

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MARCH 11, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 17

### HOUSE OF REPRESENTATIVES

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

Most Holy and Glorious Lord God, Thou whose mighty power and providential care watches over all mankind, it is with sincerity of purpose and dedicated stewardship that we come before Thee. We humbly pray that Thy love and care and concern may not be misguided in the lives of each of us but may prove to be the difference in keeping us walking in the truth of Thy blessed counsel. O God, challenge us with the unfinished tasks which Thou wouldst have us complete, prompt us to reach beyond our grasp to pioneer service in Thy name, and bless our every endeavor with Thy gracious presence. Amen.

#### PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, March 10, 1986, will be postponed until that Journal is in print, and the Chair hears no objection thereto.

#### HOUSE BILLS INTRODUCED AND REFERRED

No. 2212 By Representatives TRELLO, SCHULER, MILLER, KUKOVICH, STABACK, BUSH, PETRONE, DALEY, MARKOSEK, DORR, ROBBINS, JOSEPHS, JOHNSON, HALUSKA, COHEN, PETRARCA, PRESTON, NAHILL, ITKIN, G. M. SNYDER, DURHAM, WAMBACH and GRUITZA

An Act making an appropriation to the Department of Public Welfare for expansion of radio reading services.

Referred to Committee on FINANCE, March 11, 1986.

No. 2213 By Representatives SALOOM, MICOZZIE, JAROLIN, MACKOWSKI, COSLETT and ROEBUCK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the sale of capsulized nonprescription drugs or medicines.

Referred to Committee on JUDICIARY, March 11, 1986.

No. 2214 By Representatives COWELL, MICHLOVIC, DUFFY, CESSAR and GAMBLE

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," authorizing the reinstatement of certain former members of the police force.

Referred to Committee on URBAN AFFAIRS, March 11, 1986.

No. 2215 By Representatives DALEY, MANDERINO, F. E. TAYLOR, KASUNIC, DeWEESE and SWEET

An Act providing that emergency school closings in western Pennsylvania caused by the extreme flood conditions on and around November 5, 1985, do not have to be made up at the end of the 1985-1986 school year.

Referred to Committee on EDUCATION, March 11, 1986.

#### 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, March 10, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, March 17, 1986, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, March 17, 1986, 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.

**SENATE MESSAGE**

**AMENDED HOUSE RESOLUTION  
 RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 181, PN 2959**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**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 tabled calendar and placed on the active calendar:

- HB 68;
- HB 247;
- HB 1033;
- HB 1108;
- HB 1405;
- HB 1475;
- HB 1503;
- HB 1504;
- HB 1556;
- HB 1592;
- HB 1593;
- HB 1804;
- HB 1900;
- HB 1947;
- HB 1949;
- HB 1972;
- HB 1978;
- HB 2025;
- HB 2062;
- HB 2063;
- HB 2081;
- HB 2106;
- HB 2163;
- HB 2172;
- HB 2174;
- SB 239; and
- SB 670.

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

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—197**

Acosta	Deal	Lashinger	Robbins
Afflerbach	Dininni	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Letterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Evans	Lucyk	Schuler
Belardi	Fargo	McCall	Semmel
Belfanti	Fattah	McClatchy	Serafini
Birmelin	Fee	McHale	Seventy
Black	Fischer	McVerry	Showers
Blaum	Flick	Mackowski	Sirianni
Book	Foster, Jr., A.	Maiale	Smith, B.
Bortner	Fox	Manderino	Smith, L. E.
Bowley	Freeman	Manmiller	Snyder, D. W.
Bowser	Freind	Markosek	Snyder, G. M.
Boyes	Fryer	Mayernik	Staback
Brandt	Gallagher	Merry	Stairs
Broujos	Gallen	Michlovic	Steighner
Bunt	Gamble	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Suban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrarca	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass
Colafella	Howlett	Piccola	Weston
Cole	Hutchinson	Pievsky	Wiggins
Cordisco	Itkin	Pistella	Wilson
Cornell	Jackson	Pitts	Wogan
Coslett	Jarolin	Pott	Wozniak
Cowell	Johnson	Pressmann	Wright, D. R.
Coy	Josephs	Preston	Wright, J. L.
Deluca	Kasunic	Punt	Wright, R. C.
DeVerter	Kennedy	Raymond	Yandrisevits
DeWeese	Kenney	Reber	
Daley	Kosinski	Reinard	Irvis,
Davies	Kukovich	Richardson	Speaker
Dawida	Langtry	Rieger	

**ADDITIONS—2**

Gannon Micozzie

**NOT VOTING—0**

**EXCUSED—2**

Dietz Taylor, E. Z.

**LEAVES ADDED—1**

Dininni

**LEAVES OF ABSENCE**

The SPEAKER. The Chair now turns to leaves of absence.

Mr. PIEVSKY, are there any leaves?

Mr. PIEVSKY. No requests at this time.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I request leave for the gentleman from Dauphin County, Mr. DININNI, for the remainder of the week.

The SPEAKER. The Chair hears no objection to the granting of the leave. The leave is therefore granted.

**CALENDAR****BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1885, PN 2484**, entitled:

An Act amending the act of March 1, 1974 (P. L. 90, No. 24), known as the "Pennsylvania Pesticide Control Act of 1973," preempting the field of pesticide regulation.

On the question,

Will the House agree to the bill on second consideration?

**BILL TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1885, PN 2484, be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

The House proceeded to second consideration of **HB 1777, PN 2956**, entitled:

An Act amending Titles 1 (General Provisions) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sovereign immunity as it relates to the Pennsylvania Housing Finance Agency and for defenses.

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 1777 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 1784, PN 2293**, entitled:

An Act amending the act of November 30, 1965 (P. L. 847, No. 356), known as the "Banking Code of 1965," further providing for investments by savings banks.

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 1784 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 bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

**HB 847, PN 2713; HB 1835, PN 2853; HB 1946, PN 2969; HB 2154, PN 2937; HB 1661, PN 2426; and HB 1921, PN 2783.**

\* \* \*

The House proceeded to second consideration of **HB 2079, PN 2958**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, adding revised, compiled and codified provisions relating to game and wildlife; and making conforming amendments to Titles 18, 42 and 75.

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 2079 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 1882, PN 2957**, entitled:

An Act establishing a program of dentistry for the homebound; imposing powers and duties on the Department of Health; and making an appropriation.

On the question,

Will the House agree to the bill on second consideration?

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1882 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 bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

**HB 1989, PN 2700; and HB 2023, PN 2758.**

\* \* \*

The House proceeded to second consideration of **HB 1160, PN 2976**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) for the disposition of dependent children.

On the question,

Will the House agree to the bill on second consideration?

**BILL RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1160 be recommitted for a fiscal note to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

\* \* \*

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

**HB 1969, PN 2662; HB 775, PN 875; HB 1782, PN 2291; HB 1813, PN 2968; and HB 1970, PN 3023.**

**DAFFODIL DAY PROGRAM**

The SPEAKER. Each year for the last 11 years, the American Cancer Society, which is one of the main weapons we have fighting against that dread disease, has alerted us to that battle with a day they label as "Daffodil Day." We have been privileged for the last 2 years to host the originators of Daffodil Day here on the floor of the House of Representatives.

There are guests here today to the left of the Speaker who have come here to witness this pledge which we make to the American Cancer Society to support the work which they do to protect your life and mine and the lives of our children and our children's children. To the left of the Speaker: Joyce

Benn, Gail Snyder, Sally Davis, and Deborah Donley. They are all with the American Cancer Society. Will they please rise?

On the podium with the Speaker is one of his graduates, Deborah Medvick, who is the public relations director for the entire State of Pennsylvania now for the American Cancer Society. Debbie, will you please rise?

The Chair is delighted to welcome to the podium to speak briefly to the members the Honorable Niles Benn of York. Mr. Benn is the vice chairman of the Board of Directors of the Pennsylvania Division of the American Cancer Society. He is a practicing attorney, and he has been a volunteer with the American Cancer Society since 1976. For 3 years he has chaired the division's Public Issues Committee, which recommends and supports legislative initiatives taken by the Society.

You will notice on your desks, as you notice on the desk of the Speaker, there have been placed daffodils - at least one per person. The Society decided this year to save the money of putting the vases on your desks and using that money to combat the disease. The great enemy of mankind, the enemies of mankind, have been war, disease, and hunger. We must all fight against those three enemies, and Attorney Benn is here to advise us how we may help him fight against one - the dread disease of cancer. Mr. Benn, if you please.

Mr. BENN. It is a great honor that has been bestowed upon me to speak before this distinguished body. I am here to thank you for supporting measures in cancer control and in implementing positive legislation with respect to the cure of cancer.

Over the past several years, there have been many issues that have been brought before this House of Representatives concerning, either directly or indirectly, cancer programs. Approximately 4 years ago, you were asked to pass legislation that would otherwise have provided for a clinic to implement this form of cancer therapy. That legislation was known as the immuno-augmentative therapy legislation, and it did not have the support of the American Cancer Society because it was considered to be an unproven method of cancer therapy. Fortunately, this House of Representatives and the Commonwealth of Pennsylvania did not pass that legislation, and in fact it has been proven recently that that was a very wise decision on your part. You have been asked to review legislation with respect to the Clean Indoor Air Act, as well as legislation for outpatient chemotherapy and legislation regarding smokeless tobacco. All of these have taken your valuable time and energies, but you have been clearly proposed in an effort to prolong life. We thank you for your awareness and your action in implementing the Cancer Plan in Pennsylvania and in approving funding for programs to support that plan.

The goal of the American Cancer Society is to eliminate cancer entirely as a human disease. This is clearly our long-range plan. However, the immediate goal is to save lives and to diminish suffering from cancer. This can be accomplished largely through education of the public of the dangers of cancer and to the possibilities of the cure for cancer. It can also be accomplished through the education of our professionals - the medical societies - of the latest advances of diag-

nosis and treatment of cancer and through direct patient services. The Pennsylvania Cancer Control Plan, which came to be as a result of the Pennsylvania Cancer Control Act of 1980, supports both the intent to save more lives through the course of educating the public and professionals by supporting research and patient services, and ultimately to eliminate cancer entirely.

Pennsylvania ranks fourth in the United States with respect to those individuals diagnosed with cancer each year. This is a very negative statistic, in that we are a leader in the United States with respect to those persons diagnosed for cancer and suffering with cancer. However, through the Cancer Control Plan and the Pennsylvania Tumor Registry Program, it is anticipated that our numbers will be reversed dramatically and that Pennsylvania will be a leader in the fight against cancer and have a very clear positive statistic.

Through the Cancer Registry Program, we will be able to determine what cancer exists in various geographical regions in our great Commonwealth. Specifically, we are learning about the nature of those suffering with cancer in northeastern Pennsylvania and in southeastern Pennsylvania and in central Pennsylvania and in western Pennsylvania. And it is expected, of the 56,000 Pennsylvanians diagnosed for cancer this year, that we will be able to reduce that number significantly through the programs set forth by this legislation.

For example, through the Cancer Control Plan, we have implemented programs such as statewide cancer registry; cancer screening, detection, and prevention; education programs for children; Pap tests to diagnose cervical cancer; and centers for the examination of breast cancer. If, through any of these programs, we are able to save just one life, then we have succeeded with respect to the purposes set out in the initiation of the Cancer Control Plan. Clearly there is no sum of money that can be put on a human life, and to say that we have assisted in prolonging life and in saving lives is a monumental accomplishment for which we can all be proud.

As Speaker Irvis said, you all have before you a daffodil, and today in this week is a very significant day for the American Cancer Society, as the daffodil represents the flower of hope. I guarantee you that if that flower is put in water, it will bloom, and it will be the beautiful flower and signify hope for cancer patients and recipients in Pennsylvania.

I would now like to make two awards to members of this House, and I would first like to call upon the Honorable Kenneth J. Cole of Adams County. Ken, could you please come forth?

Mr. Cole has been a friend of mine, whom I met through the American Cancer Society approximately 5 years ago. Together we worked on matters such as the I.A.T. (immun-augmentative therapy) legislation, the funding for the Cancer Control Plan, and the other legislation that I have previously mentioned. This man has given invaluable time in helping the American Cancer Society in helping the Commonwealth of Pennsylvania and all of its citizenry and in trying to promote a healthier society for all of those persons whom you represent. Mr. Cole has given invaluable time in the sense that he has

served both on the Public Affairs Committee of the Pennsylvania Division of the American Cancer Society as well as the Legislative Committee of the Philadelphia Division of the American Cancer Society. Because of his efforts, the American Cancer Society, Pennsylvania Division, today would like to present this honor, and it reads as follows:

The Pennsylvania Division of the American Cancer Society appreciates the outstanding efforts and deep commitment of the Honorable Kenneth J. Cole to control cancer in Pennsylvania. His efforts gave us the Pennsylvania Cancer Plan, the most comprehensive State Government program of its kind in the Nation. He is a dedicated volunteer of the American Cancer Society who is always there when we need him. Thank you, Ken. Daffodil Day, 1986.

Mr. COLE. Thank you very much, Niles.

On behalf of the House of Representatives, I accept this as a tribute to all of the members here, because it was this body that has led the fight over a period of three sessions in the fight for the Cancer Control Plan for Pennsylvania. We passed that bill unanimously, and also the tax was there—even though it never became a part of the plan—the sponsorship of over 92 members of this House for a cigarette tax, and the strong support of the leadership on both sides of the aisle made the Cancer Control Plan possible. I thank you on behalf of the House. Thank you.

Mr. BENN. I would now like to present one more honor, and that is to the Speaker of the House, Mr. K. Leroy Irvis.

We, the American Cancer Society, would like to recognize Mr. Irvis for the extreme effort he took to provide all of you with clean breathing air in this very room. Not only was that for your own health benefit but clearly for the preservation of this room itself. The American Cancer Society recognizes Mr. Irvis for enforcing the “no smoking” rule in the House chamber. And additionally, it is because of Mr. Irvis that we have the opportunity to present Daffodil Day to you today.

I would now like to read the award that we are presenting to Mr. Irvis:

The Pennsylvania Division of the American Cancer Society recognizes the Honorable K. Leroy Irvis, Speaker of the Pennsylvania House of Representatives, for faithfully enforcing the “no smoking” rule in the hall of the House, and bringing Daffodil Days to the House of Representatives. Daffodil Day, 1986.

Thank you.

The SPEAKER. Thank you very much.

The Chair thanks the American Cancer Society and points out to the members that indeed each one of us is responsible for the health and the welfare of thousands of our constituents. And because all of you are the political leaders of this Commonwealth, it is well worthwhile, whatever effort you put forth, to make certain that we conquer the dread disease of cancer, and we shall.

**PARLIAMENTARY INQUIRY**

The SPEAKER. Why does the gentleman from Dauphin, Mr. Piccola, rise?

Mr. PICCOLA. A point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. What is the point, Mr. Piccola?

Mr. PICCOLA. Mr. Speaker, could you inform the House whether or not the Chair is in possession of a veto message from the Governor on HB 452?

The SPEAKER. The answer is, yes. The Chair does have that veto message.

Mr. PICCOLA. Further inquiry, Mr. Speaker: What is the Chair's intention with respect to reading that veto message, in accordance to rule 31?

The SPEAKER. The Chair intends fully to read the veto message this afternoon.

Mr. PICCOLA. Thank you, Mr. Speaker.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2098, PN 2865**, entitled:

An Act amending the act of July 2, 1984 (P. L. 561, No. 112), known as the "Pennsylvania Conservation Corps Act," further providing for referrals, for the wages of crewleaders and for guidelines and regulations; making an appropriation; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. PIEVSKY offered the following amendments No. A0857:

Amend Sec. 1 (Sec. 12), page 4, line 1, by inserting before "The"

(a) Appropriation.—

Amend Sec. 1 (Sec. 12), page 4, line 2, by striking out "\$4,720,000" and inserting \$19,720,000

Amend Sec. 1 (Sec. 12), page 4, by inserting between lines 11 and 12

(b) Accounting procedures.—All funds expended or encumbered under the appropriation in section 202 of the act of July 1, 1985 (P.L.722, No.10A), known as the Pennsylvania Economic Revitalization Fund Appropriation Act of 1985, shall be credited against the appropriation made herein.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

Mr. Speaker, my amendment to HB 2098 will allow the Pennsylvania Conservation Corps program to carry over any funds from the current \$15-million appropriation that remain unexpended as of June 30.

Mr. Speaker, it has come to my attention that as much as \$1.3 million may be available for carryover. I am aware of two reasons for the carryover. First, actual project costs are

coming in under estimated costs; and second, unemployment compensation insurance premiums were not withheld as budgeted.

So, Mr. Speaker, I request an affirmative vote for this amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

**YEAS—190**

Acosta	Deal	Laughlin	Robbins
Afflerbach	Distler	Lescovitz	Roebuck
Angstadt	Dombrowski	Letterman	Rudy
Argall	Donatucci	Levdansky	Ryan
Arty	Dorr	Linton	Rybak
Baldwin	Duffy	Livengood	Saloom
Barber	Durham	Lloyd	Saurman
Barley	Fargo	Lucyk	Scheetz
Battisto	Fattah	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
Birmelin	Flick	McVerry	Seventy
Black	Foster, Jr., A.	Mackowski	Showers
Blaum	Fox	Maiale	Sirianni
Book	Freeman	Manderino	Smith, B.
Bortner	Freind	Manmiller	Smith, L. E.
Bowley	Fryer	Markosek	Snyder, D. W.
Bowser	Gallagher	Mayernik	Snyder, G. M.
Boyes	Gallen	Merry	Staback
Brandt	Gamble	Michlovic	Stairs
Broujos	Geist	Miller	Steighner
Bunt	George	Moehlmann	Stevens
Burd	Gladeck	Morris	Stewart
Burns	Godshall	Mrkonic	Stuban
Bush	Greenwood	Murphy	Sweet
Caltagirone	Gruitza	Nahill	Swift
Cappabianca	Gruppo	Noye	Taylor, F. E.
Carlson	Hagarty	O'Brien	Taylor, J.
Carn	Haluska	O'Donnell	Telek
Cawley	Hasay	Olasz	Tigue
Chadwick	Hayes	Oliver	Trello
Cimini	Herman	Perzel	Truman
Civera	Hershey	Petrarca	Van Horne
Clark	Honaman	Petrone	Veon
Cohen	Howlett	Phillips	Vroon
Colafella	Hutchinson	Piccola	Wambach
Cole	Itkin	Pievsky	Wass
Cordisco	Jackson	Pistella	Weston
Cornell	Jarolin	Pitts	Wiggins
Coslett	Johnson	Pott	Wilson
Cowell	Josephs	Pressmann	Wogan
Coy	Kasunic	Preston	Wozniak
Deluca	Kennedy	Punt	Wright, D. R.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Davies	Langtry	Richardson	Irvis,
Dawida	Lashingier	Rieger	Speaker

**NAYS—0**

**NOT VOTING—8**

Cessar	Evans	Harper	Mowery
Clymer	Gannon	Micozzie	Wright, J. L.

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question,

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

Mr. NOYE offered the following amendments No. A0915:

Amend Title, page 1, line 3, by inserting after "for" eligibility and

Amend Sec. 1 (Sec. 6), page 1, line 14, by inserting brackets before and after "21" and inserting immediately thereafter

25

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, the two major criticisms of the program that we are considering have been, one, the financial limitations that were placed on those who could qualify for the program, and of course, the bill addresses that particular problem. The other major complaint about the program has been that on top of the economic restraints were the age limitations, which limited the applicants to those people between the ages of 19 and 21. That, particularly in the rural areas, really limited the number of people who would be eligible to participate in the program. What I am proposing is a change in the age structure to include those individuals 19 to 25 years of age, still meeting the economic restraints and requirements that have been placed in the bill.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, on the amendment.

Mr. BOWLEY. Thank you, Mr. Speaker.

As the prime sponsor of this legislation, this is the first time I have seen this amendment. I would personally be opposed to this amendment. I feel between the ages of 18 and 21 is sufficient to give someone adequate work experience before they attempt to go out and find a permanent job, and I think if we raise it to 25, we are going to have a lot more applicants apply who, because of the limited number of job slots, will be refused and therefore will not be able to become employed by the Pennsylvania Conservation Corps. I feel we have enough applicants, and I would ask for a negative vote on this amendment.

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

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the gentleman, Mr. Bowley, in that we ought to oppose the amendment.

When we set up the Youth Conservation Corps at 18 to 21, there was much discussion by the proponents of the legislation of whether we should go to a higher age. We consulted with States that had programs such as this in effect, especially the State of California. We were advised that the older age group—and they had an older age group in their program—was not advisable because the older the group tended to be, the more disruptive the older participants in the program were and the more they, so to speak, led the youngsters from 18 to 21 astray. There was a mixture of those who could drink and

those who could not drink. There was a mixture of those who could participate in certain activities and those who could not. We opted to stay between 18 and 21 years. I think it has worked well. There is a backlog already even with the 18 to 21 in most areas of the State.

Mr. Speaker, I would ask that we keep the program at ages 18 to 21 and not take the chance of inviting problems that have been foreseen by other States. I ask for a negative vote on the amendment, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

It is inconceivable to me that you would oppose an amendment that would provide the opportunity for people to become gainfully employed, to become a part of a job training experience, when that is all I have heard from the other side of the aisle for the last several months about expanding the job availabilities to more and more people. Now, I can tell you—I cannot speak for your area, but I can speak for our area—we cannot meet. We do not have the applicants to fill the positions that are available in that age group that presently exists.

I think that your problem is addressed by your bill as it is written. You are giving them the possibility to set different standards, different levels, and to prioritize the people who have signed up for the jobs, which was not available. Probably you are correct. When the program was originally devised, limiting it to just 18- to 21-year-olds probably was advisable, and I had no problem with that. I am doing this as a result of what I have seen happen, and I think it is just inconceivable that we want to shut out those people and not provide them with a work experience.

The SPEAKER. The Chair recognizes the gentleman from Warren, Mr. Bowley, for the second time on the Noye amendment.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I think the previous speaker is missing the point. It is not that we want to eliminate those people between the ages of 21 and 25; it is just that we do not have the money to provide them jobs. We do have enough applicants between the ages of 18 and 21 for the available slots. I think you are going to open up a whole can of worms when you get someone perhaps 18 and someone age 25 working in the same jobs, and I would again ask for a negative vote on the amendment.

#### MEMBER'S PRESENCE RECORDED

The SPEAKER. Mr. Gannon's name is to be added to the master roll before we take the roll-call vote.

#### CONSIDERATION OF HB 2098 CONTINUED

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—105

Arty	Fargo	Lashing	Saurman
Barley	Fischer	McClatchy	Schuler
Birmelin	Flick	McHale	Semmel
Black	Foster, Jr., A.	McVerry	Serafini
Book	Fox	Mackowski	Sirianni
Bowser	Freeman	Manmiller	Smith, B.
Boyes	Freind	Mayernik	Smith, L. E.
Brandt	Gallen	Merry	Snyder, D. W.
Bunt	Gannon	Miller	Snyder, G. M.
Burd	Geist	Moehlmann	Stairs
Bush	George	Mowery	Steighner
Caltagirone	Gladeck	Nahill	Stevens
Carlson	Godshall	Noye	Stuban
Cawley	Greenwood	O'Brien	Swift
Cessar	Gruppo	Perzel	Taylor, J.
Chadwick	Hagarty	Phillips	Telek
Cimini	Hasay	Piccola	Tigue
Civera	Hayes	Pitts	Vroon
Clymer	Herman	Pott	Wambach
Cornell	Hershey	Punt	Wass
Coslett	Honaman	Raymond	Weston
Coy	Jackson	Reber	Wilson
DeVerter	Johnson	Reinard	Wogan
Davies	Kennedy	Robbins	Wright, D. R.
Distler	Kenney	Rudy	Wright, J. L.
Dorr	Langtry	Ryan	Wright, R. C.
Durham			

NAYS—91

Acosta	Daley	Lescovitz	Preston
Afflerbach	Dawida	Letterman	Richardson
Angstadt	Deal	Levdansky	Rieger
Argall	Dombrowski	Linton	Roebuck
Baldwin	Donatucci	Livengood	Rybak
Barber	Duffy	Lloyd	Saloom
Battisto	Evans	Lucyk	Scheetz
Belardi	Fattah	McCall	Seventy
Belfanti	Fee	Maiale	Showers
Blaum	Fryer	Manderino	Staback
Bortner	Gallagher	Markosek	Stewart
Bowley	Gamble	Michlovic	Sweet
Broujos	Gruitza	Morris	Taylor, F. E.
Burns	Haluska	Mrkonic	Trello
Cappabianca	Harper	Murphy	Truman
Carn	Howlett	O'Donnell	Van Horne
Clark	Itkin	Olasz	Veon
Cohen	Jarolin	Oliver	Wiggins
Colafella	Josephs	Petrarca	Wozniak
Cole	Kasunic	Petrone	Yandrisevits
Cordisco	Kosinski	Pievsky	
Cowell	Kukovich	Pistella	Irvis,
Deluca	Laughlin	Pressmann	Speaker
DeWeese			

NOT VOTING—2

Hutchinson	Micozzie
------------	----------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

The question was determined in the affirmative, and the amendments were 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?

PARLIAMENTARY INQUIRY

The SPEAKER. On final passage, the Chair recognizes the gentleman from Crawford, Mr. Merry.

Mr. MERRY. Mr. Speaker, point of inquiry.

Would you tell me what the effect of this last amendment has done? I was a little bit confused when I read the bill to begin with, particularly after I heard our majority leader speak about that it did not mix the ages of people who drank and those who did not drink.

On page 1, on line 14, under the (1) where it says, "Between the ages of 18 and 21," I would have almost thought that "between" meant that it would not include 18; it would not include 21. Now, that normally is not the way we interpret that, but if in effect 21 was not a drinking age, that confused me. And now that we have amended this to 25, does it include age 25 or does it not include age 25?

The SPEAKER. The opinion of the Chair, although this is not a ruling of the House, you understand, is that the age of 25 would be included. Anybody 18 would be included; anybody 25 would be included.

Mr. MERRY. All right. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—197

Acosta	Deal	Lashing	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrarca	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass



Colafella	Howlett	Piccola	Weston
Cole	Hutchinson	Pievsky	Wiggins
Cordisco	Itkin	Pistella	Wilson
Cornell	Jackson	Pitts	Wogan
Coslett	Jarolin	Pott	Wozniak
Cowell	Johnson	Pressmann	Wright, D. R.
Coy	Josephs	Preston	Wright, J. L.
Deluca	Kasunic	Punt	Wright, R. C.
DeVerter	Kennedy	Raymond	Yandrisevits
DeWeese	Kenney	Reber	
Daley	Kosinski	Reinard	Irvis,
Davies	Kukovich	Richardson	Speaker
Dawida	Langtry	Rieger	

NAYS—0

NOT VOTING—1

Micozzie

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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

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

The SPEAKER. The Chair advises the members who may not be aware of it, we are in for a number of parliamentary moves, considerations, and arguments. You had better pay attention. The Chair just made a mistake and will apologize to Mr. Piccola later on. If the Chair makes a mistake, you can be sure that you may make one or two yourselves.

**BILL REMOVED FROM TABLE**

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

Mr. MURPHY. Mr. Speaker, I would like to make a motion to remove from the table HB 1876, PN 2475, for the purpose of amendment.

The SPEAKER. Moved by the gentleman, Mr. Murphy, that HB 1876, PN 2475, be lifted from the tabled calendar and placed on the active calendar.

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

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I would oppose the motion to remove from the table. It is my belief that there is no more headway having been made in an agreement between the parties on the matter of the port authority and the Transit Workers Union that would allow us to consider this in any better light today than we would have last week or the week before.

I have been told by some of the members from Allegheny County that if we would wait until next week, there may be some progress, and I would ask that we not remove the bill from the table, Mr. Speaker.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny, Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, there has been no progress; there will be no progress; the union will not agree to anything meaningful to bring our transit system under control. That is why we are going through these procedural votes. We ask your kind consideration in bringing this bill off the table and listening to the legitimate arguments and listening to the data that was compiled by four different reports and then to make a decision. But we ask that you give us this vote to remove the bill from the table so we can deal with a very important issue in Allegheny County. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, as I said on February 19, there is no consensus on this issue, but I do not believe that there will be a consensus. Those who want to sit around and wait for management and labor to come to us with an agreed-to solution will wait a very, very long time. I am convinced that that is not going to happen. I think this issue is important enough that we ought to address it, and we can begin to address it by removing HB 1876 from the table. Thank you.

**FILMING PERMISSION**

The SPEAKER. Permission has been granted now for KDKA to film for 10 minutes on the floor of the House.

**CONSIDERATION OF HB 1876 CONTINUED**

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

Mr. FOSTER. Thank you, Mr. Speaker.

I likewise rise to urge that we take HB 1876 from the table and urge the members on this side to support the motion. Unanimity on this subject is elusive. I do not think we can come by it. Consensus we can come by. I think we do have consensus. I think that is achievable and we should today do the achievable.

I would urge our members on this side to vote in favor of removing HB 1876 from the table and placing it on the active calendar.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. McVerry, on the motion.

Mr. McVERRY. Thank you, Mr. Speaker.

I urge all members to vote to remove HB 1876 from the table. I can understand that the last time we requested removal of this bill from the table it was 7 o'clock in the evening on a Wednesday and everyone wanted to get home. Today it is noon on a Tuesday and the time is nigh to address the issue.

Please give us the opportunity and vote affirmatively on the motion to remove HB 1876 from the table.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny, Mr. Cessar.

Mr. CESSAR. Thank you, Mr. Speaker.

I think this issue touches at the very core of the members of the General Assembly from Allegheny County. It is a problem that must be resolved.

Mr. Speaker, last week or the week before, I did vote to not have any action taken on HB 1876 because, Mr. Speaker, I firmly believed that there could be some meaningful compromise accomplished between management and labor. As you well know, Mr. Speaker, we did meet and you were part of those negotiations, and we did try to resolve the differences. But, Mr. Speaker, it is very apparent to me today that there will be no compromise between the two parties.

The issue is important, and therefore, Mr. Speaker, I think the importance of the issue dictates that we do address the issue. Therefore, I am recommending, Mr. Speaker, to all the members on this side of the aisle to vote to remove HB 1876 from the table so that we may act on this proposal. Thank you.

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

Mrs. LANGTRY. Thank you, Mr. Speaker.

I also urge support to remove HB 1876 from the table. In previous discussion, Mr. Speaker, concerns on HB 1876 were characterized on this floor as a minor labor dispute between the port authority and its union. Mr. Speaker, the problems at the port authority are based in law passed by this legislature. It is important for us to bring the issue to the floor to discuss the proposed legislative changes, and I very strongly urge support to remove. Thank you very much.

The SPEAKER. The question is on the motion.

It has been moved by the gentleman, Mr. Murphy, that HB 1876 be lifted from the table and placed on the active calendar.

