendments, because we are going to run the bills and we would like to put in some order the amendments that are being offered. So anyone who has amendments should inform the majority leader's desk of the amendments and the author of the amendments and give us a copy of the same. We can hardly go to caucus to even look at amendments that we have not been informed of.

The SPEAKER. The Chair recognizes the minority leader. Do you have any statement before caucus?

Mr. RYAN. I was wondering, Mr. Speaker, how Mr. Manderino managed to break the equipment of the House.

The SPEAKER. It looks like it is going to be that kind of a week.

Mr. RYAN. Mr. Speaker, we, of course, for the same reasons stated by the others, would like a perfect attendance at our caucus. It will not be long, but it will be important. Thank you, Mr. Speaker.

The SPEAKER. The Chair reiterates the request of the majority leader. If you have amendments to be offered to SB 169 or SB 291, make sure that each caucus has a copy of that amendment, and if your amendment requires a fiscal note,

make certain that the chairman of the Appropriations Committee has that request. That will speed up the material movement on the floor of the House.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky. Do you wish to make an announcement?

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a brief meeting of the Appropriations Committee at the rear of the chamber immediately upon the call of the recess.

RECESS

The SPEAKER. Is it agreeable to both leaders on the floor that we recess until 2 p.m.? Is 2 p.m. satisfactory?

The House will stand in recess until 2 p.m.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE

HB 456, PN 1589 (Amended)

By Rep. PIEVSKY

An Act amending the act of March 30, 1811 (P. L. 145, No. 99), entitled "An act to amend and consolidate the several acts relating to the settlement of the public accounts and the payment of the public monies, and for other purposes," authorizing deferred compensation programs for officers and employees of the Commonwealth and political subdivisions; and authorizing the payment of certain commissions.

APPROPRIATIONS.

HB 783, PN 853

By Rep. PIEVSKY

An Act amending the act of July 9, 1984 (P. L. 676, No. 145), known as the "Information Technology Education Act," extending the operation of the act.

APPROPRIATIONS.

SB 315, PN 686

By Rep. PIEVSKY

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), entitled, as amended, "The Fourth to Eighth Class County Assessment Law," further providing for appeals.

APPROPRIATIONS.

WELCOME

The SPEAKER. Marita Martin and Becky Lehman of the Elizabethtown Area Middle School are serving as guest pages today. They have their classmates in the gallery: Julie Bouchard, Jason Wolgemuth, Jennie Olweiler, Natalie Eckert, Kris Stauffer, Jen Murphy, Danielle Mertz, and Kay Smith. Their adviser is James Appleby. Welcome to the hall of the House.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The gentleman from Lackawanna, Mr. Belardi's name and the gentleman from Luzerne, Mr. Blaum's name will be added to the master roll.

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien. Why do you rise?

Mr. O'BRIEN. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. O'BRIEN. Mr. Speaker, I, along with other members of this House, received a memo that was circulated through the House Post Office, and it was criticizing the Pennsylvania Supreme Court. My point of order, Mr. Speaker, is, how does a memo gain access through the House Post Office if a member does not sign off on it? There was no name on that memo, Mr. Speaker.

The SPEAKER. Mr. O'Brien, the Chair cannot answer that. The Chair has not seen the memo, but if the gentleman will send a copy of the memo to the Chair, the Chair will find out how it got there. It did not go there with the authorization of the Speaker.

Mr. O'BRIEN. I know that, Mr. Speaker. My point is that I do not believe that any memo should be circulated through our House Post Office if the member does not have the courage to put his or her name on that memo.

The SPEAKER. The Chair absolutely agrees with you. Do you have a copy of the memo?

Mr. O'BRIEN. I will send it up to the Chair.

The SPEAKER. Send it to the Chair, please.

Mr. O'Brien, the Chair has inquired of the Chief Clerk, John Zubeck. No memo ought to be in the post office without a member's name on it. That is the rule. This is a violation of the rule. The Chief Clerk did not know it personally but he is checking with his staff to see how it happened. We will advise you when we know better. We do not know any more than that.

CALENDAR CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 291, PN 956**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for the powers and duties of the State Board of Education; requiring certain public employees to pay a fair share fee; and providing for objections to payment of a fair share fee; and also amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring school employees to pay a fair share fee; and providing for objections to payment of a fair share fee.

On the question,

Will the House agree to the bill on third consideration?

Mr. PUNT offered the following amendment No. A1089:

Amend Sec. 2 (Sec. 2215), page 22, by inserting between lines 17 and 18

(d.1) The fair share fees obtained from nonmembers shall be placed in a separate account by the exclusive representative. These fees shall be used only to represent nonmembers in grievance proceedings, contract negotiating, collective bargaining and other matters directly related to work-related representation. No moneys from this fund shall be used for any other purpose. These funds shall be audited by the Auditor General to insure that the restrictions of this section are met. The Auditor General shall also determine the actual cost of the representation to nonmembers. The Auditor General shall present a report to the General Assembly, not later than March 1 of each year, indicating the findings of its audits required by this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Mr. Speaker, my amendment would require that all moneys assessed on nonmembers would be placed into a separate account. It would further direct that in assessing these fees we would include the costs for grievance proceedings, contract negotiation, and collective bargaining. It would require the moneys to be placed into a separate account and audited by the Auditor General, which would insure that the restrictions of this section are met. The Auditor General would also determine the actual cost of the representation to nonmembers. And finally, the Auditor General will present a written report to the General Assembly with the findings of its audits no later than March 1 of each year.

The SPEAKER. The Chair thanks the gentleman.

On the Punt amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, as we consider SB 291, we are going to have presented to us a series of amendments that have no purpose other than to simply sabotage this legislation. And so the issue is really, as we consider the Punt amendment and subsequent amendments, whether you are for the principles embodied in SB 291 or whether you want to oppose them.

Specifically in terms of the amendment before us now, I would object to it on two major principles. One, there is an unspecified yet, I suspect, a very large cost to the Commonwealth as we have the Auditor General perform the functions that are outlined in this amendment. We ought to ask for a fiscal note. That would be appropriate. It has not been prepared as far as I know, but I do not want to delay the process.

We simply ought to defeat this amendment because we ought not to ask the Auditor General to engage in this kind of activity. There would be a very large cost to the Commonwealth, which the maker of the amendment does not address, but more importantly, for the first time if we adopt this amendment we will put State Government, we will put the Auditor General in the business of auditing unions in this Commonwealth, something that we do not do, something that I do not think we want to begin to do with the adoption of this

amendment. I therefore urge that we defeat the Punt amendment.

The SPEAKER. On the Punt amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly. The gentleman, Mr. Cowell, has stated the question properly. This is an attempt, as many of the amendments that I have seen this afternoon will be an attempt, to not only weaken the bill but eventually defeat the purpose that the bill before us would serve. But pointedly, I would like to make the point that "agency shop" are not new words across this Commonwealth nor across these United States, and what the moneys can be used for when collected from a union member has been delineated very finely already by the courts. So what the money can be used for has already been defined to protect the individual making the payment.

Mr. Speaker, what we would do in this amendment should we adopt it is establish a whole new list of criteria which may or may not be part of the present law, may or may not be constitutionally required, and which will just start and engender a whole new set of definitions which must be made by the court in order to determine what the law really is; what is permissible; what is not permissible. We already know, because there are agency shop contracts in effect all over the Commonwealth, all over the United States, and the courts have determined, especially in Pennsylvania, what the money can be used for that is collected from a nonmember. Let us leave it that way. The body of law exists. Let us not put new words and new phrases into the law to confuse the issue.

I ask for a negative vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I wonder if the gentleman, Mr. Manderino, would consent to a brief period of interrogation.

The SPEAKER. Mr. Manderino will stand for interrogation. You are in order, and you may proceed, Mr. Ryan.

Mr. RYAN. Mr. Speaker, the gentleman mentioned two things that, frankly, I do not know the answers to. I am sure that if I ask around, I could find out, but I thought I would save time.

The gentleman said that there are agency shops throughout this Commonwealth now. Is he referring to government employees belonging to—

Mr. MANDERINO. No. Private contracts, Mr. Speaker.

Mr. RYAN. I am sorry?

Mr. MANDERINO. Private contracts; industry. You know, over 30 percent of our work force was unionized in the past, and most of those union contracts had agency shop requirements in them.

Mr. RYAN. The other thing that the gentleman said that struck me that I did not know the answer to either is that the courts have clearly delineated what these moneys can be used for. I assume you are talking about those situations where the law is silent as to checkoffs for this and checkoffs for that. There are all different ways, are there not, Mr. Manderino, that agency shop works?

Mr. MANDERINO. Yes, Mr. Speaker.

The main concern of many of the cases has to do with political activity used with the members' moneys, and that has been clearly written out. It is not allowed, and there are other things that are not allowed. I am not an expert on what the law has defined, but I know that agency shop has been in the courts for definition of the use of members' moneys many times. There is a body of law indicating what the money can be used for, and the individual and his individual rights have always been protected by the courts in those decisions as constitutionally required, Mr. Speaker.

Mr. RYAN. Mr. Speaker, but the next question I would like to ask the gentleman—and it may be, in light of his earlier remarks, that he is going to suggest perhaps yielding to someone—my question is, would you tell us what the courts have said with respect to the use of these fees, if you will, that are collected into the coffers of the union, paying particular attention to political use of the funds for collections, for political activities, for donations to candidates. Does the individual member say I want my money to go to Ryan or I want my money to go to Manderino, or does someone in one of these silent halls somewhere make that decision for each of the members?

Mr. MANDERINO. Mr. Speaker, my understanding is—and my understanding may be the best understanding that we have in the House here today—but my understanding is that the Supreme Court has held that a nonunion employee has the right to prevent the union from spending part of their required service fees to contribute to political candidates and to express political views unrelated to its duties as exclusive bargaining representative. Mr. Speaker, that choice is up to the nonmember employee who must pay the fee.

Mr. RYAN. Am I to understand then that if this bill becomes law and I am at the moment a nonunion member but working at the liquor store and now I am going to be forced to pay dues, I can say I do not want my dues to be used for political purposes. Is that fair?

Mr. MANDERINO. Yes, Mr. Speaker, and there is a procedure in the bill where it is spelled out, and that is why, in part, this amendment duplicates some of the safeguards that are already in the bill; in part.

Mr. RYAN. Mr. Speaker, I think you and I are struggling together through this bill a little bit, so maybe this exercise will help everyone. I know it is going to help me.

Mr. MANDERINO. Will it help you vote for the bill on final passage?

Mr. RYAN. Well, if you convince me that this is really good, yes, indeed I will. I am sure that we have some amendments here that could put it into a position that we could vote "yes" for.

Mr. MANDERINO. I think if I would measure my chances of doing that, Mr. Speaker, I might as well save my words at the microphone.

Mr. RYAN. Oh, no, do not be a defeatist.

Mr. Speaker, would you tell us less enlightened members of the legislature how this is going to work. Let us arbitrarily say

that we will use \$100 a year for the fee so that we can take a look at this. Today a full-fledged member of the union pays \$100, and in that \$100 a portion of it is used for political activities with the permission of the union member. Let us arbitrarily say 10 percent of it is used for outright political contributions. Tell me what is going to happen after this bill becomes law to the guys who were not members of that union.

Mr. MANDERINO. Mr. Speaker, let me refer you to page 22 of the bill beginning with subsection (E) where the objection can be made by the employee, and it continues not only with the balance of page 22 but all of page 23 and thereafter explaining how the bill will work. Now, if you are less enlightened because you have not read those sections of the bill, I would suggest that you read those sections of the bill first.

Mr. RYAN. We will need another break for me to read all this. I thought you were going to explain it to us.

Mr. Speaker, again with the gentleman, Mr. Manderino. The gentleman, Mr. Manderino, has said that the Supreme Court and other courts, I suppose, have passed on this and that it is settled law as to what takes place. Is the law settled as to what takes place on a bill such as the bill as is before us today?

Mr. MANDERINO. The bill that is before us today generally follows the agency shop principles as they have been established. Yes, Mr. Speaker.

Mr. RYAN. Now, Mr. Speaker, at this time last year, and I arbitrarily say "at this time"; I do not really remember just when it was, but we had an agency shop bill before us, and that particular bill called for agency shop only after collective bargaining, as I recall. So they do differ.

Mr. MANDERINO. The bills obviously differ. Yes, Mr. Speaker.

Mr. RYAN. Would you categorize this one as a strong, strong union bill, agency shop bill?

Mr. MANDERINO. Mr. Speaker, the main difference, except for taking into consideration any decisions that have been made by the courts on agency shop since the bill that we passed by a comfortable majority in the House, the main difference, Mr. Speaker, in this bill as I would interpret it would be the mandatory nature of the bill in ordering that agency shop will become the law of the Commonwealth.

Mr. RYAN. Thank you.

Mr. Speaker, may I make a brief comment on the amendment?

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

Mr. RYAN. Mr. Speaker, I think this whole agency shop bill is a very difficult area of the law. It frankly goes against my grain when I hear that I am being forced into a union that perhaps I do not want to be a member of. The bill, as I understand it, is going to do just that, assuming it becomes law.

Now, AFSCME (American Federation of State, County, and Municipal Employees), or rather this particular bill deals with governmental unions. This particular bill deals with governmental payrolls, because all of this money is tax generated, taxpayer generated. These are funds paid by the taxpayers to

government, then passed on to the union member. I see no reason why we should fear the Auditor General getting involved in auditing funds that really came from the taxpayer working for this government. Why should not the Auditor General make such audits and determine the percentages of expenditures in each case? It varies from union to union, I am told. I wonder what the opponents of this amendment are afraid of. Why should they be afraid of Auditor General Bailey? Now it will be interesting to see who is afraid of the Auditor General. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Mr. Speaker, Mr. Ryan in his broad, sweeping raising of questions raised the question of political contributions. This bill has nothing whatever to do with political contributions. Under Federal law, applicable to all unions, whether public sector or private sector unions, union dues cannot be used for political contributions. Political contributions have to be raised separately from members, and any member who does not want to make a political contribution does not have to. That is all Federal law. That has nothing whatever to do with the passage of this bill, nor does it really have anything to do with this amendment.

The basic inherent assumption of this amendment is that nonmembers are totally separate people and they have totally separate interests from members, and that assumption is totally false. Nonmembers are members of the same work classifications as members are. There is no practical way that a union can only spend money to benefit nonmembers. The interests of nonmembers are identical. If a worksite in any governmental agency in Pennsylvania has 10 different job classifications, there will be members and nonmembers in each of the 10 different classifications. So there will be no way to see whether a union is negotiating on behalf of nonunion members in classification A or nonunion members in classification B, because nonunion members hold the same interests as union members in each classification.

This amendment ought to be defeated because it makes no sense, and the arguments that have been raised against it implying that political contributions have something to do with either this amendment or this bill are totally without foundation. I would therefore urge defeat of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Punt, stand for a question?

The SPEAKER. The gentleman indicates he will so stand. You are in order, and you may proceed, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Can you tell me how it is feasible for the Auditor General to determine what funds were actually spent as far as the three criteria that you are asking them to look at, how they would actually audit that? Is it possible at all to do accurately?

Mr. PUNT. Mr. Speaker, it has to be determined somehow, because in the language of the legislation, the union will determine what that cost is. That information, I would imagine,

would be made available to the Auditor General. The Auditor General would review that information and determine if that in fact is an accurate assessment determination or not.

Mr. PRESTON. Since you wrote the amendment—and again I am going to ask the question maybe a different way—have you checked at all to see if it is possible for them to audit it?

Mr. PUNT. Mr. Speaker, I cannot hear you.

Mr. PRESTON. Have you checked on your amendment to see if it is possible for the Auditor General or anyone else to come up with an accurate figure?

Mr. PUNT. I did not contact the Auditor General, but I did not contact the union, which is stated in the bill. They will determine this cost.

Mr. PRESTON. Have you contacted anybody to see if it is possible to audit this, to come up with an accurate figure?

Mr. PUNT. I just answered your question.

Mr. PRESTON. Well, can anybody else?

You did not answer my question, sir. What I wanted to know is this: Emphatically, is it possible to audit—can someone from the staff advise you—is it possible, yes or no, to audit your amendment, and what would be the cost to the Auditor General's office? Can you give me a figure at all?

The SPEAKER. Is the gentleman still interrogating Mr. Punt? Mr. Punt says he cannot answer that question.

Mr. PRESTON. Can the minority leader answer my question, since he spoke so worldly of it.

The SPEAKER. Will the gentleman, Mr. Ryan, stand for interrogation?

Mr. RYAN. Yes.

Would the gentleman be kind enough to ask the question again.

Mr. PRESTON. It states here that the funds must be used for grievance procedures, contract negotiations, and collective bargaining, and it also asks that the Auditor General audit these. My question simply is this: Is it possible to determine, whether or not it is the Auditor General or another entity that we would direct to audit to see if these funds were spent appropriately, if it is possible in any reality to actually audit and come up with how these figures are actually spent? Can you tell me that or can someone on your staff tell you if it is possible and tell me how?

Mr. RYAN. I do not really know that I can answer that or not. I can suggest that our staff people believe that an audit is absolutely necessary, because if it is not done by the Auditor General, it will have to be done by the courts. In other words, one of the things that bothered me about what Mr. Cohen had to say is on page 22 under (E)(1). Apparently expenditures are made for partisan political or ideological purposes not germane to collective bargaining; otherwise, why would you get out of them? These are the type things that have to be audited by the Auditor General or someone else or the courts have to do it.

Mr. PRESTON. Mr. Speaker, are you telling me that your staff is telling you that it is possible for them to audit these three sections specified in the amendment? Are they telling you that, yes or no?

Mr. RYAN. Can you audit this or not? Of course you can audit it. You can audit anything if you have enough money.

Mr. PRESTON. So your staff is telling you it is possible. Can they tell you to inform me how it is actually possible?

Mr. RYAN. Well, if it cannot be audited, then we are in big, big trouble, because it means that there is a license for anyone to spend anywhere they want for any purpose, which some people would love to be able to do, and not be subject to audit. Now, that is absolutely ridiculous. If there is an expenditure of money, there has to be a capability of auditing it, and that is what we are saying in Mr. Punt's amendment, that the Auditor General of Pennsylvania have an opportunity to audit the expenditure of these moneys, and if he cannot do it, then he ought to be out of office. And I am not suggesting that he cannot do it; you are.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the amendment, please?

The SPEAKER. The gentleman may proceed.

Mr. PRESTON. You know, this is a shame. We are going to sit down here and be fooled by someone speaking who cannot come up with accurate figures on how it is possible. I would hate to be advised by anyone who would tell me to vote against something and they cannot even tell you how it can be done. I think this is an embarrassment, and I think that this amendment does not hold credence, because, you see, it is not the person that is within the union; it is the job that is covered by the union. The law states that the job must be represented, and because the slot is full or whether there is a person actually in that job slot or not, the union has to negotiate for that job position. They must also have grievances for that job position whether there is a name in there or not. And I would not be fooled by the advice that you heard, because you did not hear an answer. Once again we are being misled by the minority leader, and I think we should vote "no" on this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. If this gentleman thinks that I am misleading him, it is only because he does not listen or he has a very suspicious mind. There is a United States Law Week Report that was just called to my attention saying that it is the unions that have the obligation of showing this because they are the ones with the information, and I go a step further and say that this is the kind of thing that has to be audited. If you are not satisfied that the Auditor General of Pennsylvania is qualified to audit some union expenditures, how in the name of God is he qualified then in auditing 12 billion dollars' worth of taxpayers' money? I mean, that is ludicrous. This is duck soup for him to go out and audit a couple of unions like these if they are doing their jobs right. If they are hiding things, then it is going to take a little longer, and I think Mr. Bailey could do it.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The gentleman from Mercer, Mr. Gruitza's name will be added to the master roll.

CONSIDERATION OF SB 291 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Preston, for the second time on the amendment.

Mr. PRESTON. Thank you, Mr. Speaker.

Again, we are being fooled. Very simply, as I stated, it is the job title, the position slot, that is being represented, not the entity of a name or of a person. And I did not say anything just about the Auditor General; I asked, can he describe as far as whoever we decide would audit these jobs?

Again, I think that the staff is misleading him, because they are not justifying it, and I think we ought to vote "no" on the amendment. We are adding the taxpayers, who pay an awful lot of money. Whether, again, the slot is vacant or filled, the union must represent that slot, and it is not an individual that we are talking about. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, for the second time on the amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I simply want to remind our colleagues of a couple of points. This amendment would for the first time have government auditing unions. The question was raised, what do the unions have to hide? It was suggested we are talking about taxpayers' money. We are not. We are talking about dollars that men and women who happen to be public employees have earned. It is not the taxpayers' money. It belongs to the employees, and that is what is at stake. We are not talking about protecting taxpayers here.

Secondly, it has been suggested that we need to be concerned about the use of dollars for political purposes. I remind you what Representative Cohen suggested - State law already prohibits the use of union dues for political contributions. The language that Representative Ryan referred to on one particular page of the bill simply deals with the soft money, if you will, the political education money. That is where a union endorses Representative Ryan and communicates with its members that they have in fact endorsed Representative Ryan. There is protection in the bill so that a member or a person who chooses not to become a member but is subject to the fair share fee can in fact object to the use of his or her dollars for that purpose, and there are procedures and other protections provided for by court decision and spelled out in this particular bill that deal with those particular protections.

This legislation was carefully drafted. It is predicated on a series of court decisions. There is language in the bill itself that makes reference to those court decisions and insures that a constitutional procedure must be established to protect the rights of the employee who would be subject to the fair share fee but who may in fact have some objections for any of those dollars being used for political, ideological, or religious purposes. But those protections are already spelled out in the bill.

I would urge that we defeat this amendment, which is only intended to sabotage the legislation.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman consent to a brief period of interrogation?

The SPEAKER. Mr. Cowell indicates he will stand for interrogation. You may proceed.

Mr. RYAN. If I said that the auditing of these funds is important to me, could you say that it is already going to be on file anyway? It is already going to be reported?

Mr. COWELL. I am sorry. I do not understand the question.

Mr. RYAN. Take a look at page 24. Let me read (K): "Every statewide employe organization required to submit a report under title II of the Labor-Management Reporting,..." blah, blah, blah, of the Federal law, "shall make available a copy...to the Secretary of Labor and Industry."

At first blush, as I read this bill, I said to myself, ho ho, we have these things being filed anyway.

I am told that a State employees union does not have to file under the Federal act. Do you know if that is true?

Mr. COWELL. I do not know if that is true.

Mr. RYAN. Well, the best advice I get is that it is true, and then my own comment is that this section (K) is some kind of red herring that the author threw in to throw some of us off the track. I refer to a Supreme Court case saying that public sector unions are not subject to the disclosure requirements of the Labor-Management Reporting and Disclosure Act, and I am curious as to why this section is in the bill. Can you answer that?

Mr. COWELL. Mr. Speaker, I do not know why it is in other than to insure that if a statewide employee organization is required to submit the reporting question, that in fact such a report will be made available to the Secretary of Labor and Industry. I think the language speaks for itself.

Mr. RYAN. Thank you.

Will the gentleman, Mr. Cohen, advise me as to whether or not an AFSCME labor union is required to file under the Federal act as shown on page 24?

The SPEAKER. Just a moment, Mr. Cohen.

We are going to have to quiet down. Mr. Cohen has to hear the question before he can attempt to answer it.

Did you hear the question, Mr. Cohen?

Mr. COHEN. Mr. Speaker, I heard the question.

The SPEAKER. The gentleman may proceed.

Mr. COHEN. Mr. Speaker, to the best of my knowledge, AFSCME locals are required to report under the Federal act. There is a book that comes out once a year or once every 2 years put out by the U.S. Department of Labor which lists union locals throughout the United States that are required to make reports, and AFSCME is among those that are required.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, would you ask, while we are debating all these things, would you have one of your staff people check that out? I have had that checked out, and I am told that, to quote, "absolutely they are not required to file under the Federal labor laws." I believe this is deceptive putting this in here. Now, if you can call one of your staff guys who says that

that is inaccurate, I would like to get him together with one of my staff people, because one of them does not know what they are talking about.

Mr. COHEN. Mr. Speaker, we have already sent one of our staff people over to my office to get that document, and we will attempt to bring that onto the House floor as soon as possible.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks, Mr. Gallen, on the amendment.

Mr. GALLEN. Mr. Speaker, Mr. Cowell in his remarks I think made if not a misstatement then certainly a misrepresentation regarding these funds and how they are extracted from employees' wages. He said these people earned them but they have nothing to do with the public interest. Well, it seems to me that we, the State, under this legislation are telling that employee, you have no control over your wages; we are going to take them from you; you are not going to get them, and then we are going to pay them to a third party. Now, is it not just fair that that employee, since he has no control over the way the money is being taken, that at least he has some knowledge that somebody is going to audit these moneys and they are going to be expended in a way that is either beneficial to him or beneficial to society in some way. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, perhaps in clarification of Mr. Ryan's court case saying that public employees unions are not necessarily required to report.

The Pennsylvania AFSCME union does in fact report, and it reports because not only does it represent public employees but it also represents private and nonprofit employees as an AFSCME union, and they are therefore required to report and do report statewide.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. The gentleman, Mr. Manderino, has cleared something up, and that is a reasonable explanation.

Could you tell me, though, Mr. Manderino, if AFSCME wanted to—and I certainly would never accuse them of this—but if they wanted to, could they withhold reporting on the public sector because the law permits them to do that?

Mr. MANDERINO. I think as a union they would be required to file the reports, because their union does represent private and nonprofit employees.

Mr. Speaker, since this is my time—and I have not yielded to further questioning at this time—I would also just conclude with the statement that the Auditor General and the Auditor General's employees are represented by the AFSCME union in Pennsylvania, and I am not sure we would not have a conflict of interest when they would be auditing themselves. Every other union, when it makes its reporting, there is an independent auditor. The court cases and the Federal law cases have clearly indicated that that auditing is necessary and it must be an independent auditing firm.

Mr. Speaker, I think that Mr. Cowell stated it first when he came up to the microphone and said, what this is all about is either you are for agency shop or you want to hurt the bill or kill the bill, and that is how you should vote on this. If you are for agency shop, demonstrate it with a negative vote.

The SPEAKER. For the second time on his amendment, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

You know, I am appalled. I heard Mr. Manderino, Mr. Cowell, and Mr. Preston say that this is nothing but an attempt to weaken the bill. Mr. Cowell said this is the first time a government is auditing the unions. Well, I submit to Mr. Cowell, this is the first time that State Government is going to take dollars from the paychecks of working people and give those dollars to the unions.

We see in the bill where the union will assess and determine the fee. We see in the bill where the union will audit the expenditure of those nonmember fees. Well, that is like the farmer asking the fox to take inventory of the henhouse. The Auditor General is equipped as he conducts audits throughout many agencies of State Government, of county government, of local school districts, of boroughs and municipalities. The State of Pennsylvania, through SB 291, government, the legislature, is telling nonmembers, we will deduct from your paycheck whatever the assessed amount fee is and send that directly to the union. I believe that those workers have every right to know that only those moneys collected are spent in accordance with the provisions of this amendment.

It addresses adequately all of the other issues raised by Representative Ryan and others. It is not a weakening amendment. Those who are crying that it is weakening, this is what we are going to hear throughout the remainder of today and tomorrow on just about every other amendment that is going to be offered on the floor. This is an accountability amendment that will insure that those dollars taken from the paychecks of those people who chose not to belong are spent accordingly. I would ask for a favorable vote.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The gentleman from Delaware, Mr. Gannon, was on leave. He has now reported to the floor of the House. His name should be added to the master roll.

CONSIDERATION OF SB 291 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—77

Argall	Fargo	Johnson	Punt
Barley	Farmer	Kennedy	Reber
Birmelin	Fischer	Kenney	Reinard
Black	Flick	Langtry	Robbins
Bowser	Foster	Leh	Ryan
Brandt	Fox	McClatchy	Saurman
Bunt	Freind	McVerry	Schuler
Burd	Gallen	Manmiller	Semmel
Bush	Geist	Merry	Smith, B.

Carlson	Gladeck	Miller	Smith, S. H.
Cessar	Godshall	Moehmann	Snyder, D. W.
Chadwick	Hagarty	Mowery	Snyder, G.
Cimini	Hayes	Nahill	Stairs
Clymer	Heckler	Noye	Taylor, E. Z.
Cornell	Herman	O'Brien	Vroon
DeVerter	Hershey	Perzel	Weston
Dietterick	Hess	Phillips	Wilson
Dininni	Honaman	Piccola	Wogan
Distler	Jadlowiec	Pitts	Wright, J. L.
Dorr			

NAYS—116

Acosta	Deal	Levdansky	Roebuck
Angstadt	Dombrowski	Linton	Rudy
Arty	Donatucci	Livengood	Rybak
Baldwin	Duffy	Lloyd	Saloom
Battisto	Durham	Lucyk	Serafini
Belardi	Evans	McCall	Seventy
Belfanti	Fattah	McHale	Showers
Blaum	Fee	Maiale	Staback
Book	Freeman	Maine	Steighner
Bortner	Gamble	Manderino	Stevens
Bowley	Gannon	Markosek	Stuban
Boyes	George	Mayernik	Sweet
Broujos	Gruitza	Melio	Taylor, F.
Burns	Gruppo	Michlovic	Taylor, J.
Caltagirone	Haluska	Morris	Telek
Cappabianca	Hasay	Mrkonic	Trello
Carn	Hayden	O'Donnell	Truman
Cawley	Howlett	Olasz	Van Horne
Civera	Hughes	Oliver	Veon
Clark	Hutchinson	Petrarca	Wambach
Colafella	Itkin	Petrone	Wass
Cole	Jarolin	Pievsky	Wiggins
Corrigan	Josephs	Pistella	Wozniak
Cowell	Kasunic	Pressmann	Wright, D. R.
Coy	Kosinski	Preston	Wright, R. C.
DeLuca	Kukovich	Raymond	Yandrisevits
DeWeese	LaGrotta	Richardson	
Daley	Laughlin	Rieger	Irvis,
Davies	Lescovitz	Ritter	Speaker
Dawida	Letterman		

NOT VOTING—4

Cohen	Lashinger	Micozzie	Sirianni
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EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. PITTS offered the following amendment No. A1134:

Amend Sec. 2 (Sec. 2215), page 24, by inserting between lines 25 and 26

(o) This section shall not apply to, and no fair share fee shall be required or deducted from, a nonmember who holds a position in the classified service under the act of August 5, 1941 (P.L. 752, No. 286), known as the "Civil Service Act."

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Thank you, Mr. Speaker.

This amendment states, "This section shall not apply to, and no fair share fee shall be required or deducted from, a nonmember who holds a position in the classified service under the act of August 5, 1941...known as the 'Civil Service Act.'"

Mr. Speaker, what my amendment does is to exempt from the agency fee provision those employees in State Government who are civil service employees. A few years ago under the Shapp administration some of you may remember that Governor Shapp appointed a commission to study the whole issue of Act 195, and this commission came back with an extensive report recommending against agency shop for public employees in its report and in its recommendation sections to changes to Act 195. The commission stated that agency shop was wholly inconsistent with the concept of civil service, which is based on merit.

I would just like to read to you a couple of the quotes from that report. I quote:

The commission is of the view that public employment is unique and different in kind from private employment and that public employees should only be required to satisfy bona fide occupational qualifications as a basis for retention of employment without regard to union membership. A continuation of the present state of the law in this regard will in view of the commission preserve an individual's freedom of choice and eliminate the element of compulsion which is otherwise contained in any union security or agency shop agreement.

I could go on and on. There have been other reports, other commissions. It might be interesting to note that under Governor Shafer the Hickman Commission recommended agency shop, and the House of Representatives, which was controlled by the Democratic Party at that time, rejected it.

In effect, the bill, although not specifically stating the fee as a condition of employment, in all practicality functions that way. Only those willing to pay the agency fee can be employed. A civil service employee could score the highest score in the whole Commonwealth, but if philosophically he could not support the unions and chose not to pay the fee, then he could not be employed in State Government.

This bill, again, Mr. Speaker, is very different from the one last session. This is a mandatory bill. The one last session merely made this issue subject to collective bargaining. We have been told by those who have looked at all the States that this bill, if it became law, is the most severe agency shop legislation in the Nation.

I urge adoption of this amendment.

The SPEAKER. The Chair recognizes the majority leader on the question.

Mr. MANDERINO. Mr. Speaker, there are perhaps somewhere near 90,000 or more public employees within the Commonwealth. Some 30,000 are civil service employees or thereabout. Sometimes I think all 90,000 are civil service employees when I am trying to get a job for somebody. But in any event, at least 30,000 are listed as civil service employees. The AFSCME union that represents public employees in this

Commonwealth indicates to me that they represent about equally in grievance procedures civil service employees as opposed to non-civil-service employees, and the reason seems to be that the civil service employees, although lesser in number, have more demands upon the union because they have two protecting documents. They have the civil service law which gives them certain rights, and they have the union contract which gives them additional rights, whereas the non-civil-service employee has only one document protecting his employment rights. To go before the Civil Service Commission, the civil service employee must pay for his own attorney. Asking the union to represent him in a grievance procedure costs the individual employee nothing because the attorney is furnished by the union.

It would seem to me, Mr. Speaker, that the Pitts amendment, this one more so than the one that we just defeated, can be measured in terms of are you for the agency shop bill or are you not for it. If you are for it, if you believe in it, then you will vote against the Pitts amendment; and if you do not believe in it, you will vote for the Pitts amendment. I ask for a negative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, those who enjoy civil service protection as well as those who do not in fact enjoy the same protections and rights of representation and ultimate benefits. All we are trying to do with this legislation is insure that all the members, all of the employees, contribute fairly to that agency or that agent which is representing them, bargaining on their behalf, handling their grievances, representing them in various forums. That is what the real issue is. As did the preceding amendment and as will subsequent amendments, this amendment simply attempts to sabotage the legislation before us. I urge that we defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I, too, ask for a defeat of the Pitts amendment. I feel that the amendment is ludicrous in a number of respects. One which was touched on by the majority leader is representation before a hearing or arbitration in the case of a dismissal, legal representation. However, those civil servants also receive the same Blue Cross and Blue Shield benefits as their non-civil-service counterparts. They receive the prescription card. They receive the same pension program. They receive the annual increments that are negotiated for with the Commonwealth by the unions and the non-civil-service employees that are members of those unions. They enjoy all of the exact same benefits.

The only real difference between what Mr. Pitts is saying and the bill before us is that the civil service employees are hired on a merit program. They are given a list of criteria. They are either tested or they take a verbal exam or submit a resume and receive a score and a rank, and that is how they are hired. And apart from that, they are identical to every other State employee in the Commonwealth and should be treated no differently.

The day of the freeloaders has to come to an end in this State. If the makers of all of these amendments that are trying to weaken this bill were actually trying to be idealistic as they propose, then every employee that refuses to pay a fair share fee— If he or she refuses to join the union, that is fine, but if they also refuse to pay a fair share fee, they should also be willing to go back to \$3.35 an hour, mail back their drug cards and their Blue Cross and Blue Shield and their prescription cards and bargain singly with each department that they work for to get some of those benefits back that they now enjoy because of the people who paid their fair share of union dues all of these years.

Thank you, Mr. Speaker. I ask for a defeat of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—72

Argall	Dininni	Honaman	Punt
Barley	Distler	Jadlowiec	Reber
Birmelin	Dorr	Johnson	Reinard
Black	Fargo	Kennedy	Robbins
Book	Farmer	Langtry	Ryan
Bowser	Flick	Lashinger	Saurman
Brandt	Foster	Leh	Schuler
Bunt	Fox	McClatchy	Semmel
Burd	Freind	McVerry	Sirianni
Bush	Gallen	Manniller	Smith, B.
Carlson	Geist	Merry	Smith, S. H.
Cessar	Gladeck	Miller	Snyder, D. W.
Chadwick	Godshall	Moehlmann	Snyder, G.
Cimini	Hayes	Mowery	Taylor, E. Z.
Clymer	Heckler	Noye	Vroon
Cornell	Herman	Phillips	Weston
DeVerter	Hershey	Piccola	Wilson
Dietterick	Hess	Pitts	Wright, J. L.

NAYS—122

Acosta	Dombrowski	Levdansky	Roebuck
Angstadt	Donatucci	Linton	Rudy
Arty	Duffy	Livengood	Rybak
Baldwin	Durham	Lloyd	Saloom
Battisto	Evans	Lucyk	Serafini
Belardi	Fattah	McCall	Seventy
Belfanti	Fee	McHale	Showers
Blaum	Fischer	Maiale	Staback
Bortner	Freeman	Maine	Stairs
Bowley	Gamble	Manderino	Steighner
Boyes	Gannon	Markosek	Stevens
Broujos	George	Mayernik	Stuban
Burns	Gruitza	Mello	Sweet
Caltagirone	Gruppo	Michlovic	Taylor, F.
Cappabianca	Haluska	Morris	Taylor, J.
Carn	Hasay	Mrkonic	Telek
Cawley	Hayden	O'Brien	Trello
Civera	Howlett	O'Donnell	Truman
Clark	Hughes	Olasz	Van Horne
Cohen	Hutchinson	Oliver	Veon
Colafella	Itkin	Perzel	Wambach
Cole	Jarolin	Petrarca	Wass
Corrigan	Josephs	Petrone	Wiggins
Cowell	Kasunic	Pievsky	Wogan
Coy	Kenney	Pistella	Wozniak
DeLuca	Kosinski	Pressmann	Wright, D. R.
DeWeese	Kukovich	Preston	Wright, R. C.
Daley	LaGrotta	Raymond	Yandrisevits
Davies	Laughlin	Richardson	
Dawida	Lescovitz	Rieger	Irvis,

Deal	Letterman	Ritter	Speaker
NOT VOTING—3			
Hagarty	Micozzie	Nahill	
EXCUSED—5			
Harper Jackson	Murphy	Scheetz	Tigue

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. FREIND offered the following amendment No. A1187:

Amend Sec. 2 (Sec. 2215), page 23, lines 11 and 12, by striking out "NONRELIGIOUS CHARITY AGREED UPON BY THE NONMEMBER AND THE EXCLUSIVE REPRESENTATIVE" and inserting
charity

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware, Mr. Freind.

Mr. FREIND. Thank you, Mr. Speaker.

One of the more ludicrous parts of this bill is the section where it says that if an individual has a bona fide religious objection to having his money paid for agency shop, religious objection, he may then as an alternative take the money and contribute it to a charity. However, for whatever reason, the bill says it has to be a nonreligious charity. So if you have a religious objection, you can donate it to a charity as long as the charity is nonreligious. There may be some logic to that. I just have not been able to find it out, Mr. Speaker.

What this amendment does is say that if in fact you have this bona fide religious objection—whatever that may be; it is already in the bill—it can be donated to any charity. The reason why we did not say a 501(c)(3) charity is because the bill does not define what a charity is. So all we are saying is it can be to a religious or a nonreligious charity of the member's choosing and not one forced upon them by the union.

I just think it is logical; I think it is fair; and I would appreciate your consideration for it. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, on the Freind amendment.

Mr. COWELL. Mr. Speaker, thank you.

Mr. Speaker, it is interesting that some who have argued or attempted to argue that this legislation is unconstitutional would in fact try to make it unconstitutional with some of the amendments they offer. We indicated earlier that the language in this bill was carefully crafted to be consistent with a series of court decisions. There is language in some of those court decisions that indicates that provisions that would allow these dues or these dollars to be sent to religious charities or religious organizations might in fact violate provisions of the Constitution dealing with separation of church and state. That is why the language very specifically spells out nonreligious charity rather than charity generally.

I would also remind you that the Freind amendment violates another principle in this language that he would strike out, and that is that language that suggests that the charity must be agreed to by the nonmember and the exclusive representative. There are two provisions in the language he would strike out, noncharity and something agreed to. He would replace that with language that is very questionable in terms of its constitutionality. I therefore urge that we defeat the amendment.

The SPEAKER. On the Freind amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind, for the second time.

Mr. FREIND. Mr. Speaker, would the gentleman, Mr. Cowell, submit to a brief interrogation?

The SPEAKER. Mr. Cowell indicates he will so stand. You may proceed, Mr. Freind.

Mr. FREIND. Mr. Speaker, specifically, could you cite for me the court decisions that say that it is unconstitutional for an individual to make a choice to make a donation to a religious charity recognized under 501(c)(3) in existing Federal law, that it is unconstitutional to make that choice?

Mr. COWELL. Mr. Speaker, at this time I would not be able to do that. I believe it exists. My information reflects a discussion which I have had when I asked questions about some of the language in the bill. I would be happy to try to search at a later time with you for that language, but at this point I could not share it with you.