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

The following roll call was recorded:

YEAS—110

Barley	Distler	Lashinger	Reinard
Battisto	Dorr	Levdansky	Robbins
Belfanti	Duffy	Linton	Rudy
Birmelin	Fargo	Livengood	Ryan
Black	Fischer	McClatchy	Rybak
Book	Flick	McVerry	Saurman
Bortner	Foster, Jr., A.	Mackowski	Scheetz
Bowley	Fox	Markosek	Schuler
Bowser	Freind	Mayernik	Semmel
Brandt	Fryer	Merry	Seventy
Bunt	Gallen	Michlovic	Sirianni
Burd	Gamble	Miller	Smith, B.
Bush	Geist	Moehlmann	Smith, L. E.
Carlson	Gladeck	Mowery	Snyder, D. W.
Cawley	Greenwood	Mrkonjic	Staback
Cessar	Gruppo	Murphy	Stairs
Chadwick	Hagarty	Nahill	Stevens
Cimini	Hayes	O'Brien	Swift
Civera	Herman	Olasz	Tigue
Clymer	Hershey	Petrone	Trello
Cordisco	Honaman	Phillips	Van Horne
Cornell	Hutchinson	Pitts	Vroon
Coslett	Itkin	Pott	Wilson
Cowell	Jackson	Preston	Wogan
Coy	Johnson	Punt	Wright, J. L.
DeVerter	Kennedy	Raymond	Wright, R. C.
Davies	Kenney	Reber	Yandrisevits
Dawida	Langtry		

NAYS—83

Acosta	Donatucci	Lescovitz	Saloom
Afflerbach	Durham	Letterman	Serafini
Angstadt	Evans	Lloyd	Showers
Argall	Fattah	Lucyk	Snyder, G. M.
Baldwin	Fee	McCall	Steighner
Barber	Freeman	McHale	Stewart
Belardi	Gallagher	Maiale	Stuban
Blaum	Gannon	Manderino	Taylor, F. E.
Boyes	George	Manmiller	Taylor, J.
Broujos	Godshall	Morris	Telek
Burns	Gruitza	Noye	Truman
Caltagirone	Haluska	O'Donnell	Veon
Cappabianca	Harper	Oliver	Wambach
Carn	Hasay	Perzel	Wass
Clark	Howlett	Petrarca	Weston
Cohen	Jarolin	Piccola	Wiggins
Colafella	Josephs	Pievsky	Wozniak
Cole	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kosinski	Richardson	
Daley	Kukovich	Rieger	Irvis,
Deal	Laughlin	Roebuck	Speaker
Dombrowski			

NOT VOTING—5

Arty	Micozzie	Pistella	Sweet
Deluca			

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

**BILL PLACED ON THIRD CONSIDERATION  
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that HB 1876 be placed on the third consideration postponed calendar. I do not know where it should go on the active calendar.

The SPEAKER. Moved by the majority leader that HB 1876 be placed on the third consideration postponed calendar.

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

**REMARKS ON VOTE**

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

Mr. DeLUCA. Mr. Speaker, I want to correct my vote. My switch malfunctioned. I want to be recorded in the affirmative.

The SPEAKER. On the last motion to remove HB 1876 from the table?

Mr. DeLUCA. Yes. Yes.

The SPEAKER. Very well, Mr. DeLuca. It shall be so recorded.

**CONSIDERATION OF HB 1876 CONTINUED  
PARLIAMENTARY INQUIRY**

The SPEAKER. On the current motion, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, on this current motion, a point of parliamentary inquiry. If it is on the third consideration postponed calendar, that means we will not be able to vote it today. Is that correct?

The SPEAKER. No.

Mr. MURPHY. Our intention is to want to vote this bill today.

The SPEAKER. It does not mean that. It simply means that it is on the active calendar for today. It could in fact be called off that calendar and called up at any time.

Mr. MURPHY. Mr. Speaker, I would prefer it be simply put on the active calendar for today. Therefore, I would oppose the motion.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I will move to put it on a supplemental calendar if that is what the gentleman wants.

The SPEAKER. Mr. Murphy, if it appears on the supplemental calendar, whether you call it third consideration or third consideration postponed, it is still on the active calendar and is available. The majority leader is simply trying to facilitate matters by making a place for it.

Mr. MURPHY. Okay. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—193**

Acosta	Distler	Laughlin	Roebuck
Afflerbach	Dombrowski	Lescovitz	Rudy
Angstadt	Donatucci	Letterman	Ryan
Argall	Dorr	Levdansky	Rybak
Arty	Durham	Linton	Saloom
Baldwin	Evans	Livengood	Saurman
Barber	Fargo	Lloyd	Scheetz
Barley	Fattah	Lucyk	Schuler
Battisto	Fee	McCall	Semmel
Belardi	Fischer	McClatchy	Serafini
Belfanti	Flick	McHale	Seventy
Birmelin	Foster, Jr., A.	McVerry	Showers
Black	Fox	Mackowski	Sirianni
Blaum	Freeman	Maiale	Smith, B.
Book	Freind	Manderino	Smith, L. E.
Bortner	Fryer	Manmiller	Snyder, D. W.
Bowley	Gallagher	Markosek	Snyder, G. M.
Bowser	Gallen	Mayernik	Staback
Boyes	Gamble	Merry	Stairs
Brandt	Gannon	Michlovic	Steighner
Broujos	Geist	Miller	Stevens
Bunt	George	Moehlmann	Stewart
Burd	Gladeck	Morris	Suban
Burns	Godshall	Mowery	Sweet
Bush	Greenwood	Mrkonic	Swift
Cappabianca	Gruitza	Murphy	Taylor, F. E.
Carlson	Gruppo	Nahill	Taylor, J.
Carn	Hagarty	Noye	Telek
Cawley	Haluska	O'Brien	Tigue
Cessar	Harper	O'Donnell	Trelfo
Chadwick	Hasay	Olasz	Truman
Cimini	Hayes	Oliver	Van Horne
Civera	Herman	Perzel	Veon

Clark	Hershey	Petrarca	Vroon
Clymer	Honaman	Petrone	Wambach
Cohen	Howlett	Phillips	Wass
Colafiglia	Hutchinson	Piccola	Weston
Cole	Itkin	Pievsyky	Wiggins
Cordisco	Jackson	Pitts	Wilson
Cornell	Jarolin	Pott	Wogan
Coslett	Johnson	Pressmann	Wozniak
Cowell	Josephs	Preston	Wright, D. R.
Coy	Kasunic	Punt	Wright, J. L.
DeLuca	Kennedy	Raymond	Wright, R. C.
DeVerter	Kenney	Reber	Yandrisevits
DeWeese	Kosinski	Reinard	
Daley	Kukovich	Richardson	Irvis,
Davies	Langtry	Rieger	Speaker
Deal	Lashinger	Robbins	

**NAYS—3**

Caltagirone	Dawida	Duffy
-------------	--------	-------

**NOT VOTING—2**

Micozzie	Pistella
----------	----------

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

The SPEAKER. Mr. Piccola, you asked the Chair a question and the Chair gave you a quick answer which it should not have given you.

The Chair was under the impression that we must, within 24 hours, read a message from the Governor. The Parliamentarian has pointed out to me that under our rules we are not under such a constraint. Therefore, I made an error in saying to you it was my intention to read it sometime this afternoon. It is now my intention to confer with the leaders of the House to see when we have the troops here to make that decision, but I do not want to mislead you. I did answer you honestly, but I was mistaken.

**PARLIAMENTARY INQUIRY**

Mr. PICCOLA. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola.

Mr. PICCOLA. May I make a further parliamentary inquiry?

The SPEAKER. Certainly.

Mr. PICCOLA. In the event that the Speaker decides not to read the veto message across the desk today, what appropriate motion may I make in order to have that issue brought to the full House today?

The SPEAKER. The Chair asked that very question of the Parliamentarian. We do not know of such a motion.

Mr. Ryan, do you know of any that would force the Chair to read a veto message? I am not saying this from a partisan point of view; Mr. Ryan is a former Speaker. We do not know of any such motion up here.

Mr. RYAN. I would suggest "please," Mr. Speaker.

The SPEAKER. We do not, frankly and honestly, think there is any way.

Let me say this to you openly on the floor. It is not the intention of the Speaker to stonewall this at all, but it is certainly a critical issue and both leaders have a right to make sure that they have their troops on the floor before we take it up. That is the only reason I am explaining it to you, so that you do not think it is my intention to delay interminably. The Speaker cannot delay interminably, but there is no requirement that he read it within 24 hours, which is what I thought the requirement was. But you will be fairly treated, I promise you that.

Mr. PICCOLA. Mr. Speaker, does not rule 31 provide that a veto message received from the Governor shall be read across the desk?

The SPEAKER. Yes, it does, but it does not have what I thought it had, that there is a time limitation. I thought within 24 hours of receipt it had to be read. It does not say anything like that.

Mr. PICCOLA. Well, therefore, Mr. Speaker, would not a motion to have that message read across the desk be in order at an appropriate time?

The SPEAKER. We must confess ignorance. We do not believe so, but if the gentleman, Mr. Piccola, will give the Chair a chance to confer with the leaders, we are sure we will get it worked out so the House will eventually get to the veto message. But that is the reason why we are delaying it right now. I know how I am going to vote on it, and it is not because I have a particular question on it.

Mr. PICCOLA. Thank you, Mr. Speaker.

I would like, upon appropriate research, to know whether such a motion would be in order, Mr. Speaker, because I believe that a motion under rule 31, forcing the message to be read, would be in order, and I would like to make that motion.

The SPEAKER. Well, we will keep on looking it up to see if we can find it out, because we simply do not know the answer to that question.

**BILLS ON THIRD  
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2099**, **PN 2866**, entitled:

An Act amending the act of July 2, 1984 (P. L. 527, No. 106), known as the "Recreational Improvement and Rehabilitation Act," increasing the amount, duration and obligations of the appropriation to the Department of Environmental Resources; and further providing for small municipalities.

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

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

The question is, shall the bill pass finally?

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

**YEAS—196**

Acosta	Deal	Lashingier	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonc	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrarca	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass
Colafella	Howlett	Piccola	Weston
Cole	Hutchinson	Pievsy	Wiggins
Cordisco	Itkin	Pitts	Wilson
Cornell	Jackson	Pott	Wogan
Coslett	Jarolin	Pressmann	Wozniak
Cowell	Johnson	Preston	Wright, D. R.
Coy	Josephs	Punt	Wright, J. L.
Deluca	Kasunic	Raymond	Wright, R. C.
DeVerter	Kennedy	Reber	Yandrisevits
DeWeese	Kenney	Reinard	
Daley	Kosinski	Richardson	Irvis,
Davies	Kukovich	Rieger	Speaker
Dawida	Langtry		

**NAYS—0**

**NOT VOTING—2**

Micozzie Pistella

**EXCUSED—3**

Dietz Dininni Taylor, E. Z.

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

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

\* \* \*

The House proceeded to third consideration of **HB 2102**, **PN 2869**, entitled:

An Act establishing a program to coordinate efforts to revitalize distressed communities; authorizing grants to distressed communities for certain assistance; and making an appropriation.

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

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

The question is, shall the bill pass finally?

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

YEAS—186

Acosta	Davies	Langtry	Richardson
Afflerbach	Dawida	Lashinger	Rieger
Angstadt	Deal	Laughlin	Robbins
Argall	Distler	Lescovitz	Roebuck
Arty	Dombrowski	Letterman	Rudy
Baldwin	Donatucci	Levdansky	Ryan
Barber	Dorr	Linton	Rybak
Barley	Duffy	Livengood	Saurman
Battisto	Durham	Lloyd	Scheetz
Belardi	Evans	Lucyk	Schuler
Belfanti	Fargo	McCall	Semmel
Birmelin	Fattah	McClatchy	Serafini
Black	Fee	McHale	Seventy
Blaum	Fischer	McVerry	Showers
Book	Flick	Mackowski	Sirianni
Bortner	Fox	Maiale	Smith, B.
Bowley	Freeman	Manderino	Smith, L. E.
Bowser	Freind	Manmiller	Snyder, D. W.
Boyes	Fryer	Markosek	Snyder, G. M.
Brandt	Gallagher	Mayernik	Staback
Broujos	Gallen	Merry	Stairs
Bunt	Gannon	Michlovic	Stevens
Burd	Geist	Miller	Stewart
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Swift
Caltagirone	Godshall	Mowery	Taylor, F. E.
Cappabianca	Greenwood	Mrkonic	Taylor, J.
Carlson	Gruitza	Nahill	Telek
Carn	Gruppo	Noye	Tigue
Cawley	Haluska	O'Brien	Trello
Chadwick	Harper	O'Donnell	Truman
Cimini	Hasay	Olasz	Van Horne
Civera	Hayes	Oliver	Veon
Clark	Herman	Perzel	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass
Colafella	Howlett	Piccola	Wiggins
Cole	Hutchinson	Pievsky	Wilson
Cordisco	Itkin	Pistella	Wogan
Cornell	Jackson	Pitts	Wozniak
Coslett	Johnson	Pott	Wright, D. R.
Cowell	Josephs	Pressmann	Wright, J. L.
Coy	Kasunic	Preston	Wright, R. C.
Deluca	Kennedy	Punt	Yandrisevits
DeVerter	Kenney	Raymond	
DeWeese	Kosinski	Reber	Irvis,
Daley	Kukovich	Reinard	Speaker

NAYS—0

NOT VOTING—12

Cessar	Hagarty	Murphy	Steighner
Foster, Jr., A.	Jarolin	Petrarca	Sweet
Gamble	Micozzie	Saloom	Weston

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House, seated in the gallery, Amy McIlvaine and Patricia Stallone, as the guests of Representative John Cordisco. Welcome to the hall of the House.

The Chair welcomes the Pennsbury High School students together with their principals, who are here as guests of Representative Cordisco. I think the high school students have gone.

The Chair is delighted to welcome back to the floor of the House Representative Cimini. We are delighted to see you back. Welcome to the hall of the House again.

Is Alex Cimini still seated to the left? Alex Cimini, please stand as a guest of your brother, Representative Cimini. Lewis Hopkins, please stand. Welcome to the hall of the House.

The Montgomery County Student Forum. Are they in the balcony yet? Apparently not. I guess they could not wait.

Mike Lockhart is in the balcony as the guest of Representative Ron Black. Welcome to the hall of the House, Mike.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2103, PN 2870**, entitled:

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

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

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

The question is, shall the bill pass finally?

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

YEAS—195

Acosta	Deal	Langtry	Robbins
Afflerbach	Distler	Lashinger	Roebuck
Angstadt	Dombrowski	Laughlin	Rudy
Argall	Donatucci	Lescovitz	Ryan
Arty	Dorr	Letterman	Rybak
Baldwin	Duffy	Levdansky	Saloom
Barber	Durham	Linton	Saurman
Barley	Evans	Livengood	Scheetz
Battisto	Fargo	Lloyd	Schuler
Belardi	Fattah	Lucyk	Semmel
Belfanti	Fee	McCall	Serafini
Birmelin	Fischer	McClatchy	Seventy
Black	Flick	McHale	Showers
Blaum	Foster, Jr., A.	McVerry	Sirianni
Book	Fox	Mackowski	Smith, B.
Bortner	Freeman	Maiale	Smith, L. E.
Bowley	Freind	Manderino	Snyder, D. W.
Bowser	Fryer	Manmiller	Snyder, G. M.

Boyes	Gallagher	Markosek	Staback
Brandt	Gallen	Mayernik	Stairs
Broujos	Gamble	Merry	Steighner
Bunt	Gannon	Michlovic	Stevens
Burd	Geist	Miller	Stewart
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	O'Brien	Telek
Cawley	Hagarty	O'Donnell	Tigue
Cessar	Haluska	Olasz	Trello
Chadwick	Harper	Oliver	Truman
Cimini	Hasay	Perzel	Van Horne
Civera	Hayes	Petrarca	Veon
Clark	Herman	Petrone	Vroon
Clymer	Hershey	Phillips	Wambach
Cohen	Honaman	Piccola	Wass
Colafella	Howlett	Pievsky	Weston
Cole	Hutchinson	Pistella	Wiggins
Cordisco	Itkin	Pitts	Wilson
Cornell	Jackson	Pott	Wogan
Coslett	Jarolin	Pressmann	Wozniak
Cowell	Johnson	Preston	Wright, D. R.
Coy	Josephs	Punt	Wright, J. L.
Deluca	Kasunic	Raymond	Wright, R. C.
DeVerter	Kennedy	Reber	Yandrisevits
DeWeese	Kenny	Reinard	
Daley	Kosinski	Richardson	Irvis,
Davies	Kukovich	Rieger	Speaker
Dawida			

NAYS—1

Noye

NOT VOTING—2

Micozzie

Mowery

EXCUSED—3

Dietz

Dininni

Taylor, E. Z.

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

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

\* \* \*

The House proceeded to third consideration of **HB 2104, PN 2871**, entitled:

An Act amending the act of July 1, 1978 (P. L. 584, No. 109), known as the "Milrite Act," further providing for powers and duties of council, and for the operation and functions of area labor management committees.

On the question,

Will the House agree to the bill on third consideration?

Mr. MARKOSEK offered the following amendment No. A0722:

Amend Sec. 1 (Sec. 6), page 2, lines 12 and 13, by striking out "problem of the costs of utilities to businesses" and inserting cost of doing business

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, this amendment to this particular bill is a technical amendment. It changes the language in the bill to expand the purview of the area labor management committees to study not only utility costs of doing business but also all costs of doing business - infrastructure, the local tax base, the local labor rates, et cetera.

I urge passage of the amendment. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Acosta	Dawida	Lashing	Robbins
Afflerbach	Deal	Laughlin	Roebuck
Angstadt	Distler	Lescovitz	Rudy
Argall	Dombrowski	Leterman	Ryan
Arty	Donatucci	Levdansky	Rybak
Baldwin	Dorr	Linton	Saloom
Barber	Duffy	Livengood	Saurman
Barley	Durham	Lloyd	Scheetz
Battisto	Fargo	Lucy	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Swift
Caltagirone	Godshall	Mrkonic	Taylor, F. E.
Cappabianca	Greenwood	Murphy	Taylor, J.
Carlson	Gruitza	Nahill	Telek
Carn	Gruppo	Noye	Tigue
Cawley	Hagarty	O'Donnell	Trello
Cessar	Haluska	Olasz	Truman
Chadwick	Harper	Oliver	Van Horne
Cimini	Hasay	Perzel	Veon
Civera	Hayes	Petrarca	Vroon
Clark	Herman	Petrone	Wambach
Clymer	Hershey	Phillips	Wass
Cohen	Honaman	Piccola	Weston
Colafella	Howlett	Pievsky	Wiggins
Cole	Hutchinson	Pistella	Wilson
Cordisco	Itkin	Pitts	Wogan
Cornell	Jackson	Pott	Wozniak
Coslett	Jarolin	Pressmann	Wright, D. R.
Cowell	Johnson	Preston	Wright, J. L.
Coy	Kasunic	Punt	Wright, R. C.
Deluca	Kasunic	Raymond	Yandrisevits
DeVerter	Kenny	Reber	
DeWeese	Kosinski	Reinard	Irvis,
Daley	Kukovich	Richardson	Speaker
Davies	Langtry	Rieger	

NAYS—1

Josephs

NOT VOTING—4

Evans

Micozzie

O'Brien

Sweet

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—187

Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Livengood	Saloom
Barley	Durham	Lloyd	Saurman
Battisto	Fargo	Lucyk	Scheetz
Belardi	Fee	McCall	Schuler
Belfanti	Fischer	McClatchy	Semmel
Birmelin	Flick	McHale	Serafini
Black	Foster, Jr., A.	McVerry	Seventy
Blaum	Fox	Mackowski	Showers
Book	Freeman	Maiale	Sirianni
Bortner	Fryer	Manderino	Smith, B.
Bowley	Gallagher	Manmiller	Smith, L. E.
Bowser	Gallen	Markosek	Snyder, D. W.
Boyes	Gamble	Mayernik	Snyder, G. M.
Brandt	Gannon	Merry	Staback
Broujos	Geist	Michlovic	Stairs
Bunt	George	Miller	Steighner
Burd	Gladeck	Moehlmann	Stevens
Burns	Godshall	Mowery	Stewart
Bush	Greenwood	Mrkonic	Stuban
Caltagirone	Gruitza	Murphy	Sweet
Cappabianca	Gruppo	Nahill	Swift
Carlson	Hagarty	Noye	Taylor, F. E.
Carn	Haluska	O'Brien	Taylor, J.
Cawley	Harper	O'Donnell	Telek
Cessar	Hasay	Olasz	Tigue
Chadwick	Hayes	Oliver	Trello
Cimini	Herman	Perzel	Truman
Civera	Hershey	Petrarca	Van Horne
Clark	Honaman	Petrone	Veon
Clymer	Howlett	Phillips	Vroon
Cohen	Hutchinson	Piccola	Wambach
Colafella	Itkin	Pievsky	Wass
Cole	Jackson	Pistella	Weston
Cordisco	Jarolin	Pitts	Wilson
Cornell	Johnson	Pott	Wogan
Coslett	Josephs	Pressmann	Wozniak
Cowell	Kasunic	Preston	Wright, D. R.
Coy	Kennedy	Punt	Wright, J. L.
Deluca	Kenney	Raymond	Wright, R. C.
DeVerter	Kosinski	Reber	Yandrisevits
DeWeese	Kukovich	Reinard	
Daley	Langtry	Rieger	Irvis,
Davies	Lashinger	Robbins	Speaker
Dawida			

NAYS—0

NOT VOTING—11

Acosta                      Evans                      Linton                      Richardson  
Barber                      Fattah                      Micozzie                      Wiggins  
Deal                      Freind                      Morris

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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

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

\* \* \*

The House proceeded to third consideration of **HB 2105, PN 2872**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the representation of small business ratepayers in proceedings involving general rate increases; and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—196

Acosta	Deal	Lashinger	Rieger
Afflerbach	Distler	Laughlin	Robbins
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Linton	Saloom
Barber	Durham	Livengood	Saurman
Barley	Evans	Lloyd	Scheetz
Battisto	Fargo	Lucyk	Schuler
Belardi	Fattah	McCall	Semmel
Belfanti	Fee	McClatchy	Serafini
Birmelin	Fischer	McHale	Seventy
Black	Flick	McVerry	Showers
Blaum	Foster, Jr., A.	Mackowski	Sirianni
Book	Fox	Maiale	Smith, B.
Bortner	Freeman	Manderino	Smith, L. E.
Bowley	Freind	Manmiller	Snyder, D. W.
Bowser	Fryer	Markosek	Snyder, G. M.
Boyes	Gallagher	Mayernik	Staback
Brandt	Gallen	Merry	Stairs
Broujos	Gamble	Michlovic	Steighner
Bunt	Gannon	Miller	Stevens
Burd	Geist	Moehlmann	Stewart
Burns	George	Morris	Stuban
Bush	Gladeck	Mowery	Sweet
Caltagirone	Godshall	Mrkonic	Swift
Cappabianca	Greenwood	Murphy	Taylor, F. E.
Carlson	Gruitza	Nahill	Taylor, J.
Carn	Gruppo	Noye	Telek
Cawley	Hagarty	O'Brien	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrarca	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass

Colafella	Howlett	Piccola	Weston
Cole	Hutchinson	Pievsky	Wiggins
Cordisco	Itkin	Pistella	Wilson
Cornell	Jackson	Pitts	Wogan
Coslett	Jarolin	Pott	Wozniak
Cowell	Johnson	Pressmann	Wright, D. R.
Coy	Josephs	Preston	Wright, J. L.
Deluca	Kasunic	Punt	Wright, R. C.
DeVerter	Kennedy	Raymond	Yandrisevits
DeWeese	Kenney	Reber	
Daley	Kosinski	Reinard	Irvis,
Davies	Kukovich	Richardson	Speaker
Dawida	Langtry		

NAYS—0

NOT VOTING—2

Micozzie	Roebuck
----------	---------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

\* \* \*

The House proceeded to third consideration of **HB 2118, PN 2873**, entitled:

An Act amending the act of July 2, 1984 (P. L. 553, No. 110), known as the "Engineering School Equipment Act," further specifying requirements for grants under the program.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Acosta	Dawida	Langtry	Rieger
Afflerbach	Deal	Lashing	Robbins
Angstadt	Distler	Laughlin	Rudy
Argall	Dombrowski	Lescovitz	Ryan
Arty	Donatucci	Letterman	Rybak
Baldwin	Dorr	Levdansky	Saloom
Barber	Duffy	Linton	Saurman
Barley	Durham	Livengood	Scheetz
Battisto	Evans	Lloyd	Schuler
Belardi	Fargo	Lucyk	Semmel
Belfanti	Fattah	McCall	Serafini
Birmelin	Fee	McClatchy	Seventy
Black	Fischer	McHale	Showers
Blaum	Flick	McVerry	Sirianni
Book	Foster, Jr., A.	Mackowski	Smith, B.
Bortner	Fox	Maiale	Smith, L. E.
Bowley	Freeman	Manderino	Snyder, D. W.
Bowser	Freind	Manmiller	Snyder, G. M.
Boyes	Fryer	Markosek	Staback
Brandt	Gallagher	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gannon	Michlovic	Stevens
Burd	Geist	Miller	Stewart
Burns	George	Moehlmann	Stuban
Bush	Gladeck	Morris	Sweet

Caltagirone	Godshall	Mowery	Swift
Cappabianca	Greenwood	Mrkonic	Taylor, F. E.
Carlson	Gruitza	Murphy	Taylor, J.
Carn	Gruppo	Nahill	Telek
Cawley	Hagarty	Noye	Tigue
Cessar	Haluska	O'Donnell	Trello
Chadwick	Harper	Olasz	Truman
Cimini	Hasay	Oliver	Van Horne
Civera	Hayes	Perzel	Veon
Clark	Herman	Petrarca	Vroon
Clymer	Hershey	Petrone	Wambach
Cohen	Honaman	Phillips	Wass
Colafella	Howlett	Piccola	Weston
Cole	Hutchinson	Pievsky	Wiggins
Cordisco	Itkin	Pistella	Wilson
Cornell	Jackson	Pitts	Wozniak
Coslett	Jarolin	Pott	Wright, D. R.
Cowell	Johnson	Pressmann	Wright, J. L.
Coy	Josephs	Preston	Wright, R. C.
Deluca	Kasunic	Punt	Yandrisevits
DeVerter	Kennedy	Raymond	
DeWeese	Kenney	Reber	Irvis,
Daley	Kosinski	Reinard	Speaker
Davies	Kukovich	Richardson	

NAYS—0

NOT VOTING—5

Gamble	O'Brien	Roebuck	Wogan
Micozzie			

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

The SPEAKER. The House will stand in recess for lunch. We will take the correction of votes when we come back. I want to get you to lunch first and get back on the floor. It may be a long afternoon. We will be back here at 1:15.

Just a moment. We have a late message.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Itkin, on a caucus.

Mr. ITKIN. Mr. Speaker, we will give the members an hour for lunch, and at 1 o'clock we will reconvene in the majority caucus room for a Democratic caucus.

The SPEAKER. All right.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Perry, Mr. Noye.

Mr. NOYE. Mr. Speaker, the Republicans, likewise, will caucus at 1 o'clock. We will be taking up, among other things, the South African divestiture bills and the Philadelphia Convention Center.



**RECESS**

The SPEAKER. The House will stand in recess until 2 p.m. - 1 hour for lunch, and then at 1 o'clock a Republican caucus and at 1 o'clock a Democratic caucus.

The House stands in recess until 2 p.m.

**RECESS EXTENDED**

The time of recess was extended until 2:30 p.m.; further extended until 2:45 p.m.

**AFTER RECESS**

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

**CONDOLENCE RESOLUTION ADOPTED**

The SPEAKER. We are about to take up a condolence resolution on the death of a former Speaker of this House of Representatives.

The clerk will read the condolence resolution on the death of Stuart Helm.

The following resolution was read:

HOUSE OF REPRESENTATIVES  
HARRISBURG, PA.  
OFFICE OF THE CHIEF CLERK  
RESOLUTION

WHEREAS, Mr. W. Stuart Helm, former member of the Pennsylvania House of Representatives and Speaker of the House for two terms, passed away at the age of seventy-seven; and

WHEREAS, Mr. Helm served with distinction as a member of the Pennsylvania House of Representatives from 1941 to 1964 and was elected Speaker of the House for the 1957-58 session and the 1963-64 session. His distinguished career as a legislator included service as chairman of the Republican Policy Committee, House of Representatives, from 1959 to 1962; president of the National Legislative Conference from 1962 to 1963; and second vice president, Council of State Governments; and

WHEREAS, He served as Secretary of the Commonwealth following his many years of service with the House. A former eighteen-year-member of the Kittanning Borough School Board, Mr. Helm had also served as Executive Director of the Pennsylvania Higher Education Facilities Authority, member and executive director of the State Public School Building Authority; chairman of the State Employees' Retirement System and board member of the Pennsylvania Municipal Retirement Board; and

WHEREAS, Mr. Helm was actively involved in community, church and civic affairs and was a member of various masonic bodies and service organizations; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania notes with sadness the passing of a dedicated public servant and distinguished former member; extends its heartfelt condolences to his daughters; Bernell G. Helm of Eylria, Ohio and Mrs. Jerilyn Bush of Waverly; and two grandchildren; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Jerilyn Bush and Bernell G. Helm.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by the Honor-

able K. Leroy Irvis, Matthew J. Ryan, Samuel E. Hayes, Jr., Fred C. Noye, Richard J. Cessar, Kenneth E. Brandt, Harry E. Bowser and Richard A. McClatchy, Jr., and unanimously adopted by the House of Representatives on the 11th day of March 1986.

K. Leroy Irvis  
Speaker of the House  
ATTEST:  
John J. Zubeck  
Chief Clerk

On the question,

Will the House adopt the resolution?

The SPEAKER. Members will rise in place.

(Members stood.)

The SPEAKER. The resolution is unanimously adopted.

**WELCOMES**

The SPEAKER. The Chair understands that there are two former members here, Quest and Flaherty. Both are invited to come up here to sit.

The Chair welcomes to the balcony the senior nursing class of Wilkes College at Wilkes-Barre, Pennsylvania. Their instructors are Theresa Jezewski, Betty Zuraw, Mary Ann Saueraker, Carol Zak, Susan Duffner, Linda Desmond, and Ellen Dennis. They are here as the guests of Representative Stan Jarolin. Welcome to the hall of the House.

The Chair welcomes from the district represented so ably by Mr. Trello a group of women who have come here at their own expense to look into the educational bills which we may have before us.

**STATEMENT BY MR. TRELLO**

The SPEAKER. Why does the gentleman from Allegheny, Mr. Trello, stand in place?

Mr. TRELLO. Mr. Speaker, for a special privilege.

The SPEAKER. The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, I am very honored today to have a group of ladies from Montour School District from my legislative district here today. Their primary concern in traveling to Harrisburg at their own expense is because they believe that education should have a high priority in our legislature here in Harrisburg. They are concerned because over the past 9 years they have had three strikes in their district - two of them very, very bitter strikes. Although over the years they have worked with the teachers and the school board to make their education system much better, there is still that theory that strikes disrupt students' education; it also disrupts their lives.

They are here to support HB 1851 that in the case the school district would go on strike, the teachers would lose one one-hundred-eightieth of their subsidies and the school board would lose one one-hundred-eightieth of their subsidies. The purpose of this legislation is to make sure that both sides do not leave the bargaining table, that they continue to work and strive to solve their problem so that their children will not suffer.

I applaud the ladies from the Montour School District for taking time from their very busy schedule to come to Harrisburg and try to talk to each and every legislator in regards to the education of their children. So my hat is off to you ladies. Thank you so much for coming to Harrisburg, and I can assure you that I will make every effort to get HB 1851 passed. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### WELCOME

The SPEAKER. The Chair is delighted to have as guests of the Allegheny County delegation, former Representative Quest and former Representative Tom Flaherty. Welcome to the hall of the House, gentlemen.

### FILMING PERMISSION

The SPEAKER. WCAU-TV is being given permission to film for 10 minutes on the floor of the House.

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

**SB 293, PN 1905** (Amended)

By Rep. PETRARCA

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for minimum staffing levels at State mental institutions; and imposing restrictions on relinquishment.

**MINES AND ENERGY MANAGEMENT.**

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Cappabianca.

Mr. CAPPABIANCA. Mr. Speaker, I would like to submit some comments for the record on a bill that already passed - HB 2105.

The SPEAKER. If the gentleman will send the comments to the clerk, we will file them.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. Speaker, HB 2105 would amend the PUC Code to add a section which would mandate representation of small business before that commission. Quite simply put, the bill would represent the interests of small business ratepayers on issues involving rate structure.

Mr. Speaker, HB 2105 is the concerted work of the subcommittee on small business over the past 4 years. The final version of HB 2105 has been placed through the mill. First it was thought that there should be a small business advocate in the Office of the Attorney General. This was not feasible, we were told. Then it was thought that the consumer advocate for small business should be in the Department of Commerce. This was not feasible, we were told, because the Commerce Department was a promoter of business, not an advocate. Many, many versions have been

thrown around regarding proper representation for the small business community in rate structure proceedings before the PUC.

Mr. Speaker, the typical small businessman has built his business up himself, or has had it handed down through the family. As a sole proprietor, he is constantly involved on a day-to-day basis with the business routing of his company. The people he hires have to be hands-on professionals; the typical small businessman simply cannot afford and does not need a corporate planner or a government relations specialist.

Moreover, small businesses are not centrally located within the Commonwealth. They do not concentrate in downtown areas or industrial parks.

Small businesses also engage in a wide variety of business operations.

The structure of the small business economy, therefore, complicates participation in utility rate proceedings. Yet it is not lack of interest or knowledge that prevents such participation. A study of electric utility customers indicated, somewhat surprisingly, that 93 percent of all the small business customers surveyed were aware of a "seasonal" and "hourly" demand peaks in electric utility usage and 34 percent of the small business customers could accurately describe time-of-use pricing. Given the apparent knowledge and interest of the small business community in electric utility rate issues, it is not surprising that full and effective participation in rate hearings by small businesses is prohibited by external conditions.

In 1982 the Cabot Research Group of Washington, D.C., conducted a comparative study of rate of return data for 250 electric public utilities. The major findings were that utilities were permitted to receive higher rates of return for small commercial/industrial customers than residential and big industrial customers. The study also concluded that the major reason for this disparity was small businesses' lack of representation in rate hearings before the Public Utility Commission.

The primary barrier in the ratemaking process is one of cost. The larger businesses can afford, and in fact generally do, employ outside legal expertise. Unfortunately, individual small employers find the cost of rate intervention prohibitive. Such representation, including attorney's and expert witness fees, is estimated as a minimum of \$30 per case.

A few have questioned this legislation because it creates a new office. They feel we do not need any new bureaucracy. Over the last 6 years, millions and millions of dollars and staff support have been put in place to directly help small business - Small Business Action Center, Ben Franklin Partnership, Capital Loan Fund, funding for the small business development centers, and many, many more. These programs are some of the key reasons why Inc. Magazine rated Pennsylvania number one for State small business support. We believe HB 2105 will continue to keep Pennsylvania number one in caring for the small businesses by voting in the affirmative.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 9, PN 13**, entitled:

An Act providing priorities for the investment of public moneys.

On the question,

Will the House agree to the bill on third consideration?

Mr. RICHARDSON offered the following amendments  
No. A0902:

Amend Title, page 1, line 1, by striking out all of said line and inserting

Providing priorities for the investment of public moneys and for the divestment of public moneys which are now invested in the Republic of South Africa and Namibia.

Amend Bill, page 1, lines 4 through 17; page 2, line 1, by striking out all of said lines on said pages and inserting  
Section 1. Prohibited investments; divestment.

Notwithstanding any provision of law to the contrary, no assets of any pension or annuity fund under the jurisdiction of the State Treasurer and any other State or local official, board, commission or any other entity shall be invested in any bank or financial institution which directly or through a subsidiary has outstanding loans or investments in the Republic of South Africa or its instrumentalities; and no assets shall be invested in the stocks, securities or other obligations of any company engaged in business in or with the Republic of South Africa. The State Treasurer and any other State or local official, board, commission or other entity authorized or required by law to invest public moneys shall take appropriate action to sell, redeem, divest or withdraw any investment in violation of the provisions of this act.

Section 2. Investment priorities.

The State Treasurer and any other State or local official, board, commission or other entity authorized or required by law to invest public moneys, pensions or annuity funds shall so do in the following order of priority, where prudent:

- (1) Business and financial institutions located substantially within this Commonwealth.
- (2) Business and financial institutions located in contiguous states.
- (3) Other businesses and financial institutions located within the United States.

Section 3. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. Effective date.

This act shall take effect in 30 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

Mr. Speaker, HB 9 met with some serious problems the last time we met and were discussing the issue of divestment in South Africa and Namibia, and at that time the minority leader indicated that he had some problems concerning how we were—

The SPEAKER. Just a moment, Mr. Richardson.

I want those members who are talking to quiet down, now.

Mr. Richardson, now try it.

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

Mr. Speaker, earlier in this session we had tried to run HB 9, and at that time it was not in its proper order. Therefore, there were many questions concerning divestiture. At this time we are offering an amendment, hopefully that will clear up some of the language concerning the investment of—

The SPEAKER. Just a moment. You cannot hear yet, Mr. DeVerter?

Mr. Richardson, be sure you talk directly into that microphone.

Mr. RICHARDSON. I will, Mr. Speaker.

The SPEAKER. All right. Try it again, please.

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

Mr. Speaker, in an attempt to clear up the problem from last time on HB 9, we are offering amendments today for the investment of public moneys and for the divestment of public moneys which are now being invested in the Republic of South Africa and Namibia. At that time we did not have specific language prohibiting investments and divestment, and at this time we do.

The information that you have in the amendment deals specifically with giving authority to the State Treasurer and any other State or local official, board, commission, or other entity authorized or required by law to invest public moneys, pensions, or annuity funds to do so in the following order of priority. There has been much discussion around how this should be done, and we first believe that if we are believing in Pennsylvania, business and financial institutions located substantially within this Commonwealth should occur first; secondly, business and financial institutions located in contiguous States surrounding the Commonwealth of Pennsylvania; and third, other businesses and financial institutions located within the United States. The reason being is that so much of the moneys that are presently being invested in South Africa are presently being invested not in the Commonwealth of Pennsylvania. Therefore, we are losing X number of dollars that could be rechanneled directly to this Commonwealth so that we would be able to make sure that at least those dollars could substantially meet the requirements of the law, and I ask for an affirmative vote on this measure.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if I could interrogate the maker of the amendment?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, is this a "may" provision or is it mandatory that they follow the outline that you just explained to the House members?

Mr. RICHARDSON. This is a "shall" bill.

Mr. CLYMER. Okay.

Mr. Speaker, I am finished with my interrogation. I would like to speak on the amendment.

The SPEAKER. The gentleman may speak on the amendment.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I contacted representatives from counties, boroughs, and townships regarding this particular amendment as we dealt with it several weeks ago. This amendment will penalize aggressive municipalities or any other local government unit if they are forced to follow these guidelines. They could lose between 1/2 to 2 full percentage points in their investment policies.

I do not have to remind the members of the fiscal impact of the Gramm-Rudman-Hollings bill as that relates fiscally to

local government and county government. It seems to me the position of this House of Representatives should be to expand opportunities for our local government people, not restrict them.

Mr. Speaker, I ask for a “no” vote on this amendment. Thank you.

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

Mr. RICHARDSON. Mr. Speaker, I want to first of all disagree with the point that was just made earlier dealing with the question that was raised by Mr. Clymer where I was asked a question specifically as to whether or not this was a “may” or “shall” provision. I would like to qualify that statement by indicating that the information “where prudent” is involved. Specifically that answers the gentleman’s question.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, would the gentleman stand for a brief period of interrogation?

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

Mr. RYAN. Mr. Speaker, when the gentleman, Mr. Richardson, was explaining his amendment, he spent the bulk of his time saying what was going to happen to money - that it was going to be invested in Pennsylvania businesses and then States that are contiguous to Pennsylvania and the like. Would the gentleman explain in greater detail where this money is coming from? In other words, we have on our calendar and have had on our calendar over the years, I guess, divestiture bills for the State Employees’ Retirement Fund, divestiture bills for the educational retirement funds. We have had bills over the years saying the Treasurer cannot put money in certain banks that do business with South Africa, and I am wondering, as I read this amendment, is this amendment all inclusive? Does this amendment affect the State Employees’ Retirement System? Does it affect the teachers’ retirement fund? Does it affect moneys invested by the Treasurer of the Commonwealth? Does it affect money invested by the treasurer or comptroller of the city of Philadelphia? Does it affect investments made by my county in what banks they do business? Does it affect moneys invested by my township, by my borough? Is this an all-inclusive amendment, is really the basis of my question.

Mr. RICHARDSON. Mr. Speaker, in section 1 where it says “Prohibited investments; divestment,” I will read to you exactly what the intent of this legislation is: “Notwithstanding any provision of law to the contrary, no assets of any pension or annuity fund under the jurisdiction of the State Treasurer and any other State or local official, board, commission or any other entity shall be invested in any bank or financial institution which directly or through a subsidiary has outstanding loans or investments in the Republic of South Africa or its instrumentalities; and no assets shall be invested in the stocks, securities or other obligations of any company engaged in—”

Mr. RYAN. I have read the—

Mr. RICHARDSON. Excuse me. I am answering the question, Mr. Speaker.

Mr. RYAN. No; you are reading it. I have read it.

My question is not what the words say; my question is what is intended. I can read that. My question to you is, simply put, is your amendment covering every pension fund in the Commonwealth of Pennsylvania that is a municipal or government pension fund? Yes or no.

Mr. RICHARDSON. Mr. Speaker, I am responding to the question. “Notwithstanding any provision of law to the contrary,...” we are dealing with all pensions or annuity funds under the jurisdiction of the State Treasurer.

Mr. RYAN. I read that, too.

Can you tell me whether—and I do not know the answer to this; it is not a rhetorical question—whether the pension fund of the Pennsylvania State employees is under the control of the Treasurer or is it by law under the control of the pension board?

Mr. RICHARDSON. It is my understanding, Mr. Speaker, under the bill that we have under HB 5, that HB 5 deals specifically with the pension board itself, which is why we have a separate bill. But this amendment also covers it.

Mr. RYAN. So it is your position that the State Treasurer—and I am quoting from your bill—controls the State employees’ pensions and controls the retirement of the school employees?

Mr. RICHARDSON. No, Mr. Speaker, that is not true. It says any board or commission thereof. It does not say that is under the control of the State Treasurer. It reads specifically as I read it.

Mr. RYAN. I apologize. I see that. Thank you.

My next question: As I read the first half of this long section 1 paragraph, it seems to restrict itself to pension and annuity funds - the first part of it.

Mr. RICHARDSON. That is not correct, Mr. Speaker.

Specifically, Mr. Speaker, if you were to take that, yes, it does deal with pensions and annuity funds as they are listed.

Mr. RYAN. Again, as I read this, “...no assets of any pension or annuity fund under the jurisdiction of...” certain officials “shall be invested in any bank or...institution,...” and now, next, after the semicolon, “and no assets shall be invested in the stocks, securities or other obligations of any company engaged in business in...the Republic of South Africa.”

I believe, as I read that, that it is referring to assets in any pension fund. Is that accurate or inaccurate?

Mr. RICHARDSON. Yes; that is accurate.

Mr. RYAN. Now, the next sentence starting “The State Treasurer,...” is it that sentence that would collect or gather up under the provisions of this bill any other moneys held by a public official in Pennsylvania or is this again referring to retirement and annuity funds?

Mr. RICHARDSON. That specific sentence says that any of those entities that are there, if they are going to invest their money, that they cannot invest it in South Africa or Namibia.

Mr. RYAN. All right. Would it then be fair in conclusion to say that this amendment deals only with annuity and pension funds that are government controlled and not with—For instance, Delaware County collects its taxes; Philadelphia collects its taxes and takes it and invests it with First Pennsylvania Company, Fidelity Bank, PNB (Philadelphia National Bank), or whomever. That is not covered by this. Is that accurate?

Mr. RICHARDSON. Yes, Mr. Speaker.

Mr. RYAN. I believe that what you are saying is what the bill says. I do not know that that is what has been explained to everyone. It was my original understanding that this was a catchall amendment that was going to gather up all public moneys that are invested and prohibit them from being invested in South African banks and enterprises and would require all these public moneys to be invested in the four or five categories that you have listed. Are you saying now that that is wrong and this amendment deals only with annuities and trusts?

Mr. RICHARDSON. Annuities and boards and pension funds specifically, Mr. Speaker.

Mr. RYAN. So it does not catch the State income tax money that is brought in and the Treasurer now invests in whatever he invests it in. That is not covered by this.

Mr. Speaker, may we have some order?

The SPEAKER. I have been trying to do that all day.

Try it now, Mr. Ryan.

Mr. RYAN. Thank you.

Mr. Speaker, as I was going through this exercise with Mr. Richardson, I noticed in the background Mr. Fryer nodding and shaking his head from time to time, apparently agreeing with the confusion that I am burdened with, and that is, does this bill cover other than annuities and retirement funds? I thought that it was intended to cover them, but now it becomes apparent that your amendment only deals with retirement funds and annuity funds.

Mr. RICHARDSON. Basically, Mr. Speaker, the attempt here is to assure specifically that where there are moneys being invested, if that annuity or that pension fund has in fact investments in South Africa, that it should then follow the line that I have written out here for the divestment. If they have not and they have no dealings at all, we are suggesting to them in the interim that they should look to these points as to what should actually happen if there are no investments at all in South Africa.

Mr. RYAN. All right.

Can you tell the House how much money is in the various retirement funds and annuities that would be affected by this amendment?

Mr. RICHARDSON. Mr. Speaker, when I get to HB 4 and HB 5 specifically, I will be able to share that with you. To give you an overall, complete carte blanche number as to what they specifically are at this point collectively, we have not been able to ascertain that from this State's Treasury Department at all.

Mr. RYAN. Do you have a figure on the amount of money that would be affected under the State Employees' Retirement Fund?

Mr. RICHARDSON. Only the figures that they have shown, Mr. Speaker, and that adds to some \$17 million.

Mr. RYAN. And under the State Employees' Retirement Fund?

Mr. RICHARDSON. Under the State Pension Fund or School Employees' Retirement Fund? Which one?

Mr. RYAN. Both of them.

Mr. RICHARDSON. Well, the one I just read off now was the School Employees' Retirement System, which is \$17 million. State pension moneys are around \$13 million.

Mr. RYAN. Mr. Speaker, the printout— I think this is important.

Mr. RICHARDSON. Well, I cannot hear you, Mr. Speaker.

Mr. RYAN. I cannot hear myself.

Mr. Speaker, I think it is important that the members know—

The SPEAKER. Just a moment, Mr. Ryan.

The Chair confesses that the Chair does not understand the reason why there is so much confusion beyond the normal level of chaos which usually exists on the floor today. Three times now Mr. Ryan has been interrupted by this noise. The Chair does not take that as amusing.

Proceed now, Mr. Ryan.

Mr. RYAN. Mr. Speaker, the gentleman, Mr. Richardson, said that the funds affected in the two major State retirement systems if his amendment is successful, as I recall, the numbers were \$13 million and I think he said \$17 million?

Mr. RICHARDSON. According to the State Employees' Retirement System as well as the State Pension Fund System.

Mr. RYAN. Well, I have a printout from the two of them also, and my printout shows that \$674 million would be affected in the State Employees' Retirement Fund and \$698 million would be affected in the Public School Employees' Retirement Fund. These are companies that are evidently on the list. They subscribe to the Sullivan Principles and are investments made by the two major retirement funds of the Commonwealth of Pennsylvania. I would point out, just quickly to dispel any notion that your figures are accurate, that the State fund has 100 million dollars' worth of IBM stock alone. That is just in IBM. I have pages of the investments that the two retirement funds have. The two funds together, just quickly, are considerably in excess of \$1 billion, \$1 billion that if your amendment became law would have to be sold and reinvested.

Mr. RICHARDSON. Mr. Speaker, that is not true and I am not going to allow you to stand there and say that. What you are looking at is you are specifically reading the total amount of money that is presently being invested. It does not say that all of that money is being invested in South Africa. That may be the amount of money, sir, that specifically is being invested in this State of Pennsylvania through IBM, but it does not specifically indicate how much of that money spe-

cifically is State dollars that are being invested through our State system into South Africa and Namibia, and it is unfair to say that.

Mr. RYAN. I beg to differ. The \$100-million figure is the investment of our two retirement funds in IBM. You tell me if IBM is one of the companies that they would be prohibited from investing in.

Mr. RICHARDSON. One of the companies that is listed as one of the 539 companies is in fact IBM, which is not subscribing to the Sullivan Principles in toto.

Mr. RYAN. Well, let me tell you, there is \$100 million of former employees of this State and former members of the teaching profession of this State, part of those systems, who have a piece of \$100 million of IBM. I would be glad to share with you all of the companies that we have investments in as of October 10, 1985, when this matter first came up, and it is in excess of \$1 billion; it is \$1.2 billion.

Mr. RICHARDSON. Well, really, Mr. Speaker, we have some \$9 billion to \$10 billion that is presently invested overall in that system and in our pension fund. What we are specifically talking about and what has been a real goat with everyone is the fact that we have not been able to get honest figures from this administration as to how many dollars are actually being invested into the Republic of South Africa and Namibia. What we are saying is that where there is a portfolio management, where those persons who are in charge of those portfolios, their responsibility, sir, is to make sure that everybody who is involved in the portfolio is in fact listing what those portfolios do. We will not lose \$100 million, as you indicate, from IBM for their involvement in South Africa from this State. That is not true.

The SPEAKER. Just a moment, gentlemen.

Now, the Chair is going to insist that the arguments stop. Mr. Ryan will ask questions, as long as he is interrogating, and you will answer. When he is through interrogating, you may have a second chance to speak, but the Chair is not going to permit the argument back and forth. You may proceed, Mr. Ryan.

Mr. RYAN. Thank you, Mr. Speaker. I am finished with interrogation.

Mr. Speaker, I believe that what the gentleman is confusing is the cost of divestiture rather than the question I asked him which was, how much of the assets are affected by the divestiture provisions? The cost—the cost—of divestiture, according to a study made by Evaluation Associates, Incorporated, on the question of the cost analysis on South African divestiture for the Public School Employees' Retirement Fund System, ranges from \$7 million to \$13 million. I think this is a key part of that study. The opportunity loss—the opportunity loss—of owning replacement securities for fiscal year, and this study covered July 1, 1984, through 1985, was approximately \$21.8 million or \$336 million over a 5-year period. I have talked to people in the investment banking business. It would be the greatest windfall—the greatest windfall, bar none—to the investment bankers who do business in Pennsylvania that they have ever had.

I happen to believe—and I have stated it before and I am not going to try and preempt too much of the time here today—we owe an obligation to the people who are members of our various retirement funds, a fiduciary obligation to get the best investments, the best return, and the safest investment on their dollars. When we leave here and someone else is holding our money, we are going to expect them to act in a prudent fashion. I believe if this becomes law we are forcing them to act imprudently. These companies that are on this list I am told subscribe to the Sullivan Principles. There are a group of eight today who left for South Africa to investigate the various companies over there to see if the companies are subscribing to the principles.

Last but not least, a February 1986 publication called Black Enterprise has an exclusive survey titled "In Good Company: 25 Best Places for Blacks to Work." Coca-Cola, it is on the list; Exxon, it is on the list; General Foods is on the list; Ford Motor; General Electric; General Motors; Hewlett-Packard; IBM; Xerox; Chase Manhattan; Marriott; Time. These best places for blacks to work are apparently not the best places to invest our money. Thank you, Mr. Speaker.

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

Mr. COHEN. Mr. Speaker, I rise to support the Richardson amendment.

Mr. Ryan is attempting to confuse the issue. Despite his talk about fiscal responsibility, despite his talk about fiduciary prudence, the fact of the matter which Mr. Ryan avoided discussing in all his debate is that the stock market is at an all-time high; that the price of IBM has never been higher; that the price of all these other stocks has never been higher; and that instead of comparing the price of the stocks now, prices that have caused the pension fund assets to reach in all likelihood well over \$6 billion, a record high, in spite of these very high prices of the stocks, Mr. Ryan is basing his figures, as he just admitted, on a study which quoted stock prices for 1984 and 1985. The fact is that IBM is selling at far more than it ever was when the State of Pennsylvania purchased it. The fact is that all the other stocks are selling at a higher-than-ever price. If there is any such thing as a stock in the Pennsylvania State Employees' Retirement System, which is not selling at a higher price now with the Dow Jones average at over 1700, I seriously doubt that it is a prudent investment for the State of Pennsylvania to hold onto a stock that is going down in value while the stock market as a whole has just about doubled.

There is no reason whatever why, in the interest of fiscal prudence, the State of Pennsylvania cannot divest. The city of Philadelphia divested last year. It took a short-term immediate loss of about \$16 million. In 1985 the city of Philadelphia made a 30-percent return on its investments with the South Africa-free portfolio - a 30-percent return for the city of Philadelphia. The State of Pennsylvania with South African stocks in its portfolio made 20 percent, or 10 percent less than the city of Philadelphia.

This amendment has always made good moral sense. Today, with the stock market at an all-time high, it also makes good financial sense. I would urge everybody here to cast a vote for both fiscal responsibility and moral responsibility and support the Richardson amendment.

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

Mr. PERZEL. Mr. Speaker, I do not often stand here to talk to the members of this General Assembly, but when I first heard about divestiture, I was under the impression that we were going to be selling stock from companies that were in South Africa off of our different investments. What I was wondering, Mr. Speaker, is, is this a political gesture or a personal statement?

The members of the General Assembly, all of us, have just recently ordered IBM equipment. The Democrats and the Republicans both have IBM systems running this House of Representatives. The legislative data processing is IBM. We almost all have General Motors cars. So here we are saying divest ourselves, but yet we are all buying the goods from those very same companies. Even the maker of the amendment is buying the goods from those very same companies. So, Mr. Speaker, unless we are going to make some kind of a gesture on our own saying we do not want these companies, then why should we ask our different financial institutions to divest themselves of all these different holdings?

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

The SPEAKER. The Chair recognizes the gentleman from Wayne, Mr. Birmelin, on the amendment.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Mr. Speaker, today I believe that we are participating in another installment of "As the World Turns," wherein once again we are going to witness the attempts of a few to solve probably the world's most difficult thorn in the flesh, that of apartheid. Plunging headlong into this fray, as it seems we are today again, as we did last October, some of our members have devised a simple solution to this problem of apartheid in South Africa. This one-step process is called retreat. The solution is that we Pennsylvanians collectively are to remove ourselves as quickly and completely as possible from all involvement with South African economy, and just as sure as the sun rises every morning, such action will surely bring the archaic and abhorrent practice of apartheid to a screeching halt. This scenario—

### POINT OF ORDER

Mr. RICHARDSON. Mr. Speaker, point of order.

The SPEAKER. Why does the gentleman, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I raise a point of order as to whether or not the gentleman is speaking to the question of the amendment or whether or not he is raising his own concerns concerning apartheid in South Africa.

The SPEAKER. It is the opinion of the Chair—and the Chair heard the gentleman's remarks—that he is voicing his

opposition to the amendment, and he is laying the groundwork for that opposition.

The gentleman, Mr. Birmelin, may continue.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Basically then, we are looking at a scenario which by this process of retreat through divestment we will conclude in seeing that all apartheid will end in South Africa; its citizens will achieve liberty and economic success and citizenship. I am here to suggest to you today that such logic is seriously flawed. As a matter of fact, it is so fundamentally flawed that it defies logic at all. It is flawed because it is contrary to what it is intended to do. Its supporters say that it will end apartheid. I believe it will do the exact opposite. Its supporters say that it will punish the guilty. I say it will punish the innocent. Its supporters say that it is well intentioned. I may agree with the intentions, but not with the methods.

Why is it going to produce the opposite of that which we are hoping to achieve? First of all, I believe through the process of divestment you are going to remove American influence from South Africa, and I would have to say—and I think you would agree with me—that American influence today in South Africa is the greatest instrument for positive change that South Africa will ever see. And we are saying no, we do not want American companies there; we do not want American influence; we do not want the basic rights that mankind has developed and nurtured in America applied to South Africa. We want to just remove ourselves completely. We will lessen the standards and the goals for those who are serving in the companies of America in South Africa, and once we have removed our economic influence, we will have very little or any political influence.

I believe that we also will see a chain reaction, a negative reaction by the whites of South Africa to such movements. I believe that we are taking away, stripping away, from the South African blacks and coloreds today who have the jobs that Americans are providing, the economic means by which to fight the apartheid system from within. Historically, those who are financially able can devote time to social change, not the poor; they are too busy trying to scratch for a living. And by divestment we will take out the very best jobs, the very greatest incentives economically to the South African blacks. Essentially, what we are doing is pulling the rug out from those who are best able to help their people fight apartheid.

We will begin to increase the poor class, which will result in greater social unrest and a greater possibility of bloodshed. Make no mistake about it, though the whites are a minority in South Africa today, they control the mechanisms of war and a police state. Those who would advocate divestment as bringing down this system of apartheid and perhaps the government are sadly mistaken into thinking that the blacks and the coloreds of South Africa are potential adversaries in the military field for the white South African Government.

I believe we are seeing positive changes taking place in South Africa today. We are seeing the elimination of the passport system; the elimination of bans on interracial marriages; we have seen the flourishing of trade unions; martial laws

being rescinded even as we sit here today and debate this issue, and steps are taken towards extending citizenship. It is wrong for us in America to assume that South Africa should be tomorrow what America is today, but I believe with all my heart that they are working in that direction. These are changes that are positive, supported, and encouraged by Americans in South Africa.

I also made the statement that I believe that we are punishing the innocent. Those South Africans who work for American companies are numbered at approximately 70,000 today. That consists of about 3 percent of the workforce in South Africa. But what we do not realize is that South African families provide for each other and that oftentimes one South African who is working will take in many of his relatives, not only into his home but also into his support, and so that 70,000 figure is actually representative of some 200,000 to 300,000 South African blacks supported by American companies in South Africa. Not only if we pull out will these 70,000 perhaps be in jeopardy of losing their jobs and affecting 200,000 to 300,000 more, but when they lose their jobs in South Africa, they do not have a generous General Assembly like we do here in Pennsylvania. In Pennsylvania you have unemployment; you have welfare; you have food stamps; you have rent or mortgage assistance. They have no such thing in South Africa, and we will make destitute hundreds of thousands of people. Also, the American companies today, those that are under the Sullivan Principles and those that are not, are in the process of providing education, opportunity for advancement, good pay, health care, housing, and other things that divestment will eliminate. Prominent black South Africans themselves are opposed to divestiture, and we will not go over the long list of those who are for divestment or against divestment, but suffice it to say that there are many black South Africans opposed to divestment. We will hurt Pennsylvanians as well with our retirement systems.

Let me conclude by saying this: Divestment, I believe, is a decision to do nothing towards a complicated social problem. It is a call for retreat; it is an attempt to bury our heads in the sand and hope that the problem will go away. America has faced some tough problems in its past and present, and they were not solved by running in the opposite direction and calling a retreat. No; we have had the opportunity in America to seek out and to resolve our problems aggressively and by involvement. Mr. Richardson's amendment does neither. It is a vote for retreat, it is a negative response, and it ought to be voted down. I would appreciate a "no" vote on the Richardson amendment.

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Fargo, on the amendment.

Mr. FARGO. Thank you, Mr. Speaker.

Representative Cohen has blamed our minority leader for blowing smoke or for giving information on figures that are outdated. Actually, I believe that Representative Cohen's argument supported our minority leader's argument. When you look at what has happened during the period of time since those figures were true and the fact that all of these have

increased in value over that period of time, it has aggravated the problem that we are looking at here today. We now have figures which are extremely large as compared to what we were looking at back at the time of the figures that the minority leader presented, and by having those figures, it makes the problem even more when it comes to divesting. It means that we are going to have to get rid of a larger amount of total investments. That means that these have to be sold at a much larger cost as far as the actual distribution of those investments are concerned.

But probably even more important is the fact that it makes it even more difficult to invest those moneys in reliable, good-return types of stocks. If you are to take, as we would have to as far as the investments in the teachers' fund is concerned, if you were to take all of the investments in stocks that have to do with South Africa, it would be 273—or approximately that number—out of the 500 Fortune 500 stocks. This means that we are going to eliminate or practically eliminate the really high equity stocks where there is the possibility of investing that money.

Our investors, the trustees, are required to use the prudent-man rule when they are investing this money. That prudent-man rule restricts the amount that they can invest in any one company in terms of a percentage. It means they cannot invest in more than or buy more than 5 percent of the total asset values of any one firm, or invest more than 1 percent of their total assets of their firm. If this happens, it means that it restricts the number of companies that they can invest in, and if you remove those investment companies - the larger equity firms such as IBM, General Electric, and so forth - you are going to be putting the onus on the back of a trustee to try to find other companies that they can invest in with any kind of security. It is going to be a difficult proposition.

For a fact, if you look at the trustee relationship that we have with the trustees of these pension funds, you will find that we are actually going to be telling them to do something which if I were the trustee, I would say no way and walk away from it, because it would only be a matter of 6 months before I would find a suit at my door because I was not doing the job that I was hired to do, because I was not investing the money that I should in the manner in which I should for the protection of the people whom I am investing that money for. Certainly I would have the retired teachers and the retired State workers, if they knew what I had done in that fund and the way in which that fund was being used, they would end up taking me to court for not doing the things that I should as a trustee.

I had a rather interesting chart cross my desk here the other day. This chart gave me a figure of how many wages are paid within each individual county by the corporations that we are going to tell we cannot invest in you any longer, as far as those that happen to be in the teachers' retirement plan. I was kind of interested in my own particular counties because I would like to know, if we are telling those businesses, I am sorry, we cannot invest in you, we are really saying we do not want to have anything to do with you. And here we are trying to get as



much as possible in the way of wages and businesses within the municipalities that we represent. I looked at Butler County and found that there has been spent over the last year 100 million dollars' worth of wages—100 million dollars' worth of wages in little Butler County—\$69 million in little Mercer County in wages by those people, those companies, that we are now going to say, I am sorry, I cannot even buy your stock. It just does not make any sense.

Aside from all the arguments as to how little we would do in terms of making any impact over in South Africa, it just does not make sense to have to divest in our State the securities from the companies that we are talking about here. It just does not make sense, in my estimation, to vote for this amendment, and I hope that we here will defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Crawford, Mr. Merry, on the amendment.

Mr. MERRY. Mr. Speaker, I rise to oppose the Richardson amendment for these reasons. I certainly support what the Sullivan Principles would accomplish. If I had any idea that an action in the Commonwealth of Pennsylvania would have any effect over that, I would support meaningful amendments or meaningful bills to accomplish that purpose.

Number one, what we do here in Pennsylvania today is not going to affect what happens to South Africa any more than Representative Cohen's remarks on what happened to the stock market. When other entities disinvested, it did not affect the stocks of these companies that we are trying to reach. So not only is this amendment fundamentally flawed, but I would like to draw the members' attention to the extent that this amendment attempts to accomplish.

A few short weeks ago we sent Representative Richardson back to the drawing boards with an amendment that at that time purported to only affect the State Treasurer dealing with pension funds on investments in the Republic of South Africa. Please be aware that this has been changed now so that it not only affects the investments in the Republic of South Africa but also anyone who invests in stocks of any company engaged in business in South Africa. Not only does it affect the State Treasurer, but it affects every State and local official.

Now, listen closely here, Mr. Speaker. When we go back home, we are going to have every borough councilman, every township official, every city official now knowing that we are attempting to limit their ability to invest funds also. This is where it gets to be so abusive. We have boroughs and townships that invest in stock markets. They have involvements in trust funds. They invest in funds that regulate their investments. So what we do here today can affect even local officials, not just the State Treasurer.