Mr. FREIND. Thank you, Mr. Speaker. That is precisely the answer that I expected. And I will tell you what, Mr. Speaker: If you can find any court decision ever that says that it is even a little bit—kind of like being a little bit pregnant, a little bit dead—a little bit unconstitutional for an individual to opt to make a contribution to a religious charity, then I will tell you something, you put one over on all of us. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Cowell, indicated that there was a separation-of-church-and-state issue that the Constitution speaks to, and frankly, on constitutional issues, on track records I would rather listen to Mr. Cowell than Mr. Freind.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

Argall	Dorr	Jadlowiec	Punt
Barley	Fargo	Johnson	Reinard
Birmelin	Farmer	Kennedy	Robbins
Black	Fischer	Kenney	Ryan
Book	Flick	Langiry	Saurman
Bowley	Foster	Leh	Schuler
Bowser	Fox	McClatchy	Semmel
Brandt	Freind	McVerry	Serafini
Bunt	Gallen	Manmiller	Sirianni
Burd	Gamble	Merry	Smith, B.
Bush	Geist	Miller	Snyder, D. W.
Carlson	Gladeck	Moehlimann	Snyder, G.
Cessar	Godshall	Mowery	Stairs
Chadwick	Gruppo	Nahill	Stevens
Cimini	Hagarty	Noye	Taylor, E. Z.

Clymer	Hayes	O'Brien	Vroon
Cornell	Heckler	Olasz	Wass
DeVerter	Herman	Perzel	Weston
Dietterick	Hershey	Phillips	Wilson
Dininni	Hess	Piccola	Wogan
Distler	Honaman	Pitts	Wright, J. L.

NAYS—110

Acosta	Dawida	Letterman	Rieger
Angstadt	Deal	Levdansky	Ritter
Arty	Dombrowski	Linton	Roebuck
Baldwin	Donatucci	Livengood	Rudy
Battisto	Duffy	Lloyd	Rybak
Belardi	Durham	Lucyk	Saloom
Belfanti	Evans	McCall	Seventy
Blaum	Fattah	McHale	Showers
Bortner	Fee	Maiale	Staback
Boyes	Freeman	Maine	Steighner
Broujos	Gannon	Manderino	Stuban
Burns	George	Markosek	Sweet
Caltagirone	Gruitza	Mayernik	Taylor, F.
Cappabianca	Haluska	Melio	Taylor, J.
Carn	Hasay	Michlovic	Telek
Cawley	Hayden	Morris	Trello
Civera	Howlett	Mrkonic	Truman
Clark	Hughes	O'Donnell	Van Horne
Cohen	Hutchinson	Oliver	Veon
Colafella	Itkin	Petrarca	Wambach
Cole	Jarolin	Petrone	Wiggins
Corrigan	Josephs	Pievsky	Wozniak
Cowell	Kasunic	Pistella	Wright, D. R.
Coy	Kosinski	Pressmann	Wright, R. C.
DeLuca	Kukovich	Preston	Yandrisevits
DeWeese	LaGrotta	Raymond	
Daley	Laughlin	Reber	Irvis,
Davies	Lescovitz	Richardson	Speaker

NOT VOTING—3

Lashinger Micozzie Smith, S. H.

EXCUSED—5

Harper Jackson Murphy Scheetz Tigue

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. S. H. SMITH offered the following amendment No. A1129:

Amend Sec. 2 (Sec. 2215), page 23, line 12, by inserting after "REPRESENTATIVE."

Receipts from acceptable charities shall prove compliance with this subsection.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Contrary to what many of the other amendments offered today have been accused of, just a means of diluting the bill to weaken it, this amendment that I am offering merely states that a receipt from a charity will prove compliance with the fair share fee. I guess the reason is that I do not feel that a person who objects on a basis of religious reasons should have to pay the money to the union first and let the union then

transfer it to the charity, that they would just be able to submit a receipt from the charity.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—94

Argall	Distler	Jadlowiec	Reinard
Barley	Dorr	Johnson	Robbins
Birmelin	Evans	Kennedy	Rudy
Black	Fargo	Kenney	Ryan
Book	Farmer	Langtry	Saurman
Bortner	Fischer	Leh	Schuler
Bowley	Flick	McClatchy	Semmel
Bowser	Foster	McVerry	Serafini
Brandt	Fox	Maiale	Sirianni
Bunt	Freind	Maine	Smith, B.
Burd	Gallen	Manmiller	Smith, S. H.
Bush	Gamble	Merry	Snyder, D. W.
Carlson	Geist	Miller	Snyder, G.
Cessar	Gladeck	Moehlmann	Stairs
Chadwick	Godshall	Mowery	Steighner
Cimini	Gruppo	Nahill	Stevens
Civera	Hagarty	Noye	Taylor, E. Z.
Clymer	Hayes	Olasz	Vroon
Cornell	Heckler	Phillips	Wass
Cowell	Herman	Piccola	Weston
Coy	Hershey	Pitts	Wilson
DeVerter	Hess	Punt	Wozniak
Dietterick	Honaman	Reber	Wright, J. L.
Dininni	Howlett		

NAYS—99

Acosta	Donatucci	Linton	Ritter
Angstadt	Duffy	Livengood	Roebuck
Arty	Durham	Lloyd	Rybak
Baldwin	Fattah	Lucyk	Saloom
Battisto	Fee	McCall	Seventy
Belardi	Freeman	McHale	Showers
Belfanti	Gannon	Manderino	Staback
Blaum	George	Markosek	Stuban
Boyes	Gruitza	Mayernik	Sweet
Broujos	Haluska	Melio	Taylor, F.
Burns	Hasay	Michlovic	Taylor, J.
Caltagirone	Hayden	Morris	Telek
Cappabianca	Hughes	Mrkonic	Trello
Cawley	Hutchinson	O'Brien	Truman
Clark	Itkin	O'Donnell	Van Horne
Cohen	Jarolin	Oliver	Veon
Colafella	Josephs	Perzel	Wambach
Cole	Kasunic	Petrarca	Wiggins
Corrigan	Kosinski	Petrone	Wogan
DeLuca	Kukovich	Pievsky	Wright, D. R.
DeWeese	LaGrotta	Pistella	Wright, R. C.
Daley	Laughlin	Pressmann	Yandrisevits
Davies	Lescovitz	Preston	
Dawida	Letterman	Richardson	Irvis,
Deal	Levdansky	Rieger	Speaker
Dombrowski			

NOT VOTING—4

Carn Lashinger Micozzie Raymond

EXCUSED—5

Harper Jackson Murphy Scheetz Tigue

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. S. H. SMITH offered the following amendment No. A1130:

Amend Sec. 2 (Sec. 2215), page 22, line 4, by inserting after "FEE"

from each nonmember who consents in writing to the deduction

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Jefferson, Mr. Smith.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

This amendment, Mr. Speaker, says that the exclusive representative will not be allowed to withhold the money without the employee first signing a waiver. The reasoning behind this is I do not feel that anybody should be subject to an automatic deduction from their paycheck. I feel that even with withholding tax you can provide reason to your employer to substantiate the fact that the State is not due your money. Even the government cannot automatically withhold it without you having some recourse, and I just do not feel that we should be allowing the exclusive representative in this situation to withhold an employee's hard-earned money without him having any other recourse. I feel he should at least have to sign a waiver or some form that allows the exclusive representative to do so. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, if you would listen to some people describe the provisions of this bill, you would think that these provisions are really novel. In fact, men and women who work in our steel mills and our factories or manufacturing plants and in many professions and jobs all over this Commonwealth in fact are subject to agency shop provisions if in fact they are in a union situation. We have millions of these people across the Commonwealth, so we are not dealing with a new concept.

If we look at the Smith amendment again, basically it says that those people who have not chosen to join a union, primarily because they do not want to pay dues, still will not have to pay the fair share fee unless they consent in writing to this deduction. In fact, the same people for the most part who do not want to pay the dues simply will not sign this consent form, and we will have changed nothing.

Again, this is an amendment intended to sabotage the legislation, to sabotage the principles that are reflected in SB 291. I urge that we defeat the amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman.

Mr. SAURMAN. Thank you, Mr. Speaker.

I wonder if Representative Cowell would just answer one question for me.

The SPEAKER. Mr. Cowell indicates he will stand for interrogation. You are in order. You may proceed.

Mr. SAURMAN. Thank you.

Mr. Speaker, you just made a statement that those who are not members of the unions are not members primarily because they do not want to pay the dues. Have you taken any kind of a poll, or do you have any backup for that statement? I know some people who do not belong to unions simply because they do not want to belong, and you are making a statement as though somehow you have knowledge that says that these people are not members simply because they do not want to pay.

Mr. COWELL. My knowledge is personal. I have talked to many individuals, and you are right; they do not want to belong, because they would have to pay dues. They are trying to avoid the dues.

Mr. SAURMAN. Mr. Speaker, may I make a statement then?

The SPEAKER. The gentleman is in order. He may speak.

Mr. SAURMAN. I would simply like to state my opinion in contrast to that, that I believe there are people who are not members because they do not want to belong, and the dues are not the issue.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Jefferson, Mr. Smith, on his amendment.

Mr. S. H. SMITH. Thank you, Mr. Speaker.

Representative Cowell said that if my amendment were to become a part of this bill, the employee would simply refuse to sign that card and thus be able to not pay the fair share fee. I do not believe that that is accurate. I think my amendment merely says that it limits the way it can be collected.

With my amendment, that individual will still owe the fair share fee. It is just that we are not using the employer as an automatic collection agent.

I think there are many businesses, other enterprises out there, that would love to tap into my paycheck. Because I did not pay my bills, they would love to tap into my paycheck before I get it, and I do not think that the House of Representatives, that the legislature of Pennsylvania, should be giving that to a private organization when in fact the government, the Federal Government, the State Government, the local government, at any level does not have that same privilege. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, in addition to the point that the other members have already made, I think it is important to note that Mr. Saurman's statement about members or persons not wanting to be members because they just do not want to be members— We do not require them to be members in this bill. We simply require them to pay their fair share for what they are receiving from the union. They do not have to be a union member.

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

The following roll call was recorded:

YEAS—71

Argall	Dininni	Hess	Pitts
Barley	Distler	Honaman	Punt
Birmelin	Dorr	Jadlowiec	Reinard
Black	Fargo	Johnson	Robbins
Book	Farmer	Kenney	Ryan
Bowser	Flick	Langtry	Saurman
Brandt	Foster	Lch	Schuler
Bunt	Fox	McClatchy	Sirianni
Burd	Freind	McVerry	Smith, B.
Bush	Gallen	Manmiller	Smith, S. H.
Carlson	Geist	Merry	Snyder, D. W.
Cessar	Gladeck	Miller	Snyder, G.
Chadwick	Godshall	Mochlmann	Taylor, E. Z.
Cimini	Hagarty	Mowery	Vroon
Clymer	Hayes	Nahill	Weston
Cornell	Heckler	Noye	Wilson
DeVerter	Herman	Phillips	Wright, J. L.
Dietterick	Hershey	Piccola	

NAYS—119

Acosta	Donatucci	Lloyd	Rybak
Angstadt	Duffy	Lucyk	Saloom
Arty	Durham	McCall	Semmel
Baldwin	Evans	McHale	Serafini
Battisto	Fee	Maiale	Seventy
Belardi	Fischer	Maine	Showers
Belfanti	Freeman	Manderino	Staback
Blaum	Gamble	Markosek	Stairs
Bortner	Gannon	Mayernik	Steighner
Bowley	George	Melio	Stevens
Boyes	Gruitza	Michlovic	Stuban
Broujos	Gruppo	Morris	Sweet
Burns	Haluska	Mrkonic	Taylor, F.
Caltagirone	Hasay	O'Brien	Taylor, J.
Cappabianca	Hayden	O'Donnell	Telek
Carn	Howlett	Olasz	Trello
Cawley	Hughes	Oliver	Truman
Civera	Itkin	Perzel	Van Horne
Clark	Jarolin	Petrarca	Veon
Cohen	Josephs	Petrone	Wambach
Colafella	Kasunic	Pievsy	Wass
Cole	Kosinski	Pressmann	Wiggins
Corrigan	Kukovich	Preston	Wogan
Cowell	LaGrotta	Raymond	Wozniak
Coy	Laughlin	Reber	Wright, D. R.
DeLuca	Lescovitz	Richardson	Wright, R. C.
DeWeese	Letterman	Rieger	Yandrisevits
Daley	Levdansky	Ritter	
Davies	Linton	Roebuck	Irvis,
Dawida	Livengood	Rudy	Speaker
Dombrowski			

NOT VOTING—7

Deal	Hutchinson	Lashinger	Pistella
Fattah	Kennedy	Micozzie	

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. GLADECK offered the following amendments No. A1212:

Amend Title, page 1, line 24, by inserting after "FEE;" providing for elections relating to fair share fees;

Amend Sec. 2 (Sec. 2215), page 24, by inserting between lines 3 and 4

(k) Notwithstanding any provisions of a collective bargaining agreement to the contrary nor the date of a previous election, prior to the payment of a fair share fee by any employe, each collective bargaining unit represented by an exclusive representative shall hold an election to determine whether or not the employes wish to continue to be represented by an employe organization. The election shall be 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, except that the provisions of section 605 relating to the time for conducting elections shall not apply to elections held under this section; and with the further exception that in order to continue to represent a collective bargaining unit the representative must receive a majority vote of all of the members of the collective bargaining unit.

Amend Sec. 2 (Sec. 2215), page 24, line 4, by striking out "(K)" and inserting

(l)

Amend Sec. 2 (Sec. 2215), page 24, line 9, by striking out "(L)" and inserting

(m)

Amend Sec. 2 (Sec. 2215), page 24, line 14, by striking out "(M)" and inserting

(n)

Amend Sec. 2 (Sec. 2215), page 24, line 18, by striking out "(N)" and inserting

(o)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, this is a fairly straightforward amendment. It says simply that employees must have an election to determine what bargaining unit they will have to represent them. The vote must be a majority of all the eligible voting members of the collective-bargaining unit. It simply means that the current unions that would represent the employees would not necessarily be the unions that would represent the employees after the passage of this legislation. If this legislation passes, it is my feeling that the employees should have the right to determine by ballot as to what unions they would like to have represent them.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, thank you.

Mr. Speaker, we have returned to where we were about an hour and a half ago. Once again we are dealing with an amendment that blatantly attempts to create a major roadblock and in fact to sabotage the legislation before us. There are already in the law provisions by which employees can choose to seek to decertify a union or a collective-bargaining agent. The maker of this amendment would choose to put in its place the procedure which he would mandate. I think it would be redundant at best. It is simply, however, a blatant attempt to sabotage the legislation. I urge that we defeat the amendment before us offered by Mr. Gladeck.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Mr. Speaker, thank you.

It is obvious that this bill is a major change in the law, and I think that each individual employee that would be affected by it, along with those who are currently members of their bargaining units, should have the right to determine who is actually going to represent them. It is obvious that the previous speaker is representing the union leadership rather than the union rank and file. On the basis of that, I would request that you vote in the affirmative on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—66

Barley	Distler	Hess	Piccola
Birmelin	Dorr	Honaman	Pitts
Black	Fargo	Jadlowiec	Punt
Book	Farmer	Johnson	Reinard
Bowser	Flick	Kennedy	Robbins
Brandt	Foster	Langtry	Ryan
Bunt	Fox	Lashinger	Saurman
Burd	Freind	Leh	Sirianni
Bush	Gallen	McClatchy	Smith, B.
Carlson	Geist	Manmiller	Smith, S. H.
Cessar	Gladeck	Merry	Snyder, G.
Chadwick	Godshall	Moehlmann	Taylor, E. Z.
Cimini	Hagarty	Mowery	Vroon
Clymer	Hayes	Nahill	Weston
Cornell	Heckler	Noye	Wilson
DeVerter	Herman	Phillips	Wright, J. L.
Dininni	Hershey		

NAYS—128

Acosta	Donatucci	Lucyk	Rybak
Angstadt	Duffy	McCall	Saloom
Argall	Durham	McHale	Schuler
Arty	Evans	McVerry	Semmel
Baldwin	Fattah	Maiale	Serafini
Battisto	Fee	Maine	Seventy
Belardi	Fischer	Manderino	Showers
Belfanti	Freeman	Markosek	Snyder, D. W.
Blaum	Gamble	Mayernik	Staback
Bortner	Gannon	Melio	Stairs
Bowley	George	Michlovic	Steighner
Boyes	Gruitza	Micozzie	Stevens
Broujos	Gruppo	Miller	Stuban
Burns	Haluska	Morris	Sweet
Caltagirone	Hasay	Mrkonic	Taylor, F.
Cappabianca	Hayden	O'Brien	Taylor, J.
Carn	Howlett	O'Donnell	Telek
Cawley	Hughes	Olasz	Trello
Civera	Itkin	Oliver	Truman
Clark	Jarolin	Petrarca	Van Horne
Cohen	Josephs	Petrone	Veon
Colafella	Kasunic	Pievsky	Wambach
Cole	Kenney	Pistella	Wass
Corrigan	Kosinski	Pressmann	Wiggins
Cowell	Kukovich	Preston	Wogan
Coy	LaGrotta	Raymond	Wozniak
DeLuca	Laughlin	Reber	Wright, D. R.
DeWeese	Lescovitz	Richardson	Wright, R. C.
Daley	Letterman	Rieger	Yandrisevits
Davies	Levdansky	Ritter	
Dawida	Linton	Roebuck	Irvis,
Dietterick	Livengood	Rudy	Speaker
Dombrowski	Lloyd		

NOT VOTING—3

Deal	Hutchinson	Perzel
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EXCUSED—5

Harper Jackson	Murphy	Scheetz	Tigue
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The question was determined in the negative, and the amendments were not agreed to.

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

Mr. GLADECK offered the following amendment No. A1198:

Amend Sec. 2 (Sec. 2215), page 24, by inserting between lines 25 and 26

(o) Notwithstanding anything in this provision to the contrary, no public employer shall deduct and no nonmember shall be obligated to pay any fair share fee during any period of time that the members of the exclusive representative shall constitute less than fifty per centum of the collective bargaining unit represented by the exclusive representative. The exclusive representative shall refund any fair share fee deducted from any nonmember during said period of time.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Montgomery, Mr. Gladeck.

Mr. GLADECK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment provides that no fair share fee may be deducted if the membership in that bargaining unit falls below 50 percent. Basically, you would have less than 50 percent of the bargaining unit who would actually be union members, and I do not see how it could be fair that you would deduct a fee when you have less than half of the members of that unit that would be union members.

The SPEAKER. On the Gladeck amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, as with the previous amendment, I ask that we defeat this amendment. The decertification procedures are in fact present if a substantial number of employees in the work unit choose to pursue that route. The basic principle that we are addressing, however - that in fact the union, the collective-bargaining agent, is required to represent the interests of all of the members of that unit - in fact remains; and the issue that they should be required to pay a fair share fee then still remains. I urge we defeat the amendment.

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

The following roll call was recorded:

YEAS—69

Argall	Dorr	Hess	Pitts
Barley	Evans	Honaman	Punt
Birmelin	Fargo	Jadlowiec	Reinard
Black	Farmer	Johnson	Robbins
Bowser	Flick	Kennedy	Ryan
Brandt	Foster	Langtry	Saurman
Bunt	Fox	Lashinger	Schuler
Burd	Freind	Leh	Serafini
Bush	Gallen	McClatchy	Sirianni
Carlson	Geist	Manmiller	Smith, B.
Cessar	Gladeck	Merry	Smith, S. H.

Chadwick	Godshall	Moehlmann	Snyder, G.
Cimini	Hagarty	Mowery	Taylor, E. Z.
Clymer	Hayes	Nahill	Vroon
Cornell	Heckler	Noye	Weston
DeVerter	Herman	Phillips	Wilson
Dininni	Hershey	Piccola	Wright, J. L.
Distler			

NAYS—125

Acosta	Donatucci	Lloyd	Rudy
Angstadt	Duffy	Lucyk	Rybak
Arty	Durham	McCall	Saloom
Baldwin	Fattah	McHale	Semmel
Battisto	Fee	McVerry	Seventy
Belardi	Fischer	Maiale	Showers
Belfanti	Freeman	Maine	Snyder, D. W.
Blaum	Gamble	Manderino	Staback
Bortner	Gannon	Markosek	Stairs
Bowley	George	Mayernik	Steighner
Boyes	Gruitza	Melio	Stevens
Broujos	Gruppo	Michlovic	Stuban
Burns	Haluska	Micozzie	Sweet
Caltagirone	Hasay	Miller	Taylor, F.
Cappabianca	Hayden	Morris	Taylor, J.
Carn	Howlett	Mrkonic	Telek
Cawley	Hughes	O'Brien	Trello
Civera	Hutchinson	O'Donnell	Truman
Clark	Itkin	Olasz	Van Horne
Cohen	Jarolin	Oliver	Veon
Colafella	Josephs	Petrarca	Wambach
Cole	Kasunic	Petrone	Wass
Corrigan	Kenney	Pievsy	Wiggins
Cowell	Kosinski	Pistella	Wogan
Coy	Kukovich	Pressmann	Wozniak
DeLuca	LaGrotta	Preston	Wright, D. R.
DeWeese	Laughlin	Raymond	Wright, R. C.
Daley	Lescovitz	Reber	Yandrisevits
Davies	Letterman	Richardson	
Dawida	Levdansky	Rieger	Irvis,
Dietterick	Linton	Ritter	Speaker
Dombrowski	Livengood	Roebuck	

NOT VOTING—3

Book	Deal	Perzel
		EXCUSED—5
Harper	Murphy	Scheetz
Jackson		Tigue

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. FOSTER offered the following amendments No. A1197:

Amend Title, page 1, lines 1 through 25, by striking out all of said lines and inserting

“An act establishing rights in public employes to organize and bargain collectively through selected representatives; defining public employes to include employes of nonprofit organizations and institutions; providing compulsory mediation and fact-finding, for collective bargaining impasses; providing arbitration for certain public employes for collective bargaining impasses; defining the scope of collective bargaining; establishing unfair employe and employer practices; prohibiting strikes for certain public employes; permitting strikes under limited conditions; providing penalties for violations; and establishing procedures for implementation,” limiting representation under collective bargaining agreements.

Amend Bill, page 16, lines 7 through 30; pages 17 through 24, lines 1 through 30; page 25, lines 1 through 11, by striking out all of said lines on said pages and inserting

Section 1. Sections 603 and 606 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, are amended to read:

Section 603. (a) A public employe, a group of public employes or an employe organization may notify the public employer that thirty per cent or more of the public employes in an appropriate unit desire to be [exclusively] represented for collective bargaining purposes by a designated representative and request the public employer to consent to an election.

(b) If the public employer consents, the public employe, group of public employes or employe organization whichever applicable may submit in a form and manner established by the board an election request. Such request shall include a description of the unit deemed to be appropriate, the basis upon which it was determined that thirty per cent or more of the employes desired to be represented and a joinder by the public employer. The board may on the basis of the submissions order an election to be held or it may at its discretion investigate or conduct hearings to determine the validity of the matters contained in such submissions before determining whether or not an order should issue.

(c) If a public employer refuses to consent to an election, the party making the request may file a petition with the board alleging that thirty per cent or more of the public employes in an appropriate unit wish to be [exclusively] represented for collective bargaining purposes by a designated representative. The board shall send a copy of the petition to the public employer and provide for an appropriate hearing upon due notice. If it deems the allegations in the petition to be valid and the unit to be appropriate it shall order an election. If it finds to the contrary it may dismiss the petition or permit its amendment in accordance with procedures established by the board.

(d) If a public employer receives notification that thirty per cent or more of the public employes desire to be [exclusively] represented for collective bargaining purposes by a designated representative and the party giving notice does not thereafter seek an election the public employer may file a petition for the same with the board. The board shall then follow the procedures as established for petitions filed under subsection (c) of this section.

Section 606. Representatives selected by public employes in a unit appropriate for collective bargaining purposes shall be the exclusive representative of all the employes in [such unit] the employe organization elected to bargain on wages, hours, terms and conditions of employment: Provided, That any individual employe or a group of employes in the employe organization shall have the right at any time to present grievances to their employer and to have them adjusted without the intervention of the bargaining representative as long as the adjustment is not inconsistent with the terms of a collective bargaining contract then in effect: And, provided further, That the bargaining representative has been given an opportunity to be present at such adjustment: And, provided further, That there may not be more than one employe organization in a bargaining unit.

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

Section 608. Any employe organization having a collective bargaining agreement with a public employer need only represent members of such employe organizations. Dues and fees shall be required and may be deducted only from members of such employe organizations.

Section 3. Section 1201 of the act is amended to read:

Section 1201. (a) Public employers, their agents or representatives are prohibited from:

(1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.

(2) Dominating or interfering with the formation, existence or administration of any employe organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization.

(4) Discharging or otherwise discriminating against an employe because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to bargain collectively in good faith with an employe representative which is the [exclusive] representative of employes in an appropriate unit, including but not limited to the discussing of grievances with the [exclusive] representative.

(6) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.

(7) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.

(8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.

(9) Refusing to comply with the requirements of "meet and discuss."

(b) Employe organizations, their agents, or representatives, or public employes are prohibited from:

(1) Restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.

(2) Restraining or coercing a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances.

(3) Refusing to bargain collectively in good faith with a public employer, if they have been designated in accordance with the provisions of this act as the [exclusive] representative of employes in an appropriate unit.

(4) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.

(5) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.

(6) Calling, instituting, maintaining or conducting a strike or boycott against any public employer or picketing any place of business of a public employer on account of any jurisdictional controversy.

(7) Engaging in, or inducing or encouraging any individual employed by any person to engage in a strike or refusal to handle goods or perform services; or threatening, coercing or restraining any person where an object thereof is to (i) force or require any public employer to cease dealing or doing business with any other person or (ii) force or require a public employer to recognize for representation purposes an employe organization not certified by the board.

(8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.

(9) Refusing to comply with the requirements of "meet and discuss."

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

First of all, to set my colleagues at ease, I intend to offer only amendment 1197 and one other amendment which is on its way down from Reference at this point. I will not be offering the other four in that package.

Basically, I think we have overlooked in this entire debate the central issue in the entire matter of agency shop. We have gotten lost in a welter of rhetoric over free riders versus individual members, and we have lost sight of the fact that there is a simple solution to the problem.

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

AMENDMENTS PASSED OVER TEMPORARILY

The SPEAKER. Just a moment, Mr. Foster.

The Chair has just been informed they do not have this amendment. You mean we do not have it in hand or it has not been distributed? It is being duplicated. It is not up yet.

Sorry, Mr. Foster, we will have to come back to you. The Chair apologizes. It is not your mistake. It was the Chair's mistake.

REMARKS ON VOTE

The SPEAKER. On the Gladeck amendment A1198, the switch of the gentleman from Philadelphia, Mr. Evans, should have recorded in the negative, and the gentleman's remarks will be spread upon the record to that effect.

CONSIDERATION OF SB 291 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. On the question, the Chair now recognizes the gentleman from Bucks, Mr. Heckler.

Mr. Heckler, you have three amendments. Is that correct?

Mr. HECKLER. That is correct, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. HECKLER offered the following amendment No. A1131:

Amend Sec. 2 (Sec. 2215), page 22, lines 14 through 17, by striking out "A PUBLIC" in line 14 and all of lines 15 through 17

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

Mr. Speaker, we have heard repeated responses today to the various amendments which have been offered as being intended to weaken this legislation. I would suggest that we all give some thought to the question of whether we are here representing the union leadership of the various unions that seek this legislation or whether we represent the people, both the people who are not public employees and the people who are within our districts.

This amendment and the others which will immediately follow are aimed simply at seeing to it that fair play is accorded to the members who would be required to make contributions under this legislation if enacted. Specifically, this legislation strikes out the provision that an employer be obliged to deduct the fair share fee unless and until the collective-bargaining agent—

The SPEAKER. Mr. Heckler, the Chair interrupts you. Are you on 1131?

Mr. HECKLER. Yes, Mr. Speaker.

The SPEAKER. If your 1131 is the same as the Chair's, it reads "Amend Sec. 2..., page 22, lines 14 through 17, by striking out 'A PUBLIC' in line 14 and all of lines 15 through 17." Is that what you are arguing?

Mr. HECKLER. That is correct, Mr. Speaker.

The SPEAKER. You may proceed.

Mr. HECKLER. Thank you, Mr. Speaker.

The deletion of that sentence to which the Chair has just referred would eliminate the obligation of the public employer to make these deductions until such time as the bargaining agent had established that the payments were consistent with the constitutional requirements which have been imposed by law.

I would urge an affirmative vote on this amendment.

The SPEAKER. On the Heckler amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the protection that the gentleman seeks to provide through his amendment is already provided in the Constitution and was explicitly spelled out by the United States Supreme Court in 1986 in the Chicago Teachers Union v. Hudson case. In that decision the Supreme Court said the first amendment requires that before a union may exact a fair share fee, it must establish certain procedural safeguards, and those safeguards are provided for in the legislation before us.

We have heard consistently that we do not want to put an additional burden on school districts or on other public employers by putting certain kinds of requirements on them in this legislation. In fact, under the proposed law as it is written, employees who have a grievance would in fact take their objections to the court and would argue about actions on the part of the union. If we adopt the particular amendment before us now, we would inject into that process these public employers, school districts, or in this case public employers other than school entities.

I think that the protections are not necessary and that they are already provided for as a result of the court decision; they are spelled out elsewhere in the legislation, and in fact they risk dragging into court in a middleman role the public employer, something we are trying to avoid doing elsewhere in this legislation.

I urge that we defeat this amendment.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, for the second time.

Mr. HECKLER. Thank you, Mr. Speaker.

If I might just make the point once more. This legislation as it is written places the burden upon the employee. Think about each of the individual employees who, when confronted with this legislation if it passes, must initiate this elaborate procedure in order to seek what they consider to be a right consistent with their beliefs.

I would urge the adoption of this amendment.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, I ask for a negative vote on this amendment. This amendment simply guts the procedure in a time which any objections might be made to the pre-condition placed upon the union by this bill. If the moneys are not collected during that period of time, they will be lost to the union, and you can imagine how many objections can easily be raised. Court cases, I am sure, will arise. Court cases presently have the ability to enjoin collection in the event that it appears that collections should not be made.

Again, I ask for a negative vote because to adopt this amendment would defeat the entire purpose of the bill, Mr. Speaker.

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

The following roll call was recorded:

YEAS—74

Argall	Distler	Honaman	Pitts
Barley	Dorr	Jadlowiec	Punt
Birmelin	Fargo	Johnson	Reinard
Black	Farmer	Kennedy	Robbins
Book	Flick	Langtry	Ryan
Bowser	Foster	Lashingier	Saurman
Brandt	Fox	Leh	Schuler
Bunt	Freind	McClatchy	Sirianni
Burd	Gallen	McVerry	Smith, B.
Bush	Geist	Manmiller	Smith, S. H.
Carlson	Gladeck	Merry	Snyder, D. W.
Cessar	Godshall	Moehlmann	Snyder, G.
Chadwick	Hagarty	Mowery	Steighner
Cimini	Haluska	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Vroon
Cornell	Heckler	Perzel	Weston
DeVerter	Herman	Phillips	Wilson
Dietterick	Hershey	Piccola	Wright, J. L.
Dininni	Hess		

NAYS—120

Acosta	Donatucci	Lloyd	Roebuck
Angstadt	Duffy	Lucyk	Rudy
Arty	Durham	McCall	Rybak
Baldwin	Evans	McHale	Saloom
Battisto	Fee	Maiale	Semmel
Belardi	Fischer	Maine	Serafini
Belfanti	Freeman	Manderino	Seventy
Blaum	Gamble	Markosek	Showers
Bortner	Gannon	Mayermik	Staback
Bowley	George	Melio	Stairs
Boyes	Gruitza	Michlovic	Stevens
Broujos	Gruppo	Micozzie	Stuban
Burns	Hasay	Miller	Sweet
Caltagirone	Hayden	Morris	Taylor, F.
Cappabianca	Howlett	Mrkonic	Telek
Carn	Hughes	O'Brien	Trello
Cawley	Hutchinson	O'Donnell	Truman
Civera	Itkin	Olasz	Van Horne
Clark	Jarolin	Oliver	Veon
Cohen	Josephs	Petrarca	Wambach
Colafella	Kasunic	Petrone	Wass
Cole	Kenney	Pievsky	Wiggins
Corrigan	Kosinski	Pistella	Wogan
Cowell	Kukovich	Pressmann	Wozniak
Coy	LaGrotta	Preston	Wright, D. R.
DeLuca	Laughlin	Raymond	Wright, R. C.
DeWeese	Lescovitz	Reber	Yandrisevits
Daley	Letterman	Richardson	
Davies	Levdansky	Rieger	Irvis,
Dawida	Linton	Ritter	Speaker
Dombrowski	Livengood		

NOT VOTING—3

Deal	Fattah	Taylor, J.	
EXCUSED—5			
Harper Jackson	Murphy	Scheetz	Tigue

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

WELCOME

The SPEAKER. The Chair is delighted to welcome to the gallery of the hall of the House the students from the entire fourth grade class of the Womelsdorf School of the Conrad Weiser School District. They are here as the guests of Representative John Davies. The children are in the balcony. Welcome to the hall of the House, children.

CONSIDERATION OF SB 291 CONTINUED

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. HECKLER offered the following amendment No. A1202:

Amend Sec. 2 (Sec. 2215), page 21, line 14, by removing the period after "AFFILIATED" and inserting , less any amount expended or to be expended for partisan political or ideological purposes not germane to collective bargaining unless the nonmember first consents, in writing, to the inclusion of such expenditures for partisan political or ideological purposes as part of his fair share fee.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

This amendment would clarify the definition of what a fair share fee is to specifically provide that political expenditures and other expenditures not germane to the collective-bargaining representation process shall not be the subject of this bill and shall not be collected as authorized by this bill. I frankly will be interested to see in what way this can be considered a sabotaging of the bill, in what way this can be considered weakening what is, as I understand it, the avowed purpose of this bill.

I would urge the enactment of this amendment, again for the protection of those who are being called upon to pay these funds.

The SPEAKER. On the Heckler amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I urge the defeat of the Heckler amendment 1202. The language is simply not needed. In fact, the issues that he seeks to address are addressed more clearly elsewhere in the legislation. By providing for a longer definition of "fair share fee," he risks adding to confusion and perhaps ambiguity and ultimately the defeat of the legislation in the courts even if the members of this chamber

choose by a majority vote to approve it here in the legislative House and in the Senate.

I therefore urge that we defeat the amendment.

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

The following roll call was recorded:

YEAS—72

Argall	Dietterick	Hess	Pitts
Barley	Dininni	Honaman	Punt
Birmelin	Distler	Jadowiec	Reinard
Black	Dorr	Johnson	Robbins
Book	Fargo	Kennedy	Ryan
Bowley	Farmer	Langtry	Saurman
Bowser	Flick	Lashingier	Schuler
Brandt	Foster	Leh	Semmel
Bunt	Fox	McClatchy	Sirianni
Burd	Freind	McVerry	Smith, B.
Bush	Gallen	Manmiller	Smith, S. H.
Carlson	Geist	Merry	Snyder, D. W.
Cessar	Gladeck	Miller	Snyder, G.
Chadwick	Godshall	Moehlmann	Taylor, E. Z.
Cimini	Hagarty	Nahill	Taylor, J.
Clymer	Hayes	Noye	Vroon
Cornell	Heckler	Phillips	Wilson
DeVerter	Herman	Piccola	Wright, J. L.

NAYS—116

Acosta	Duffy	Lucyk	Roebuck
Angstadt	Durham	McCall	Rudy
Arty	Evans	McHale	Rybak
Baldwin	Fee	Maiale	Saloom
Battisto	Freeman	Maine	Serafini
Belardi	Gamble	Manderino	Seventy
Belfanti	Gannon	Markosek	Showers
Blaum	George	Mayernik	Staback
Bortner	Gruitza	Melio	Steighner
Boyes	Gruppo	Michlovic	Stevens
Broujos	Haluska	Micozzie	Stuban
Burns	Hasay	Morris	Sweet
Caltagirone	Hayden	Mowery	Taylor, F.
Cappabianca	Howlett	Mrkonic	Telek
Cawley	Hughes	O'Brien	Trello
Civera	Hutchinson	O'Donnell	Truman
Clark	Itkin	Olasz	Van Horne
Cohen	Jarolin	Oliver	Veon
Colafella	Josephs	Petrarca	Wambach
Cole	Kasunic	Petrone	Wass
Corrigan	Kosinski	Pievsky	Wiggins
Cowell	Kukovich	Pistella	Wogan
Coy	LaGrotta	Pressmann	Wozniak
DeLuca	Laughlin	Preston	Wright, D. R.
DeWeese	Lescovitz	Raymond	Wright, R. C.
Daley	Letterman	Reber	Yandrisevits
Davies	Levdansky	Richardson	
Dawida	Linton	Rieger	Irvis,
Dombrowski	Livengood	Ritter	Speaker
Donatucci	Lloyd		

NOT VOTING—9

Carn	Fischer	Kenney	Stairs
Deal	Hershey	Perzel	Weston
Fattah			

EXCUSED—5

Harper Jackson	Murphy	Scheetz	Tigue
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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. HECKLER offered the following amendment No. A1205:

Amend Sec. 2 (Sec. 2215), page 22, line 10, by inserting after "NONMEMBERS", by way of annual notice,

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Mr. Speaker, it may be that I have a somewhat atypical constituency. I have been stopped repeatedly over the last 2 weeks in a number of cases by teachers who have urged me to oppose this legislation as a whole. I would suggest that this amendment provides the very minimum enhancement of this bill which I can go back to them and say, well, at least we will be sure that the collective-bargaining agent on an annual basis will provide you with notice of what it is they are doing with your money. That is what this amendment does. It requires that the report called for in subsection (D) would be made on an annual basis.

I would urge the enactment of this amendment.

The SPEAKER. On the Heckler amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, those collective-bargaining agents that are interested in this legislation have indicated their intent to provide annual notice to nonmembers. We think this is an appropriate amendment, we think it is fair, and we would accept the amendment.

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

The following roll call was recorded:

YEAS—193

Table with 4 columns of names: Acosta, Angstadt, Argall, Arty, Baldwin, Barley, Battisto, Belardi, Belfanti, Birmelin, Black, Blaun, Book, Bortner, Bowley, Bowser, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Distler, Dombrowski, Donatucci, Dorr, Duffy, Durham, Evans, Fargo, Farmer, Fattah, Fee, Fischer, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, LaGrotta, Langtry, Lashinger, Laughlin, Leh, Lescovitz, Levdansky, Linton, Livengood, Lloyd, Lucy, McCall, McClatchy, McHale, McVerry, Maiaale, Maine, Manderino, Manmiller, Markosek, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Rieger, Ritter, Robbins, Roebuck, Rudy, Ryan, Rybak, Saloon, Saurman, Schuler, Semmel, Serafini, Seventy, Showers, Sirianni, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stevens, Stuban, Sweet, Taylor, E. Z., Taylor, F., Taylor, J.

Table with 4 columns of names: Cessar, Chadwick, Cimini, Civera, Clark, Clymer, Cohen, Colafella, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeVerter, DeWeese, Daley, Davies, Dawida, Dietterick, Dininni, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Honaman, Howlett, Hughes, Hutchinson, Itkin, Jadlowiec, Jarolin, Johnson, Josephs, Kasunic, Kennedy, Kenney, Kosinski, Kukovich, Mowery, Mrkonic, Nahill, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Preston, Punt, Raymond, Reber, Reinard, Telek, Trello, Truman, Van Horne, Veon, Vroon, Wambach, Wass, Weston, Wiggins, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Yandrisevits, Irvis, Speaker

NAYS—2

Letterman Pressmann

NOT VOTING—2

Deal Richardson

EXCUSED—5

Harper Murphy Scheetz Tigre
Jackson

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

On the question,

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

Mr. VROON offered the following amendments No. A1252:

Amend Title, page 1, line 23, by inserting after "EDUCATION;"

eliminating the power of the State Board of Education to mandate sex education instruction;

Amend Sec. 2, page 20, line 15, by striking out "A SECTION" and inserting sections

Amend Sec. 2, page 20, by inserting between lines 15 and 16 Section 1319.1. Limitation on State Board of Education.—

The State Board of Education shall have no authority to require that school districts implement courses of instruction on sex education, including any course of instruction on venereal disease or other sexually transmitted disease. Nothing in this section shall be construed as prohibiting school districts from implementing sex education instruction by resolution of the board of directors.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon, on the amendment.

Mr. VROON. Mr. Speaker, this is an amendment which is a nonpartisan amendment. It is an amendment which everybody in this chamber can vote for without hurting the bill one little bit. It is an amendment which I suggest is very timely and very much needed. This amendment deals with a very serious moral question.

Now, as you are all aware, the question of AIDS (acquired immune deficiency syndrome) has resulted in a great deal of agitation for sex education in our schools. This is now attaining a very significant amount of attention in all of our school districts across the State. This particular amendment would address this question in that we do not want, that is, a lot of us who feel this way will say we do not want the State to mandate something from the top on this all-important moral question.