Now, as I conclude here, please be aware that this act provides that it be effective in 30 days. We are going to be telling the State Treasurer, every pension fund, every local official, that within 30 days, regardless of what the market dictates, they are going to sell their involvements in companies dealing in South Africa. Not only could that be the inopportune

moment, as Representative Fargo said, but the prudent-man principles would be severely violated if that happens.

But beyond that, Mr. Speaker, you know that when you buy and sell stocks, it costs money. Not only do you suffer the results of the marketplace, but you have to pay a commission. So we are telling all these people here to forget the prudent-man rule. Go out and pay commissions to sell these securities and then buy them back again in some other company. Regardless of how the stock market fluctuates, you are going to lose money in addition by the commissions you have to pay.

There is nothing reasonable about this amendment, Mr. Speaker, and I urge that we defeat it.

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

Mr. VROON. Mr. Speaker, I will try to be brief.

We have already heard a lot of debate on this subject. I want to make note of the fact in particular from Mr. Cohen, in view of what he said the city of Philadelphia made on divestiture, that he has no idea of how much that fund has been crippled insofar as future profits are concerned. The market is way up, yes, but the market is not up as far as it will go. It is going to go a lot higher yet, and we are going to be missing profits if we divest on the best stocks that are available in this country. This is going to be extremely expensive.

I want to call attention to a couple of other States that dealt with this problem. In Colorado, for example, they made a study over there on investment, on involvement in South African investment, and they came to this conclusion: "Pension plans are not 'slush funds' that trustees may divert from the provision of retirement benefits to the subsidization of ideological, political or other social causes.... Rather, they are capital assets that the employee contributors contemplate will be invested for the exclusive purpose of providing benefits to participants in the plans and their beneficiaries."

In Illinois, the five major pension funds prepared an economic impact analysis of their divestiture legislation. The results indicated that both short- and long-term costs of divestiture would range in the hundreds of millions of dollars.

In Florida, likewise.

In the State of New Jersey, they had a similar situation. In the State of New Jersey, Frank Kelemen, chairman of the State Investment Council, appeared before the legislative committee that was contemplating this legislation in New Jersey and testified to the dangerous aspects of the bill. Kelemen argued that although other companies could be found to take the place of the divested companies, it would involve greater risk, reduced investment and diversification opportunities, and increased research, trading, and administrative costs. Let us not forget that when you divest a large number of stocks, your brokerage itself will constitute a fantastic loss.

A study of New Jersey's pension fund situation by the Boston Trinity Investment Management Corporation likened the disinvestment process to playing a game of cards. The

other players would be allowed to draw from all 52 cards in the deck while you could use only 35, and among the missing cards would be 2 aces, 2 kings, 2 queens, and 2 jacks.

I think there is more than enough on the record already to convince us that divestment is a very costly, improper procedure, and in addition to everything else, it is completely useless because it will never accomplish the intended goal. I urge a "no" vote on this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it has just been called to my attention—and I think the members should be aware of it—that again as I read the amendment, if it should become law, the billion two or billion three dollars' worth of assets that we have that are affected by the amendment would have to be sold 30 days from the day the Governor signs it. Now, you take a block of stock in excess of a billion dollars and you dump that on the market in a day or two—because the amendment that Mr. Richardson has has no phaseout period in it; it says this is the law; this law takes effect in 30 days—so you are dropping a billion and a quarter, billion and a half dollars' worth of securities on the market presumably on the 31st day from the time the Governor signed the bill, if he signed it, and I think it is something to consider. I think it is poor draftsmanship, and I am sure it was not intended that way.

The other thing I would like to point out, pretty much as a followup on what Mr. Perzel said. We have IBM machines in all of our offices, Xerox machines in our offices, General Motors cars out in the parking lot. We also have in excess of \$5 billion a year, probably \$6 billion a year now in wages paid by these companies to Pennsylvanians. For instance—1984 is the last available information—Allegheny County had \$1,546,910,000 in wages paid by these companies that you are now going to say are tainted. But 1 1/2 billion of their dollars went into the constituency that you represent in Allegheny County. They were the biggest. Montgomery County, almost \$800 million; Chester County, \$185 million in payroll; Warren County, \$27 million in payroll from companies that are tainted when we say our pension moneys cannot be invested with you, but just keep paying our wage earners who live in your various areas. Pay our Pennsylvania workers, but we are not going to invest in you because we think you are bad for some reason or another. That is what we are saying to the Caterpillar Corporations, and the Crown Cork and Seals, and the Exxons, and the Gulfs, and the like. We are saying to employers in Beaver County, we are not going to let our pension moneys go into your companies but we are certainly glad that you paid our residents \$108 million in payroll in 1984, and so on and so on down the line.

I provided printouts of this to all of you some 3 or 4 weeks ago when this bill was originally scheduled to come up. I think you ought to take a look at it and see how the workers of your various counties and legislative districts fare; see how the companies that employ and spend almost \$6 billion in payroll in Pennsylvania, see how they are going to feel when you say we have no confidence in you; we are going to have our retirement funds divest their investments in you, and we certainly

hope you do not leave the Commonwealth of Pennsylvania and take those jobs with you just because we do not like you for some other reason.

I think it is ludicrous. I think it is wrong that we treat our companies this way, and I think this amendment and the other bills that try and do the same thing should be voted down.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, for the second time on the amendment.

Mr. RICHARDSON. Mr. Speaker, I listened very attentively to the members of this House of Representatives who expounded on the reasons why they opposed the amendment before us, and I thought very hard about what I was going to say today, because I felt that the time had come for us to really move ourselves forward in Pennsylvania to deal with a very prevalent problem concerning apartheid in South Africa, but more importantly, the dollars that we invest here in Pennsylvania and as persons who are concerned about that problem, just what would we do about it.

The last time so very eloquently the Speaker indicated that he would take this opportunity as a Speaker to support legislation that would call for reinvesting priorities, because there was a need to do so because there had to be some way by which we move forward on an issue like this, but he could not support the bill. I have watched others who say, Dave, I am against apartheid but; I am against apartheid but I cannot support this legislation. Every single time somebody says that, they are talking about dollars and cents, because they do not care about whether or not lives are being destroyed in South Africa or not. Well, I happen to take it kind of personally because when it affects people, as has every other ethnic group of people on the floor of this House, whether it was Italians and the problems in Italy, whether it was the problems concerning those individuals in Ireland who had a problem directly with Northern Ireland, we were there to support it. Where there was a problem in the Middle East, we have been there to support it. Where there has been a problem anywhere in this country where there was a violation of human rights, we stood up and supported you every single time. But all of a sudden when it came down to the question of dealing with the lives that we see every single day being destroyed and maimed and killed, people placed in jail and then told that in a land that is their majority, that they are not allowed the opportunity to live the way they want to, and to hear other individual speakers get up and talk about how much they know about South Africa because one of their best friends is a South African, it annoys my brain to hear people say they really do not care about what is going on over there. I am not worried about the money, because there is a God in Heaven, thank God, and the people in South Africa are going to eventually win this struggle over there for their freedom. And it is clear to me that regardless of whether or not we want to deal with this issue or not, they are going to win without you.

The money that you have invested in South Africa right now is a bad investment, and every State, all the 13 States,

and the 26 cities and the universities and colleges that have in fact divested have made money on a reinvestment, because the bad investment they saw meant that you went back to the drawing board with your portfolio manager and then you worked out a scientific plan of how you would recoup that money. In the State of Pennsylvania alone, Lincoln University divested and they are making two times the amount of money that they made when they were investing in South Africa. The same thing happened to Temple University. They lost money at first, but Peter Liacouse and the president there went on to try to fight to make sure that there would be more investments coming in.

I think Mr. Ryan has taken an issue and turned it all around, trying to make people confused over whether or not we are talking about a moral issue here or whether or not we are talking about dollars and cents. If you want to find all the grandiose figures, you can pass out this kind of stuff and say this is what is going to happen; all of this money is going to be taken away. Not if you put a priority on it and give it some direction. This is what this amendment does. It gives it priority and direction on how we can begin now in Pennsylvania to deal with a very vital issue. If we do not win this time, then perhaps maybe we will continue on and on and on until we will win. But if our neighboring State, New Jersey, with a Republican Governor and its members of its House and its Senate see the need to move to change because the time for change is now, then what makes us so different in Pennsylvania.

I have right here at my disposal 10,000 signatures from Pennsylvanians all over Pennsylvania that I would like to submit for the record that shows not only did they sign this in good consciousness but they say they want their legislators to also support such actions to begin to divest in Pennsylvania now. They have taken that route because there is a need to change the problems that we have going on.

See, when it is you, it is different, but when it is us, we have to step back and deal with constructive engagement. When there is a problem facing how we will begin to move as a people, we always want to say, now, if you just be calm, in time it will all be taken care of. But yet and still, 4-year-old children are being slaughtered in the streets. When the Philipinos won their war last week in taking over that government from Marcos, it was the United States who was right there to give aid and support. When you looked and saw what happened with Duvalier and you saw what happened in Haiti, immediately it was the United States who stepped right in and gave support. And every single time where there have been atrocities committed in countries where people are being destroyed, we stepped in. But in this situation with blacks in South Africa where they own their land, the diamonds and gold in South Africa belong to black people in South Africa. The less than 1 percent that you have as slave labor, working at those same unions that Mr. Ryan talks so very proudly about and was so confident in his heart that they were right and doing the right thing, it is quite evident that we cannot even get people to be hired to work right here in the United

States in those same companies that we need people to be employed in, but you would still say send the cheap labor to South Africa. There is a basic contradiction in that kind of thinking.

I think, Mr. Speaker, today we have witnessed one of our opportunities to begin to change Pennsylvania back in the right direction for human rights, and I ask for support of this amendment.

(Petitions are on file with the Journal clerk.)

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—84

Acosta	Fattah	McHale	Seventy
Barber	Fee	Maiale	Smith, B.
Battisto	Fischer	Manderino	Staback
Belardi	Freeman	Markosek	Steighner
Blaum	Gallagher	Michlovic	Stewart
Bortner	George	Miller	Sweet
Caitagirone	Gruitza	Mrkonic	Taylor, F. E.
Cappabianca	Haluska	Murphy	Tigue
Carn	Harper	O'Donnell	Trello
Cawley	Howlett	Oliver	Truman
Cohen	Hutchinson	Petrarca	Van Horne
Cole	Itkin	Petrone	Veon
Cowell	Jarolin	Pievsky	Wambach
Deluca	Josephs	Pistella	Wass
DeWeese	Kasunic	Pressmann	Wiggins
Daley	Kukovich	Preston	Wozniak
Dawida	Lashingier	Richardson	Wright, D. R.
Deal	Laughlin	Rieger	Wright, R. C.
Dombrowski	Levdansky	Roebuck	
Donatucci	Linton	Rybak	Irvis,
Duffy	Livengood	Saloom	Speaker
Evans	Lloyd		

NAYS—112

Afflerbach	Cornell	Jackson	Raymond
Angstadt	Coslett	Johnson	Reber
Argall	Coy	Kennedy	Reinard
Arty	DeVerter	Kenney	Robbins
Baldwin	Davies	Kosinski	Rudy
Barley	Distler	Langtry	Ryan
Belfanti	Dorr	Lescovitz	Saurman
Birmelin	Durham	Letterman	Scheetz
Black	Fargo	Lucyk	Schuler
Book	Flick	McCall	Semmel
Bowley	Foster, Jr., A.	McVerry	Serafini
Bowser	Fox	Mackowski	Showers
Boyes	Freind	Manmiller	Sirianni
Brandt	Fryer	Mayernik	Smith, L. E.
Broujos	Gallen	Merry	Snyder, D. W.
Bunt	Gamble	Moehlmann	Snyder, G. M.
Burd	Gannon	Morris	Stairs
Burns	Geist	Mowery	Stevens
Bush	Gladeck	Nahill	Stuban
Carlson	Godshall	Noye	Swift
Cessar	Greenwood	O'Brien	Taylor, J.
Chadwick	Gruppo	Olasz	Telek
Cimini	Hagarty	Perzel	Vroon
Civera	Hasay	Phillips	Weston
Clark	Hayes	Piccola	Wilson
Clymer	Herman	Pitts	Wogan
Colafella	Hershey	Pott	Wright, J. L.
Cordisco	Honaman	Punt	Yandrisevits

NOT VOTING—2

McClatchy Micozzie

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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. The Chair recognizes the gentleman from Chester, Mr. Vroon. Does the gentleman wish to offer his amendment?

Mr. VROON. Could you hold for just a minute, Mr. Speaker?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I understand that the gentleman, Mr. Vroon, is withdrawing his amendment.

I think the bill in its present form is something that should be reflected upon by the Committee on Finance. At this time I move that it be recommitted to the Committee on Finance.

The SPEAKER. Moved by the gentleman, Mr. Ryan, that HB 9, PN 13, be recommitted for further study to the Committee on Finance.

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. Have you heard the motion?

Mr. RICHARDSON. Yes, Mr. Speaker.

I rise to oppose the motion to recommit to the Finance Committee. I do so, Mr. Speaker, because I am trying very hard to explain that when you reprioritize anything, there is a need for the change. One day we are going to stand up as men and women and face this issue and deal with this problem.

Dropping and not supporting the amendment to call for reprioritizing our own investments here in the State of Pennsylvania would require us to perhaps put HB 9 on the postponed calendar as opposed to referring it back to the Finance Committee where there was much debate and discussion. All of those who had so many important things to say that they wanted to change the direction of that have that opportunity, and I would suggest that they do it on the postponed calendar and not in the Finance Committee.

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

The following roll call was recorded:

YEAS—110

Afflerbach Davies Kennedy Raymond
Angstadt Distler Kenney Reber
Argall Donatucci Kosinski Reinard
Arty Dorr Langtry Robbins
Barley Durham Lashinger Rudy
Birmelin Fargo Letterman Ryan
Black Flick McClatchy Saurman

Book Foster, Jr., A. McVerry Scheetz
Bowley Fox Mackowski Schuler
Bowser Freind Maiale Semmel
Boyes Fryer Manmiller Serafini
Brandt Gallen Mayernik Sirianni
Bunt Gamble Merry Smith, L. E.
Burd Gannon Miller Snyder, D. W.
Burns Geist Moehlmann Snyder, G. M.
Bush Gladeck Morris Stairs
Carlson Godshall Mowery Stevens
Cessar Greenwood Nahill Swift
Chadwick Gruppo Noye Taylor, F. E.
Cimini Hagarty O'Brien Taylor, J.
Civera Hasay Olasz Telek
Clark Hayes Perzel Vroon
Clymer Herman Phillips Weston
Colafella Hershey Piccola Wilson
Cornell Honaman Pitts Wogan
Coslett Howlett Pott Wright, J. L.
Coy Jackson Punt Yandrisevits
DeVerter Johnson

NAYS—80

Acosta Dombrowski Linton Saloom
Baldwin Duffy Livengood Smith, B.
Barber Evans Lloyd Staback
Battisto Fattah Lucyk Steighner
Belardi Fee McCall Stewart
Belfanti Fischer McHale Sweet
Blaum Freeman Manderino Tigie
Bortner Gallagher Markosek Trello
Broujos George Michlovic Truman
Caltagirone Gruitza Mrkonic Van Horne
Cappabianca Haluska Oliver Veon
Carn Harper Petrarca Wambach
Cawley Hutchinson Petrone Wass
Cohen Itkin Pievsky Wiggins
Cole Jarolin Pistella Wozniak
Cordisco Josephs Preston Wright, D. R.
Cowell Kasunic Richardson Wright, R. C.
Deluca Kukovich Rieger
DeWeese Laughlin Roebuck Irvis,
Daley Lescovitz Rybak Speaker
Deal Levdansky

NOT VOTING—8

Dawida Murphy Pressmann Showers
Micozzie O'Donnell Seventy Stuban

EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to HB 4, PN 1588, on final passage postponed, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in the Republic of South Africa or Namibia.

On the question recurring, Shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 4 is on final passage postponed. The Chair hears no objection. HB 4, PN 1588, is on third consideration and therefore available for amendment.

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

The SPEAKER. On the question, the Chair recognizes the gentleman from Chester, Mr. Vroon, who offers the following amendment, which the clerk will read.

Mr. RYAN. Would the gentleman yield for a moment?

Mr. Speaker, would the gentleman, Mr. Richardson, consent to brief interrogation on the bill?

Mr. RICHARDSON. Yes, Mr. Speaker.

The SPEAKER. Mr. Richardson indicates he will so stand.

Mr. RYAN. Mr. Speaker, would you be kind enough to advise the House if HB 4, which is presently before the House, in fact is not similar to the amendment you offered a moment ago to HB 9, only in that—

Mr. RICHARDSON. I made that very clear. No, Mr. Speaker, it does not.

Mr. RYAN. Pardon me. Let me finish.

Only in that it covers the public school employees' retirement and not both pension funds. Would that be accurate?

The SPEAKER. Mr. Richardson? The answer, Mr. Richardson?

Mr. RICHARDSON. I said no, Mr. Speaker. He is incorrect, again.

Mr. RYAN. I was hoping that we could save time and just recommit this one too. Thank you, Mr. Speaker.

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

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

Mr. VROON. Mr. Speaker, I am going to drop—

The SPEAKER. Just a moment. The clerk has not read it, Mr. Vroon. The Chair apologizes to you. You cannot tell what is going on any more than I can at this moment. They are making too much noise.

Do you wish to withdraw the amendment, Mr. Vroon?

Mr. VROON. Yes, I do, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### MOTION TO RECOMMIT

The SPEAKER. Why does the minority leader rise?

Mr. RYAN. Mr. Speaker, I am going to make a motion at this time with the Speaker's permission.

The SPEAKER. The Chair has recognized the gentleman.

Mr. RYAN. Mr. Speaker, I respectfully differ with the judgment, opinion, and/or interpretation that the gentleman, Mr. Richardson, gave me a moment ago. It is my belief that HB 4 covers the investments of the Public School Employees' Retirement System.

I believe this House has spoken on the issue of the investment of the retirement funds, and accordingly, Mr. Speaker, I move that this bill be recommitted to the Committee on Finance.

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

The SPEAKER. On the motion, the Chair recognizes the majority leader.

Mr. MANDERINO. It surprises me that Mr. Ryan takes that tact. Obviously, the bill that the House committed dealt with not only the State retirement funds but a lot of local issues, a lot of local pension funds, and Mr. Ryan made his strongest arguments on those and they were included. This is a different set of circumstances. There are amendments that are to be offered. Let us take the right way, not the short way, Mr. Ryan.

I oppose recommitment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I agree with the gentleman. I did not say anything intending to mislead Mr. Manderino, knowing that I could not do it anyway if I wanted to. I meant to say, and I thought I had said, that the provisions of HB 4 were included in those provisions of HB 9.

I think the members have spoken, and if not, they have an opportunity to speak now as I again renew my motion to recommit this particular bill to the Finance Committee.

The SPEAKER. On the motion, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. Mr. Speaker, I rise to oppose the minority leader's motion. I am a member of that Finance Committee and we had plenty of opportunity to discuss this piece of legislation. I think that the members of this House need an opportunity to discuss this issue and that we no longer needed to solely put it in—

The SPEAKER. I am not motioning to you, Mr. Evans. I am motioning to the commissioner in the doorway. I want him to be my guest at the podium. Mr. Commissioner, will you come down and sit next to the Speaker.

I beg your pardon, Mr. Evans, for interrupting your flow. You may continue.

Mr. EVANS. As I was saying, Mr. Speaker, I know that, my colleague, Mr. Ryan, we had more than enough time in the Finance Committee to deal with this particular issue, and I hope that the members would oppose Mr. Ryan's motion.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Trello, on the motion.

Mr. TRELLO. Mr. Speaker, I rise to oppose the motion. These bills were inside the Finance Committee for a number of months. We have had extensive hearings all over the State. Although there are good arguments on both sides of this issue, every one of those arguments were brought out throughout our hearings in the State of Pennsylvania.

I think the decision should be settled right now on the floor of the House with all the members, and I oppose recommitment. Thank you, sir.

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

The following roll call was recorded:

## YEAS—90

Angstadt	DeVerter	Jackson	Reinard
Argall	Davies	Johnson	Robbins
Arty	Distler	Kennedy	Ryan
Barley	Dorr	Langtry	Saurman
Birmelin	Durham	McClatchy	Scheetz
Black	Fargo	McVerry	Schuler
Book	Flick	Mackowski	Semmel
Bowley	Foster, Jr., A.	Manmiller	Serafini
Bowser	Fox	Merry	Sirianni
Boyes	Freind	Moehlmann	Smith, L. E.
Brandt	Gallen	Mowery	Snyder, D. W.
Bunt	Gannon	Nahill	Snyder, G. M.
Burd	Geist	Noye	Stairs
Bush	Gladeck	O'Brien	Stevens
Carlson	Godshall	Perzel	Swift
Cessar	Greenwood	Phillips	Taylor, J.
Chadwick	Gruppo	Piccola	Telek
Cimini	Hagarty	Pitts	Vroon
Civera	Hasay	Pott	Weston
Clymer	Hayes	Punt	Wilson
Cornell	Herman	Raymond	Wogan
Coslett	Hershey	Reber	Wright, J. L.
Coy	Honaman		

## NAYS—105

Acosta	Duffy	Linton	Rybak
Afflerbach	Evans	Livengood	Saloom
Baldwin	Fattah	Lloyd	Seventy
Barber	Fee	Lucyk	Showers
Battisto	Fischer	McCall	Smith, B.
Belardi	Freeman	McHale	Staback
Belfanti	Fryer	Maiale	Steighner
Blaum	Gallagher	Manderino	Stewart
Bortner	Gamble	Markosek	Stuban
Broujos	George	Mayernik	Sweet
Burns	Gruitza	Michlovic	Taylor, F. E.
Caltagirone	Haluska	Miller	Tigue
Cappabianca	Harper	Morris	Trello
Carn	Howlett	Mrkonic	Truman
Cawley	Hutchinson	Murphy	Van Horne
Cohen	Itkin	O'Donnell	Veon
Colafella	Jarolin	Olasz	Wambach
Cole	Josephs	Oliver	Wass
Cordisco	Kasunic	Petrarca	Wiggins
Cowell	Kenny	Petrone	Wozniak
Deluca	Kosinski	Pievsky	Wright, D. R.
DeWeese	Kukovich	Pistella	Wright, R. C.
Daley	Lashinger	Pressmann	Yandrisevits
Dawida	Laughlin	Preston	
Deal	Lescovitz	Richardson	Irvis,
Dombrowski	Letterman	Rieger	Speaker
Donatucci	Levdansky	Roebuck	

## NOT VOTING—3

Clark Micozzie Rudy

## EXCUSED—3

Dietz Dininni Taylor, E. Z.

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. BROUJOS offered the following amendment No. A0949:

Amend Sec. 1 (Sec. 8526), page 1, lines 14 through 16, by striking out all of said lines and inserting

(b) Divestment.—Within one year of the effective date of this section, the board shall divest itself of 25% of the market value, determined as of the date of enactment of this section, of

investments as described in subsection (a), and shall divest itself of the balance of the investments within three years of the effective date of this section. Within 18 months of the effective date of this section, the board shall submit an actuarial report to the General Assembly on the actual and projected impact of the policy of divestment of the fund.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, this amendment provides a means by which there may be a divestiture over a period of time, specifically over 3 years. The provision for a 25-percent divestiture of the market value on the effective date of this act within 1 year provides a means by which the funds will divest. At that point some determination may be made as to the effect of divestment.

Now, accountants, actuaries, and people knowledgeable in this field say that you really cannot tell the effect of divestment in such a short time. In fact, they will tell you—in fact, Conrad Siegel will tell you, the actuary for these funds—that it is very difficult even within a year or 2 years to determine the impact. On the one hand, people say that there is an impact; on the other hand, people say there is not an impact, and each quotes scripture for his purpose to indicate the loss of value in a portfolio or that the portfolio remains the same as the average of some investment index.

This will give an opportunity that in the event there is a change that can be discerned, an actuarial report will be submitted to the General Assembly within 18 months after the effective date of the act. At that point if there is any indication of any calamitous impact on the fund, the General Assembly could then act to modify the divestment policy in order to protect the fund. In that way there is a safety valve so that you do not have a divestiture of a large amount of the portfolio within a short time. We must recognize the actuarial report which indicates that there could be a substantial increase in the payroll tax, perhaps up to 3 percent, in order to meet the potential loss in the portfolio. It is extremely difficult for members of the General Assembly to take action counter to that because we are in effect saying that we do not care what the cost will be to the taxpayers, and are the taxpayers being considered on the question of the extent of the cost in taxes to the payroll in order to bring the fund up to an actuarially sound level.

Finally, it provides for a total divestiture in 3 years, which is sufficient time, I feel, for evaluation of the program.

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

Mr. VROON. Very briefly, Mr. Speaker.

I rise to oppose the amendment, because there is absolutely no crystal ball available to decide just what the market is going to be like down the road. So we do 25 percent of it now, and by the time we divest the rest of it, the bottom may have fallen out of the market but we are still obligated to divest.

Another thing that I do not like about this right now is the fact that we have a considerable amount of bond investments. Now, bond investments, traditionally, have lost a lot of value from the time that they were purchased. Bond investments constitute a large part of their portfolio. We are doing very well with bond investments right now, and if we divest bond investments now, we are going to take a bath, even yet. And who knows, if the situation changes on interest rates, those bond investments will take a worse loss down the road.

I think this is just a gamble, and I oppose it on the basis of that particular fact. I do not think it is good technique. It is purely a gamble and it may do more harm than good in the long run. I urge a "no" vote.

**FILMING PERMISSION**

The SPEAKER. Jim Bowman of WPXI-TV has asked for permission and permission is granted for 10 minutes on the floor.

**CONSIDERATION OF HB 4 CONTINUED**

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Wayne, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

I, too, would ask that you vote "no" on the Broujos amendment. I think it is simply just trying to sugarcoat a very bitter pill and something that we should not be a party to.

I ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

**YEAS—109**

Acosta	Dombrowski	Lescovitz	Rudy
Afflerbach	Donatucci	Levdansky	Rybak
Argall	Dorr	Livengood	Saloom
Baldwin	Duffy	Lloyd	Seventy
Barber	Evans	Lucyk	Showers
Battisto	Fattah	McCall	Smith, B.
Belardi	Fee	McHale	Snyder, G. M.
Belfanti	Fischer	Maiale	Staback
Blaum	Freeman	Manderino	Steighner
Bortner	Fryer	Markosek	Stewart
Broujos	Gallagher	Mayernik	Stuban
Burns	Gamble	Michlovic	Sweet
Caltagirone	George	Miller	Taylor, F. E.
Cappabianca	Greenwood	Morris	Tiguc
Carn	Gruitza	Mrkonic	Truman
Cawley	Hagarty	Murphy	Van Horne
Clark	Haluska	O'Donnell	Veon
Cohen	Harper	Olasz	Wambach
Colafella	Howlett	Oliver	Wass
Cole	Hutchinson	Petrarca	Wiggins
Cordisco	Itkin	Petrone	Wozniak
Cowell	Jarolin	Pievsky	Wright, D. R.
Coy	Josephs	Pistella	Wright, R. C.
Deluca	Kasunic	Pressmann	Yandrisevits
DeWeese	Kosinski	Preston	
Daley	Kukovich	Reber	Irvis,
Dawida	Lashingner	Rieger	Speaker
Deal	Laughlin	Roebuck	

**NAYS—85**

Angstadt	Davies	Kennedy	Richardson
Arty	Distler	Kenney	Robbins
Barley	Durham	Langtry	Ryan
Birmelin	Fargo	Linton	Saurman
Black	Flick	McClatchy	Scheetz
Book	Foster, Jr., A.	McVerry	Schuler
Bowley	Fox	Mackowski	Semmel
Bowser	Freind	Manmiller	Serafini
Boyes	Gallen	Merry	Sirianni
Brandt	Gannon	Mochlmann	Smith, L. E.
Bunt	Geist	Mowery	Snyder, D. W.
Burd	Gladeck	Nahill	Stairs
Bush	Godshall	Noye	Stevens
Carlson	Gruppo	O'Brien	Swift
Cessar	Hasay	Perzel	Taylor, J.
Chadwick	Hayes	Phillips	Telck
Cimini	Herman	Piccola	Vroon
Civera	Hershey	Pott	Weston
Clymer	Honaman	Punt	Wilson
Cornell	Jackson	Raymond	Wogan
Coslett	Johnson	Reinard	Wright, J. L.
DeVerter			

**NOT VOTING—4**

Letterman	Micozzie	Pitts	Trello
-----------	----------	-------	--------

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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. FOX offered the following amendments No. A4416:

Amend Sec. 1 (Sec. 8526), page 1, lines 9 and 10, by striking out all of line 9 and "not invest any" in line 10 and inserting After the effective date of this section, the board shall not make any additional investments

Amend Sec. 1 (Sec. 8526), page 1, lines 14 through 16, by striking out all of said lines

On the question,

Will the House agree to the amendments?

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

Mr. FOX. Thank you, Mr. Speaker.

Mr. Speaker, the vast majority of the members of the House abhor the atrocities in South Africa caused by racial apartheid. While we are considering the form that our public position against apartheid should take, I ask the House to consider the residents of Pennsylvania and the financial devastation which was outlined earlier with regard to our State Employees' Retirement System of \$674 million and the \$698 million with regard to the Public School Employees' Retirement System.

Rather than outright divestiture, this amendment would ask that you vote in favor of any further investments, which would not have the same negative impact on Pennsylvania. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the amendment, and I do so for the same reasons that we have tried before to show - support of investment anywhere. When you talk about taking away the investment, I must raise the question, what happens to the current investments now in South Africa if we are not to move on them?

I respectfully request that those who just supported the past Broujos amendment have in fact resolved the particular question involved, and there is no need for this amendment.

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

The following roll call was recorded:

YEAS—54

Afferbach	Greenwood	Miller	Schuler
Argall	Hagarty	Moehlmann	Semmel
Baldwin	Hasay	Mrkonic	Serafini
Barley	Hershey	Perzel	Showers
Belfanti	Honaman	Piccola	Smith, B.
Bowley	Jackson	Pott	Snyder, D. W.
Brandt	Kosinski	Pressmann	Snyder, G. M.
Chadwick	Langtry	Punt	Swift
Coy	Lucyk	Reber	Taylor, J.
Duffy	McClatchy	Reinard	Telek
Durham	McVerry	Rudy	Weston
Fischer	Manmiller	Saurman	Wilson
Fox	Mayernik	Scheetz	Wozniak
Godshall	Merry		

NAYS—139

Acosta	DeWeese	Johnson	Preston
Angstadt	Dalcy	Josephs	Raymond
Arty	Davies	Kasunic	Richardson
Barber	Dawida	Kennedy	Rieger
Battisto	Deal	Kenney	Robbins
Belardi	Distler	Kukovich	Roebuck
Birmelin	Dombrowski	Lashinger	Ryan
Black	Donatucci	Laughlin	Rybak
Blaum	Dorr	Lescovitz	Saloom
Book	Evans	Letterman	Seventy
Bortner	Fargo	Levdansky	Sirianni
Bowser	Fattah	Linton	Staback
Boyes	Fec	Livengood	Stairs
Broujos	Flick	Lloyd	Steighner
Bunt	Foster, Jr., A.	McCall	Stevens
Burd	Freeman	McHale	Stewart
Burns	Freind	Mackowski	Stuban
Bush	Fryer	Maiale	Sweet
Caltagirone	Gallagher	Manderino	Taylor, F. E.
Cappabianca	Gallen	Markosek	Tigue
Carlson	Gamble	Michlovic	Trello
Carn	Gannon	Morris	Truman
Cawley	Geist	Mowery	Van Horne
Cessar	George	Murphy	Veon
Cimini	Gladeck	Nahill	Vroon
Civera	Gruitza	Noye	Wambach
Clymer	Gruppo	O'Brien	Wass
Cohen	Haluska	O'Donnell	Wiggins
Colafella	Harper	Olasz	Wright, D. R.
Cole	Hayes	Oliver	Wright, J. L.
Cordisco	Herman	Petrarca	Wright, R. C.
Cornell	Howlett	Petrone	Yandrisevits
Coslett	Hutchinson	Phillips	
Cowell	Itkin	Pievsky	
Deluca	Jarolin	Pitts	Irvis,
DeVertter			Speaker

NOT VOTING—5

Clark	Pistella	Smith, L. E.	Wogan
Micozzie			

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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 PASSED OVER TEMPORARILY

The SPEAKER. Mark HB 4 over temporarily. Mr. Foster's amendment will take 5 more minutes to have it duplicated.