The State Board of Education is already busy trying to mandate the teaching of sex education and education involving the use of contraceptives and education involving the dread of AIDS. This amendment would say that the Board of Education shall not address this question, and it puts a limitation on their powers. They will have no authority under this amendment to require that school districts implement courses of instruction on sex education, including any course of instruction on venereal disease or other sexually transmitted disease, which is where AIDS comes in. Nothing in this section, however, will be construed as prohibiting the school districts from implementing sex education instruction by resolution from the board of directors. So this says the Board of Education at the State level is not allowed to mandate sex education, but it does not prohibit the individual school boards from doing this, and I think this is the right way to go about it, because school boards in the various school districts across the State are very much concerned about the reaction of their people. A good many people across this State in these various districts do not want somebody from the State dictating what kind of instruction is going to be given to their children on this all-important question of sex.

The people are disturbed; they are very much disturbed, and this is a step in the right direction which says if it is going to be done, it must be done by the local school district, not by the State Board of Education.

I urge approval of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I really seriously doubt whether this issue is most appropriately addressed in this particular bill, but let us deal with it and get it done with.

Let us separate the language into two basic issues: sex education and the AIDS education issue. Nobody has suggested that the State Board of Education or the Department of Education or this legislature is going to require any school district to offer sex education programs. That is not really on our agenda. There is discussion about that from time to time, but nobody is seriously pursuing that avenue, so that is a non-issue.

What is an issue that may be before us soon is the issue of education concerning AIDS. In fact, the State Board of Education last week indicated its initial intent to adopt a regulation that would require school districts to offer education concerning AIDS to school-age children. That proposed regulation is now making its way through the regulatory review process, where we would most appropriately address that

issue. The House Education Committee and the Senate Education Committee will have an opportunity to review it, to suggest modifications, to approve it, or to simply veto it in coming days. Members of the House Education Committee will be looking to the members of this chamber for your advice, your input, and your guidance. Let us leave that regulatory review process work as it was intended to work though. Let us not try to shortcut the process by addressing the AIDS issue in an agency shop bill.

I urge that we defeat the amendment.

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

The following roll call was recorded:

YEAS—63

Barley	Fargo	Johnson	Pitts
Birmelin	Farmer	Kennedy	Reber
Black	Flick	Langtry	Robbins
Book	Foster	Lashinger	Ryan
Bowser	Fox	Leh	Saloom
Brandt	Freind	McClatchy	Saurman
Burd	Gallen	McVerry	Schuler
Bush	Geist	Manmiller	Sirianni
Carlson	Gladeck	Merry	Smith, S. H.
Cessar	Godshall	Morris	Snyder, D. W.
Chadwick	Hayes	Mowery	Snyder, G.
Cimini	Herman	Nahill	Taylor, E. Z.
Clymer	Hershey	Noye	Vroon
Dininni	Hess	Olasz	Wilson
Distler	Honaman	Perzel	Wright, J. L.
Dombrowski	Jadlowiec	Phillips	

NAYS—128

Acosta	Dawida	Livengood	Roebuck
Angstadt	Dietterick	Lloyd	Rudy
Argall	Donatucci	Lucyk	Rybak
Arty	Dorr	McCall	Semmel
Baldwin	Durham	McHale	Seventy
Battisto	Evans	Maiale	Showers
Belardi	Fee	Maine	Smith, B.
Belfanti	Fischer	Manderino	Staback
Blaum	Freeman	Markosek	Stairs
Bortner	Gamble	Mayernik	Steighner
Bowley	Gannon	Melio	Stevens
Boyes	George	Michlovic	Stuban
Broujos	Gruitza	Micozzie	Sweet
Bunt	Gruppo	Miller	Taylor, F.
Burns	Hagarty	Moehlmann	Taylor, J.
Caltagirone	Haluska	Mrkonc	Telek
Cappabianca	Hasay	O'Brien	Trello
Carn	Hayden	O'Donnell	Truman
Cawley	Heckler	Oliver	Van Horne
Civera	Howlett	Petrarca	Veon
Clark	Itkin	Petrone	Wambach
Cohen	Jarolin	Piccola	Wass
Colafella	Josephs	Pievsky	Weston
Cole	Kasunic	Pistella	Wiggins
Cornell	Kenney	Pressmann	Wogan
Corrigan	Kosinski	Preston	Wozniak
Cowell	Kukovich	Punt	Wright, D. R.
Coy	LaGrotta	Raymond	Wright, R. C.
DeLuca	Laughlin	Reinard	Yandrisevits
DeVerter	Lescovitz	Richardson	
DeWeese	Letterman	Rieger	Irvis,
Daley	Levdansky	Ritter	Speaker
Davies	Linton		

NOT VOTING—6

Deal	Fattah	Hutchinson	Serafini
Duffy	Hughes		

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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

On the question recurring,

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

Mr. VROON offered the following amendments No. A1254:

Amend Title, page 1, line 23, by inserting after "EDUCATION;"

limiting power of the State Board of Education to mandate sex education instruction;

Amend Sec. 2, page 20, line 15, by striking out "A SECTION" and inserting sections

Amend Sec. 2, page 20, by inserting between lines 15 and 16

Section 1319.1. Limitation on State Board of Education.—

The State Board of Education shall have no authority to require that school districts implement courses of instruction on sex education, including any course of instruction on venereal disease or other sexually transmitted disease, unless the regulation is transmitted to and approved by the General Assembly in accord with the procedures set forth in the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955." Nothing in this section shall be construed as prohibiting school districts from implementing sex education instruction by resolution of the board of directors.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this is similar to the prior amendment except that it addresses one thing that Mr. Cowell made a big point of. He said we soon are going to be given an opportunity to examine the regulations as to the teaching of sex in the schools. This would mandate the fact that we would have to approve those regulations before any of those sex courses could be taught in our schools.

I urge your approval as this is now in order, as I understand it.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

In fact, this amendment is very similar to the previous amendment. The last thing this legislature wants to do, I believe, is start to examine the content of sex education courses and to recommend particular courses or to nonrecommend particular courses to school districts around this State. Most of us have argued to leave that to the discretion of local districts in terms of the content of such issues, so let us not suggest that we want to get into that.

Again, there is a regulatory review process in place that is prepared to deal with the AIDS issue as it has been addressed by the State Board of Education. The Independent Regulatory Review Commission is prepared to address it as are the Education Committees of the House and Senate. Let us allow that regulatory review process to do its work and to carry on its activities as we have intended the regulatory review process to be pursued by this legislature. Let us defeat this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—57

Barley	Fargo	Hess	Olasz
Birmelin	Farmer	Honaman	Phillips
Black	Flick	Jadlowiec	Piccola
Book	Foster	Johnson	Pitts
Bowser	Fox	Kennedy	Reber
Brandt	Freind	Langtry	Robbins
Burd	Gallen	Leh	Ryan
Bush	Geist	Lloyd	Schuler
Carlson	Gladeck	McClatchy	Smith, S. H.
Cessar	Godshall	Manmiller	Snyder, G.
Chadwick	Haluska	Merry	Taylor, E. Z.
Cimini	Hayes	Morris	Vroon
Clymer	Herman	Mowery	Wass
Dininni	Hershey	Noye	Wright, J. L.
Distler			

NAYS—135

Acosta	Dombrowski	Linton	Rudy
Angstadt	Donatucci	Livengood	Rybak
Argall	Dorr	Lucyk	Saloom
Arty	Duffy	McCaill	Saurman
Baldwin	Durham	McHale	Semmel
Battisto	Evans	McVerry	Serafini
Belardi	Fattah	Maiale	Seventy
Belfanti	Fee	Maine	Showers
Blaum	Fischer	Manderino	Smith, B.
Bortner	Freeman	Markosek	Staback
Bowley	Gamble	Mayernik	Stairs
Boyes	Gannon	Melio	Steighner
Broujos	George	Michlovic	Stevens
Bunt	Gruitza	Micozzie	Stuban
Burns	Gruppo	Miller	Sweet
Caltagirone	Hagarty	Moehlmann	Taylor, F.
Cappabianca	Hasay	Mrkonic	Taylor, J. C.
Carn	Hayden	Nahill	Telek
Cawley	Heckler	O'Brien	Trello
Civera	Howlett	O'Donnell	Truman
Clark	Hutchinson	Oliver	Van Horne
Cohen	Itkin	Petrarca	Veon
Colafella	Jarolin	Petrone	Wambach
Cole	Josephs	Pievsky	Weston
Cornell	Kasunic	Pistella	Wiggins
Corrigan	Kenney	Pressmann	Wilson
Cowell	Kosinski	Preston	Wogan
Coy	Kukovich	Punt	Wozniak
DeLuca	LaGrötta	Raymond	Wright, D. R.
DeVerter	Lashingier	Reinard	Wright, R. C.
Daley	Laughlin	Richardson	Yandrisevits
Davies	Lescovitz	Rieger	
Dawida	Letterman	Ritter	Irvis,
Deal	Levdansky	Roebuck	Speaker
Dietterick			

NOT VOTING—5

DeWeese Perzel Sirianni Snyder, D. W.
Hughes

EXCUSED—5

Harper Murphy Scheetz Tigue
Jackson

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

On the question recurring,

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

CONSIDERATION OF
AMENDMENT A1197 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, who offers amendment A1197, which the clerk has already read.

Mr. Foster, you may now argue your amendment.

Mr. FOSTER. Thank you, Mr. Speaker.

Over the course of the past several years, I have had the privilege of being a part of several compromise packages of legislation which resolved thorny issues that heretofore had gone unresolved. I would like to think that we could do the same thing today here by consideration of the amendment before us, A1197.

Throughout the debate on this issue, the question has come up that the greatest objection that the unions have to the current open shop is the fact that they are required to represent all members in grievance procedures and any differences that they have with management, and they say that this has been an onerous burden to them. This evidently is the portion of their representation that costs them money, and quite honestly, I could not have the gall to go before a body to whom I had paid no dues and ask them to represent me in a grievance.

I think the unions have a legitimate point on this, and therefore, I opt for the solution with the least governmental interference in the lives of individuals; namely, that we no longer require the employee organization to represent people who do not pay dues. Very simply, no ticket, no laundry.

I think this is the logical way to proceed. It is certainly far better than trampling on individuals' rights who genuinely wish to abstain from membership for whatever reason, while at the same time it will not cost the unions the money they say that they spend on pursuing grievances.

This being the case, Mr. Speaker, I would strongly urge the support of the Foster amendment. It is one that you have received a good bit of mail on and numerous phone calls, and it has the solid support of the public. I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, on the amendment.

Mr. COWELL. Mr. Speaker, this is clearly not a logical way to proceed to address any problem. This legislature or our predecessors in this legislature decided a number of years ago that the logical way to avoid a chaotic situation was to

require the organization to represent all of the members of that particular unit, all of the employees, whether they chose to belong to the union or chose not to belong to the union. If we would adopt this amendment, we would in fact have a chaotic situation. We would have a union representing some of the employees. We might have several different wage scales; we might have different ways of handling grievances. We would certainly not have any kind of uniformity or consistency in terms of wages and other benefits and work conditions and the general procedures in the workplace. This amendment would not provide for any logical approach to the issue of unions having to represent nonmembers as well as members. In fact, this would represent a major step backward rather than a correction of a problem.

I urge that we defeat this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, once again Mr. Foster has shown us the genius of the innovative mind. The last time we had agency shop before us, Mr. Foster had a few ingenious amendments, an obvious opponent of agency shop. This time he comes up with what he considers again an ingenious way to solve the problem.

Let us look at what Mr. Foster proposes really does. He guts the bill before you striking out the entire bill, all words, all lines, all pages of the bill. He puts the bargaining of State employees under Act 195 and eliminates the exclusive representation of the members or the employees by one union. Act 195 allows representation of the employees by any union that can get 30 percent of the membership. I envision the situation where we could have three unions, because we are not allowing the union to be the exclusive bargaining agent. Three unions, as Mr. Cowell said, three sets of wage scales, three contracts, three strikes, three work stoppages - all these things are possible with this new ingenious invention of Mr. Foster's.

Mr. Speaker, we said it when we first stood on the first amendment and said you are either for agency shop or you are against it. Quit trying to invent ways to make agency shop something that nobody understands. Quit trying to make agency shop an enemy of the employee of the Commonwealth. Either you are for it, you believe in the concept, or you do not. Quit trying to do to this bill the job of Christmas tree and emasculation that we have all seen done to good bills in the House before. Mr. Speaker, vote in the negative.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, on the Foster amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment and some of the other Foster amendments have been billed previously as the no-more-free-ride amendments. In fact, the opposite is true. There will be more free riders if this amendment passes than ever before. We have information that there are a number of employees, Commonwealth employees, who are nonunion members and, in the case of grievance procedures, quickly join the union feeling that they may get better representation from the union if they are union members, and following the arbitration of their grievance procedure, they again withdraw from the

union and no longer pay dues. There is no provision in the Foster amendment to address that. There is no provision in the Foster amendment to address the many other benefits that the nonunion members now enjoy and will continue to enjoy as free riders should this amendment pass.

I again ask that this and any other amendment that would substantially gut this bill be defeated. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Pressmann, on the amendment.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Will the gentleman, Mr. Foster, stand for a brief period of interrogation?

The SPEAKER. Mr. Foster indicates he will stand. You are in order, and you may proceed.

Mr. PRESSMANN. Mr. Speaker, does the gentleman's amendment say that the wage increases that are negotiated by the union would not apply to employees who are not union members?

Mr. FOSTER. The amendment is silent on that, Mr. Speaker, for good reason. Let us say that management should see fit to grant greater benefits to nonmembers. That would certainly be appealed as an unfair labor practice, and on the other hand, if management sought to pay less, that is another potential question for an unfair labor practice. So the amendment is silent on that and does not speak to it.

Mr. PRESSMANN. Thank you, Mr. Speaker.

I would like to make a statement on the amendment.

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

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, then fair share does not happen with Mr. Foster's amendment, because the union then would be negotiating the raises for the nonmembers. The area of grievances may be being addressed by Mr. Foster's amendment, but the area of wages is obviously not.

I would just like to make a personal observation from a personal experience. I used to be a public employee. I used to be an AFSCME member employed by the Pennsylvania Department of Transportation, and there was an incident in my brief career there where a gentleman was up for a promotion which the department did not want to give him. Well, the union, we stood behind him and got him his promotion. The day after he got his promotion, he quit the union because he did not want to pay dues anymore because he did not want that money coming out of his pocket after the union had fought for his raise.

I think that it is time that those who benefit from the union pay their equal and fair share into that unit. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, for the second time.

Mr. FOSTER. Thank you, Mr. Speaker.

A point of parliamentary inquiry. May I interrogate more than one person without that being counted as separate appearances on the floor?

The SPEAKER. No.

Mr. FOSTER. Thank you, Mr. Speaker.

I think then I would like to interrogate the gentleman, Mr. Manderino, on one point.

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

Mr. FOSTER. Mr. Speaker, would you look at page 2 of my amendment, in section 606, the underlined section, "And, provided further, That there may not be more than one employe organization in a bargaining unit." Does that not explicitly protect exclusivity in direct contradiction to what you said a few minutes ago?

Mr. MANDERINO. I am not sure that it does, because if you will look at your amendment in section 603(a), you remove "exclusively." So I have to think that the removal of the word "exclusively" must mean something.

Mr. FOSTER. Mr. Speaker, how do you define section 606 then? It certainly says that it preserves—

Mr. MANDERINO. At best light for your interpretation—all right?—it would seem to be confusing and ambiguous. That is the best I can say, if I read 603 and 606. When you answered the gentleman's question that you were not sure that every employee was going to get the wage rate bargained for by the union, I have got to begin to believe that there may be something to my thinking that there are going to be three different unions, three different wage rates, and three different contracts, because you said it was silent but would not even give him that the wage rate would have to be the same.

Mr. FOSTER. Mr. Speaker, we do not spell that out at all in the amendment nor should it be.

Mr. MANDERINO. No, but we at least, when we are trying to answer a question and put information on the floor, we would at least give our opinion as to what would occur. You would not even do that when the gentleman asked the question.

Mr. FOSTER. I gave him my opinion quite clearly, Mr. Speaker.

Mr. MANDERINO. Yes, and your opinion was that the bill was silent on that.

Mr. FOSTER. But I would like to get back to my question.

Mr. MANDERINO. You have had about as good an answer as you are going to get, but you may not realize that yet.

Mr. FOSTER. I think you are right, Mr. Speaker.

Mr. Speaker?

The SPEAKER. Mr. Foster, all right. You still have the floor.

Mr. FOSTER. That concludes my interrogation. I would like to make a closing argument.

This offers us the simple and logical solution to the problem. It does not provide for more than one bargaining unit. It does not destroy exclusivity. What it does is provide and protect individual choice.

Now, one speaker made the point that, yes, but these people will get the same benefits as the members. I would like to ask the rhetorical question, how much does it really cost to bargain for 80,000 people as opposed to 60,000 people? If somebody afterward could answer me in 50,000 words or less why it costs more to bargain for 30,000 more people? That is not the cost of what the unions are objecting to. The cost was in the matter of fighting grievances. I have addressed that cost in my amendment.

I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, although I told Mr. Foster that he had about as good an answer as he was going to get, I think that we ought to go back and look not only on page 1 where the word "exclusively" has been taken out, but the word "exclusively" again is taken out on page 3 in I guess (b)(3). Now, the only place that says there will be only one employee organization in a bargaining unit is on page 2, and we are talking about bargaining units. We have a lot more than one bargaining unit in the State employees system. We have a number of bargaining units, probably in excess of 25 or 30, and what you are saying is what I said - in each bargaining unit you could have a different union. And when I am talking about— Yes; you can. You can shake your head no. You can have a different union because Act 195 itself says you can have a union if you have 30 percent of the vote; you have to be certified. So that would allow at least three different unions to represent maybe the several bargaining units that are out there, and we could have different contracts for every one of those bargaining units.

Now, that is the way I read it, but whether you read it that way or whether you do not read it that way, let me come back again: We have an opponent to agency shop, to the fair share concept, again trying to invent something, getting us to buy in, to be persuaded, to be confused, to be cajoled perhaps into doing something that we do not want to do. What we want to do is pass an agency shop bill this afternoon, and you do that by providing a negative vote on this amendment and continuing with the flow of amendments and debate. Mr. Speaker, I ask for that negative vote.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Heckler, on the Foster amendment.

Mr. HECKLER. Thank you, Mr. Speaker.

I would point out to those who are examining this amendment that the language in section 606 is the language which governs the issue of exclusivity and that that language is just absolutely crystal clear that only one employee organization may represent the bargaining unit. The issue of an adjective bouncing around in a couple of the other sections that deal with when a certification election is going to occur just cannot possibly be considered to weaken that very clear statement. So let us be clear in what we are talking about here.

The issue again comes to me as one of the individual. What do you say to that individual employee? Are they going to have the right to make a choice not to be represented and not to pay or to be represented or are they not? I would urge the adoption of the amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the Foster amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to refer to section 603 also and also to paragraph (c) of that same section, to the exclusion of the word "exclusively." I think that as I read it, and of course, we all read this as we may choose to, but as I read that, it says we are taking out the word "exclusively," meaning that the individual may in fact represent himself or herself but that only one unit, one bargaining unit, will be permitted. So we are talking in one instance of the individual being able to represent himself or herself but that in any bargaining unit there would be only one designated organization. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—74

Argall	Distler	Jadlowiec	Pitts
Barley	Dorr	Johnson	Punt
Birmelin	Fargo	Kennedy	Reinard
Black	Farmer	Langtry	Robbins
Book	Flick	Lashinger	Ryan
Bowser	Foster	Leh	Saurman
Brandt	Fox	McClatchy	Schuler
Bunt	Freind	McVerry	Semmel
Burd	Gallen	Manmiller	Sirianni
Bush	Geist	Merry	Smith, B.
Carlson	Gladeck	Miller	Smith, S. H.
Cessar	Godshall	Moehmann	Snyder, D. W.
Chadwick	Hagarty	Mowery	Snyder, G.
Cimini	Hayes	Nahill	Taylor, E. Z.
Clymer	Heckler	Noye	Vroon
Cornell	Herman	Perzel	Weston
DeVerter	Hershey	Phillips	Wilson
Dietterick	Hess	Piccola	Wright, J. L.
Diminni	Honaman		

NAYS—119

Acosta	Donatucci	Linton	Roebuck
Angstadt	Duffy	Livengood	Rudy
Arty	Durham	Lloyd	Saloom
Baldwin	Evans	Lucyk	Serafini
Battisto	Fattah	McCall	Seventy
Belardi	Fee	McHale	Showers
Belfanti	Fischer	Maiale	Staback
Blaum	Freeman	Maine	Stairs
Bortner	Gamble	Manderino	Steighner
Bowley	Gannon	Markosek	Stevens
Boyes	George	Mayernik	Stuban
Broujos	Gruitza	Melio	Sweet
Burns	Gruppo	Michlovic	Taylor, F.
Caltagirone	Haluska	Micozzie	Taylor, J.
Cappabianca	Hasay	Morris	Telek
Carn	Hayden	Mrkonic	Trello
Cawley	Howlett	O'Brien	Truman
Civera	Hughes	O'Donnell	Van Horne
Clark	Hutchinson	Olasz	Veon
Cohen	Itkin	Oliver	Wambach
Colafella	Jarolin	Petrarca	Wass
Cole	Josephs	Petrone	Wiggins
Corrigan	Kasunic	Pievsky	Wogan
Cowell	Kosinski	Pistella	Wozniak
Coy	Kukovich	Pressmann	Wright, D. R.
DeLuca	LaGrotta	Preston	Wright, R. C.
DeWeese	Laughlin	Raymond	Yandrisevits
Daley	Lescovitz	Richardson	
Davies	Letterman	Rieger	Irvis,

Dawida Dombrowski	Levdansky	Ritter	Speaker
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NOT VOTING—4

Deal	Kenney	Reber	Rybak
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EXCUSED—5

Harper Jackson	Murphy	Scheetz	Tigue
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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

Mr. FOSTER offered the following amendments No. A1249:

Amend Title, page 1, line 24, by striking out "AND"

Amend Title, page 1, line 25, by removing the period after "FEE" and inserting

; and providing for payment to charities in lieu of the fair share fee.

Amend Sec. 2 (Sec. 2215), page 24, by inserting between lines 3 and 4

(k) A nonmember may opt to exempt himself from paying the fair share fee by agreeing to contribute the amount of the fair share fee to one or more of the charitable organizations listed below. The employe organization may require evidence of the contribution or contributions in the form of receipts, cancelled checks or other documentation. The following shall be regarded as charitable organizations for the purpose of this subsection: A volunteer fire company, volunteer ambulance association, or volunteer rescue squad, a public library, a duly-chartered post of a national veterans organization, Boy Scouts of America, Girl Scouts of America, Catholic Charities, United Jewish Appeal, United Way, American Red Cross, Rape Crisis Services, Salvation Army, Planned Parenthood, Young Men's Christian Association, Young Women's Christian Association, or any organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

Amend Sec. 2 (Sec. 2215), page 24, line 4, by striking out "(K)" and inserting

(l)

Amend Sec. 2 (Sec. 2215), page 24, line 9, by striking out "(L)" and inserting

(m)

Amend Sec. 2 (Sec. 2215), page 24, line 14, by striking out "(M)" and inserting

(n)

Amend Sec. 2 (Sec. 2215), page 24, line 18, by striking out "(N)" and inserting

(o)

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like to commend the House for its attention during the previous debate. We both had the chance to articulate our respective positions, and I wish the outcome could have been different, but it was not, and the House has spoken on the issue. At this point I would like to expand on the fair share concept of union employees.

I think what we have seen at this point is a debate as to whether everyone should pay a certain fair share for services they receive whether they ask for them or not. It was my position that if they are unsolicited, they need not be paid for, but I lost that on the previous vote. However, there is more than one way to pay your fair share, Mr. Speaker. You can do that in a variety of ways, and A1249 will enable those individuals who have vehement objection to being a part of the union concept or the paying of dues for whatever reason to address that through contributions to a charity.

Now, this is provided for very narrowly in the bill on the basis of a religious exemption, but I would like to expand that to a further declaration of conscience, if you will, and provide as follows: If you do not wish to pay your fair share to the union, you may then pay a similar amount to, A, a volunteer fire company; B, a public library; C, a duly chartered veterans organization, and the list that you see in the amendment - YMCA, YWCA, Catholic Charities, United Jewish Appeal, and any charity that falls within the prescribed section of the charitable act.

Now, Mr. Speaker, I would say this in terms of fair share: When the fire siren rings at 2 a.m. in the morning and it is 5 below outside, the fire chief does not look up the list and say, sorry, you did not pay your fair share; you are not a member of our company; we never saw you at one of our suppers. If you are so unfortunate as to be involved in an accident on the highway and the local volunteer ambulance comes through, they get you to the hospital as speedily as possible without worrying about whether you are a member of their association or whether you bought a sub at their sub sale. Public libraries offer the same services to everyone, member or nonmember, and thus it is with all of these charitable organizations. They do not set up guidelines.

Now, I was accused at one point of letting my prolife sympathies show through with Catholic Charities, but I have also included rape crisis centers, Planned Parenthood, any of the 501(c) organizations. These are organizations that provide a definite service to our community, and I would say that this is one way to pay your fair share. There is more than one way to do it. You can pay it to the public employee unions but you can certainly do it by paying your fair share in your community, and I would ask for an affirmative vote.

The SPEAKER. On the Foster amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I do not believe that we really want to put the fair-share-fee requirement in competition with United Fund solicitations.

The problem we are trying to address with this particular legislation is a problem of fairness. We are trying to provide fairness to the union and to those employees who support union activities, particularly those collective-bargaining activities. There is language elsewhere in the bill to provide protection for employees who have objection on religious grounds or who have objection to any of their dollars being used for political or ideological purposes. We have dealt with that issue before; the protection is already there. What we would effec-

tively do with this amendment is to provide a huge loophole for individuals to continue to keep on doing what they have done in the past, and that is not to join the union and not to be required to pay a fair share fee, and they would do that simply by making a donation, perhaps a donation that they have always made in the past.

This is another attempt to undermine the language in the bill, to sabotage the provisions of the legislation. I urge we defeat the amendment.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Will the gentleman, Mr. Cowell, consent to interrogation?

The SPEAKER. Mr. Cowell indicates he will stand for interrogation. You are in order, and you may proceed.

Mr. FOSTER. Thank you, Mr. Speaker.

Why do you say that this does not provide for fair share representation?

Mr. COWELL. I say it does not provide for fair share representation because if we are going to be fair to the union that provides the representation and if we are going to be fair to those members who choose to pay dues and to support the activities, then we need to provide for some payment on the part of the nonmembers to those same activities. Your amendment does not accomplish that purpose. Your amendment instead acts in a punitive way, if you will, by telling the nonmember, we are going to make you cough up X number of dollars and throw it somewhere. We are going to make you give up the dollars. But it does not address the question of fair share in terms of fairly supporting the overall activities of that collective-bargaining agent and also, perhaps, ameliorating or minimizing the additional burden that falls on the union members themselves. So your amendment does not act that way; instead it acts in a punitive way. I think it is inappropriate, and I urge its defeat.

Mr. FOSTER. Mr. Speaker, am I correct that our public employee unions each year conduct a United Way campaign?

Mr. COWELL. I am sorry, Mr. Speaker. I could not hear that question.

Mr. FOSTER. Mr. Speaker, am I correct that each year our public employee unions conduct the United Way campaign?

Mr. COWELL. As far as I know, that is correct.

Mr. FOSTER. Do you not think this would be beneficial in helping them to reach that goal, by people who would voluntarily contribute to United Way as opposed to having dollars extracted from them by the union?

Mr. COWELL. I think that the issue of United Way or Red Cross or your list of favorite charities—and I would identify this as your list, not everybody's list—has nothing to do with the question of agency shop or fair share fee, and that is the real issue before us today, not how we can get more money for the United Way.

Mr. FOSTER. Mr. Speaker, how would you feel in terms of fair share about a union member who calls the local fire company of which he is not a member? He lives there; he is not a member at this point. Does he not have the right to call that fire company? You would not object to that, would you?

Mr. COWELL. Mr. Speaker, I think that the gentleman is really confusing issues. I think that various kinds of community activities and community services made available to residents in our local communities has absolutely nothing to do with the question of this fair-share-fee legislation.

Mr. FOSTER. Mr. Speaker, how would you feel about the same thing with respect to any charities that I omitted? You said it was my list. Remember that my list is all inclusive. It takes in all of the 501(c) charities. If there are ones that you would like to specifically enumerate, I would give you the opportunity here.

Mr. COWELL. Mr. Speaker, I really have no intention of debating your list or anybody's list. The issue is whether there will be a fair share fee paid to the collective-bargaining agent. You would undermine that language that provides for the fair share fee to be paid to the collective-bargaining agent in SB 291, and on that basis I oppose your amendment.

Mr. FOSTER. Mr. Speaker, that concludes my interrogation. I would like to make a brief remark.

The SPEAKER. The gentleman is in order.

Mr. FOSTER. Mr. Speaker, I think this is a genuine fair share amendment in every sense of the word. I would ask your support for it, if you as individuals would give your vote in favor of the organizations that you feel do the most for your community. Let anyone be free to choose to whom they will contribute money, and this is a perfect example of free choice but it is also possibly an excellent opportunity to thank those who have served us so well in the past.

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti, on the amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Will the gentleman, Mr. Foster, stand for brief interrogation?

The SPEAKER. Mr. Foster indicates he will so stand. You may proceed, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, under the provisions of this amendment, who would pay the costs of the attorneys' fees in a grievance procedure by a nonunion State employee?

Mr. FOSTER. Under the provisions—

Mr. BELFANTI. If this amendment were adopted as part of the bill, who would then pay for the attorneys in the case of a grievance procedure between a nonunion employee and the Commonwealth?

Mr. FOSTER. Under this amendment the union would be required to represent all members. I lost that vote the last time, Mr. Speaker.

Mr. BELFANTI. But, Mr. Speaker, you keep referring to this amendment as a true fair share fee, and you know full well—this is still a question; I have to say it as a statement and hopefully elicit a response—you know full well that the very intention of this legislation before us is to give all State employees a choice, a choice to either join the union or a choice to pay a fair share towards the benefits that they enjoy because of the union. There is a clear-cut choice. How does this amendment in any way relate to the fair share concept that we are talking about here today?

Mr. FOSTER. Mr. Speaker, it relates by the fact that there are indeed nonmembers of unions who receive services from the unions without paying for them just as there are union members who do not subscribe to the charities or to the fire companies or to the ambulance associations enumerated in the bill but they still receive the benefits from these organizations, and these are for services that they ask for. In the case of nonunion members, they are not even asking for the services.

Mr. BELFANTI. Thank you, Mr. Speaker.

I have concluded my interrogation. I would like to make a remark.

The SPEAKER. The gentleman may proceed.

Mr. BELFANTI. Mr. Speaker, as the majority leader mentioned earlier, this is just another—and it is not even an ingenious method; I cannot even describe it as that—it is just another funny way of trying to cloud the issue before us.

I think that the House has before it a very liberal, a very liberal agency shop bill. I daresay that in the case of the private sector, they are not near as liberal, and I would like to point out a particular case where I would like to have my colleagues on the other side of the aisle, at least the majority of them that are opposing this entire concept, understand that what the Commonwealth is doing is not something new. It is not some big Democratic Party platform plank that we are trying to pass on to all the State employees here. This is something that is modeled, very liberally modeled, after the private sector.

I would like to read a line from a Pennsylvania Power and Light Company job application, and I quote: "If you become a non-supervisory employee of PP&L, you must, as a condition of continued employment, tender the initiation fees and standard dues required for retaining membership in the union. Are you agreeable to making these payments?" Then there is a block for yes or no. I am told by company officials that in the case where a potential employee checks the "no" block, that application is discarded.

Now, there is a pure case of no choice at all. The potential employee either joins the union or they do not get a job. Here we are trying to give every State employee the benefit of the doubt. If they in fact, for any other reason other than the fact that they do not want to pay dues to the union, they do not have to join. They simply pay for the services rendered.

I think we are being very liberal. In fact, I like this application better than what we are debating today, and I would hope that we defeat this amendment as we have the previous ones. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—72

Argall	Dininni	Hershey	Phillips
Barley	Distler	Hess	Piccola
Birmelin	Dorr	Honaman	Pitts
Black	Fargo	Jadlowiec	Punt
Book	Farmer	Johnson	Reinard
Bowser	Fischer	Kennedy	Robbins
Brandt	Flick	Langtry	Ryan

Bunt	Foster	Lashinger	Saurman
Burd	Fox	Leh	Schuler
Bush	Freind	McClatchy	Sirianni
Carlson	Gallen	McVerry	Smith, B.
Cessar	Geist	Manmiller	Smith, S. H.
Chadwick	Gladeck	Merry	Snyder, G.
Cimini	Godshall	Miller	Stairs
Clymer	Hagarty	Moehlmann	Taylor, E. Z.
Cornell	Hayes	Mowery	Vroon
DeVerter	Heckler	Nahill	Wilson
Dieterick	Herman	Noye	Wright, J. L.

NAYS—121

Acosta	Donatucci	Lucyk	Rybak
Angstadt	Duffy	McCall	Saloom
Arty	Durham	McHale	Semmel
Baldwin	Evans	Maiale	Serafini
Battisto	Fee	Maine	Seventy
Belardi	Freeman	Manderino	Showers
Belfanti	Gamble	Markosek	Snyder, D. W.
Blaum	Gannon	Mayernik	Staback
Bortner	George	Melio	Steighner
Bowley	Gruitza	Michlovic	Stevens
Boyes	Gruppo	Micozzie	Stuban
Broujos	Haluska	Morris	Sweet
Burns	Hasay	Mrkonic	Taylor, F.
Caltagirone	Hayden	O'Brien	Taylor, J.
Cappabianca	Howlett	O'Donnell	Telek
Carn	Hughes	Olasz	Trello
Cawley	Hutchinson	Oliver	Truman
Civera	Itkin	Perzel	Van Horne
Clark	Jarolin	Petrarca	Veon
Cohen	Josephs	Petrone	Wambach
Colafella	Kasunic	Pievsky	Wass
Cole	Kenney	Pistella	Wiggins
Corrigan	Kosinski	Pressmann	Wogan
Cowell	Kukovich	Preston	Wozniak
Coy	LaGrotta	Raymond	Wright, D. R.
DeLuca	Laughlin	Reber	Wright, R. C.
DeWeese	Lescovitz	Richardson	Yandrisevits
Daley	Letterman	Rieger	
Davies	Levdansky	Ritter	Irvis,
Dawida	Livengood	Roebuck	Speaker
Dombrowski	Lloyd	Rudy	

NOT VOTING—4

Deal	Fattah	Linton	Weston
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EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—122

Acosta	Donatucci	Linton	Roebuck
Angstadt	Duffy	Livengood	Rudy
Arty	Durham	Lloyd	Rybak
Baldwin	Evans	Lucyk	Saloom
Battisto	Fattah	McCall	Serafini
Belardi	Fee	McHale	Seventy

Belfanti	Fischer	Maiale	Showers
Blaum	Freeman	Maine	Staback
Bortner	Gamble	Manderino	Stairs
Bowley	Gannon	Markosek	Steighner
Boyes	George	Mayernik	Stevens
Burns	Gruitza	Melio	Stuban
Caltagirone	Gruppo	Michlovic	Sweet
Cappabianca	Haluska	Micozzie	Taylor, F.
Carn	Hasay	Morris	Taylor, J.
Cawley	Hayden	Mrkonic	Telek
Civera	Howlett	O'Brien	Trello
Clark	Hughes	O'Donnell	Truman
Cohen	Hutchinson	Olasz	Van Horne
Colafella	Itkin	Oliver	Veon
Cole	Jarolin	Perzel	Wambach
Corrigan	Josephs	Petrarca	Wass
Cowell	Kasunic	Petrone	Wiggins
Coy	Kenney	Pievsky	Wogan
DeLuca	Kosinski	Pistella	Wozniak
DeWeese	Kukovich	Pressmann	Wright, D. R.
Daley	LaGrotta	Preston	Wright, R. C.
Davies	Laughlin	Raymond	Yandrisevits
Dawida	Lescovitz	Richardson	
Deal	Letterman	Rieger	Irvis,
Dombrowski	Levdansky	Ritter	Speaker

NAYS—74

Argall	Dininni	Honaman	Pitts
Barley	Distler	Jadlowiec	Punt
Birmelin	Dorr	Johnson	Reber
Black	Fargo	Kennedy	Reinard
Book	Farmer	Langtry	Robbins
Bowser	Flick	Lashinger	Ryan
Brandt	Foster	Leh	Saurman
Broujos	Fox	McClatchy	Schuler
Bunt	Freind	McVerry	Semmel
Burd	Gallen	Manmiller	Sirianni
Bush	Geist	Merry	Smith, B.
Carlson	Gladeck	Miller	Smith, S. H.
Cessar	Godshall	Mochlmann	Snyder, G.
Chadwick	Hagarty	Mowery	Taylor, E. Z.
Cimini	Hayes	Nahill	Vroon
Clymer	Heckler	Noye	Weston
Cornell	Herman	Phillips	Wilson
DeVerter	Hershey	Piccola	Wright, J. L.
Dietterick	Hess		

NOT VOTING—1

Snyder, D. W.

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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.

BUSINESS AND COMMERCE COMMITTEE MEETING

The SPEAKER. The Chair is going to declare a 15-minute recess. The gentleman, Mr. Taylor, has requested an immediate meeting of his committee.

The Chair recognizes the gentleman from Fayette, Mr. Taylor. Would you make that statement for the record?

Mr. F. TAYLOR. Thank you, Mr. Speaker.

I request an immediate meeting of the Business and Commerce Committee in room 401. Would all the members please go up there. We will not be there very long and we can get the business of the day moving. Thank you, Mr. Speaker.

RECESS

The SPEAKER. The Chair declares the House in recess until 4:45.

Mr. Book, we will get to all the corrections when we come back on the floor. We will not forget you.

RECESS EXTENDED

The time of recess was extended until 5 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1, PN 1617 (Amended)

By Rep. F. TAYLOR

An Act creating the Pennsylvania Economic Development Partnership; providing for powers and duties; abolishing the Department of Commerce; and transferring functions to the Pennsylvania Economic Development Partnership.

BUSINESS AND COMMERCE.

HB 3, PN 1618 (Amended)

By Rep. F. TAYLOR

An Act establishing a program to coordinate efforts to revitalize distressed industries; and providing for an analysis of eligible industries and reports.

BUSINESS AND COMMERCE.

HB 4, PN 1619 (Amended)

By Rep. F. TAYLOR

An Act authorizing the Department of Labor and Industry to make grants for projects which provide employment opportunities for certain individuals.

BUSINESS AND COMMERCE.

HB 5, PN 1620 (Amended)

By Rep. F. TAYLOR

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), known as the "Pennsylvania Industrial Development Authority Act," providing preferential Pennsylvania Industrial Development Authority loans for the use of coal produced in Pennsylvania.

BUSINESS AND COMMERCE.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be lifted from the table and placed on the active calendar:

HB 10;
 HB 222;
 HB 243;
 HB 584;
 HB 668;
 HB 860;
 HB 960;
 HB 962; and
 HB 1125.

On the question,

Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, May 26, 1987

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 1, 1987, 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 1, 1987, 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.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 169, PN 955**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for intermediate unit boards of directors; requiring certain school employees to pay a fair share fee; and providing for objections to payment of a fair share fee.

On the question,

Will the House agree to the bill on third consideration?

Mr. FOSTER offered the following amendments No. A1196:

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

Amending the act of July 23, 1970 (P.L.563, No.195), entitled "An act establishing rights in public employes to organize and bargain collectively through selected representatives; defining public employes to include employes of nonprofit organizations and institutions; providing compulsory mediation and fact-finding, for collective bargaining impasses; providing arbitration for certain public employes for collective bargaining impasses; defining the scope of collective bargaining; establishing unfair employe and employer practices; prohibiting strikes for certain public employes; permitting strikes under limited conditions; providing penalties for violations; and establishing procedures for implementation," limiting representation under collective bargaining agreements.

Amend Bill, page 1, lines 11 through 19; pages 2 through 7, lines 1 through 30; page 8, line 1, by striking out all of said lines on said pages and inserting

Section 1. Sections 603 and 606 of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, are amended to read:

Section 603. (a) A public employe, a group of public employes or an employe organization may notify the public employer that thirty per cent or more of the public employes in an appropriate unit desire to be [exclusively] represented for collective bargaining purposes by a designated representative and request the public employer to consent to an election.

(b) If the public employer consents, the public employe, group of public employes or employe organization whichever applicable may submit in a form and manner established by the board an election request. Such request shall include a description of the unit deemed to be appropriate, the basis upon which it was determined that thirty per cent or more of the employes desired to be represented and a joinder by the public employer. The board may on the basis of the submissions order an election to be held or it may at its discretion investigate or conduct hearings to determine the validity of the matters contained in such submissions before determining whether or not an order should issue.