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The clerk of the Senate, being introduced, informed that the Senate has adopted the Report of the Committee of Conference on the subject of the differences existing between the two Houses on **SB 655, PN 1850**.

REPORT OF COMMITTEE OF CONFERENCE CONSIDERED

Mr. MANDERINO called up for consideration the following Report of the Committee of Conference on **SB 655, PN 1850**, entitled:

An Act to provide a convention center facility in cities of the first class; creating the Pennsylvania Convention Center Authority; defining its powers and duties; and authorizing a hotel room rental tax.

On the question,  
Will the House adopt the report of the committee of conference?

The SPEAKER. On the question of will the House adopt the committee of conference report, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

Mr. RICHARDSON. Mr. Speaker, I rise to oppose the Conference Committee Report on SB 655, and I do so with much reservation, but I do so because I believe that this Commonwealth is not serious about its attempt to deal with affirmative action within this Commonwealth. As a result, we have been embarking over and over again with the question of changing the word from "may" to "shall," and as a result in the change of this, we find ourselves embarking on the same position that we have been in the past. Trust me.

There were 401 treaties that the United States had with the American Indians and they never kept a one, as a result of which we are embarking on the same situation of being asked to just trust me on a billion-dollar project that is going to be built in the city of Philadelphia, and we are told that a set-aside program is not available to be able to be applied to this



particular piece of legislation, because with the intent of those who have passed this in the Senate, it was very clear that their position was, number one, we do not believe that there will be in fact any intention on our part to other than give a bid to minorities, blacks, and women. Other than that, there is no intention to significantly indicate that they will receive any of those contracts. It seems to me that if the administration is constantly opposed to affirmative action and constantly opposed to dealing with a set-aside that deals with those problems on a billion-dollar project, how can I be assured that the people in my legislative district are in fact going to be able to receive jobs?

So many people are so worried about what is going on, about the problems that we have just raised on South Africa, we are raising the question of apartheid ourselves right here in the State of Pennsylvania and how people are treated as it deals with this convention center. A lot of people are going to make a lot of money out of this project, but when it comes down to little people, it is always they who are never involved. The equity, I ask the question, where does that go? Who is going to get the bulk of the equity? Who is going to get the bulk of the contracts, the subcontracts, those vendors and those lenders who are going to be a part of receiving contracts, and how can we be assured there is going to be equal opportunity for blacks, minorities, and women? I say that unless it is written specifically in the bill, send it back to the conference committee; allow them to write it inside the legislation; then come back and vote it, and then I will say to you that there will be a change in the attitude of a number of these members here. But as long as it is camouflaged and as long as it looks as though there is going to be money for those who are the superrich and the rich, they are going to get all of the money and we are going to wind up down in Philadelphia with not being able to give anybody but a crumb that may drop from the master's table.

I think that the time has come to see a change in that same attitude, and I ask for a negative vote. Send it back to the conference committee and let us do it the right way and let us give set-aside a chance in Pennsylvania, because the last time we had it in 1983, the Governor vetoed the language that specifically was written in the budget for a 15-percent set-aside and affirmative action in this Commonwealth. He vetoed the language completely, and I think that is abominable.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Linton, on the question.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, may I ask a member of the conference committee to stand for a brief period of interrogation, please?

The SPEAKER. Mr. Ryan says he will stand for interrogation. You may proceed, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, would you please provide for me the amount of debt service that will be required to be funded by the city of Philadelphia in regard to this convention center?

Mr. RYAN. Mr. Speaker, I have the figures available for the State's share. I am not so sure that I have available right at

this moment the city's share. I have read somewhere along the line that it is, I believe, \$20 million a year, though, and that is something I just read.

I think the president of council, Mr. Coleman, did a memorandum, which you probably have before you and I do not.

Mr. LINTON. Thank you, Mr. Speaker.

Would you inform me, Mr. Speaker, what the plans are to cover the cost overruns for this convention center?

Mr. RYAN. Are you referring to the State or the city?

Mr. LINTON. Either one, Mr. Speaker.

Mr. RYAN. Sure; I can give you an idea on that. If there is a cost overrun in the capital construction, the city will pay for it. The State has no obligation.

The State's obligation, simply stated, is to the extent of its investment through the bond issue totaling some \$185 million. Beyond that, the obligation is the obligation of the city of Philadelphia for any shortfalls, and if there is a shortfall in the operation of the convention center, that, too, is the obligation of the city of Philadelphia.

Mr. LINTON. Mr. Speaker, then is it your understanding that if there are shortfalls, overruns in addition to the debt service, that indeed the residents of the city of Philadelphia will have to incur the costs for those overruns and those excessive costs?

Mr. RYAN. That is right.

Now, to further answer your question, the city of Philadelphia through its finance director has the right of veto on any change orders. There should be no cost overrun if he exercises his right to veto, and it would require his approval before there would be cost overruns, I suspect. He has a right to veto either cost overruns in the capital portion of the project as well as in the operational.

Mr. LINTON. Then, Mr. Speaker, if the finance director has the right to in fact veto, what other provisions are there available to override the veto of the finance director so that the project may continue?

Mr. RYAN. It is over.

Mr. LINTON. So, Mr. Speaker, you are saying that if the finance director vetoes cost overruns, then the project is over.

Mr. RYAN. That question is over.

I suspect, Mr. Speaker, that what would happen is, the city has given us information with respect to the cost of the convention center. Based on that information provided by the PIDC (Philadelphia Industrial Development Corporation) people and the others involved in it, numbers have been arrived at. The number for the State is \$185 million. If the project is bid and if it comes in within budget, the project will continue. If there are change orders which call for additional moneys to be spent, either the Secretary of the Budget here or the finance director in Philadelphia has the right to veto those change orders. If it goes beyond that and if the finance director does not veto those change orders, the city pays for it, not the State.

Mr. LINTON. Thank you, Mr. Speaker.

In addition, Mr. Speaker, within the proposed conference committee report there is made reference to a hotel tax. Now,

I have become aware of the fact that there has been a Supreme Court suit in Allegheny County that has in fact thrown out a similar hotel tax. What assurances do we have, Mr. Speaker, that the current language within the current bill will withstand a court suit?

Mr. RYAN. Life being what it is, there is no way that anyone can give you an assurance as to what the morrow brings in a court. The lawyers representing the city, the lawyers representing your caucus and my caucus and the Governor's Office have attempted to draft around the provisions of the Allegheny County case that caused that tax to be in jeopardy. It is their hope and fervent expectation that we have alleviated the problems of the Allegheny County decision, but there is no one about to sign a guarantee that that is so.

Mr. LINTON. Evidently, Mr. Speaker, it is my understanding, and you referred to documents that were in fact provided by city council, but it is my understanding that the city council of the city of Philadelphia and their staff seem to still question whether or not that language in regard to the hotel tax will survive a court challenge. Is that your understanding also, Mr. Speaker?

Mr. RYAN. I do not know that that is my understanding. The president of city council, Mr. Coleman, has not seen fit to confide in me or to communicate with me. So I do not know what is going on in city council.

I think, however, that Mr. Coleman, from what I read in the newspaper, has some doubts as to whether or not he wants this project to go forward, and if the city of Philadelphia does not want it to go forward, I seriously doubt that the members of this House and the Senate are going to carry banners to carry this thing forward. We expect that this is a project that the city has wanted, and I, for one, am willing to support it. If the city of Philadelphia is unwilling to support it, then I think the whole convention center is in jeopardy.

Mr. LINTON. Thank you, Mr. Speaker.

One final question, Mr. Speaker: There is in fact language within the conference committee report that makes reference to affirmative action, which indicates that the authority shall implement and establish an affirmative action plan. I would like to ask you, Mr. Speaker, is it your understanding that the authority shall make a good-faith effort to assure that minorities and women are afforded an opportunity to participate in employment, contracting, vending, and leasing opportunities as a result of the passage of action by this authority?

Mr. RYAN. It is my understanding and belief that as a result of this legislation, a plan will be implemented to make sure that no one is discriminated against. It is also my understanding—and if it was not my understanding, I would not be here voting in favor of this bill—that there will be no set-aside, there will be no preferences, and quotas will be out. And particularly as it affects people such as myself from a suburban community, a bill such as the bill pending before city council now, introduced by Mr. Cohen's father, David Cohen, the councilman, that would have geographic discrimination against the people in the suburbs, that, too, would be out.

Mr. LINTON. My question once again, Mr. Speaker: Is it your understanding that with the language there the authority shall make a good-faith effort to insure that minorities and women have an opportunity to participate in the contracting and vending that will go on with the conduction of that convention center? Yes or no, Mr. Speaker.

Mr. RYAN. Yes or no, Mr. Speaker. Under the law of Pennsylvania there is a provision through an executive order that there be no discrimination in any State contracts. This authority would have the same thing. What do I visualize by it, if that is your question to me? I have no problem if a minority group is solicited, is asked to submit a bid for a project, is assisted and helped in putting a bid together for a part of this project, and I think that is what I mean by the affirmative action. I do not mean—and I do not believe anyone on the conference committee meant—that someone other than the lowest responsible bidder would be awarded a contract.

I think the authority should help minorities. I think they should assist them in every professional way possible, but I think when we are dealing with this project with these State moneys involved and with the city moneys involved, it is our intention that the lowest responsible bidder will be awarded the contract.

Mr. LINTON. Mr. Speaker, within the provisions of the Convention Center Authority, it makes reference to steel procurement laws and the vehicle procurement laws of the State of Pennsylvania, which are in effect set-asides, Mr. Speaker.

Mr. RYAN. That is not my understanding of what they are.

Mr. LINTON. Well, Mr. Speaker, is it your understanding that in the event we must operate under the provisions of those acts and we decide to in fact contract with someone who has a bid below the provisions of that act, are we then obligated to in fact give it to the lowest responsible bidder?

Mr. RYAN. Most responsible bidder. I think that you are mixing this up, Mr. Speaker, with certain of the contracts that do have set-aside provisions coming out of the Department of Transportation where there are Federal funds involved.

Mr. LINTON. Mr. Speaker, I am asking you specifically about the Steel Procurement Act in the State of Pennsylvania that requires us to use U.S. steel and domestic steel in the production of any public facilities in the Commonwealth. That is in fact a move away from the free market system as we know it.

Mr. RYAN. All right. I apologize to the gentleman; I still thought we were on affirmative action.

There are specific provisions within the bill saying that the convention center is bound by the Steel Products Procurement Act and the Motor Vehicle Procurement Act. I apologize.

Mr. LINTON. Those are in effect because they do move away from the so-called free market system which many of the proponents of set-aside often put forth on this floor, which indicates to me that there are in fact set-asides in the bill but those set-asides are for those folks who support that for the people whom they represent.

Thank you, Mr. Speaker. I have no further questions of the gentleman.

If I am in order, I would like to make a comment on the bill.

The SPEAKER. The gentleman may make his comment on the motion to adopt.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, the convention center for the city of Philadelphia probably represents a very significant contribution to the economic development of that city. I in fact believe that the city of Philadelphia and indeed the region - the southeast region - should in fact have a convention center, but, Mr. Speaker, it is clear to me that various provisions in this bill will have a devastating impact on the people in the city who have to bear most of the costs and the burden for this convention center. It is clear to me that many of those individuals, due to the current fiscal situation in the city of Philadelphia, will probably have to have their taxes increased to in fact deal with the debt service that is going to be imposed by this convention center; that they will be excluded from the opportunities for employment and contracting; that even today, Mr. Speaker, the so-called Philadelphia Plan that is operating in the city of Philadelphia that provides opportunities for minorities and women to be employed in the crafts on public projects in the city is still operating under the consent decree of the courts, because even after 17 years of the Philadelphia Plan, minorities and women have been excluded from participating in the construction trades in the city of Philadelphia. It seems to me that, yes, we want employment and that the convention center will in fact provide employment, but those individuals who are in my district - those single mothers who are heads of households who have to feed and support children and who have elected to enter apprenticeship programs so that they can participate in the crafts - will have to go to States like New Jersey to get employment, because in the city of Philadelphia and the State of Pennsylvania we do not enforce consent decrees; we do not enforce court-mandated plans, and you are going to ask me to in fact cast the fate of my constituency to the language that is in fact in this bill.

My constituents want to work. They are going to have to bear the cost of cost overruns; they are going to have to bear the cost of debt service for this convention center, but they are not going to be able to participate in the wealth of that convention center. Oh, yes, they will have jobs as maids; oh, yes, they may have some jobs as bellhops; oh, yes, they may work as parking lot attendants, but the 18-dollar-an-hour jobs that the males need to support their families in the construction trade they will not get, but yet they will in fact have to bear the cost of the tax burdens on my constituents. So I have some real problems with this so-called Pennsylvania Convention Center. Yes, if I lived outside the city of Philadelphia, I would support it, too.

You know, I listened, Mr. Speaker, to the debate in the Senate, and I listened to Senator Tilghman, who made reference that many of the constituents in his district who in fact are members of the building trades would in fact prosper from

participation in the employment opportunities from the convention center. Well, I can tell you, Mr. Speaker, that members of my district who in fact are members of the building trade are not working, and they only had opportunities to work in New Jersey. Why in New Jersey, Mr. Speaker? Because in New Jersey they insisted on having strong affirmative action plans. So my constituents who could not work in center-city Philadelphia, where billions of dollars' worth of projects were being constructed, had to travel to New Jersey to work. I assure you, Mr. Speaker, with the language that is currently in this bill my constituents once again will be unemployed, the same constituents who are often accused of not supporting their families; the same ones who have to bear the burden of the cost overruns in this convention center. Those are the constituents that I have and I represent.

I also have some of the concerns that have been shared by members of city council. Those concerns relate specifically to the hotel tax. If, in fact, the hotel tax is found illegal, who will take up the responsibilities of insuring that the revenues that would have come to the authority from the hotel tax will be substituted? Who in fact is going to provide that? Will the city of Philadelphia have to do that or will the Commonwealth of Pennsylvania be willing to do that? The information that I received from Minority Leader Ryan seems to indicate to me that the Commonwealth is not willing to put forth those additional dollars. So once again we are saying to the residents of the city of Philadelphia, okay, you take the responsibility; you pick up the burden, but you do not benefit from the opportunities that will come from this convention center.

So, Mr. Speaker, in conclusion, I cannot, I will not support the current conference committee report in its current form. The procedures of the House do not allow me to offer an amendment to that report. Therefore, Mr. Speaker, the only thing that I have left to do is to in fact vote against the conference committee report. Mr. Speaker, I rise in opposition to the conference committee report.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia, Mrs. Harper, on the question.

Mrs. HARPER. Thank you, Mr. Speaker.

I rise in opposition to the conference committee report. We need a convention center in Philadelphia, but without a set-aside for minorities and women, without our fair share, I cannot in good conscience vote for this piece of legislation. This convention center is the largest project in the State of Pennsylvania, and I have a strong feeling that we should not pass this legislation without a fair share for minorities and women. Thank you, Mr. Speaker.

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

Mr. EVANS. Mr. Speaker, I rise to support SB 655. I rise to support SB 655 because over the last 3 years we have had an awful lot of debate on this particular issue. We have had so much debate on this particular issue that finally we have come to the conclusion where we have to make a basic decision. We have to decide for ourselves in the city of Philadelphia and the

State of Pennsylvania, are we going to attempt to compete with the New Yorks, the Bostons, and other States that have convention facilities that outweigh the city of Philadelphia? We in the city of Philadelphia, and I will give you a small example such as the National Urban League, cannot have that convention come to the city of Philadelphia. The reason we cannot have that particular convention come to the city of Philadelphia is because the size of it is 12,000 to 15,000 delegates. We in the city of Philadelphia do not have a convention center that can meet that purpose.

Secondly, in terms of hotels, we in the city of Philadelphia, and right now you just heard about the Bellevue-Stratford 2 weeks ago where we lost over 455 jobs. Of those 455 jobs, 65 percent were minorities.

Number three, members of the city council certainly raised some concerns on the issue of debt service, but I believe that from the language that has been worked out, particularly with this proposal, regarding the hotel tax, it is something that we particularly can pay back the city of Philadelphia.

I rise and stand here today to you and ask, can we afford not to go with this convention center? We in the city of Philadelphia clearly need an opportunity for some economic activity. When you begin to start talking about the possibility of 6,000 to 8,000 jobs, clearly that is not an opportunity that we can afford not to take advantage of. When you begin to start talking about the tax revenue that will be generated in the State, and particularly generated in the wage tax, is that an opportunity that we again can afford not to take advantage of?

So I stand here today and ask all my colleagues on both sides of the aisle to support SB 655. Clearly there are some questions about what is taking place here, but I have not seen a piece of legislation on this House floor where there has never been some question about when we pass it.

I say to you today that we have the opportunity, if we should make a mistake, to correct those mistakes. I say to you today that it is an opportunity in the city of Philadelphia and in the State of Pennsylvania that we need that \$455 million shot into an urban area that fundamentally has high unemployment in it. I say to you today that in terms of affirmative action, and I will read to you exactly as expressed by Senator Williams and Senator Stauffer on the issue of affirmative action. Senator Williams stated, "Mr. President, the agreement that we have agreed to is one that it will be a program that minorities would be able to participate in. It would be a program not as a quota or a set-aside but a program that is goals oriented." It would be a program that fundamentally would allow individuals to have the opportunity. Minorities and women, like anybody else, want the opportunity. I believe that this piece of legislation is an opportunity. Is it a perfect opportunity? No. I have not seen anything that we have ever done up here that has been a perfect opportunity, but I believe it is an opportunity that we all can be proud of and that we all can work with.

So I would say to my colleagues on both sides of the aisle that it is something that I hope we can support. Thank you, Mr. Speaker.

## REMARKS SUBMITTED FOR THE RECORD

Mr. EVANS. I also, Mr. Speaker, would like to submit some remarks for the record.

The SPEAKER. The gentleman's remarks will be sent to the clerk.

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

Mr. Speaker, most, if not all, members of the House have known for some time that the city of Philadelphia was seeking State assistance to build what Governor Thornburgh has called "a world-class convention center" in our city.

Some of my colleagues from other parts of Pennsylvania have already looked closely at this project and have indeed given it their support in the past. Others may know less about it and may not have made up their minds.

Today, the legislation that creates the authority that will build and operate the center is before us. And so this is an appropriate time to focus on some aspects of this project that many members may not be aware of.

The first point I would make is that this convention center is not being built by the State alone for the city alone. Rather, as this legislation makes clear, it is a project that joins the interests and resources of the city, the State, and the region. All will participate in the governance of this project and in the benefits that flow from it. And those benefits are quite large - more than \$2 billion for the State and more than \$2 billion for the city in increased tax revenues over the next 30 years; more than 5,000 construction jobs and 10,000 permanent jobs to spur economic growth.

From the State's viewpoint, the project offers a return of nearly \$4 on each dollar invested. Rarely does any government economic development project offer the taxpayer the prospect of so favorable a return on investment. And Pennsylvania must make such investments if it is to have a growing economy that will provide the resources to meet the needs of all of our people.

Although the projected revenue return to the State exceeds the projected return to the city, the city's investment in the project will be substantially greater than the State's. The city will pay for hundreds of millions of dollars in capital investment and will assume the burden of all operating costs for the next 30 years. Rarely, if ever, has a State capital investment drawn so large a matching investment from a local government. And Philadelphia must make such investments if it is to have a growing economy that will meet the needs of all of its people.

My second point is a related one. Without this convention center, both Philadelphia and the Commonwealth of Pennsylvania will drop out of the booming marketplace for national conventions. Within the next 5 years, we will fall so far behind other States that we may never recover. We will be abandoning the field to States like New York, Massachusetts, Maryland, and New Jersey, and with that, we will lose the possibility of drawing hundreds of millions of dollars into our economy in Pennsylvania.

The convention centers we have in Pennsylvania—and we have some very good ones—are simply not big enough to compete for the Nation's largest conventions. By the same token, our new convention center will not be competing against the fine facilities we have in places like Pittsburgh, Erie, and Valley Forge. Nor will it compete against our own Civic Center, which will continue to host regional trade shows and other public events.

My third point is that today's vote marks the culmination of 3 years of planning and effort, not only on the part of the city administration but on the part of the Thornburgh administration, our business community, our hotel and tourist industries, our city council, and our State and congressional delegations.

And so this project has been examined closely over the last 3 years from many different perspectives. It has been the subject of extensive community meetings, legislative briefings, and public hearings conducted by our city planning commission, city council, and by the General Assembly. Its costs have been carefully scrutinized by the Governor's Budget Office, the House and Senate Appropriations Committees, the city finance director, the city council, and by our hotel industry in Philadelphia, which is prepared to accept the higher tax in this legislation to help finance the convention center.

At each step along the way, it has been the subject of extensive scrutiny, discussion, and debate. Its opponents and critics have had their say. And at each step along the way, it has passed the test. It has already won initial funding from the Philadelphia City Council and the necessary tax exemptions from the United States Congress. Indeed, part of the funding that has kept this project moving for the last 2 years was provided by this General Assembly in the spring of 1984. This project moving was provided by this General Assembly in the spring of 1984.

My final point, Mr. Speaker, is that this bill before us today represents a responsible compromise of many different interests and concerns. It balances the financial interests of the city and the State and contains checks and safeguards for each. It includes representation for the region. Perhaps most important, it shows that leaders with different political allegiances, different governmental perspectives, and different constituencies can work out those differences for the good of the entire Commonwealth.

Mr. Speaker, I ask for an affirmative vote.

The SPEAKER. On the question, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask to have the opportunity to interrogate someone. We want to give the other side of the aisle an opportunity this time, Mr. Speaker, to respond to some questions on the convention center.

The SPEAKER. Whom do you wish to interrogate?

Mr. LASHINGER. A member of the conference committee would be fine, Mr. Speaker.

The SPEAKER. Which one was on the committee of conference on the Democratic side? Mr. Manderino will stand for interrogation.

Mr. LASHINGER. Thank you, Mr. Speaker. Thank you for agreeing, Mr. Manderino.

A question quickly arises. A number of members on our side of the aisle have had the question in mind as to whether the panelists have been chosen, the authority members have been chosen, to date.

Mr. MANDERINO. I do not understand the question. What is the question?

Mr. LASHINGER. Have the nine members been appointed to the authority as of this date, Mr. Speaker?

Mr. MANDERINO. Not to the best of my knowledge.

Mr. LASHINGER. The question quickly arises as to how a chairman was appointed without the other eight members being appointed, especially given the legislation wherein it says that the eight will vote on the chairman, the eight will be responsible for the appointment of the chairman.

Mr. MANDERINO. I do not believe that there is any chairman effectively in place.

Mr. LASHINGER. Mr. Speaker, I have another question on the hotel tax.

We received an opinion that the hotel tax, the way it has been designed in the legislation, will stand the test of the Allegheny County decision that came down from the Supreme Court approximately 4 months ago. My understanding in having worked with the city hotel tax is that it is levied in almost the exact fashion that the Allegheny County tax is levied.

My question is, and this is an especially important question because part of the pledge, aside from the city's pledge on the bond, is the hotel tax. So if there is a deficiency in the repayment of the bond over the 30-year period, the hotel tax is going to be an important part of that. If 6 percent, which is a substantial amount of money, is thrown out as a result of the Supreme Court's decision, one, what will the replacement be, and that is probably an unfair question. My question really is, can you satisfy me that the way this is designed, the hotel tax is designed, it will stand the test of the Supreme Court decision in Allegheny County?

Mr. MANDERINO. Mr. Speaker, the hotel tax in Allegheny County that was declared invalid was looked at; the court's opinion was looked at, and it is my understanding that the best legal opinion is that what has been written into the conference report has used language that takes every opportunity, takes every manner that the lawyers could devise to meet the objections of the Allegheny County tax.

Mr. LASHINGER. Thank you.

Another question, Mr. Speaker: My understanding is that these will be general obligation bonds. Is that correct?

Mr. MANDERINO. The Commonwealth bonds?

Mr. LASHINGER. Yes, sir.

Mr. MANDERINO. Yes.

Mr. LASHINGER. Have the conference committee and those people who have been involved considered the tax reform proposal that is being considered in Washington today and its impact? And again, I think this is a serious, fiscally related question. It is possible under the House version that I have seen of the tax bill that if 100 percent of the funds are not used within a 3-year period from the date of issue, that it is possible that that bond could then become taxable, which would surely change the mathematics of this entire proposal. Has that tax bill—and we are looking at major reforms in January of 1986 under the Senate or House proposal—has any consideration been given to that?

Mr. MANDERINO. Mr. Speaker, let us separate what we are talking about. Insofar as the Commonwealth's obligation is concerned, the Commonwealth will issue bonds to fund its contribution to this project, and that is in the realm of the \$185 million or \$186 million. That is our only obligation from the Commonwealth of Pennsylvania. Now, from the city's side, the city will be using the industrial development bonds that you are talking about. It is my understanding, Mr. Speaker, that the last Federal act on the subject specifically exempts the Philadelphia Convention Center, the Pennsylvania Convention Center at Philadelphia, from the ceiling under Pennsylvania's allocation.

Mr. LASHINGER. Thank you, Mr. Speaker. I have no further questions, Mr. Speaker. Thank you.

Permission to make a brief comment?

The SPEAKER. Comment is in order. You may proceed.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I do not think anyone will disagree that this is just the first part of what we all believe will be a three-part process in completing the convention center for the city of Philadelphia. I also do not think any of us will disagree that our adoption of this authority legislation today really is a prediction of what the future holds on the funding side and the completion of the convention center, so this is probably the most critical vote. While most would say that the funding is, I think that this is the most critical vote that we will make. A pronouncement from this House today will be a pronouncement to the balance of the Commonwealth that we are prepared to go forward with the construction of the convention center in Philadelphia.

My question on this floor a few months ago was at what cost are we prepared to build a convention center in the city of Philadelphia? I had no disagreement that it will create jobs, it will increase tourist revenue, and there will be substantial construction spinoffs from this facility. But beyond that, beyond that 3- or 4- or 5-year happy period when the construction is taking place, what happens 10 years, 15 years down the pike after the completion of such a facility?

I still think that there are a number of imponderables when discussing this convention center. One continues to be the disproportionate share of the cost that the Commonwealth is bearing during the construction of this convention center. Another—after listening to Representative Manderino's comments—quickly comes to mind in the area of concerns. The hotel tax, in my mind, still is a major consideration. I am not convinced—I have looked at the legislation, I have looked at the Allegheny decision that came down from the Supreme Court recently—I am not convinced that we did anything different from the way it was levied and surely we did not do anything different from the way it is levied in Allegheny County. The tax will continue to be levied much like it is in Allegheny County. I am not sure that this tax can survive the test of that Supreme Court decision. If it does not, Mr. Speaker, the city, and hence this body, will be back here looking for some replacement revenue to make this bond obligation work. I am not sure what that scenario will be, but if that 6-percent gap is created by the courts' finding this tax to be unconstitutional, the city has problems; we have problems.

Mr. Manderino also responded on the bond question. I agree with Mr. Manderino. I have seen the Federal language that exempted this convention facility. That language only exempted this facility under the cap. Mr. Manderino is correct. The Federal language, the existing Federal language and the new, will probably, if we do have a bond program after January 1, 1986, it will surely have more severe restrictions on the amount of bonds that can be issued. It will exceed that cap and we will be able to break through that cap under the Federal legislation, but what we will not be able to do and

what is not in that Federal language is avoid the possible taxability of these bonds, which surely changes the picture, the financial picture, to the city of Philadelphia and its repayment possibilities.

Now, the quick response to that is, well, there is nothing in the legislation that requires us, as a House or as a Senate, to come back here and rush to the city's rescue. While it is not in there, there is also no language in there, Mr. Speaker, that says that we will not be back here should the hotel tax be thrown out, should we falter because of a change in the Federal tax legislation.

I am still concerned—I want to be cautious about repeating myself, but again, the costs are still a major consideration here and surely an issue that has not been addressed to my satisfaction. I have heard Representative Richardson, Representative Linton, and others talk about other issues that I think are equally as important and that are related to the operation of this facility in the city. I think they deserve consideration. There are a number of question marks still surrounding not the project itself but whether this project can go and whether it can be completed, and then beyond completion, whether it can be funded.

Mr. Speaker, until those questions are answered and until the cost consideration questions are answered, I think it is important that this House not agree to accept the conference committee report until we have those questions answered. I would therefore urge a "no" vote on this conference committee report. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I, of course, listened carefully to the remarks of the gentleman, Mr. Lashinger, and unknown to me at the time, I did have in my file something that I think may shed some light and give the gentleman, Mr. Lashinger, some assurances with respect to the hotel tax. I have here a copy of a cover letter addressed to the gentleman, Mr. Egan, president of PIDC, from the very important and reputable law firm of Schnader, Harrison, Segal & Lewis, which is a memorandum from that firm doing an analysis of the constitutionality of the proposed convention center hotel tax. That firm finishes their memorandum with the conclusion that given the differences between the Philadelphia and the Pittsburgh taxes—and I am skipping through part of it—there is no reason to believe that the Supreme Court will not take the opportunity to limit the decision if this decision comes up and find it constitutional. I will submit that for the record, Mr. Speaker. I will have a copy of it made now.

The other thing, in answer to some of the questions that have been raised, is Senator Stauffer, at one of the meetings we had, asked the mayor, Mayor Goode, directly the question as to what the State's response would be to a request for additional funds and what he deemed the responsibility of the State to be in the event there was a shortfall. Mayor Goode wrote a letter to Senator Stauffer, a copy of which I have before me, and again which I will submit for the record, where the mayor states, "The City"—and I am quoting now—"The City of Philadelphia also recognizes that the

Commonwealth will not be responsible for any costs incurred in the operation of the Convention Center, and the City will not request funds from the Commonwealth for that purpose." He further acknowledges and recognizes, speaking on behalf of the city, that the contribution of the Commonwealth to the convention center will not exceed \$185 million.

So we have assurances from the mayor, we have the belief of the Secretary of the Budget that the Commonwealth will not suffer financially, and we have the opinion of a very reputable Philadelphia law firm that, in their judgment, the hotel tax is constitutional. I do not know what else we can do with respect to these issues. Thank you, Mr. Speaker.

### LETTERS SUBMITTED FOR THE RECORD

Mr. RYAN submitted the following letters for the Legislative Journal:

Law Offices  
Schnader, Harrison, Segal & Lewis  
Suite 3600  
1600 Market Street  
Philadelphia, Pennsylvania 19103  
March 4, 1986

Mr. Joseph Egan  
President  
Philadelphia Industrial  
Development Corporation  
22nd Floor, Fidelity Building  
123 South Broad Street  
Philadelphia, Pennsylvania 19109

Dear Joe:

As you requested, enclosed is our memorandum on the proposed hotel tax.

Please call if you have any questions on our comments.

Sincerely yours,  
M Richard Kalter  
For Schnader, Harrison, Segal & Lewis

Enclosure

#### ANALYSIS OF CONSTITUTIONALITY OF THE PROPOSED CONVENTION CENTER HOTEL TAX

In *Allegheny County v. Monzo*, 500 A.2d 1096 (Pa. 1985), the Pennsylvania Supreme Court held that the Allegheny County hotel tax violated the constitutional requirements of equal protection and due process and the state constitutional requirement of uniformity and ban on "special legislation." The proposed Philadelphia hotel tax shares many similarities with the Allegheny County tax. Given these similarities and the fact that *Monzo* was so recently decided, the decision is a serious matter which must be confronted.

Undoubtedly, it will be necessary to test the constitutionality of the proposed Philadelphia tax in the courts. This memorandum contains arguments based on persuasive differences between the Allegheny tax and the proposed Philadelphia tax that would support a finding by the Supreme Court that the Philadelphia tax is constitutional.

There are several reasons to be optimistic concerning the chances for successfully defeating a challenge to the Philadelphia tax. As a general matter, the case represents a departure from well established principles of state tax jurisprudence. For that reason, the court may want to take the occasion of a challenge to

the Philadelphia tax to read the *Monzo* decision narrowly. Furthermore, there are differences in the drafting of the taxes' enabling statutes and in the factual circumstances upon which the Court can rely in upholding the proposed Philadelphia tax.

The Court held that the Allegheny County tax violated the federal constitutional requirement of equal protection and the state constitutional requirement of uniformity, in addition to violating the due process clause of the federal constitution. Nonetheless, while the decision addresses the issues of equal protection and uniformity, it is based essentially on a due process analysis: the benefits of the tax accrued only to hotels in close proximity to the Pittsburgh Convention Center while the burden of the tax fell upon all hotels in Allegheny County, many of which were not within the city limits. The court overlaid this due process analysis on what is seemingly a situation in which the requirements of uniformity and equal protection have been met, apparently because the tax had a special purpose, i.e., to fund the Pittsburgh Convention Center. However, the Court has previously upheld the constitutionality of other taxes challenged on due process grounds, for example school taxes, from which not all taxpayers derive direct and immediate benefits. On consideration, what is critically different between taxing for public schools and for a convention center is that the public benefits of building schools and having an educated populace have been historically and widely recognized, while the public benefits of building convention centers have yet to be established and, therefore, could not be presumed by the Court. If considered in this light, the failure of the proponents of the Allegheny County tax to provide proof of any kind - legislative findings or factual evidence - that the convention center would benefit the public emerges as the critical element in the Court's decision. In the total absence of any proof of the public benefits of a convention center, the Court could not condone a tax which on its face appeared to benefit specific members of a competitive economic group more than others.

Fortunately, the drafters of the Convention Center Authority legislation were aware of *Monzo* when they drafted the legislation. They included findings, which are given great weight by the courts, to support the position that all hotels in Philadelphia will benefit from the Convention Center. Furthermore, facts, which can be presented to the courts, will support the position that the Convention Center is not a special purpose project from which only a small group will benefit, but that it will benefit all of Philadelphia. In addition, the Philadelphia situation can be further distinguished from *Monzo* on the ground that all hotels in Allegheny County were taxed to support the city of Pittsburgh's Convention Center, while only hotels in the city of Philadelphia will be taxed to support the Philadelphia Convention Center.

The Allegheny County tax proponents' failure of proof also played a large part in the Courts invalidating that tax as "special legislation" under Article III, Section 32 of the Pennsylvania Constitution. The Court specifically noted that "[n]either the legislative history nor the trial testimony indicates any reason or peculiar need of the class of counties authorized to enact the tax." 500 A.2d at 1106. Again, the missing legislative findings have been provided in the Convention Center legislation, where it is declared that development of the convention center is "most appropriate in a city of the first class which because of size is capable of attracting major national conventions ...." As with the other legislative findings, this finding is to be given great weight by the courts, and the weight of the evidence presented at trial will support, not contradict, the legislative findings.

The Philadelphia tax can be distinguished from the Allegheny tax in yet another way. The Allegheny County tax, as applied to counties in the second class A, was to expire automatically after two years. The Philadelphia tax does not automatically expire after any period of time, but simply provides for a lower rate of tax if construction of a convention center is not commenced by December 31, 1988. This leaves open the possibility that other

localities might become qualified during the operative period of the statute. This being the case, it can be argued that the statute should not be invalidated on the ground that only one taxing jurisdiction is legally and practically authorized to impose the tax.

In conclusion, given the differences between the Allegheny County hotel tax and the proposed Philadelphia hotel tax legislation and the opportunity to present factual evidence to support the legislative findings in the Convention Center Authority legislation, there are sufficient grounds upon which the Pennsylvania Supreme Court can uphold the proposed Philadelphia tax. Considering the unnecessary breadth of the Monzo decision, there is no reason to believe that the Supreme Court will not take this opportunity to limit that decision.

CITY OF PHILADELPHIA

W. Wilson Goode  
Mayor

January 14, 1986

The Honorable John Stauffer  
Senate Post Office  
The Capitol  
Harrisburg, PA 17120

RE: New Convention Center  
City of Philadelphia

Dear Senator Stauffer:

This is in reference to our recent discussions concerning the financing plan for the new Convention Center proposed for Philadelphia.

Consistent with Governor Thornburgh's stated position and with the City's financing plan dated August 1, 1985, the City of Philadelphia recognizes that the contribution of the Commonwealth of Pennsylvania to the Convention Center project will not exceed \$185 million, with those funds to be used for land assembly and construction. The City of Philadelphia also recognizes that the Commonwealth will not be responsible for any costs incurred in the operation of the Convention Center, and the City will not request funds from the Commonwealth for that purpose.

I trust that the above satisfactorily addresses your concerns.

Sincerely,  
W. Wilson Goode

On the question recurring,

Will the House adopt the report of the committee of conference?

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

YEAS—68

Barber	Fee	McHale	Ryan
Battisto	Flick	Maiale	Rybak
Belardi	Freeman	Manderino	Seventy
Blaum	Gruitza	Mayernik	Sirianni
Cappabianca	Hagarty	O'Brien	Staback
Carn	Howlett	O'Donnell	Steighner
Cawley	Hutchinson	Olasz	Stewart
Clark	Itkin	Oliver	Sweet
Colafella	Jarolin	Perzel	Taylor, J.
Cowell	Kenney	Petrarca	Tigue
Deluca	Kosinski	Petrone	Trello
DeWeese	Kukovich	Piccola	Truman
Deal	Laughlin	Pievsky	Veon
Dombrowski	Lescovitz	Pistella	Weston
Donatucci	Livengood	Pressmann	Wiggins
Evans	Lloyd	Rieger	Wogan
Fattah	McClatchy	Roebuck	Yandrisevits

NAYS—128

Afflerbach	DeVerter	Josephs	Richardson
Angstadt	Daley	Kasunic	Robbins
Argall	Davies	Kennedy	Rudy
Arty	Dawida	Langtry	Saloom
Baldwin	Distler	Lashinger	Saurman
Barley	Dorr	Letterman	Scheetz
Belfanti	Duffy	Levdansky	Schuler
Birmelin	Durham	Linton	Semmel
Black	Fargo	Lucyk	Serafini
Book	Fischer	McCall	Showers
Bortner	Foster, Jr., A.	McVerry	Smith, B.
Bowley	Fox	Mackowski	Smith, L. E.
Bowser	Freind	Manmiller	Snyder, D. W.
Boyes	Fryer	Markosek	Snyder, G. M.
Brandt	Gallagher	Merry	Stairs
Broujos	Gallen	Michlovic	Stevens
Bunt	Gamble	Miller	Suban
Burd	Gannon	Moehlmann	Swift
Burns	Geist	Morris	Taylor, F. E.
Bush	George	Mowery	Telek
Caltagirone	Gladeck	Mrkonc	Van Horne
Carlson	Godshall	Murphy	Vroon
Cessar	Greenwood	Nahill	Wambach
Chadwick	Gruppo	Noye	Wass
Cimini	Haluska	Phillips	Wilson
Civera	Harper	Pitts	Wozniak
Clymer	Hasay	Pott	Wright, D. R.
Cohen	Hayes	Preston	Wright, J. L.
Cole	Herman	Punt	Wright, R. C.
Cordisco	Hershey	Raymond	
Cornell	Honaman	Reber	Irvis,
Coslett	Jackson	Reinard	Speaker
Coy	Johnson		

NOT VOTING—2

Acosta Micozzie

EXCUSED—3

Dietz Dininni Taylor, E. Z.

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the report of the committee of conference was not adopted.

CONSIDERATION OF HB 4 CONTINUED

On the question recurring,

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

Mr. FOSTER offered the following amendments No. A2024:

Amend Title, page 1, line 3, by removing the period after "NAMIBIA" and inserting  
; and providing an exception.

Amend Sec. 1 (Sec. 8526), page 1, line 13, by removing the period after "NAMIBIA" and inserting  
unless the corporation has adopted the Sullivan Principles and has obtained a performance rating in the top two categories of the Sullivan Principles rating system prepared by Arthur D. Little, Inc. The Sullivan Principles provide:

- (1) Principle 1 — Nonsegregation of the Races in All Eating, Comfort, Locker Rooms, and Work Facilities.
- (2) Principle 2 — Equal and Fair Employment Practices for All Employees.



- (3) Principle 3 — Equal Pay for All Employees Doing Equal or Comparable Work for the Same Period of Time.
- (4) Principle 4 — Initiation and Development of Training Programs that Will Prepare Blacks, Coloreds, and Asians in Substantial Numbers for Supervisory, Administrative, Clerical, and Technical Jobs.
- (5) Principle 5 — Increasing the Number of Blacks, Coloreds, and Asians in Management and Supervisory Positions.
- (6) Principle 6 — Improving the Quality of Employees' Lives Outside the Work Environment in Such Areas as Housing, Transportation, Schooling, Recreation, and Health Facilities.

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.

As we approach HB 4, HB 5, and HB 6, I have amendments all of a similar nature. During the hearings on this package of bills, I, as a member of the Finance Committee, attended all of the hearings. I am very much in sympathy with the problem which is attacked by these bills.

Mr. Speaker, the problem of apartheid is indeed a difficult problem, a very emotional problem. It is a cancer that needs to be eradicated from society. Apartheid has no place in any society. Basically, we must fight apartheid by the most sensible, cerebral, and effective methods possible, and I submit that divestiture meets none of those requirements. Because of that, I have submitted the following amendment which restricts divestiture to those companies that do not abide by the Sullivan Principles.

Mr. Speaker, I see no reason why we should require divestment from American companies who offer the same guarantees of fair employment practices, fair access to housing, and adhere to all of the principles that we adhere to in this country - principles that are embedded right in the American Constitution. Because of that, I ask that we restrict divestiture only to the companies that do not adhere to the Sullivan Principles, and I would ask for an affirmative vote on my amendment.

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

Mr. RICHARDSON. Mr. Speaker, thank you very much.

The last time this amendment was tried by the same gentleman, three times it was defeated on the floor of this House. And just for the record, the Sullivan Principles, even by an admission of Reverend Sullivan himself, these principles, in fact, have not been adhered to. In fact, out of the 539 companies that are presently doing business in South Africa, 132 companies have subscribed to the whole Sullivan Principles.

But let us say they all subscribe to the Sullivan Principles. That still is not the issue that I have been waging on the floor of this House, nor will I stop continuing to wage, and that is one of the moral issue concerning those persons who are being

killed who are of African descent in South Africa. Maybe one of you who voted "no" may have your heart touched a little bit when you realize that maybe one of these days, but for the grace of God, there go I. Because whether it is \$1, \$10, \$10,000, \$100,000, \$1 million, \$2 million, \$500 billion, a trillion, \$10 trillion, I would not care at all. All I care about is whether or not any more people are going to be hurt as a result of the moneys that are being invested in a country that is not theirs and they are being told that through constructive engagement, it is going to change. Well, all of the money that presently is being invested is showing that that bad investment is quickly dying every single day, and people are leaving, and the Sullivan Principles have not worked. In fact, companies are exodus from South Africa.

I oppose the gentleman's amendment and ask you to do so and vote the bill.

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

Mr. PRESTON. Thank you, Mr. Speaker.

With all due respect to my good colleague, Mr. Foster, I am going to rise in opposition to his amendment. I am sure that his intentions are good and sincere, but unfortunately, in my opinion, the Sullivan Principles are outdated. There comes a time when you must forget about yesteryear and deal with today and tomorrow. While they might have served a purpose there, it is nothing but a form of escapism to deal with the facts and realities of what exists today - clear, outright racism and total separatism. The Sullivan Principles still today only cover up things. They do not really make the people face things as they really are.

Once again, sir, with all due respect, I would ask the members not to support the Foster amendment and let us go on with a clean, hard bill, and let us deal with the realities of the whole issue. The Sullivan Principles have been used and used and used, and everybody continuously says, well, let us use the Sullivan Principles. It is almost the same thing as when we used to use waxed paper - we no longer use that now; we use other things in place of that.

The Sullivan Principles, again, are outdated. Let us go on with the modern times and let us bring about reality. I would ask for a "no" vote. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I do not disagree at all with the gentleman, Mr. Richardson, that this is a moral issue, but nowhere, nowhere, are we required to divorce morality from reason. Nowhere does it say that we must cease to be thoughtful individuals in order to be moral.

I do not offer amendments on the floor of this House lightly. I seldom take this microphone for that purpose. And as far as the Sullivan Principles being outdated, I would like you to listen to them as I enumerate them, as I have in my amendment.

I would say to the gentleman, nonsegregation of the races in all eating, comfort, locker rooms, and work facilities. That is outdated?

Principle 2, equal and fair employment practices for all employees. That has gone out of date somehow?

Principle 3, equal pay for all employees doing equal work. What is outdated about that?

Number 4, initiation and development of training programs that will prepare blacks, coloreds, and Asians in substantial numbers for supervisory, administrative, clerical, and technical jobs. That is the very thing we are fighting for in this country.

Principle 5, increasing the number of blacks, coloreds, and Asians in management and supervisory positions.

Principle number 6, improving the quality of employees' lives outside the work environment in such areas as housing, transportation, schooling, recreation, and health facilities.

Mr. Speaker, these are the very things that we are fighting to achieve in our own Nation. They are no more outdated than the 10 Commandments are. They are no more outdated than our own Constitution, which embodies these very principles. And to those of you who fight against what I am advocating here, I say to you, if you do not like the desert, do not show it by bombing the oasis.

Mr. Speaker, I ask you to let reason unite itself in marriage with compassion and morality, as embodied in the amendment. I strongly urge an affirmative vote.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Richardson.

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

Mr. Speaker, specifically for the record so the gentleman does not get out of whack, we want to say that the first issue of the amendments was done in March of 1977. Then there had to be an amplification of those amendments and they were amended then in July of 1978; then they were amended again in 1979; then they were amended again in 1982; then they were amended again in 1984; then they were amended again in 1985; and as a result, we now have the ninth edition of the ninth report on the signatory companies to the Sullivan Principles, and they have yet all to sign on.

But the real factor again remains, Mr. Speaker, that less than 1 percent of 24 million blacks in the country that is theirs are in fact working, and only a half percent are actually afforded the opportunity to fall under the so-called Sullivan Principles. If, in fact, that is good reasoning, I would ask you to reexamine what is reason.

Again, everybody is always "against apartheid, but," and I think that the "but" always concludes that there is no reasonableness to want to deal with the issue as it really is. People are being killed and denied the right to live in their homeland. They are separated from their families 11 months out of an entire year, where they are not allowed to be with their wives or their husbands or their children. They are given the worst barren land to live on. So regardless of whether you work next to someone on the worksite or not, for the few moments that you work there, you still have none of the privileges within the country in which you live to be able to take care of your family. That in itself is a basic contradiction and not a reason.

I want to blow it all up, and I want the people to get out of South Africa and allow our people to determine how they should live for themselves.

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

The following roll call was recorded:

YEAS—107

Afflerbach	DeVerter	Johnson	Raymond
Angstadt	Davies	Kennedy	Reber
Argall	Distler	Kenney	Reinard
Arty	Dorr	Kosinski	Robbins
Barley	Duffy	Langtry	Ryan
Battisto	Durham	Lashingier	Saurman
Birmelin	Fargo	McClatchy	Scheetz
Black	Fischer	McVerry	Schuler
Book	Flick	Mackowski	Semmel
Bowley	Foster, Jr., A.	Manmiller	Serafini
Bowser	Fox	Mayernik	Seventy
Boyes	Freind	Merry	Sirianni
Brandt	Gallen	Miller	Smith, L. E.
Broujos	Gamble	Moehlmann	Snyder, D. W.
Bunt	Gannon	Morris	Snyder, G. M.
Burd	Geist	Mowery	Stairs
Bush	Gladeck	Mrkonic	Stevens
Carlson	Godshall	Nahill	Swift
Cessar	Greenwood	Noye	Taylor, J.
Chadwick	Gruppo	O'Brien	Telek
Cimini	Hagarty	Olasz	Vroon
Civera	Hasay	Perzel	Weston
Clark	Hayes	Phillips	Wilson
Clymer	Herman	Piccola	Wogan
Cornell	Hershey	Pitts	Wozniak
Coslett	Honaman	Pott	Yandrisevits
Coy	Jackson	Punt	

NAYS—90

Acosta	Donatucci	Livengood	Saloom
Baldwin	Evans	Lloyd	Showers
Barber	Fattah	Lucyk	Smith, B.
Belardi	Fee	McCall	Staback
Belfanti	Freeman	McHale	Steighner
Blaum	Fryer	Maiale	Stewart
Bortner	Gallagher	Manderino	Stuban
Burns	George	Markosek	Sweet
Caltagirone	Gruitza	Michlovic	Taylor, F. E.
Cappabianca	Haluska	Murphy	Tigue
Carn	Harper	O'Donnell	Trello
Cawley	Howlett	Oliver	Truman
Cohen	Hutchinson	Petrarca	Van Horne
Colafella	Itkin	Petrone	Veon
Cole	Jarolin	Pievsky	Wambach
Cordisco	Josephs	Pistella	Wass
Cowell	Kasunic	Pressmann	Wiggins
Deluca	Kukovich	Preston	Wright, D. R.
DeWeese	Laughlin	Richardson	Wright, J. L.
Daley	Lescovitz	Rieger	Wright, R. C.
Dawida	Letterman	Roebuck	
Deal	Levdansky	Rudy	Irvis,
Dombrowski	Linton	Rybak	Speaker

NOT VOTING—1

Micozzie

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

The question was determined in the affirmative, and the amendments were 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?

On final passage, the Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker. I will be brief and hopefully not repetitious.

Again, I want to emphasize what has been said on the floor of this House of Representatives that divestiture will certainly put pressure on American corporations to leave the Republic of South Africa, where they indeed provide the best jobs not only in that particular country but in the continent as well. You know, jobs are an important matter to us. I suspect that when many members seek reelection, one of the campaign issues that they put forth is jobs - how they are going to bring more jobs to their community. The Commonwealth itself does much to try to bring large corporations into Pennsylvania, and yet we have before us a situation where we are trying to take those jobs away from people who need them, and they need them very badly.

Then, Mr. Speaker, another problem I have with the bill is that I believe this House of Representatives should act fiscally responsible when it comes to providing sufficient funding for our retired teachers who look forward from time to time to receiving an increase in their pensions.

Secretary of State George Shultz recently made a comment to the effect that economic growth in the Republic of South Africa will do much to remove apartheid from that particular nation.

Finally, a quote from Mr. Herman Nickel, the then U.S. Ambassador to South Africa, put it this way: "Economic growth did not strengthen the system of institutional racism in the U.S.; it effectively destroyed it."

So, Mr. Speaker, with those comments, I urge the members to vote "no" on HB 4. Thank you.

**MEMBER'S PRESENCE RECORDED**

The SPEAKER. Mr. Micozzie's name will be added to the master roll.

**CONSIDERATION OF HB 4 CONTINUED**

On the question recurring,  
Shall the bill pass finally?

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

**YEAS—105**

Acosta	Donatucci	Levdansky	Roebuck
Afflerbach	Duffy	Linton	Rudy
Angstadt	Evans	Livengood	Rybak
Argall	Fattah	Lloyd	Saloom
Barber	Fee	McCall	Saurman
Battisto	Fischer	McClatchy	Seventy

Belardi	Foster, Jr., A.	McHale	Smith, B.
Blaum	Fox	Manderino	Staback
Bortner	Freeman	Markosek	Steighner
Broujos	Fryer	Mayernik	Stewart
Burns	Gallagher	Michlovic	Sweet
Caltagirone	George	Miller	Taylor, F. E.
Cappabianca	Greenwood	Morris	Tigue
Carn	Gruitza	Mrkonic	Trello
Cawley	Hagarty	Murphy	Truman
Clark	Haluska	Nahill	Van Horne
Cohen	Harper	O'Donnell	Veon
Colafella	Howlett	Olasz	Wass
Cole	Hutchinson	Oliver	Wiggins
Cordisco	Itkin	Petrarca	Wozniak
Cowell	Jarolin	Petrone	Wright, D. R.
Deluca	Josephs	Pievsky	Wright, R. C.
DeWeese	Kasunic	Pistella	Yandrisevits
Daley	Kukovich	Pressmann	
Dawida	Lashingner	Preston	Irvis,
Deal	Laughlin	Reber	Speaker
Dombrowski	Lescovitz	Rieger	

**NAYS—90**

Arty	DeVerter	Kenney	Robbins
Baldwin	Davies	Kosinski	Ryan
Barley	Distler	Langtry	Scheetz
Belfanti	Dorr	Lucyk	Schuler
Birmelin	Durham	McVerry	Semmel
Black	Fargo	Mackowski	Serafini
Book	Flick	Manmiller	Showers
Bowley	Freind	Merry	Sirianni
Bowser	Gallen	Micozzie	Smith, L. E.
Boyes	Gamble	Moehlmann	Snyder, D. W.
Brandt	Gannon	Mowery	Snyder, G. M.
Bunt	Geist	Noye	Stairs
Burd	Gladeck	O'Brien	Stevens
Bush	Godshall	Perzel	Stuban
Carlson	Gruppo	Phillips	Swift
Cessar	Hasay	Piccola	Taylor, J.
Chadwick	Hayes	Pitts	Telek
Cimini	Herman	Pott	Vroon
Civera	Hershey	Punt	Weston
Clymer	Honaman	Raymond	Wilson
Cornell	Jackson	Reinard	Wogan
Coslett	Johnson	Richardson	Wright, J. L.
Coy	Kennedy		

**NOT VOTING—3**

Letterman	Maiale	Wambach
-----------	--------	---------

**EXCUSED—3**

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

**REMARKS ON VOTES**

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach.

Mr. WAMBACH. Mr. Speaker, I was in the well of the House and I did not get back to my switch. I wanted to be recorded in the affirmative on that last bill, HB 4.

The SPEAKER. The gentleman's remarks will be spread upon the record.

The Chair recognizes the lady from Philadelphia, Mrs. Harper. Why does the lady rise?

Mrs. HARPER. Mr. Speaker, on that last vote on HB 4, I would like to be recorded in the negative. Thank you.

The SPEAKER. In the negative.

### BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **SB 1208, PN 1786**, 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 Commissioner of Occupational Affairs.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A0324:

Amend Title, page 1, line 22, by inserting after "OF" where it appears the second time

Professional and

Amend Sec. 1 (Sec. 810), page 2, line 8, by striking out "place notice, for at least two consecutive days" and inserting assure that notice is published

Amend Sec. 1 (Sec. 810), page 2, line 10, by striking out "of the"

Amend Sec. 1 (Sec. 810), page 2, line 10, by striking out "and" and inserting

or

Amend Sec. 1 (Sec. 810), page 2, line 11, by striking out "examining boards" and inserting licensing board or commission

Amend Sec. 1 (Sec. 810), page 2, lines 13 through 16, by striking out all of said lines and inserting right to practice. This clause shall not apply in those cases in which a person enters into an agreement with a board or commission to participate in an approved treatment program for impaired professionals and the enforcement of that person's suspension or revocation is stayed in accordance with that agreement. This clause shall supersede any power or duty of a board or commission under any other provision of law to publish notice in a newspaper of general circulation of disciplinary action taken by that board or commission.

Amend Sec. 4, page 4, line 1, by striking out all of said line and inserting

Section 4. (a) Section 2 of this act shall take effect immediately.

(b) The remainder of this act shall take effect in 45 days.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Somerset, Mr. Lloyd, on the amendment.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment has been worked out the bipartisan way, which also includes agreement from the prime sponsor of the bill, Senator Bell, and agreement from the administration. The most significant thing that the amendment does is, as the bill came over to us from the Senate, there would have been a requirement that every time that a license

of a professional is suspended or revoked, that there be an ad taken out in the newspaper. What this amendment does is to say that if the press picks up the suspension or revocation and reports it as a news item, or if they pick up a press release issued by the bureau, there will not be the requirement to spend fees in order to buy an ad.

In addition, the language attempts to make sure that those people who are involved in a situation in which they have a drug or alcohol problem, have entered a treatment program and the suspension or revocation has been stayed, makes sure that they do not have that published in the newspaper.

It also makes this language the exclusive language with regard to publication of notices of all of the boards.

Finally, the amendment changes the effective date of part of the bill to make that section which deals with third-party testing of occupation and professional people, third-party testing of the oral and practical examination, allows that requirement to be held in abeyance until such time as an exam is in fact available for that particular occupation or profession.

As I indicated, Mr. Speaker, this is an amendment which has been worked out on both sides and with the Senate. I would ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Miller, on the amendment.

Mr. MILLER. Mr. Speaker, this amendment is agreed to.

I would like to highlight once again Representative Lloyd's remarks that the impaired physicians and professionals program is being brought into compliance with sunset as well as the changes in advertising which are most necessary and prudent in a cost-effective manner.

We would encourage the membership's support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—191

Afflerbach	Deal	Lashing	Robbins
Angstadt	Distler	Laughlin	Roeback
Argall	Dombrowski	Lescovitz	Rudy
Arty	Dorr	Letterman	Ryan
Baldwin	Duffy	Levdansky	Rybak
Barber	Durham	Linton	Saloom
Barley	Evans	Livengood	Saurman
Battisto	Fargo	Lloyd	Scheetz
Belardi	Fee	Lucyk	Schuler
Belfanti	Fischer	McCall	Semmel
Birmelin	Flick	McClatchy	Serafini
Black	Foster, Jr., A.	McHale	Seventy
Blaum	Fox	McVerry	Showers
Book	Freeman	Mackowski	Sirianni
Bortner	Freind	Manderino	Smith, B.
Bowley	Fryer	Manmiller	Smith, L. E.
Bowser	Gallagher	Markosek	Snyder, D. W.
Boyes	Gallen	Mayernik	Snyder, G. M.
Brandt	Gamble	Merry	Staback
Broujos	Gannon	Michlovic	Stairs
Bunt	Geist	Micozzie	Steighner
Burd	George	Miller	Stevens
Burns	Gladeck	Moehlmann	Stewart
Bush	Godshall	Morris	Stuban
Caltagirone	Greenwood	Mowery	Swift

Cappabianca	Gruitza	Mrkonic	Taylor, F. E.
Carlson	Gruppo	Murphy	Taylor, J.
Carn	Hagarty	Nahill	Telek
Cawley	Haluska	Noye	Tigue
Cessar	Harper	O'Brien	Trelo
Chadwick	Hasay	O'Donnell	Truman
Cimini	Hayes	Olasz	Van Horne
Civera	Herman	Oliver	Veon
Clark	Hershey	Perzel	Vroon
Clymer	Honaman	Petrarca	Wambach
Cohen	Howlett	Petrone	Wass
Colafella	Hutchinson	Phillips	Weston
Cole	Itkin	Piccola	Wiggins
Cordisco	Jackson	Pievsky	Wilson
Cornell	Jarolin	Pistella	Wogan
Coslett	Johnson	Pitts	Wozniak
Cowell	Josephs	Pott	Wright, D. R.
Coy	Kasunic	Pressmann	Wright, J. L.
Deluca	Kennedy	Preston	Wright, R. C.
DeVerter	Kenney	Punt	Yandrisevits
DeWeese	Kosinski	Raymond	
Daley	Kukovich	Reber	Irvis,
Davies	Langtry	Reinard	Speaker
Dawida			

NAYS—0

NOT VOTING—7

Acosta	Fattah	Richardson	Sweet
Donatucci	Maiale	Rieger	

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question,

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

Mr. DORR offered the following amendments No. A0980:

Amend Title, page 1, line 22, by removing the period after "AFFAIRS" and inserting and the Department of Commerce.

Amend Bill, page 3, by inserting after line 30

Section 4. The act is amended by adding a section to read:

Section 2505-B. Additional Powers; Master Application; Form; Master Permit; Total Fee; Agencies Covered; Renewal.—

(a) Any person proposing a new business operation after June 1, 1986, who is required to obtain a permit or license from the Commonwealth, shall submit a master application to the department requesting the issuance of all permits necessary prior to opening a new operation in this Commonwealth. The master application shall be on a form furnished by the department and shall contain in consolidated form all information necessary for the various State agencies to issue a permit. These provisions shall apply to persons seeking to continue an existing operation after January 1, 1987.

(b) Upon receipt of a properly completed master application, the department shall immediately send a copy to each State agency with potential jurisdiction over the proposed operation. Each notified agency shall respond in writing to the department within a reasonable time, as determined by the department, advising the department and the applicant:

- (1) that it approves the application;
- (2) that it approves with certain conditions as specified; or
- (3) that it denies the application with reasons given for the denial.

The department shall then issue a master permit covering all the approvals and conditions, excluding any denials. It shall be the

responsibility of the applicant to make appeals on conditions imposed or on permit denial through that normal appeal process established by the agency with jurisdiction for issuance of such permit.

(c) A total fee based on the sum of fees for individual permits requested shall accompany each master application and shall be collected by the department and used to reimburse the various State agencies as per their schedules. The issuance of a master permit shall be in lieu of any permit, certificate or similar document required by any agency listed in subsection (d).

(d) All permits and inspections related to business operations by the following State agencies shall be covered under this section:

- (1) Department of Revenue.
- (2) Department of Labor and Industry.
- (3) Department of Commerce.
- (4) Department of Agriculture.
- (5) Department of State.
- (6) Pennsylvania Liquor Control Board.
- (7) Public Utility Commission.
- (8) Department of Transportation.
- (9) Any other State agency that may now or in the future issue permits or make inspections of business operations, but nothing in this section shall be construed to eliminate State or local government health or safety inspections.

(e) The department shall establish permit-issuing centers in its offices at Harrisburg and, in cooperation with the Department of Revenue, in all of the district offices of the Department of Revenue.

(f) The department, after consultation with other State agencies and affected businesses, shall submit to the General Assembly by January 1, 1988, a report setting forth the results of the experience under this section, together with any recommendations for:

- (1) Consolidating inspections further by change in existing statutes.
- (2) Expanding the program to include other types of permits.
- (3) Further improving procedures.

(g) As used in this section:

"Department" means the Department of Commerce of the Commonwealth.

"Permit" means any license, permit, certificate, certification, approval, compliance schedule or other similar document pertaining to regulation of businesses in general, plus all health, safety and consumer protection regulations as required by any State agency. For purposes of this section, the term does not include licenses issued by the Bureau of Motor Vehicles of the Department of Transportation.

"Person" means any individual, partnership, cooperative or private corporation attempting to establish a business operation in a new location or seeking to continue an existing business operation.

Amend Sec. 4, page 4, line 1, by striking out "4" and inserting

5

Amend Sec. 4, page 4, line 1, by striking out "45" and inserting

60

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from York, Mr. Dorr.