(c) If a public employer refuses to consent to an election, the party making the request may file a petition with the board alleging that thirty per cent or more of the public employes in an appropriate unit wish to be [exclusively] represented for collective bargaining purposes by a designated representative. The board shall send a copy of the petition to the public employer and provide for an appropriate hearing upon due notice. If it deems the allegations in the petition to be valid and the unit to be appropriate it shall order an election. If it finds to the contrary it may dismiss the petition or permit its amendment in accordance with procedures established by the board.

(d) If a public employer receives notification that thirty per cent or more of the public employes desire to be [exclusively] represented for collective bargaining purposes by a designated representative and the party giving notice does not thereafter seek an election the public employer may file a petition for the same with the board. The board shall then follow the procedures as established for petitions filed under subsection (c) of this section.

Section 606. Representatives selected by public employes in a unit appropriate for collective bargaining purposes shall be the exclusive representative of all the employes in [such unit] the employe organization elected to bargain on wages, hours, terms and conditions of employment: Provided, That any individual employe or a group of employes in the employe organization shall have the right at any time to present grievances to their employer and to have them adjusted without the intervention of the bargaining representative as long as the adjustment is not inconsistent with the terms of a collective bargaining contract then in effect: And, provided further, That the bargaining representative has been given an opportunity to be present at such adjustment:

And, provided further, That there may not be more than one employe organization in a bargaining unit.

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

Section 608. Any employe organization having a collective bargaining agreement with a public employer need only represent members of such employe organizations. Dues and fees shall be required and may be deducted only from members of such employe organizations.

Section 3. Section 1201 of the act is amended to read:

Section 1201. (a) Public employers, their agents or representatives are prohibited from:

(1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.

(2) Dominating or interfering with the formation, existence or administration of any employe organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization.

(4) Discharging or otherwise discriminating against an employe because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to bargain collectively in good faith with an employe representative which is the [exclusive] representative of employes in an appropriate unit, including but not limited to the discussing of grievances with the [exclusive] representative.

(6) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.

(7) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.

(8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.

(9) Refusing to comply with the requirements of "meet and discuss."

(b) Employe organizations, their agents, or representatives, or public employes are prohibited from:

(1) Restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.

(2) Restraining or coercing a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances.

(3) Refusing to bargain collectively in good faith with a public employer, if they have been designated in accordance with the provisions of this act as the [exclusive] representative of employes in an appropriate unit.

(4) Violating any of the rules and regulations established by the board regulating the conduct of representation elections.

(5) Refusing to reduce a collective bargaining agreement to writing and sign such agreement.

(6) Calling, instituting, maintaining or conducting a strike or boycott against any public employer or picketing any place of business of a public employer on account of any jurisdictional controversy.

(7) Engaging in, or inducing or encouraging any individual employed by any person to engage in a strike or refusal to handle goods or perform services; or threatening, coercing or restraining any person where an object thereof is to (i) force or require any public employer to cease dealing or doing business with any other person or (ii) force or require a public employer to recognize for representation purposes an employe organization not certified by the board.

(8) Refusing to comply with the provisions of an arbitration award deemed binding under section 903 of Article IX.

(9) Refusing to comply with the requirements of "meet and discuss."

Section 4. This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I offer the same amendment to SB 169 as was offered to SB 291. Once again, I would ask you to respect the rights of individuals with regard to union dues and let unions represent their membership and only their membership.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, this is the same amendment which we defeated to the previous bill. It is that amendment which I said would create a chaotic condition where there may in fact be more than one employe organization representing a group of employees or, at best, we would have one organization there and many, many other individuals out on their own with separate wage scales, different grievance procedures, complete mayhem.

I urge that we defeat this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—74

Argall	Dininni	Honaman	Pitts
Barley	Distler	Jadlowiec	Punt
Belardi	Dorr	Johnson	Reber
Birmelin	Fargo	Kennedy	Reinard
Black	Farmer	Langtry	Robbins
Book	Flick	Lashingier	Ryan
Bowser	Foster	Leh	Saurman
Brandt	Fox	McClatchy	Schuler
Bunt	Freind	McVerry	Sirianni
Burd	Gallen	Manmiller	Smith, B.
Bush	Geist	Merry	Smith, S. H.
Carlson	Gladeck	Miller	Snyder, D. W.
Cessar	Godshall	Moehlmann	Snyder, G.
Chadwick	Hagarty	Mowery	Stairs
Cimini	Hayes	Nahil	Taylor, E. Z.
Clymer	Heckler	Noye	Vroon
Cornell	Herman	Phillips	Wilson
DeVerter	Hershey	Piccola	Wright, J. L.
Dietterick	Hess		

NAYS—112

Angstadt	Durham	McCall	Saloom
Baldwin	Evans	McHale	Semmel
Battisto	Fee	Maiale	Serafini
Belfanti	Fischer	Maine	Seventy
Blaum	Freeman	Manderino	Showers
Bortner	Gamble	Markosek	Steighner
Bowley	George	Mayernik	Stevens
Boyes	Gruitza	Melio	Stuban
Broujos	Gruppo	Michlovic	Sweet
Burns	Haluska	Micozzie	Taylor, F.
Caltagirone	Hayden	Morris	Taylor, J.
Cappabianca	Howlett	Mrkonic	Telek
Carn	Hughes	O'Brien	Trello
Cawley	Hutchinson	O'Donnell	Truman
Civera	Itkin	Olasz	Van Horne
Clark	Jarolin	Perzel	Veon
Cohen	Josephs	Petrarca	Wambach
Colafella	Kasunic	Petrone	Wass
Cole	Kenney	Pievsky	Weston
Corrigan	Kosinski	Pistella	Wiggins
Cowell	Kukovich	Pressmann	Wogan
Coy	LaGrotta	Preston	Wozniak

DeLuca	Laughlin	Raymond	Wright, D. R.
Daley	Lescovitz	Rieger	Wright, R. C.
Davies	Letterman	Ritter	Yandrisevits
Dawida	Levdansky	Roebuck	
Dombrowski	Livengood	Rudy	Irvis,
Donatucci	Lloyd	Rybak	Speaker
Duffy	Lucyk		

NOT VOTING—11

Acosta	Deal	Hasay	Richardson
Arty	Fattah	Linton	Staback
DeWeese	Gannon	Oliver	

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. Mr. Foster, your second amendment is not yet ready. Is that correct?

Mr. FOSTER. I have it down, Mr. Speaker. I do not know whether it has been circulated.

The SPEAKER. No, it has not been. We will have to come back to you, Mr. Foster.

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

Mr. PUNT offered the following amendment No. A1091:

Amend Sec. 1 (Sec. 527), page 3, by inserting between lines 25 and 26

(d.1) The fair share fees obtained from nonmembers shall be placed in a separate account by the exclusive representative. These fees shall be used only to represent nonmembers in grievance proceedings, contract negotiating, collective bargaining and other matters directly related to work-related representation. No moneys from this fund shall be used for any other purpose. These funds shall be audited by the Auditor General to insure that the restrictions of this section are met. The Auditor General shall also determine the actual cost of the representation to nonmembers. The Auditor General shall present a report to the General Assembly, not later than March 1 of each year, indicating the findings of its audits required by this subsection.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Franklin, Mr. Punt.

Mr. PUNT. Thank you, Mr. Speaker.

This amendment would propose to do what my previous amendment did to SB 291. This would require the funds assessed upon nonmembers to be placed into a separate account. It would require the Auditor General to audit that account and the expenditure of those funds and release a report of its findings to the General Assembly each year by March 1.

The SPEAKER. On the Punt amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. As the gentleman suggested, we are revisiting an issue or proposal which we have already rejected when

considering the previous bill. This is the amendment which would have the Auditor General suddenly begin to audit union books. We do not need the legislation, and in fact it sets some precedents which we ought not to establish.

I urge that we defeat the amendment.

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

The following roll call was recorded:

YEAS—77

Argall	Distler	Honaman	Pitts
Arty	Dorr	Jadlowiec	Punt
Barley	Fargo	Johnson	Reber
Birmelin	Farmer	Kennedy	Reinard
Black	Fischer	Langtry	Robbins
Book	Flick	Lashingier	Ryan
Bowser	Foster	Leh	Saurman
Brandt	Fox	McClatchy	Schuler
Bunt	Freind	McVerry	Sirianni
Burd	Gallen	Manmiller	Smith, B.
Bush	Geist	Merry	Smith, S. H.
Carlson	Gladeck	Miller	Snyder, D. W.
Cessar	Godshall	Moehlmann	Snyder, G.
Chadwick	Hagarty	Mowery	Stairs
Cimini	Hayes	Nahill	Taylor, E. Z.
Clymer	Heckler	Noye	Vroon
Cornell	Herman	Perzel	Weston
DeVertter	Hershey	Phillips	Wilson
Dietterick	Hess	Piccola	Wright, J. L.
Dininni			

NAYS—115

Acosta	Donatucci	Lloyd	Rybak
Angstadt	Duffy	Lucyk	Saloom
Baldwin	Durham	McCall	Semmel
Battisto	Evans	McHale	Serafini
Belardi	Fattah	Majale	Seventy
Belfanti	Fee	Maine	Showers
Blaum	Freeman	Manderino	Staback
Bortner	Gamble	Markosek	Steighner
Bowley	George	Mayernik	Stevens
Boyes	Gruitza	Melio	Stuban
Broujos	Gruppo	Michlovic	Sweet
Burns	Haluska	Micozzie	Taylor, F.
Caltagirone	Hasay	Morris	Taylor, J.
Cappabianca	Hayden	Mrkonic	Telek
Carn	Howlett	O'Brien	Trelo
Cawley	Hughes	O'Donnell	Truman
Civera	Itkin	Olasz	Van Horne
Clark	Jarolin	Oliver	Veon
Cohen	Josephs	Petrarca	Wambach
Colafella	Kasunic	Petrone	Wass
Cole	Kenney	Pievsky	Wiggins
Corrigan	Kosinski	Pistella	Wogan
Cowell	Kukovich	Pressmann	Wozniak
Coy	LaGrotta	Preston	Wright, D. R.
DeLuca	Laughlin	Raymond	Wright, R. C.
DeWeese	Lescovitz	Rieger	Yandrisevits
Daley	Letterman	Ritter	
Davies	Levdansky	Roebuck	Irvis,
Dawida	Livengood	Rudy	Speaker
Dombrowski			

NOT VOTING—5

Deal	Hutchinson	Linton	Richardson
Gannon			

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. VROON offered the following amendments No. A1259:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and regulating instruction regarding sex education.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. The act is amended by adding a section to read:

Section 1511.2. Sex Education.—No board of school directors shall permit the conduct of any course of instruction regarding sexual values, sexual feelings or contraceptives in any public school within the district unless such a course of instruction shall emphasize the importance of abstinence from adolescent, premarital sexual relations.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, I think this is perhaps the most important amendment that I have offered here tonight, and it deals with something that is vital to all of us.

Mr. Speaker, if we are interested in saving the lives of our young people, we will pay close attention to this amendment. What this amendment says in effect is that no sex education will be taught in our schools unless we emphasize the importance of abstinence from sexual activity by adolescents and by premarital people. We think this is awfully important. We think this is a lifesaving amendment. This will save more lives than all of the education that people are trying to foist on our society. The mere knowledge of sex is not going to avoid AIDS. It is not going to be able to lead people away from the danger, but the teaching of abstinence in sex education is probably the only positive way to avoid AIDS. I cannot say how important that is. If you share this with me, I invite you to vote for this amendment, and you will not be doing anything to hurt the chances of the bill. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, today we are dealing with issues that relate to labor law, specifically agency shop and fair share fee. I do not think this is the time or the place to inject into the debate issues that relate to curriculum requirements in our local school districts.

I really do not want to get into the substance of this particular amendment, although it is with fault. There are problems

with the language in this amendment, but I would ask that we simply defeat it because this is not the time to deal with curriculum issues. Let us keep on the track dealing with agency shop and the fair share fee. I ask that we defeat the amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon, for the second time.

Mr. VROON. Mr. Speaker, you say this is not the time or the place. I say it is absolutely the time and the place to do it right here and now. This is a very urgent matter. There are human lives at stake. We are already being frightened by the impact that AIDS is going to have in our society. It is doubly important for us to prevent our young people from getting this. If we do not act on this right here and now and we are going to wait for somebody else to teach our children about contraceptives and the like, we are going to lose a lot of them. I do not want to see any lives be lost because of my negligence. I think it is very important to do this right here and now, and I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—77

Barley	Fargo	Langtry	Robbins
Birmelin	Farmer	Lashingier	Ryan
Black	Flick	Leh	Saurman
Book	Foster	Lloyd	Schuler
Bowser	Fox	McClatchy	Serafini
Brandt	Freind	Manmiller	Seventy
Bunt	Gallen	Merry	Sirianni
Burd	Geist	Micoozie	Smith, B.
Bush	Gladeck	Miller	Smith, S. H.
Carlson	Godshall	Morris	Snyder, D. W.
Cessar	Hagarty	Mowery	Snyder, G.
Chadwick	Hayes	Nahill	Stairs
Cimini	Herman	Noye	Stevens
Clymer	Hershey	Olasz	Taylor, E. Z.
Cornell	Hess	Perzel	Vroon
Coy	Honaman	Phillips	Wass
Dietterick	Jadlowiec	Piccola	Weston
Dininni	Johnson	Pitts	Wilson
Distler	Kennedy	Reinard	Wright, J. L.
Dorr			

NAYS—117

Acosta	Dawida	Lescovitz	Rieger
Angstadt	Deal	Letterman	Ritter
Argall	Dombrowski	Levdanský	Roebuck
Arty	Donatucci	Linton	Rudy
Baldwin	Duffy	Livengood	Rybak
Battisto	Durham	Lucyk	Saloom
Belardi	Evans	McCall	Semmel
Belfanti	Fattah	McHale	Showers
Blaum	Fee	McVerry	Staback
Bortner	Fischer	Maiale	Steighner
Bowley	Freeman	Maine	Stuban
Boyes	Gamble	Manderino	Sweet
Broujos	Gannon	Markosek	Taylor, F.
Burns	George	Mayernik	Taylor, J.
Caltagirone	Gruitza	Melio	Telek
Cappabianca	Gruppo	Michlovic	Trello
Carn	Haluska	Moehlmann	Truman
Cawley	Hasay	Mrkonic	Van Horne
Civera	Hayden	O'Brien	Veon
Clark	Heckler	O'Donnell	Wambach
Cohen	Hughes	Oliver	Wiggins
Colafella	Irkin	Petrarca	Wogan
Cole	Jarolin	Petrone	Wozniak

Corrigan	Josephs	Pievsky	Wright, D. R.
Cowell	Kasunic	Pistella	Wright, R. C.
DeLuca	Kenney	Pressmann	Yandrisevits
DeVerter	Kosinski	Preston	
DeWeese	Kukovich	Punt	Irvis,
Daley	LaGrotta	Raymond	Speaker
Davies	Laughlin	Reber	

NOT VOTING—3

Howlett	Hutchinson	Richardson
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EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. VROON offered the following amendments No. A1260:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and regulating instruction regarding sex education.

Amend Bill, page 4, by inserting between lines 15 and 16

Section 3. The act is amended by adding a section to read:

Section 1511.2. Instruction Regarding Sex Education.—

(a) When used in this section the following words and phrases shall have the following meanings:

(1) "Public notice" shall mean a publication of notice of the place, date, time and purpose of the public hearing in a newspaper of general circulation, as defined by 45 Pa.C.S. § 101 (relating to definitions), which is published and circulated in the school district where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the school district equal to or greater than any newspaper published in the school district.

(b) No board of school directors shall permit the conduct of any instruction or part of instruction in which sexual values, sexual feelings or contraceptives are taught or discussed without first adopting a resolution pursuant to this section authorizing such instruction. No resolution authorizing such sex education instruction shall be adopted by the board unless the board shall first conduct a public hearing on the adoption of such resolution to be held not more than thirty (30) days and not less than five (5) days before the board meets to consider the adoption of such a resolution. The board shall give public notice of the public hearing not more than ten (10) days and not less than three (3) days in advance of the hearing.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. Mr. Speaker, this is another sex education amendment, and what we are trying to say here is that there

will be no sex education taught to any children without the prior consent of the parents. We think this, too, is important.

I resent as a parent the idea that somebody else is going to teach my children the facts of life. I want those children to learn the facts of life the way I want them to learn them. I think there is a moral question here, a very strong, deep, moral question, and I think this is very important - to let the parents have the prerogative of giving their consent; otherwise, their children will not have to be taught that way. Nothing will be done unless this consent is received in writing.

I think this is another precaution. It is timely, and I think we ought to vote for this kind of thing right here and now. I urge you to put yourself on record, as a Representative, as being very much concerned with what is going on in our society today. Please vote "yes" on this amendment. It is important to your people.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, on the one hand Mr. Vroon was suggesting there was some urgency about dealing with sex education and making sure our young people were protected, and now he proposes that we further tie the hands of school boards.

In fact, there is already language in the law that gives the parents the right to pull their school-age children out of a class, out of a health class or a science class, if they in fact object on religious grounds. It is basically what the gentleman is speaking to in this particular amendment.

The amendment is not needed, and furthermore, again it is a diversionary tactic. It has nothing to do with agency shop or fair share fee. We do not need it. It is inappropriate that we address it anyway now. I urge that we defeat the amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—72

Barley	Dininni	Jadlowiec	Pitts
Birmelin	Distler	Johnson	Reinard
Black	Dombrowski	Kennedy	Robbins
Book	Dorr	Langtry	Ryan
Bowser	Fargo	Lashingier	Saloom
Bunt	Farmer	Leh	Saurman
Burd	Flick	Lloyd	Schuler
Bush	Foster	McClatchy	Serafini
Carlson	Fox	Manmiller	Sirianni
Cawley	Freind	Merry	Smith, B.
Cessar	Geist	Micozzie	Smith, S. H.
Cimini	Gladeck	Miller	Snyder, G.
Civera	Godshall	Morris	Stevens
Clymer	Hagarty	Nahill	Taylor, E. Z.
Cornell	Hayes	Noye	Vroon
Coy	Herman	Olasz	Wass
DeVerter	Hershey	Phillips	Wilson
Dietterick	Hess	Piccola	Wright, J. L.

NAYS—121

Acosta	Duffy	Livengood	Roebuck
Angstadt	Durham	Lucyk	Rudy
Argall	Evans	McCall	Rybak
Arty	Fattah	McHale	Semmel
Baldwin	Fee	McVerry	Seventy
Battisto	Fischer	Maiale	Showers

Belardi	Freeman	Maine	Snyder, D. W.
Belfanti	Gamble	Manderino	Staback
Blaum	Gannon	Markosek	Stairs
Bortner	George	Mayernik	Steighner
Bowley	Gruppo	Melio	Stuban
Boyes	Haluska	Michlovic	Sweet
Brandt	Hasay	Moehlmann	Taylor, F.
Broujos	Hayden	Mowery	Taylor, J.
Burns	Heckler	Mrkonic	Telek
Caltagirone	Honaman	O'Brien	Trello
Cappabianca	Hughes	O'Donnell	Truman
Carn	Hutchinson	Oliver	Van Horne
Chadwick	Itkin	Perzel	Veon
Clark	Jarolin	Petrarca	Wambach
Cohen	Josephs	Petrone	Weston
Colafella	Kasunic	Pievsky	Wiggins
Cole	Kenney	Pistella	Wogan
Corrigan	Kosinski	Pressmann	Wozniak
Cowell	Kukovich	Preston	Wright, D. R.
DeLuca	LaGrotta	Punt	Wright, R. C.
DeWeese	Laughlin	Raymond	Yandrisevits
Daley	Lescovitz	Reber	
Davies	Letterman	Richardson	Irvis,
Dawida	Levdansky	Rieger	Speaker
Donatucci	Linton	Ritter	

NOT VOTING—4

Deal	Gallen	Gruitza	Howlett
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EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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. VROON. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Vroon.

Mr. VROON. I have a third amendment. I do not think it has been circulated as yet, but will you reserve that for me?

The SPEAKER. Has the third amendment been circulated for Mr. Vroon? A1258, is that the one you are talking about? A1258 has been circulated, Mr. Vroon. You are recognized to offer the following amendment, which the clerk will read.

Mr. VROON. Mr. Speaker, I think we dealt with this. I will withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HECKLER offered the following amendment No. A1132:

Amend Sec. 1 (Sec. 527), page 3, lines 22 through 25, by striking out "A PUBLIC" in line 22 and all of lines 23 through 25

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

This, of course, is a duplicate to the language which was submitted with regard to the prior bill. I will not belabor the point. I would urge the enactment of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, as the gentleman suggested, again this is the same amendment which we defeated for the previous bill. Again it would gut the implementation of the language in SB 169. I urge we defeat the amendment proposed.