Mr. DORR. Mr. Speaker, several years ago when the House first adopted a Subcommittee on Small Business, that

subcommittee conducted a series of hearings across the Commonwealth asking the Commonwealth's small business people what their problems were; what State Government could do to enhance the climate for small business in Pennsylvania. One of the consistent answers we received was that we should reduce the regulation and paperwork involved in doing business in Pennsylvania and particularly with regard to those people who wanted to go into business in Pennsylvania.

Mr. Speaker, the amendment that we have before us right now is an effort to do that. It would create a system whereby an individual who wants to go into business in Pennsylvania could essentially make one stop at a State office and obtain one document and, by filling out the appropriate parts of that document, obtain all the permits and licenses that would be required in order to go into business.

Mr. Speaker, I recommend the adoption of the amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a "no" vote on this amendment. Let me give a little bit of background as to why it is important that this bill pass without the Dorr amendment, leaving aside the merits of what Mr. Dorr is proposing.

At the present time, because of language which was included in the Osteopathic Board sunset bill, that board is required to give its practical examinations through a third-party testing service. The board has advised us that despite its best efforts, it will not be able to contract for a third-party test in time for the May exam for people who are applying to be osteopaths. That means that either the practical requirement will have to be dropped or the May exam will have to be canceled, and as a result, many of our constituents who are waiting to become osteopaths will not be able to do so.

Secondly, under the regulations of the State Osteopathic Board, there is a requirement that people who are moving to Pennsylvania from other States and who are seeking to be licensed by the endorsement process also submit to a practical examination. Because of the law which now says that that practical examination must be by third-party testing, attorneys have interpreted it as saying that, as a practical matter right now, nobody can come in from out of State. There are some individuals who have contacted us who have pointed out that they have moved here under the assumption that they were going to be able to begin practice and that everything was going to be taken care of. Unfortunately, the Osteopathic Board did not give them adequate notice of the change in the law and they are left hanging, unable to fully practice their profession. We were told today—and I do not know if this is a correct number—but we were told today by the Osteopathic Association that there may be over 40 people in that category at the present time.

It is important that we get this bill to the Senate without this amendment, because when we checked with Senator Bell's office, we were advised that if the Dorr amendment is attached to this bill, the Senate quite possibly will not concur

in this bill and this bill will go to a conference committee. I think that it is very unlikely that we are going to be able to get things worked out and on the Governor's desk and signed into law in time for the board to carry forward with its examination in May, and certainly it is going to create a delay for those people who have been waiting patiently and have given up jobs in other States and come to Pennsylvania to start to work, and we are not allowing them to have a license.

In addition, Mr. Speaker, while I think there may be some merit to the one-stop shopping for various permits, it seems to me from reading the amendment that there are enough complicated questions here that this ought to be dealt with in a way where we can offer amendments to it. We have a fiscal note of \$1 million. I do not know whether the administration is for this or not. I know when the previous amendment was circulated, it said the Department of Revenue was going to do it. When we checked with Revenue, they did not know anything about it. I do not know whether Mr. Dorr has any commitment, but my understanding is that adding this amendment to the bill is going to create controversy. This matter should be dealt with as a separate matter so that we all have a chance to have input into whatever kind of one-stop permit process there is going to be, and that in the meantime we allow the osteopaths to go ahead with their licensing and not disrupt people's expectations and disrupt their careers.

For that reason or all of those reasons, I would ask that we reject the Dorr amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Lancaster, Mr. Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to ask a negative vote on this amendment, Mr. Speaker, for many of the reasons Representative Lloyd cited. But additionally, the concept of one-stop shopping begins to break down as you read the language of the amendment. Let us take just two points that I think might convince you.

We call for consolidating inspections. Now think about it. In your one-stop office you might have a guy qualified under civil service to be a mine inspector now inspecting your pharmacy rather than a pharmacy inspector under the bureau. You may have an inspector who is qualified to certify pharmacies sent out to a mine inspection. Let us look at the language of the bill. If you want to make it simpler, let us have the inspection permit filed with the germane office so that the professionals trained and qualified in that area can make a timely, proper, and thorough inspection.

Let us look at just one more item of the bill. We talk about health and safety issues, yet the Department of Health is not one of the issuing entities listed and enumerated under the amendment. For the membership's information who have not had an opportunity to review the two amendments you have already had today, this is the second rewrite and it is an example of trying to push through a good idea that sounds simplistic but simply does not work in practice.

We really ought to reject this amendment. For those of you who have an interest in simplifying the problems of business, let us sit down and introduce a bill and work on it, but in the

meantime let us not foul up everyone's application with an extra layer of bureaucracy that requires you to first apply there before the permit goes back to where it already does in the first place - that home bureau for evaluation. You would have consumer delay under this design mechanism.

I would encourage a negative vote on the amendment, Mr. Speaker. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Schuylkill, Mr. Baldwin.

Mr. BALDWIN. Thank you, Mr. Speaker.

I, too, ask for a negative vote on the Dorr amendment. While I agree with the idea behind the amendment and would support it as a separate bill, I think it should go through the committee process to be developed. But more importantly, this particular bill is affecting, as Representative Lloyd already pointed out, certain osteopaths who are in a position where they have come here from out of State; they have given up practices where they were practicing before to join either hospitals or private practices in the State of Pennsylvania and find themselves unable to take a test because we mandated third-party testing and the Osteopathic Board failed to consider their situation in the regulations.

We have people—there is one in my district in particular—where a hospital is holding a staff position open for months now, and if this amendment is included, it is going to hold up this bill and may very well cause that physician to lose his position after he has already left his job in another State. I do not think it is fair to those people. We have created the problem, and I think we ought to close this gap right now and allow them to proceed with their profession and address Mr. Dorr's idea in a separate piece of legislation.

I ask a negative vote on the amendment.

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

Mr. DORR. Thank you, Mr. Speaker.

Mr. Speaker, the amendment, to my knowledge, does not bring up a lot of controversy. I am sure if there was a reaction from Senator Bell's office, it may have been from lack of understanding of what the bill was about.

Mr. Speaker, the fiscal note, if you read the whole fiscal note, indicates that it, if I may quote from it, "...would in all likelihood dwarf the cost of the bill."

Further, Mr. Speaker, I am a little bit at a loss to understand the heat behind passing this bill immediately. The history that I have in front of me indicates that this bill was referred to the House Committee on Professional Licensure early in December, that it was reported from that Committee in January, and that it has been available in the House as reported from the committee since January 28. Aside from going to Appropriations for a fiscal note, I do not know why there was not a lot more quick movement if all this problem has arisen in the profession in the meantime.

Mr. Speaker, the essential point is this: Mr. Speaker, if the members of the House want to cast a vote in favor of small business, this is their opportunity. The Small Business Subcommittee, as I indicated before, held a series of hearings.

This is one of the bills that developed out of that series of hearings, and this is the opportunity that the members will have, apparently, in this session to cast a vote on that issue. I do not believe, Mr. Speaker, that it needs to hold up the process any more than the bill would have held it up anyway. Mr. Lloyd's amendment was already adopted; the bill has to go to the Senate for concurrence. Once the Senate looks at the issue that I now place before the House, I feel confident there will not be a delay and not be a need for a conference committee. Even if there would, Mr. Speaker, that can take place quickly. Any problems can be worked out and we can move this legislation along.

I ask the members to cast a vote in favor of creating a better small business climate in Pennsylvania, in favor of this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

I, too, have a constituent—probably the same gentleman whom Representative Baldwin was concerned about, the gentleman who lives in my district and the hospital is in the adjoining district—and with the problem faced by this one osteopathic physician, as noted by certainly other physicians across the State, it is very important for us to have the bill in its present form without any amendments at all. We have been in constant contact with some of these physicians; they have been calling me; they have been calling staff people, and we have faced a great deal of difficulty in having this bill adopted.

I, too, understand and agree with part of what Representative Dorr is trying to do. However, if he tries to do it in this bill, I believe that it is not going to be to the best interest of the osteopathic physicians who really cannot practice without this legislation. So time is of the essence and we do need a clean bill, so I have to ask for a "no" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. For the second time on the amendment, the Chair recognizes the gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

The gentleman, Mr. Dorr, suggests that there really is no urgency. In fact, when the bill came from the Senate, it did not deal with the third-party testing issue at all because that was not brought to our attention as a problem until January. When the bill was moved out of the House Professional Licensure Committee, it went to Appropriations and it was held up there in part because of a recess. This bill does need to pass and it needs to pass now.

Now, Mr. Dorr says there is no controversy with his amendment; this is an open-and-shut vote for small business. I wish it were that simple. Some people have suggested to me that what we are doing is just creating another layer of bureaucrats whom you have to go through in order to get permits from these various agencies.

Another question, which was raised by Mr. Miller, deals with the consolidation of inspections and whether people are

qualified. Another question that I am sure will be raised in the Senate is whether people are going to be out of a job, inspectors. Another issue, which certainly presents itself and I do not think it is intended to, is the Department of Environmental Resources is specifically not listed in the bill. However, there is a catchall, which appears, at least on the face of it, to raise the possibility that the Department of Environmental Resources and all of its hazardous waste and solid waste and mining and so forth— Now, I do not think that is Mr. Dorr's intention, but that language, I think, ought to be tightened up.

This is a matter that ought to be dealt with in a bill that is open to amendment, that other people can have their ideas considered on the floor of the House. We ought not send it over to the Senate and spend our time negotiating on something which is a peripheral issue which the Senate has told us they do not want to address at this point.

So I would ask that we would defeat the Dorr amendment and we come back and deal with that in some other bill. If this is such a great thing for small business, I am sure that it can get reported out of a committee in the House. I would ask for a "no" vote.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Linton, on the amendment.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Dorr amendment.

I, too, am an advocate of small business and recognize some of the concerns that Mr. Dorr may have. But in fact, Mr. Speaker, serving on the Professional Licensure Committee, I clearly understand that it becomes very difficult for us to in fact get measures through the Senate and passed on into the House and signed by the Governor without them becoming controversial measures. In the essence of trying to resolve the issues of the osteopaths, it is clear to me that the bill in its current form is the measure that we should in fact support.

So I would ask for a negative vote on the Dorr amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—65

Angstadt	Durham	Kenney	Raymond
Birmelin	Fargo	Lashinger	Reinard
Black	Flick	McClatchy	Robbins
Bowser	Foster, Jr., A.	Mackowski	Ryan
Brandt	Fox	Manmiller	Saurman
Broujos	Gallen	Merry	Semmel
Burns	Geist	Morris	Serafini
Bush	George	Mowery	Sirianni
Carlson	Greenwood	Mrkonic	Smith, B.
Cessar	Hagarty	Nahill	Snyder, D. W.
Cimini	Hayes	Noye	Snyder, G. M.
Clymer	Herman	O'Brien	Stevens
Colafrilla	Hershey	Phillips	Swift
Coslett	Honaman	Piccola	Vroon
Dawida	Johnson	Pitts	Wogan
Distler	Kennedy	Punt	Wright, J. L.
Dorr			

NAYS—119

Acosta	Daley	Langtry	Rudy
Afflerbach	Davies	Laughlin	Rybak
Argall	Deal	Lescovitz	Saloom
Arty	Dombrowski	Letterman	Scheetz
Baldwin	Donatucci	Linton	Schuler
Barber	Duffy	Livengood	Seventy
Barley	Evans	Lloyd	Showers
Belardi	Fattah	Lucyk	Staback
Belfanti	Fee	McCall	Stairs
Blaum	Fischer	McHale	Steighner
Book	Freeman	McVerry	Stewart
Bortner	Fryer	Manderino	Stuban
Bowley	Gallagher	Markosek	Sweet
Boyes	Gamble	Mayernik	Taylor, F. E.
Bunt	Gannon	Michlovic	Telek
Burd	Gladeck	Micozzie	Tigue
Cappabianca	Godshall	Miller	Truman
Carn	Gruitza	Moehlmann	Van Horne
Cawley	Gruppo	Murphy	Veon
Chadwick	Haluska	O'Donnell	Wambach
Civera	Harper	Oliver	Wass
Clark	Hasay	Petrarca	Wiggins
Cohen	Hutchinson	Pievsky	Wilson
Cole	Itkin	Pistella	Wozniak
Cordisco	Jackson	Pott	Wright, D. R.
Cornell	Jarolin	Pressmann	Wright, R. C.
Cowell	Josephs	Reber	Yandrisevits
Coy	Kasunic	Richardson	
Deluca	Kosinski	Rieger	Iris,
DeVerter	Kukovich	Roebuck	Speaker
DeWeese			

NOT VOTING—14

Battisto	Levdansky	Petrone	Taylor, J.
Caltagirone	Maiale	Preston	Trello
Freind	Olasz	Smith, L. E.	Weston
Howlett	Perzel		

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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—188

Acosta	Dombrowski	Lescovitz	Robbins
Afflerbach	Donatucci	Letterman	Roebuck
Angstadt	Dorr	Levdansky	Rudy
Argall	Duffy	Linton	Ryan
Arty	Durham	Livengood	Rybak
Baldwin	Evans	Lloyd	Saloom
Barber	Fargo	Lucyk	Saurman
Barley	Fattah	McCall	Scheetz
Battisto	Fee	McClatchy	Schuler
Belardi	Fischer	McHale	Semmel
Belfanti	Flick	McVerry	Serafini
Birmelin	Foster, Jr., A.	Mackowski	Seventy
Black	Fox	Manderino	Showers
Blaum	Freeman	Manmiller	Sirianni
Book	Fryer	Markosek	Smith, B.
Bortner	Gallagher	Mayernik	Smith, L. E.



Bowley	Gallen	Merry	Snyder, D. W.
Bowser	Gamble	Michlovic	Snyder, G. M.
Boyes	Gannon	Micozzie	Staback
Brandt	Geist	Miller	Stairs
Broujos	George	Moehlmann	Steighner
Burd	Gladeck	Morris	Stevens
Burns	Godshall	Mowery	Stuban
Bush	Greenwood	Mrkonic	Swift
Caltagirone	Gruitza	Murphy	Taylor, F. E.
Cappabianca	Gruppo	Nahill	Taylor, J.
Carlson	Hagarty	Noye	Telek
Carn	Haluska	O'Brien	Tigue
Cawley	Harper	O'Donnell	Trello
Cessar	Hasay	Olasz	Truman
Chadwick	Hayes	Oliver	Van Horne
Cimini	Herman	Perzel	Veon
Clark	Hershey	Petrarca	Vroon
Clymer	Honaman	Phillips	Wambach
Cohen	Hutchinson	Piccola	Wass
Colafella	Itkin	Pievsky	Weston
Cole	Jackson	Pistella	Wiggins
Cornell	Jarolin	Pitts	Wilson
Coslett	Johnson	Pott	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kasunic	Preston	Wright, D. R.
Deluca	Kennedy	Punt	Wright, J. L.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Davies	Kukovich	Reinard	
Dawida	Langtry	Richardson	Irvis,
Deal	Lashinger	Rieger	Speaker
Distler	Laughlin		

NAYS—3

Cordisco	Daley	Stewart
----------	-------	---------

NOT VOTING—7

Bunt	Freind	Maiale	Sweet
Civera	Howlett	Petrone	

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

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

\* \* \*

The House proceeded to third consideration of **HB 7, PN 1591**, entitled:

An Act requiring cities to enact responsible investment ordinances requiring the withdrawal of city funds from banks and business entities doing business with the Republic of South Africa.

On the question,

Will the House agree to the bill on third consideration?

Mr. STEVENS offered the following amendments No. A3065:

Amend Title, page 1, line 4, by inserting after "Africa" ; and requiring city hiring and promotion to be based on the principles of merit and qualification

Amend Bill, page 3, by inserting between lines 7 and 8 Section 5. Merit hiring and promotion.

Notwithstanding any provision of law to the contrary, all cities shall, in the hiring and promotion of employees, base such hiring and promotion on the principles of merit and qualification without regard to race, religion, ethnic background or gender.

Amend Sec. 5, page 3, line 8, 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 Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor this point. I will be very brief.

This amendment says that all cities shall, in the hiring and promotion of employees, base that hiring and promotion without regard to race, religion, ethnic background, or gender. All I am saying is that if we want South Africa not to make decisions based on race, let us tell our cities that they should not make decisions based on race. That is all this amendment would do.

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. Mr. Speaker, I rise for a point of order, and I ask for a point of parliamentary inquiry.

The SPEAKER. What is the gentleman's point?

Mr. RICHARDSON. Mr. Speaker, what is the correct way to oppose this under either constitutionality or germaneness? I do not think that this has anything at all to do with South Africa, divestment, or apartheid. We respectfully request that this does not fit in any way to the bill. I would like to raise the question, Mr. Speaker, of germaneness.

The SPEAKER. Mr. Richardson, it is up to the House to answer the question on either constitutionality or germaneness. Which point do you raise?

GERMANENESS QUESTIONED

Mr. RICHARDSON. I raise the question of germaneness, Mr. Speaker.

The SPEAKER. The question is on the germaneness of the amendment offered by the gentleman.

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

I think it is absolutely germane that when you say that you do not want South Africa to make decisions based upon race—and I do not think they are right with their policies either; I want to make that clear—at the same time we should not allow our cities to discriminate on the basis of race. It just

so happens that South Africa is discriminating against one race while cities are discriminating against another. They are both wrong. And if we are going to end one, let us end the other. So how could we in good faith tell them to do something in South Africa that we are not doing in Pennsylvania?

So I think this is very germane.

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

Mr. PRESTON. Would the gentleman stand for interrogation?

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

Mr. PRESTON. Can the speaker tell me the relationship of a firm or corporation, mentioning as far as any form of corporations that are involved with the nature of the bill that you are trying to attach this to?

Mr. STEVENS. Mr. Speaker, I believe he is addressing my next amendment.

The SPEAKER. The amendment before the House is amendment A3065.

Mr. PRESTON. I do not have a copy. Does anybody have a copy here? Then I would say that the amendment has not been distributed yet, Mr. Speaker.

Mr. STEVENS. They were distributed many months ago.

The SPEAKER. Just a moment.

Are there a number of people who do not have this amendment?

Mr. STEVENS. Mr. Speaker, they were distributed months ago when this bill came up.

The SPEAKER. Well, the Chair can understand, the Chair can understand why they may not have it, because this is dated in October of 1985. Are there copies available now?

Mr. STEVENS. I can read it.

The SPEAKER. If the members insist on having a copy, they have a right.

Is there objection with going forward on the question of germaneness? Very well. The Chair hears no objection.

On germaneness, the Chair recognizes the gentleman, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

To continue my interrogation. Can you tell me how the bill, HB 7, has anything to do with any hiring or promotion of employees? Anything to do with merit qualifications?

Mr. STEVENS. What the bill has to do with, as I understand it, is to order divestment because of the racial policies in South Africa.

Mr. PRESTON. Can you tell me exactly what your amendment and the bill have to do with any form of hiring or promotion of employees? Does the bill have anything to do with any hiring or promotion of any employees anywhere?

Mr. STEVENS. It has to do with the underlying basis for this amendment, and that is very simple, that if we should not discriminate on the basis of race in South Africa, we should not discriminate on the basis of race in Pennsylvania.

Mr. PRESTON. Can you show me anywhere in HB 7 where it mentions, as you are stating, about the policies as far as any

hiring or promotion of employees or any principles as far as merit selection or qualifications? Is it in HB 7 anywhere, sir?

Mr. STEVENS. I would have to defer to the sponsor of the bill, but it is irrelevant, because it is the underlying reason. It is the underlying—

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

Mr. PRESTON. Can you show me anywhere in the bill where it is written that it relates to hiring and promotion of employees in the bill? Any piece of language, sir.

The SPEAKER. Just a moment, Mr. Preston.

### POINT OF ORDER

The SPEAKER. Why does the gentleman from Berks, Mr. Gallen, rise?

Mr. GALLEN. Mr. Speaker, we are beating a dead horse. The man is going down and he has asked the question six different ways. The gentleman responded. I do not know. We are going nowhere with that.

The SPEAKER. Mr. Gallen, the Chair may well agree with you that we have become repetitious on the floor of the House, but that is one of the privileges of being a Representative - to be repetitious.

You may continue, Mr. Preston.

Mr. PRESTON. In other words, what you are saying, sir, is the language that you have here, there is no relationship as far as any way that you could break it down in relationship to any hiring or promotion in this piece of language as far as HB 7. Is that what you are saying, sir?

Mr. STEVENS. No. All I am trying to say is that the purpose of this amendment is exactly in line with the purpose of the bill, and that is to prevent the discrimination on the basis of race.

Mr. PRESTON. Can you show me anywhere within this bill it says anything about discrimination of race, sir?

Mr. STEVENS. Is that not what this is all about with South Africa?

Mr. PRESTON. You just said that this bill is about that. Can you show me anywhere where it says anything about discrimination of race in here, sir?

Mr. STEVENS. If we are ordering this, why are we even debating this bill if it is not to protest the policies in South Africa? That is the way I understand the bill. If we are not protesting the policies in South Africa, then why are we here debating it?

Mr. PRESTON. Mr. Speaker, I am not going to beleaguer myself with such frivolity right now. May I address the amendment, please?

The SPEAKER. On the question of germaneness you may speak.

Mr. PRESTON. Yes.

The SPEAKER. Not on the amendment. On the question, is the amendment germane, you may speak.

Mr. PRESTON. I have read the amendment and I see no correlation pertaining to the English language in HB 7. I would suggest that the person sit down and look at the

content, whether it is qualitatively or whether it is quantitatively, to try to put together anything that pertains to germaneness as far as HB 7.

I heard many different forms of cloudy rhetoric, in my opinion, where the gentleman has said, is this not what we are all about, pertaining to the germaneness of HB 7, and he refuses or he does not have the ability to be able to answer my question. He has not given me any form of concrete evidence. He has not been able to substantiate anything related to the English language in any type of way as far as germaneness is concerned. He has only offered, is this not what this is about? He has only answered the question with another question. I think that this is not germane, and I would ask that we go against this and vote "no."

The SPEAKER. Those who believe the amendment to be germane will vote "aye"; those who believe it to be not germane will vote "no."

On the question recurring,  
Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—108

Afflerbach	Davies	Johnson	Reber
Angstadt	Distler	Kennedy	Reinard
Argall	Donatucci	Kenney	Robbins
Arty	Dorr	Kosinski	Ryan
Barley	Duffy	Langtry	Saurman
Birmelin	Durham	Lashinger	Scheetz
Black	Fargo	Lucyk	Schuler
Blaum	Fischer	McClatchy	Semmel
Book	Flick	McVerry	Serafini
Bowser	Foster, Jr., A.	Mackowski	Sirianni
Boyes	Fox	Manmiller	Smith, B.
Brandt	Freind	Mayernik	Smith, L. E.
Bunt	Gallen	Merry	Snyder, D. W.
Burd	Gamble	Micozzie	Snyder, G. M.
Bush	Geist	Moehlmann	Stairs
Cappabianca	Gladeck	Mowery	Stevens
Carlson	Godshall	Mrkonic	Stuban
Cessar	Greenwood	Nahill	Swift
Chadwick	Gruppo	Noye	Taylor, J.
Cimini	Hagarty	O'Brien	Telek
Civera	Hasay	Perzel	Tigue
Clark	Hayes	Phillips	Vroon
Clymer	Herman	Piccola	Wass
Cornell	Hershey	Pitts	Weston
Coslett	Honaman	Pott	Wilson
Coy	Jackson	Punt	Wogan
DeVerter	Jarolin	Raymond	Wright, J. L.

NAYS—86

Acosta	Deal	Livengood	Rudy
Baldwin	Dombrowski	Lloyd	Rybak
Barber	Evans	McCall	Saoom
Battisto	Fattah	McHale	Seventy
Belardi	Fee	Maiale	Showers
Belfanti	Freeman	Manderino	Staback
Bortner	Fryer	Markosek	Steighner
Bowley	Gallagher	Michlovic	Stewart
Broujos	George	Miller	Taylor, F. E.
Burns	Gruitza	Morris	Trello
Caltagirone	Haluska	Murphy	Truman
Carn	Harper	Olasz	Van Horne
Cawley	Hutchinson	Oliver	Veon
Cohen	Itkin	Petrarca	Wambach
Colafella	Josephs	Petrone	Wiggins
Cole	Kasunic	Pievsky	Wozniak

Cordisco	Kukovich	Pistella	Wright, D. R.
Cowell	Laughlin	Pressmann	Wright, R. C.
Deluca	Lescovitz	Preston	Yandrisevits
DeWeese	Letterman	Richardson	
Daley	Levdansky	Rieger	Irvis,
Dawida	Linton	Roebuck	Speaker

NOT VOTING—4

Gannon	Howlett	O'Donnell	Sweet
--------	---------	-----------	-------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

The SPEAKER. The House will be at ease. Will the chief page duplicate sufficient amendments and pass them out to the members? The House will stand at ease.

Do all members now have their copies of the amendment?

On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

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

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, in the amendment it says, "and requiring city hiring and promotion to be based on the principles of merit and qualification." Could this be interpreted in the strictest sense to mean that we would do away with all patronage?

Mr. STEVENS. No; it basically emphasizes that it should be without regard to race. That is the point I am trying to get at.

Mr. TIGUE. I understand that, Mr. Speaker, but that is not what it says. It says that the principles of hiring and promotion will be based on merit and qualification.

Mr. STEVENS. Well, I would assume that even with patronage you would get qualified people, Mr. Speaker.

Mr. TIGUE. Okay. Thank you.

Mr. Speaker, may I make a statement?

The SPEAKER. On the amendment, the gentleman is in order and may make a statement.

Mr. TIGUE. Mr. Speaker, I am not sure that with merit selection or with patronage we do always get qualified people. I think to think so is ludicrous. However, based on merit selection—which my constituents among many of your others, if you ask them, are absolutely against merit selection of judges—as far as merit selection in civil service goes, all we have to do is look at our courthouses and the problems in the cities and the counties, and even on the State level, that these government bureaucrats have created.

No one in this chamber that I am aware of would be against prejudice on the basis of race, religion, ethnic background, or gender. However, I, for one, am not for hiring people solely because of some merit selection system. Therefore, I think

that in the strictest sense this amendment could be so interpreted by a court. Therefore, I oppose the amendment and I ask you to defeat it. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. I would like to speak on the amendment.

The SPEAKER. On the amendment, the Chair recognizes Mr. Broujos.

Mr. BROUJOS. I would like to interrogate the sponsor of the amendment.

The SPEAKER. Mr. Stevens indicates he will stand for further interrogation. The gentleman may proceed.

Mr. BROUJOS. Mr. Speaker, what effect would this amendment have on court cases that recognize quotas and affirmative action?

Mr. STEVENS. I think that in the future—I do not think it would affect any present cases—I think it would be that in the future you just have to hire on the basis— When they say “merit,” not as the last speaker said, they are just qualified. It is not a merit selection process. It does not set up any merit selection. It is just saying that when you hire people and promote them, it has to be people who are qualified to do the job. That is all it is saying. And it cannot be based upon race. That is all. I do not think any present court cases would conceivably come under this.

Mr. BROUJOS. Have you examined the cases to determine the effect that your amendment would have on those cases?

Mr. STEVENS. I would say that it is not effective until whenever this act is effective, so I do not see how it could conceivably be brought into any cases. It is a law that is passed after something else was done, so you cannot make it retroactive.

Mr. BROUJOS. What is your intent in sponsoring this amendment?

Mr. STEVENS. My intent is to do away with allowing cities to hire on the basis of giving preference to any race. Just as South Africa should not be basing its decisions on race, we should not be basing our decisions on race. It is like, who is the best qualified for the job.

Mr. BROUJOS. Thank you, Mr. Speaker.

Mr. STEVENS. Thank you.

Mr. BROUJOS. I would like to make a comment.

The SPEAKER. The gentleman may proceed.

Mr. BROUJOS. Mr. Speaker, I feel that the court cases that have been decided with respect to quotas and affirmative action are clear. They state the American policy, the policy of the court. Standards have been developed after examination of the history of our Nation and the effect of the long period of discrimination which has occurred. I think that this is in fact an attempt to reverse history, to reverse the position of the courts, and to reverse a vital part of the American system of fairness and decency and equality. I would ask that this be defeated.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

#### YEAS—110

Afflerbach	Distler	Langtry	Raymond
Angstadt	Donatucci	Lashinger	Reinard
Argall	Dorr	Letterman	Robbins
Arty	Duffy	Lucy	Rudy
Baldwin	Durham	McClatchy	Ryan
Barley	Fargo	McHale	Rybak
Birmelin	Flick	McVerry	Saurman
Black	Foster, Jr., A.	Mackowski	Scheetz
Blaum	Freeman	Manmiller	Schuler
Book	Freind	Markosek	Semmel
Bowser	Gallen	Mayernik	Serafini
Boyes	Gamble	Merry	Sirianni
Brandt	Gannon	Micozzie	Smith, B.
Bunt	Geist	Miller	Smith, L. E.
Burd	Gladeck	Moehlmann	Snyder, D. W.
Bush	Godshall	Mowery	Snyder, G. M.
Carlson	Greenwood	Mronic	Stairs
Cessar	Gruppo	Nahill	Stevens
Chadwick	Hagarty	Noye	Swift
Cimini	Hasay	O'Brien	Taylor, J.
Civera	Hayes	Olasz	Telek
Clark	Herman	Perzel	Vroon
Clymer	Honaman	Phillips	Wass
Cornell	Jackson	Piccola	Weston
Coslett	Johnson	Pitts	Wilson
Coy	Kennedy	Pott	Wogan
DeVerter	Kenney	Punt	Wright, J. L.
Davies	Kosinski		

#### NAYS—82

Acosta	Dawida	Levdansky	Saloom
Barber	Deal	Linton	Seventy
Battisto	Dombrowski	Livengood	Showers
Belardi	Evans	Lloyd	Staback
Belfanti	Fattah	McCall	Steighner
Bortner	Fee	Manderino	Stewart
Bowley	Fox	Michlovic	Stuban
Broujos	Fryer	Morris	Tigue
Burns	Gallagher	Murphy	Trello
Caltagirone	George	O'Donnell	Truman
Cappabianca	Gruitza	Oliver	Van Horne
Carn	Haluska	Petrarca	Veon
Cawley	Harper	Petrone	Wambach
Cohen	Hutchinson	Pievsky	Wiggins
Colafigliola	Itkin	Pistella	Wozniak
Cole	Jarolin	Pressmann	Wright, D. R.
Cordisco	Josephs	Preston	Wright, R. C.
Cowell	Kasunic	Reber	Yandrisevits
Deluca	Kukovich	Richardson	
DeWeese	Laughlin	Rieger	Irvis,
Daley	Lescovitz	Roebuck	Speaker

#### NOT VOTING—6

Fischer	Howlett	Sweet	Taylor, F. E.
Hershey	Maiale		

#### EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question,

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

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—73

Acosta	Fryer	Lloyd	Saloom
Barber	Gallagher	McCall	Serafini
Belardi	Gamble	McHale	Seventy
Blaum	Gannon	Markosek	Smith, B.
Burns	George	Michlovic	Staback
Caltagirone	Greenwood	Miller	Steighner
Cappabianca	Haluska	Morris	Stevens
Cawley	Harper	Mrkonic	Stewart
Cole	Hutchinson	Murphy	Taylor, F. E.
Cordisco	Jarolin	Nahill	Tigue
Deluca	Josephs	O'Donnell	Trello
DeWeese	Kasunic	Petrone	Van Horne
Daley	Kosinski	Pievsky	Veon
Dawida	Lashinger	Pistella	Wambach
Duffy	Laughlin	Pressmann	Wass
Fee	Lescovitz	Roebuck	Wilson
Foster, Jr., A.	Levdansky	Rudy	Wozniak
Freeman	Livengood	Rybak	Wright, D. R.
Freind			

NAYS—122

Afflerbach	Coslett	Johnson	Reber
Angstadt	Cowell	Kennedy	Reinard
Argall	Coy	Kenny	Richardson
Arty	DeVerter	Kukovich	Rieger
Baldwin	Davies	Langtry	Robbins
Barley	Deal	Letterman	Ryan
Battisto	Distler	Linton	Saurman
Belfanti	Dombrowski	Lucyk	Scheetz
Birmelin	Donatucci	McClatchy	Schuler
Black	Dorr	McVerry	Semmel
Book	Durham	Mackowski	Showers
Bortner	Evans	Manderino	Sirianni
Bowley	Fargo	Manmiller	Smith, L. E.
Bowser	Fattah	Mayernik	Snyder, D. W.
Boyes	Fischer	Merry	Snyder, G. M.
Brandt	Flick	Micozzie	Stairs
Broujos	Fox	Moehlmann	Stuban
Bunt	Gallen	Mowery	Swift
Burd	Geist	Noye	Taylor, J.
Bush	Gladeck	O'Brien	Telek
Carlson	Godshall	Olasz	Truman
Carn	Gruitza	Oliver	Vroon
Cessar	Gruppo	Perzel	Weston
Chadwick	Hagarty	Petrarca	Wiggins
Cimini	Hasay	Phillips	Wogan
Civera	Hayes	Piccola	Wright, J. L.
Clark	Herman	Pitts	Wright, R. C.
Clymer	Hershey	Pott	Yandrisevits
Cohen	Honaman	Preston	
Colafella	Itkin	Punt	Irvis,
Cornell	Jackson	Raymond	Speaker

NOT VOTING—3

Howlett	Maiale	Sweet
---------	--------	-------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

\* \* \*

The House proceeded to third consideration of **HB 6, PN 1590**, entitled:

An Act requiring State-related universities and member institutions of the State System of Higher Education to divest themselves of investments in the Republic of South Africa or Namibia.