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

The following roll call was recorded:

YEAS—72

Argall	Dininni	Hess	Piccola
Barley	Distler	Honaman	Pitts
Birmelin	Dorr	Jadlowiec	Punt
Black	Fargo	Johnson	Reinard
Book	Farmer	Kennedy	Robbins
Bowser	Flick	Langry	Ryan
Brandt	Foster	Lashinger	Saurman
Bunt	Fox	Lch	Schuler
Burd	Freind	McClatchy	Serafini
Bush	Gallen	McVerry	Sirianni
Carlson	Geist	Manmiller	Smith, B.
Cessar	Gladeck	Merry	Smith, S. H.
Chadwick	Godshall	Miller	Snyder, D. W.
Cimini	Hagarty	Moehlmann	Snyder, G.
Clymer	Hayes	Mowery	Taylor, E. Z.
Cornell	Heckler	Nahill	Vroon
DeVertter	Herman	Noye	Wjison
Dietterick	Hershey	Phillips	Wright, J. L.

NAYS—122

Acosta	Donatucci	Livengood	Rudy
Angstadt	Duffy	Lloyd	Rybak
Arty	Durham	Lucyk	Saloom
Baldwin	Evans	McCall	Semmel
Battisto	Fattah	McHale	Seventy
Belardi	Fee	Maiale	Showers
Belfanti	Fischer	Maine	Staback
Blaum	Freeman	Manderino	Stairs
Bortner	Gamble	Markosek	Steighner
Bowley	Gannon	Mayermik	Stevens
Boyes	George	Melio	Stuban
Broujos	Gruitza	Michlovic	Sweet
Burns	Gruppo	Micozzie	Taylor, F.
Caltagirone	Haluska	Morris	Taylor, J.
Cappabianca	Hasay	Mrkonic	Telek
Carn	Hayden	O'Brien	Trello
Cawley	Hughes	O'Donnell	Truman
Civera	Hutchinson	Olasz	Van Horne
Clark	Itkin	Oliver	Veon
Cohen	Jarolin	Perzel	Wambach
Colafella	Josephs	Petrarca	Wass
Cole	Kasunic	Petrone	Weston
Corrigan	Kenney	Pievsky	Wiggins
Cowell	Kosinski	Pistella	Wogan
Coy	Kukovich	Pressmann	Wozniak
DeLuca	LaGrotta	Preston	Wright, D. R.
DeWeese	Laughlin	Raymond	Wright, R. C.
Daley	Lescovitz	Reber	Yandrisevits
Davies	Letterman	Rieger	
Dawida	Levdansky	Ritter	Irvis,
Dombrowski	Linton	Roebuck	Speaker

NOT VOTING—3

Deal	Howlett	Richardson
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EXCUSED—5

Harper Murphy Scheetz Tigie
 Jackson

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. HECKLER offered the following amendment No. A1206:

Amend Sec. 1 (Sec. 527), page 2, line 20, by inserting after "AFFILIATED"
, less any amount expended or to be expended for partisan political or ideological purposes not germane to collective bargaining unless the nonmember first consents, in writing, to the inclusion of such expenditures for partisan political or ideological purposes as part of his fair share fee

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Mr. Speaker, this again is identical language to that offered with regard to the previous bill. I have looked through this bill, and I failed to see any other guarantee within the language of the bill that the fair share fee will not be expended for partisan or ideological purposes. This spells that proposition out. I would suggest that it certainly does no harm to the intent of the bill and provides an extra guarantee, if you will, suspenders as well as a belt, and I would urge the enactment of this.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, we did defeat this amendment in the previous bill. With respect to the gentleman's observation that he could not find the language that provides for this protection, if he would look carefully on the bottom of page 3 and the top of page 4, he will find the appropriate language.

I urge we defeat the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—75

Argall	Dininni	Hess	Piccola
Barley	Distler	Honaman	Pitts
Birmelin	Dorr	Jadlowiec	Punt
Black	Evans	Johnson	Reinard
Book	Fargo	Kennedy	Robbins
Bowley	Farmer	Langtry	Ryan
Bowser	Flick	Lashinger	Saurman
Brandt	Foster	Leh	Schuler
Bunt	Fox	McClatchy	Sirianni
Burd	Freind	McVerry	Smith, B.
Bush	Gallen	Manmiller	Smith, S. H.
Carlson	Geist	Merry	Snyder, D. W.
Cessar	Gladeck	Miller	Snyder, G.
Chadwick	Godshall	Moehlmann	Taylor, E. Z.
Cimini	Hagarty	Mowery	Vroon
Clymer	Hayes	Nahill	Weston
Cornell	Heckler	Noye	Wilson

DeVerter Herman Perzel Wright, J. L.
 Dietterick Hershey Phillips

NAYS—120

Acosta	Duffy	Lucyk	Rybak
Angstadt	Durham	McCall	Saloom
Arty	Fattah	McHale	Semmel
Baldwin	Fee	Maiale	Serafini
Battisto	Fischer	Maine	Seventy
Belardi	Freeman	Manderino	Showers
Belfanti	Gamble	Markosek	Staback
Blaum	Gannon	Mayernik	Stairs
Bortner	George	Melio	Steighner
Boyes	Gruitza	Michlovic	Stevens
Broujos	Gruppo	Micozzie	Suban
Burns	Haluska	Morris	Sweet
Caltagirone	Hasay	Mrkonic	Taylor, F.
Cappabianca	Hayden	O'Brien	Taylor, J.
Carn	Hughes	O'Donnell	Telek
Cawley	Hutchinson	Olasz	Trello
Civera	Itkin	Oliver	Truman
Clark	Jarolin	Petrarca	Van Horne
Cohen	Josephs	Petrone	Veon
Colafella	Kasunic	Pievsky	Wambach
Cole	Kenney	Pistella	Wass
Corrigan	Kosinski	Pressmann	Wiggins
Cowell	Kukovich	Preston	Wogan
Coy	LaGrotta	Raymond	Wozniak
DeLuca	Laughlin	Reber	Wright, D. R.
DeWeese	Lescovitz	Richardson	Wright, R. C.
Daley	Letterman	Rieger	Yandrisevits
Davies	Levdansky	Ritter	
Dawida	Linton	Roebuck	Irvis,
Dombrowski	Livengood	Rudy	Speaker
Donatucci	Lloyd		

NOT VOTING—2

Deal Howlett

EXCUSED—5

Harper Murphy Scheetz Tigie
 Jackson

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. HECKLER offered the following amendment No. A1201:

Amend Sec. 1 (Sec. 527), page 3, line 18, by inserting after "NONMEMBERS"
, by way of annual notice,

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Bucks, Mr. Heckler.

Mr. HECKLER. Again, this provides for the requirement of annual reporting, and I would hope that we could again agree that this is an appropriate provision for the bill.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, this is the amendment we agreed to in the previous bill. I think it is appropriate that we add it to SB 169.

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

The following roll call was recorded:

YEAS—191

Acosta	Dombrowski	Lashingner	Rieger
Angstadt	Donatucci	Laughlin	Ritter
Argall	Dorr	Leh	Robbins
Arty	Duffy	Lescovitz	Roebuck
Baldwin	Durham	Levdansky	Rudy
Barley	Evans	Linton	Ryan
Battisto	Fargo	Livengood	Rybak
Belardi	Farmer	Lloyd	Saloom
Belfanti	Fattah	Lucyk	Saurman
Birmelin	Fee	McCall	Schuler
Black	Fischer	McClatchy	Semmel
Blaum	Flick	McHale	Serafini
Book	Foster	McVerry	Seventy
Bortner	Fox	Maine	Showers
Bowley	Freeman	Manderino	Sirianni
Bowser	Freind	Manmiller	Smith, B.
Boyes	Gallen	Markosek	Smith, S. H.
Brandt	Gamble	Mayernik	Snyder, D. W.
Broujos	Gannon	Melio	Snyder, G.
Bunt	Geist	Merry	Staback
Burd	George	Michlovic	Stairs
Burns	Gladeck	Micozzie	Steighner
Bush	Godshall	Miller	Stevens
Caltagirone	Gruitza	Moehlmann	Stuban
Cappabianca	Gruppo	Morris	Sweet
Carlson	Hagarty	Mowery	Taylor, E. Z.
Carn	Hasay	Mrkonic	Taylor, F.
Cawley	Hayden	Nahill	Taylor, J.
Cessar	Hayes	Noye	Telek
Chadwick	Heckler	O'Brien	Trello
Cimini	Herman	O'Donnell	Truman
Civera	Hershey	Olasz	Van Horne
Clark	Hess	Oliver	Veon
Clymer	Honaman	Perzel	Vroon
Cohen	Hughes	Petrarca	Wambach
Colafella	Hutchinson	Petrone	Wass
Cole	Itkin	Phillips	Weston
Cornell	Jadlowiec	Piccola	Wiggins
Corrigan	Jarolin	Pievsky	Wilson
Cowell	Johnson	Pistella	Wogan
Coy	Josephs	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeVertter	Kennedy	Preston	Wright, J. L.
Daley	Kenney	Punt	Wright, R. C.
Davies	Kosinski	Raymond	Yandrisevits
Dawida	Kukovich	Reber	
Dietterick	LaGrotta	Reinard	Irvis,
Dininni	Langtry	Richardson	Speaker
Distler			

NAYS—4

DeWeese	Haluska	Letterman	Maiale
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NOT VOTING—2

Deal	Howlett
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EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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

On the question,

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

Mrs. LANGTRY offered the following amendments No. A1114:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and prohibiting the waiver, suspension or reduction of fines imposed for violations of the Public Employee Relations Act.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. The act is amended by adding a section to read:

Section 1134. Fines for Violations of Public Employee Relations Act.—Notwithstanding any other provision of law, all fines levied by a court of competent jurisdiction for violations under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," shall be enforced and collected. The court may not waive, suspend or reduce the fines after the signing of a collective bargaining agreement or as a condition for the agreement. Employers and employes shall not include any waiver, suspension or diminution of the fines as a bargainable item in the collective bargaining negotiations.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, amendment A1114 deals with fines as a result of court injunctions specifically dealing with school strikes. What the bill requires is that fines levied pursuant to a court order - in other words, when the courts say everybody go back to work - those fines cannot be waived, suspended, or reduced after the signing of a collective-bargaining agreement or as a condition for signing that agreement. What this would do is it would be a prohibition against eliminating the fines as a result of a court order.

What we have now, Mr. Speaker—and we talked about this last year—is that fines can be imposed, and it is optional or at the discretion of the courts. The fines can be imposed. But when they are imposed, they are not enforced or collected very often. This amendment would simply require that those fines be enforced and collected when they are imposed by the courts.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, this and perhaps some subsequent amendments can be similarly characterized as we described some of the amendments earlier today. They are basically an attempt to divert attention from the issue really before us, the issue of agency shop and the fair share fee.

This amendment really deals with Act 195. It really deals with the issue of school strikes. It really deals with a brand-new issue or brand-new attempt for this legislature to tell the

courts what they can or cannot do in the resolution of school strikes or work stoppages. In my opinion, what we would do perhaps with this kind of language if we took it seriously at this point is to help prolong school strikes, but we really should not get into that issue at all today.

I urge we defeat the amendment.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Thank you.

I would point out that the legislation that we are dealing with now, this bill, amends the School Code, and the substance of the bill that we are dealing with, fair share, certainly deals with terms and conditions of employment. That is exactly what my amendments do. I would point that out to the Representative on the other side of the aisle and suggest that I would appreciate support very much for my amendment, that it is not out of line.

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

The following roll call was recorded:

YEAS—66

Barley	Distler	Hess	Noye
Birmelin	Dorr	Honaman	Phillips
Black	Fargo	Hutchinson	Pitts
Book	Farmer	Jadlowiec	Reinard
Bowser	Flick	Kennedy	Robbins
Brandt	Foster	Kenney	Ryan
Bunt	Fox	Langtry	Saurman
Burd	Freind	Lashinger	Schuler
Bush	Gamble	Leh	Semmel
Carlson	Geist	McClatchy	Smith, B.
Cessar	Gladeck	McVerry	Smith, S. H.
Chadwick	Godshall	Manmiller	Snyder, D. W.
Cimini	Hagarty	Merry	Taylor, E. Z.
Clymer	Hayes	Moehlmann	Vroon
DeVerter	Heckler	Mowery	Weston
Dietterick	Herman	Nahill	Wilson
Dininni	Hershey		

NAYS—130

Acosta	Donatucci	Lucy	Rudy
Angstadt	Duffy	McCall	Rybak
Argall	Durham	McHale	Saloom
Arty	Evans	Maiale	Serafini
Baldwin	Fattah	Maine	Seventy
Battisto	Fee	Manderino	Showers
Belardi	Fischer	Markosek	Sirianni
Belfanti	Freeman	Mayernik	Snyder, G.
Blaum	Gallen	Melio	Staback
Bortner	Gannon	Michlovic	Stairs
Bowley	George	Micozzie	Steighner
Boyes	Gruitza	Miller	Stevens
Broujos	Gruppo	Morris	Stuban
Burns	Haluska	Mrkonc	Sweet
Caltagirone	Hasay	O'Brien	Taylor, F.
Cappabianca	Hayden	O'Donnell	Taylor, J.
Carn	Howlett	Olasz	Telek
Cawley	Hughes	Oliver	Trello
Civera	Itkin	Perzel	Truman
Clark	Jarolin	Petrarca	Van Horne
Cohen	Johnson	Petrone	Veon
Colafella	Josephs	Piccola	Wambach
Cole	Kasunic	Pievsky	Wass
Cornell	Kosinski	Pistella	Wiggins
Corrigan	Kukovich	Pressmann	Wogan
Cowell	LaGrotta	Preston	Wozniak
Coy	Laughlin	Punt	Wright, D. R.

DeLuca	Lescovitz	Raymond	Wright, J. L.
DeWeese	Letterman	Reber	Wright, R. C.
Daley	Levdansky	Richardson	Yandrisevits
Davies	Linton	Rieger	
Dawida	Livengood	Ritter	Irvis,
Dombrowski	Lloyd	Roebuck	Speaker

NOT VOTING—1

Deal

EXCUSED—5

Harper	Murphy	Scheetz	Tigue
Jackson			

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

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

The SPEAKER. Mrs. Langtry, we interrupted Mr. Foster because his amendment was not yet ready. We will not take the remainder of your amendments today. We are going to take Mr. Foster's amendment, and then we will take your amendments tomorrow.

Mrs. LANGTRY. Thank you, Mr. Speaker.

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

Mr. FOSTER offered the following amendments No. A1256:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting
; and providing for payment to charities in lieu of the fair share fee.

Amend Sec. 1 (Sec. 527), page 5, by inserting between lines 11 and 12

(k) A nonmember may opt to exempt himself from paying the fair share fee by agreeing to contribute the amount of the fair share fee to one or more of the charitable organizations listed below. The employe organization may require evidence of the contribution or contributions in the form of receipts, cancelled checks or other documentation. The following shall be regarded as charitable organizations for the purpose of this subsection: a volunteer fire company, volunteer ambulance association, or volunteer rescue squad; a public library; a duly-chartered post of a national veterans organization, Boy Scouts of America, Girl Scouts of America, Catholic Charities, United Jewish Appeal, United Way, American Red Cross, Rape Crisis Services, Salvation Army, Planned Parenthood, Young Men's Christian Association, Young Women's Christian Association, or any organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)).

Amend Sec. 1 (Sec. 527), page 5, line 12, by striking out "(K)" and inserting

(l)

Amend Sec. 1 (Sec. 527), page 5, line 17, by striking out "(L)" and inserting

(m)

Amend Sec. 1 (Sec. 527), page 5, line 22, by striking out "(M)" and inserting

(n)

Amend Sec. 1 (Sec. 527), page 5, line 26, by striking out "(N)" and inserting (o)

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

The SPEAKER. The Chair recognizes the gentleman from York, Mr. Foster, on the amendment.

Mr. FOSTER. Thank you, Mr. Speaker.

This once again is the fair share amendment in which the individual decides how that fair share is best expended. If you in voting think it is better expended in union dues, then you vote against my amendment. If you think it is better expended in the charities enumerated in my amendment, then you vote for my amendment.

I ask for an affirmative vote.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Mr. Speaker, this is an amendment we previously rejected to the prior bill. It is the amendment that would put the fair-share-fee requirement in competition with the United Way and volunteer fire companies. It is totally inappropriate, totally unrelated to the issue before us.

Again I urge we defeat the amendment.

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

The following roll call was recorded:

YEAS—72

Table listing names of members who voted 'YEAS' in two columns.

NAYS—124

Table listing names of members who voted 'NAYS' in two columns.

Table listing names of members who were 'NOT VOTING' in two columns.

NOT VOTING—1

Deal

EXCUSED—5

Table listing names of members who were 'EXCUSED' in two columns.

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

On the question recurring,

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

The SPEAKER. Mr. Smith, the Chair understood that you have withdrawn your amendments. Is that correct, for the record? The gentleman indicates that is correct, for the record.

BILL PASSED OVER

The SPEAKER. Without objection, SB 169 will be passed over for today. The Chair hears no objection.

REMARKS ON VOTE

The SPEAKER. The gentleman from Philadelphia, Mr. Evans, was recorded incorrectly on amendment A1206 to SB 169. He should be recorded in the negative.

There will be no further votes taken on the floor of the House. Members are free to leave. Anyone who wishes to correct the record, wait until we have all the confusion out. We will recognize you to correct the record.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2, PN 1621 (Amended)

By Rep. F. TAYLOR

An Act amending the act of August 23, 1967 (P. L. 251, No. 102), known as the "Industrial and Commercial Development Authority Law," authorizing industrial development authorities to enter into agreements for the issuance of pool bonds to finance a series of small projects.

BUSINESS AND COMMERCE.

SENATE MESSAGE**AMENDED SENATE RESOLUTION
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House by amending said amendments to **SR 19, PN 984**.

Ordered, That the clerk present the same to the House requesting concurrence.

REMARKS ON VOTES

The SPEAKER. To correct the record, the Chair recognizes the gentleman from Allegheny, Mr. Book. You wanted to be recognized.

Mr. BOOK. Yes, Mr. Speaker. On SB 291, amendment A1089, I had voted "no." I would like to be recorded as a "yes" vote.

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

The Chair recognizes the gentleman from Lehigh, Mr. Snyder.

Mr. D. W. SNYDER. Mr. Speaker, I was not recorded on my vote, and I would like to be recorded in the negative on SB 291. My vote was not recorded at the time.

The SPEAKER. You are correct. You were not recorded, but you will be recorded as a negative.

The Chair recognizes the gentleman from Cambria, Mr. Haluska. What is your correction, sir?

Mr. HALUSKA. Mr. Speaker, on SB 291 I wanted to have my vote recorded "no."

The SPEAKER. You wish it to be recorded in the negative?

Mr. HALUSKA. Right.

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

The Chair recognizes the gentleman from Lackawanna, Mr. Staback.

Mr. STABACK. Mr. Speaker, on SB 169, amendment 1196, I would like to be recorded in the negative. My switch did not operate.

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

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

Mr. KENNEY. Mr. Speaker, on SB 291, on both amendments 1197 and 1131, I would like to be recorded in the negative, please.

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

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

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, my switch malfunctioned when the vote was taken on SB 291, amendment 1131. I am recorded in the affirmative. I would like to be recorded in the negative.

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

ANNOUNCEMENT BY MR. BRANDT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Brandt. Do you wish to make an announcement?

Mr. BRANDT. Yes. Thank you, Mr. Speaker.

I would just like to comment on a bill that I am planning to introduce today joined by about 25 other members of the House. This bill would basically impose upon the Liquor Control Board that they would recycle all the containers that they presently handle. I think that unlike other forced-deposit legislation, this bill would say to the Liquor Control Board that not only must you have these bottles returned, but at the same time you have to make sure that that used glass and plastic get into the recycling stream.

I wanted to make the announcement, Mr. Speaker, so if any of the other members would care to join in this cosponsorship, I will leave the bill at the desk. Thank you.

The SPEAKER. The Chair thanks the gentleman.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Lackawanna, Mr. Belardi.

Mr. BELARDI. Mr. Speaker, on SB 169, amendment No. 1196, I am recorded in the affirmative. I would like the record to show that I would have voted in the negative.

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

Mr. BELARDI. Thank you.

BILLS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Jadowiec.

Mr. JADLOWIEC. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 27, 1987, 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 5:30 p.m., e.d.t., the House adjourned.