On the question,

Will the House agree to the bill on third consideration?

Mr. FOSTER offered the following amendments No. A2026:

Amend Title, page 1, line 3, by removing the period after "NAMIBIA" and inserting  
; and providing an exception.

Amend Sec. 2, page 2, line 9, by removing the period after "NAMIBIA" and inserting  
unless, in the case of a subsidiary or affiliate, the subsidiary or affiliate has adopted the Sullivan Principles and has obtained a performance rating in the top two categories of the Sullivan Principles rating system prepared by Arthur D. Little, Inc. The Sullivan Principles provide:

- (1) Principle 1 — Nonsegregation of the Races in All Eating, Comfort, Locker Rooms, and Work Facilities.
- (2) Principle 2 — Equal and Fair Employment Practices for All Employees.
- (3) Principle 3 — Equal Pay for All Employees Doing Equal or Comparable Work for the Same Period of Time.
- (4) Principle 4 — Initiation and Development of Training Programs that Will Prepare Blacks, Coloreds, and Asians in Substantial Numbers for Supervisory, Administrative, Clerical, and Technical Jobs.
- (5) Principle 5 — Increasing the Number of Blacks, Coloreds, and Asians in Management and Supervisory Positions.
- (6) Principle 6 — Improving the Quality of Employees' Lives Outside the Work Environment in Such Areas as Housing, Transportation, Schooling, Recreation, and Health Facilities.

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.

This is the same amendment that we recently adopted to HB 4. It submits that divestiture shall only occur with those companies that do not abide by the Sullivan Principles. I think this is a reasonable, fair approach that shows compassion blended with wisdom on this most difficult issue, and I would urge the same vote on this amendment that we accorded to the same amendment on HB 4.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. Mr. Speaker, I would ask for a "no" vote on this amendment.

When we debated this back last fall, we defeated this amendment. Some of the arguments were not used earlier today, but it has become even more clear since we last debated that Reverend Sullivan himself realizes the inadequacy of these principles. It is also important to recognize that these principles only affect people in the workplace, that many

companies have already adopted these principles. If everyone does adopt them, it is going to affect less than 1 percent of the blacks in South Africa. This simply does not mean anything; it just looks nice on paper.

If what we are saying in this package of antiapartheid bills is that the U.S. policy in South Africa is encouraging the status quo—and most of us believe it is—then this does not help. If you want to cast an antiapartheid vote, then you have to vote “no” on this amendment.

The SPEAKER. Mr. Foster, you have offered the precise amendment before on the floor of the House. Do you insist on debating it three times over?

Mr. FOSTER. Only one sentence, Mr. Speaker.

The SPEAKER. I should have known better.

The Chair recognizes the gentleman, Mr. Foster, for one sentence.

Mr. FOSTER. The gentleman, Mr. Kukovich, said that my amendment addresses only those people in the workplace when it most explicitly says, in number 6, and refers to those outside the workplace. I rest my case and ask for an affirmative vote.

The SPEAKER. That is two sentences.

Mr. FOSTER. I apologize, Mr. Speaker.

The SPEAKER. Three.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—113

Afflerbach	Dawida	Kenney	Raymond
Angstadt	Distler	Kosinski	Reber
Argall	Dorr	Langtry	Reinard
Arty	Duffy	Lashinger	Robbins
Barley	Durham	Letterman	Rudy
Battisto	Fargo	McClatchy	Ryan
Birmelin	Fischer	McVerry	Saurman
Black	Flick	Mackowski	Scheetz
Book	Foster, Jr., A.	Manmiller	Schuler
Bowley	Fox	Markosek	Semmel
Bowser	Freind	Mayernik	Serafini
Boyes	Gallen	Merry	Seventy
Brandt	Gamble	Micozzie	Sirianni
Broujos	Gannon	Miller	Smith, L. E.
Bunt	Geist	Moehlmann	Snyder, D. W.
Burd	Gladeck	Morris	Snyder, G. M.
Bush	Godshall	Mowery	Stairs
Carlson	Greenwood	Mrkonic	Steighner
Cessar	Gruppo	Nahill	Stevens
Chadwick	Hagarty	Noye	Swift
Cimini	Hasay	O'Brien	Taylor, J.
Civera	Hayes	Olasz	Telek
Clark	Herman	Perzel	Vroon
Clymer	Hershey	Phillips	Weston
Cornell	Honaman	Piccola	Wilson
Coslett	Jackson	Pitts	Wogan
Coy	Johnson	Pott	Wright, J. L.
DeVerter	Kennedy	Punt	Yandrisevits
Davies			

NAYS—81

Acosta	Donatucci	Livengood	Showers
Baldwin	Evans	Lloyd	Smith, B.
Barber	Fattah	Lucyk	Staback
Belardi	Fee	McCall	Stewart
Belfanti	Freeman	McHale	Stuban
Blaum	Fryer	Manderino	Taylor, F. E.

Bortner	Gallagher	Michlovic	Tigue
Burns	George	Murphy	Trello
Caltagirone	Gruitza	O'Donnell	Truman
Cappabianca	Haluska	Oliver	Van Horne
Carn	Harper	Petrarca	Veon
Cawley	Hutchinson	Petrone	Wambach
Cohen	Itkin	Pievsky	Wass
Colafella	Jarolin	Pistella	Wiggins
Cole	Josephs	Pressmann	Wozniak
Cowell	Kasunic	Preston	Wright, D. R.
Deluca	Kukovich	Richardson	Wright, R. C.
DeWeese	Laughlin	Rieger	
Daley	Lescovitz	Roebuck	Irvis,
Deal	Levdansky	Rybak	Speaker
Dombrowski	Linton	Saloom	

NOT VOTING—4

Cordisco	Howlett	Maiale	Sweet
----------	---------	--------	-------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question,

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

Mr. STEVENS offered the following amendments No. A3061:

Amend Title, page 1, line 3, by removing the period after “NAMIBIA” and inserting

; and prohibiting certain affirmative action policies.

Amend Bill, page 2, by inserting between lines 9 and 10 Section 3. Merit hiring, promotion and admissions.

Notwithstanding any provision of law to the contrary, all State-related universities and member institutions of the State System of Higher Education shall, in the hiring and promotion of professional and nonprofessional staff, and in the admission of students, utilize the principles of merit and qualification without regard to race, religion, ethnic background or gender, and are prohibited from using affirmative action or other quota policies.

Amend Sec. 3, page 2, line 10, by striking out “3” and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

What this amendment does is it tells the universities that would be divesting in South Africa—

The SPEAKER. Just a moment, Mr. Stevens. The Chair is getting signals from the floor that that amendment has not been passed out. Would the Chief Clerk please duplicate that amendment immediately? The House will stand at ease.

The House will return to order.

The Chair has been informed that Mr. Vroon does want to offer amendments to HB 6. Is that correct, sir?

Mr. Stevens, if you will yield, we will go to Mr. Vroon and then back to you.

On the question recurring,

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

Mr. VROON offered the following amendments No. A0812:

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

one year

Amend Bill, page 2, by inserting between lines 9 and 10 Section 3. Exercise of judgment, skill and care.

The governing bodies of the respective universities and institutions shall pursue divestment subject to the exercise of that degree of judgment, skill and care under the circumstances then prevailing which persons of prudence, discretion and intelligence, who are familiar with such matters, exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of funds, considering the probable income to be derived therefrom as well as the probable safety of their capital, and further subject to all the terms, conditions, limitations and restrictions imposed by this or any other law upon the making or divesting of investments. No divestment shall occur unless investment advisors to the respective governing bodies certify in writing that no loss will be incurred by the university or institution as a result of the divestment.

Amend Sec. 3, page 2, line 10, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. VROON. Mr. Speaker, this amendment would extend the time for completion of divestment by State universities and State-related universities from 6 months to 1 year to bring this bill into conformity with HB 4 and HB 5. Specifically, this amendment would require divestment to be made in accordance with the prudent investment standards. The language proposed is taken from the State Employees' Retirement Code and would require that no divestment shall occur unless investment advisers to the respective governing bodies certify in writing that no loss will be incurred by the university or institution as a result of divestment. Mr. Speaker, this is in effect saying that if you want divestment, if you want these universities to divest, you have to realize that it is a considerable financial sacrifice, and we say, go ahead and ask them to divest but be aware of the fact that this should not cost us any money.

Now, we are talking about not the schools' money; we are talking about taxpayers' money. We are talking about money that is being used, and if divestment occurs there will be losses incurred, and then the taxpayers of the Commonwealth will be asked to compensate for such losses. This amendment states that no divestment will take place unless there is no loss, and this has to be certified by the people who are advisers to the fund.

Mr. Speaker, I urge a "yes" vote on this amendment.

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

Mr. PRESTON. Thank you.

Will the gentleman stand for interrogation?

The SPEAKER. Mr. Vroon indicates he will stand for interrogation. You may proceed, Mr. Preston.

Mr. PRESTON. Thank you.

Mr. Speaker, in your last full sentence of your paragraph starting with "No divestment shall occur unless investment advisors,..." can you tell me that if I took off the last words of the sentence, "as a result of the divestment," can you tell me, would any firm still sign such a statement if the word "divestment" was not there? Can you find me one firm in the Commonwealth of Pennsylvania that would make such a statement, sir?

Mr. VROON. Mr. Speaker, I did not hear the question—I am sorry—because of the noise.

Mr. PRESTON. Let me try again.

Mr. VROON. With respect to that last word?

Mr. PRESTON. If your last sentence did not contain the word "divestment," can you show me any company or corporate person in the Commonwealth of Pennsylvania who would be willing to tell a university, I will guarantee that you will make a profit on your money for your investments?

Mr. VROON. Yes, Mr. Speaker, there are people who will say that. If they should—

Mr. PRESTON. No; will they put it in writing, and have any of them ever put it in writing in the policies to the universities that we have now?

Mr. VROON. If you happen to be involved in a very good expert house, consulting house, it is very well possible. In fact, there have been claims made; several claims have been made in times past that disinvestment can be done without any loss. This is one of the reasons for the amendment. Now, I challenge anybody to take it on and say that there will not be any loss. Nevertheless, the fact remains that if you are extremely astute, it just might be possible. It is not totally impossible.

Mr. PRESTON. Mr. Speaker, maybe I can try to be a little bit more emphatic on my question. What I am asking you is this: You have the word in your statement here about divestiture, and I am very concerned. I would like to know now if we presently have any universities where they have had a consultant sit down and say, I can guarantee to you in writing that your university expenditures are guaranteed to make a profit.

Mr. VROON. The implication of that is that if it cannot be done, then there should be no divestment, and that is the whole point of the question. If there is going to be a loss, then the point is that the certifier will go in there and say, you will lose money; you will not break even; you will not make money on divestment. If it turns out to be a loss, if he cannot guarantee, then there will be no divestment, obviously; that is exactly the point.

Mr. PRESTON. I do not know if I have to spell it out to you for each word. My simple question is this: If the word "divestment" was not in there, can you show me any university in the Commonwealth where they have garnered a statement such as this—and I am not dealing with the word

“divestment”; I am saying to delete that. Can you find me an investment firm that is willing to guarantee to the colleges and universities under their present systems that they were willing to guarantee that they will make a profit or that they cannot lose any money? Can you find me one investment firm that has guaranteed that to the universities in the Commonwealth of Pennsylvania today?

Mr. VROON. No. I am sorry. I did not get your point before; now I do. The answer to that is quite obvious. I do not know of any company that can guarantee that to anybody, and I think that it is unreasonable to expect that. Now, obviously it is going to be a case of their doing the best they can. But they certainly know; an investment adviser would certainly be able to go over the portfolio and make his calculations and his estimates and be able to tell you before the fact whether or not you are going to make or lose money on divestment. Now, that is a very important point here because there are losses involved, and they should not be incurring any loss. If you want to divest you could divest, but you should not incur any loss.

Mr. PRESTON. In other words, by your statement, if you divest, you should be guaranteed not to have any loss. However, if you do not divest, it does not make any difference if you have a loss or not unless you can find a company that is willing to guarantee that you will not take a loss, of which you are willing to admit to your knowledge no university has ever received a statement, and not only that, you could not name one firm that would be able to guarantee that they would not take a loss. Am I correct, sir?

Mr. VROON. No; that does not follow, Mr. Speaker. It does not follow at all. If you divest, you are going to incur a loss, and you should know it.

Ordinarily, if you have these good stocks which are blue-chip stocks in your portfolio, you know you are not going to lose money on that. They were picked for their performance rating. They know what they have there. But the whole idea is, if you have to divest, we want to know whether or not you are going to incur a loss, because we do not think that the taxpayers' money ought to be wasted by throwing away these investment advantages, these investment gains, and these investment incomes. We do not think that should be wasted in order to achieve what you are trying to achieve. I do not think we have the moral right to treat our taxpayers' money that way.

Mr. PRESTON. Mr. Speaker, can you tell me, has any university in the Commonwealth of Pennsylvania in the last couple of years ever lost any money from their investments?

Mr. VROON. Will you please repeat the question. I am awfully sorry. I cannot hear.

The SPEAKER. Repeat the question, will you please, Mr. Preston.

Mr. PRESTON. Thank you.

Mr. Speaker, can you tell me that all the universities in Pennsylvania have always made a profit on their investments in the portfolios that they presently have now?

Mr. VROON. I surely cannot tell you, but I can tell you that a good many funds have times of losses, and this occurs quite commonly. There have been times in the past with inflation going so high that the bond portfolio resulted in fantastic losses for the universities. No; obviously we are not really getting to the point.

Mr. PRESTON. So you would agree with me that within the Commonwealth of Pennsylvania there have been universities that possibly have lost money in their current portfolios.

Mr. VROON. If they lose money, it is because of economic conditions; it is because of maybe poor judgment being used by the investment advisers, but practically all the time it is a matter of economic conditions and nothing else but. Those are unavoidable. What we are talking about here is something that is totally avoidable.

Mr. PRESTON. So you are saying that possibly through some of those people who you have said would sign their name to be able to guarantee that they would not lose an investment, that some of those same people advising the present universities within our Commonwealth possibly have advised some universities to lose money?

Mr. VROON. I am sorry again. I did not hear, Mr. Speaker.

Mr. PRESTON. Mr. Speaker, I wish to ask these questions, and I would like to be here as long as possible to get some answers to my questions.

The SPEAKER. The gentleman, Mr. Vroon, said he could not hear your question, and that is really not his fault.

Will you try it again now, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I am going to try to talk as slowly and as evenly as possible so the gentleman will be able to hear my question. My question, Mr. Speaker, is that if you are saying that there are people within the Commonwealth of Pennsylvania who advise universities on a consultative basis concerning their portfolios involving investments, that they may advise these respective universities in the Commonwealth of Pennsylvania and that their advisements may bear fruit where their investments did so lose money. Am I correct in that statement, sir?

Mr. VROON. Yes; that is correct.

Mr. PRESTON. Would you also agree, therefore, that should there be a divestment policy, that some of the same corporations and consultants in the Commonwealth of Pennsylvania would possibly advise the universities in the State of Pennsylvania whereby through their advisement they may also lose money?

Mr. VROON. Yes; it is very likely that they would advise that.

Mr. PRESTON. So whether we would have divestiture or whether we would not have divestiture, they would possibly cause universities to lose money. Am I correct in saying that, sir?

Mr. VROON. Absolutely not. Absolutely not. In the one situation it is dealing with all the best tools that they have at their disposal, and they are using their skills to the utmost of their ability; and in the other situation they have a stated situation - namely, what will happen if we divest—



Mr. PRESTON. I would like to ask this question, and I do not know then, as I look at this amendment, if you are familiar totally with the thought processes of logic, and I have just carefully gone down the process in dealing with a Venn diagram of using the thought process "if, if, therefore." And yet in a sense you agree with me in one case and now you are saying that is no longer the case, that there is a difference between the same people advising a university without divestiture that they may lose money, but yet in a sense if they have divestiture, they can guarantee that they will not lose money or they cannot sign their name. Is that what you are saying again, sir?

Mr. VROON. No. When it comes right down to it, let us take the facts as we see them right here and now. We are—

Mr. PRESTON. Mr. Speaker, I have heard enough. May I address the amendment, please?

The SPEAKER. Just a moment. The gentleman, Mr. Vroon, started to answer your question. You are not privileged to interrupt his answer. Mr. Vroon.

Mr. VROON. At this particular time the economy is so good, the markets are so good, the whole investment field is so good nobody could lose any money in today's economy, so that point is not very well taken. But if we all of a sudden start diversifying and divesting ourselves of the best stocks and the best investments we have in that portfolio, inevitably we cannot. That is the real sum and substance of the whole thing, and that is what we are trying to avoid.

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

Mr. PRESTON. May I speak on the amendment?

The SPEAKER. The gentleman is in order and may make a comment on the amendment.

Mr. PRESTON. It has been a long time since I have been embarrassed in this House to sit down and have asked some questions where I watched the particular questions that I had where I got several different answers. It goes against the principles of logic, which is also a science, and a very simple, common, everyday practice called thought. It lacked concrete evidence. I did not get any form of clarified answer. As a matter of fact, I heard and asked the same question four or five different ways and still got a different answer on each way, and it did not help me make my decision to be able to influence not to vote against the Vroon amendment.

Yes, it is true that the economy is doing very well, but yet if you notice, every single day stocks and bonds go up and they also go down. I do not think that you are going to find any investment counselor to come and guarantee that if I invest your money in the market, I can guarantee that you will make money on the investment of which I tell you. And I would be embarrassed for anybody to come and tell me that they are going to recommend someone to me who is guaranteed to make me money. That is like saying I want you to come down in my basement and help me shake my money tree. It just does not exist. It lacks a root of common sense and it lacks a lot of second forethought as far as the thought process is concerned. I do not think we should be fooled by this skulduggery, to

think that someone can guarantee you that you are going to make money whether you have divestiture or no divestiture.

The gentleman made a statement that he possibly thinks that there are some universities presently now that may have lost money. It may have happened in the past and it may happen again in the future. But yet in a sense he wants to have a double standard here that if we divest, that a counselor, of which you are not really going to find one in the State of Pennsylvania, to guarantee that I want you to come and shake my money tree and make this money. It just is not going to happen. I do not think we should be fooled by the fog of this amendment, and I would vote "no." Thank you.

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

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman, Mr. Vroon, stand for interrogation?

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

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, as I read your amendment, it appears to focus exclusively on questions of profitability and economic analysis. Is that correct?

Mr. VROON. That is absolutely correct, and this is quoted from a section of our law on the subject.

Mr. McHALE. Is there anything in your amendment which would allow for the exercise of moral discretion on the part of our respective universities and institutions to make a decision that might have short-term unprofitability for a higher moral purpose?

Mr. VROON. No, there is not, because what I am quoting here is a section of the law that does not contain that, and that is the way the law is written, that we do not allow moral decisions to be made like that. We should reserve that for the House and for the Senate. This is not something that should be taken on unilaterally by any board.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment?

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

Mr. McHALE. Mr. Speaker, I believe that my colleagues should not be inadvertently misled by the contents of this amendment. If this amendment passes, we have gutted the bill. This amendment, as indicated by its sponsor, focuses, I believe, very narrowly, indeed exclusively, on the question of profitability. I happen to think profitability is an important goal, but I also happen to think in our society we have goals that may from time to time transcend the bottom line. We must be involved in more than a simple economic analysis.

Mr. Speaker, it is my belief that at times in the past we have made decisions, being consciously aware that those decisions may be unprofitable, in order to carry out a higher moral or ethical purpose. It was unprofitable to outlaw child labor. It was unprofitable to outlaw 16-hour workdays. It was unprofitable to require basic safety standards in the workplace, and similarly, it may have some short-term cost to outlaw our

association with the racist regime in South Africa and apartheid. Divestment may cost us some money. Indeed in the short term it probably will. But I believe, Mr. Speaker, from time to time there is a certain economic cost which we must accept in order to live by the principles that led to the founding of this Commonwealth and indeed support the basic principles of our Constitution.

Mr. VROON doubts that we have the moral right to require divestment. I believe, on the contrary, Mr. Speaker, we have the moral obligation to separate ourselves in every economic way possible from the racism of South Africa and the abhorrent policy of apartheid.

Public funds should not be associated in any way with the regime currently in power in South Africa, and public funds which have been placed in our hands in a fiduciary capacity require more than economic analysis. We are required to make transcendent moral judgments. If we pass this amendment, we have turned our back on the purpose of the bill; we have turned our back on higher moral principles that require a greater vision than simply a quick analysis of the bottom line. I urge the defeat of the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Would the gentleman stand for some interrogation?

The SPEAKER. The gentleman, Mr. Vroon, indicates he will stand for further interrogation. You may proceed, sir.

Mr. BORTNER. Mr. Speaker, is it the intent of your amendment to prohibit divestment in all those circumstances where the investment manager could not certify that there would be no loss incurred by the fund as a result of divestment?

Mr. VROON. That is correct.

Mr. BORTNER. Let me ask you just to assume a couple circumstances.

Assume that the government in South Africa runs into trouble or that they just have some general economic problems and that these same investment managers deem it in their interest to remove their investments, to divest, to cut their losses and take their investments out of the country. Have you not effectively prevented them from doing that through this amendment?

Mr. VROON. No; absolutely not. The truth of the matter is—

Mr. BORTNER. Well, if not, could you explain why not?

Mr. VROON. Yes.

The truth of the matter is that by disinvesting in these corporations, we are trying to get them to pull a small segment of their business out of one country, and this disinvestment is not going to cost them hardly a penny. They will sell the properties that they own in South Africa to a South African company or to some other foreign company, they will pull out whole, but they will not incur any significant loss whatsoever which would dictate to us that we should not have their stocks. That cannot happen, unless it is an unusual catastrophe, but none of them are exposed to that extent.

Secondly, none of these people are little boys. These people are very astute business people. If they see the situation is under such a threat, believe me, they will voluntarily pull out of that themselves long before we exert any kind of pressure on them. They will know better than to stay there. And if they go out, they will go out gracefully and not lose any money. That is the whole point. Really, disinvestment is not a plausible solution; it does not solve anything. It is not going to stop fueling the fires of apartheid. It is only going to hurt the poor black people in there who are employed by these people. Now if our American presence is withdrawn, then these companies will go into other hands that might not have Sullivan Principles and other good working rules and habits which help black people. That is the whole point of this whole thing. This whole solution is to say, look, if you can find a way not to lose money and still disinvest, God bless you; do it. And I will vote for it.

Mr. BORTNER. Mr. Speaker, without arguing the merits, I still do not think you have answered my question.

Are you not prohibiting any kind of divestment where the managers would not be able to show that there is either a net financial gain or at the very best no loss in divesting or removing those investments from South Africa?

Mr. VROON. No. I do not know if you followed my logic previously. If this investment manager says you will incur a loss, okay, then we do not disinvest. But if this investment manager says, hey, disinvestment is going to result in loss, we do not— This has nothing to do with my amendment. His advice to his principals will be, hey, get rid of this stock. This is a bummer; so get rid of it. I do not have anything to do with that. This does not have anything to do with that either.

Mr. BORTNER. Thank you.

Mr. VROON. At any time at all, stocks can be sold at the advice of the investment counselors for any good reason. But when it comes to just the reason of divestment, that is what I am dealing with here.

Mr. BORTNER. Thank you.

Can I make a brief comment, Mr. Speaker?

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

Mr. BORTNER. Very briefly, even if you do not support the lofty ideals articulated by Mr. McHale, which I do, in fact even if you are opposed to this bill in general, you should still be opposed to this amendment, because it is a practical impossibility. It is impossible for any investment manager to do what is being required under this amendment. I would urge you to vote against the amendment and let us take up the bill on its merits.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I just must add, as Representative Bortner did, that if anyone in this House was to approach an investment adviser—and this is just for normal investments—I would suspect that you would not be able to get that investment adviser to put in writing what the gentleman is propos-

ing that we have an investment adviser put in writing for divestiture. You would not be able to get an investment adviser to guarantee you that your investments will not be subject to some losses on a normal market basis. You would not get them to do that. So for this gentleman to in fact attempt to insert this in this bill, it is clearly an attempt on his part to gut the bill.

Also, Mr. Speaker, I must make the members of this House aware of the fact that two State-related universities - Lincoln University, which is one that I serve on the board - have divested and have in fact made a profit on their divestiture. In addition, Temple University has divested and has in fact made a profit on that divestiture. If these same provisions were in fact in law, those two universities would not be able to get an investment adviser who would have guaranteed that they would not have made losses. But they understood the responsibility of protecting their university; they understood the responsibility of protecting their portfolio; but they also understood the moral obligation of not supporting South African apartheid, and they divested and they made a profit.

I would urge the members of this House on both sides of the aisle to defeat the Vroon amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach, on the amendment.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment is doing is saying that we are going to divest, we would be proud to divest as a university, but we are not going to do it if it costs us one blasted penny. The guarantee of a return of investment is speculative, and I see this amendment as saying, we will do the right thing; we will do the right thing. We know what is right when it comes to our investment policies, and we know the system of apartheid in South Africa is wrong, but please do not hurt us in the pocketbook. Let us divest so we do not lose a penny to do that. We will stand tall and tell our people we have divested, as long as you do not hurt us, as long as you will let us say that it will not cost us anything. Big deal. Big deal.

Another day in South Africa under apartheid hurts tremendously every man, woman, and child in that nation. So we are saying, do not hurt us in the pocketbook. Let us not let another day go by that we allow our universities their investment policies in South Africa because we are willing to accept an amendment that says you can divest within a year if it does not cost you a penny. Let us be bigger about that, Mr. Speaker. Let us say that Pennsylvania universities stand up to apartheid, and let us defeat the Vroon amendment. Thank you, Mr. Speaker.

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

Mr. VROON. Just a very short final word. My responsibility, your responsibility, is to the taxpayers of this Commonwealth. You have responsibility for moral questions. I do, too. We handle those moral responsibilities in the right way, but we do not need to cost our taxpayers money where it hurts in order to bring about this kind of a message, to send this

kind of message overseas for no good reason whatsoever, because they are not going to pay any attention to it. We are going to betray our moral responsibilities if we allow something to happen which will cost our taxpayers money. That is our first and foremost obligation here, and I think this ought to be the overriding consideration above all else. We have our other means. We do not need to hit them in the pocketbook.

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

The following roll call was recorded:

YEAS—102

Angstadt	Davies	Kenney	Raymond
Argall	Distler	Kosinski	Reber
Arty	Dorr	Langtry	Reinard
Barley	Durham	Lashinger	Robbins
Birmelin	Fargo	Letterman	Rudy
Black	Fischer	McClatchy	Ryan
Book	Flick	McVerry	Saurman
Bowley	Foster, Jr., A.	Mackowski	Scheetz
Bowser	Fox	Manmiller	Schuler
Boyes	Freind	Mayernik	Semmel
Brandt	Gallen	Merry	Serafini
Bunt	Gamble	Micozzie	Sirianni
Burd	Gannon	Miller	Smith, L. E.
Burns	Geist	Moehlmann	Snyder, D. W.
Bush	Gladeck	Mowery	Snyder, G. M.
Carlson	Godshall	Nahill	Stairs
Cessar	Gruppo	Noye	Stevens
Chadwick	Hagarty	O'Brien	Swift
Cimini	Hasay	Olasz	Taylor, J.
Civera	Hayes	Perzel	Telek
Clark	Herman	Phillips	Vroon
Clymer	Hershey	Piccola	Weston
Cornell	Honaman	Pitts	Wilson
Coslett	Jackson	Pott	Wogan
Coy	Johnson	Punt	Wright, J. L.
DeVerter	Kennedy		

NAYS—93

Acosta	Dombrowski	Livengood	Seventy
Afflerbach	Donatucci	Lloyd	Showers
Baldwin	Duffy	Lucyk	Smith, B.
Barber	Evans	McCall	Staback
Battisto	Fattah	McHale	Steighner
Belardi	Fee	Manderino	Stewart
Belfanti	Freeman	Markosek	Stuban
Blaum	Fryer	Michlovic	Taylor, F. E.
Bortner	Gallagher	Morris	Tigue
Broujos	George	Mrkonic	Trello
Caltagirone	Greenwood	Murphy	Truman
Cappabianca	Gruitza	O'Donnell	Van Horne
Carn	Haluska	Oliver	Veon
Cawley	Harper	Petrarca	Wambach
Cohen	Hutchinson	Petrone	Wass
Colafella	Itkin	Pievsky	Wiggins
Cole	Jarolin	Pistella	Wozniak
Cordisco	Josephs	Pressmann	Wright, D. R.
Cowell	Kasunic	Preston	Wright, R. C.
Deluca	Kukovich	Richardson	Yandrisevits
DeWeese	Laughlin	Rieger	
Daley	Iescovitz	Roebuck	Irvis,
Dawida	Levdansky	Rybak	Speaker
Deal	Linton	Saloom	

NOT VOTING—3

Howlett	Maiale	Sweet
---------	--------	-------

EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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

On the question recurring,

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

Mr. STEVENS offered the following amendments No. A3061:

Amend Title, page 1, line 3, by removing the period after "NAMIBIA" and inserting ; and prohibiting certain affirmative action policies.

Amend Bill, page 2, by inserting between lines 9 and 10 Section 3. Merit hiring, promotion and admissions.

Notwithstanding any provision of law to the contrary, all State-related universities and member institutions of the State System of Higher Education shall, in the hiring and promotion of professional and nonprofessional staff, and in the admission of students, utilize the principles of merit and qualification without regard to race, religion, ethnic background or gender, and are prohibited from using affirmative action or other quota policies.

Amend Sec. 3, page 2, line 10, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Thank you, Mr. Speaker.

What this amendment would do, it would say that those same universities and member institutions of the State System of Higher Education that must divest in South Africa because of the policies of South Africa of discriminating on the basis of race, it says that those same institutions in Pennsylvania shall not discriminate on the basis of race in hiring its staff, in admitting students, and in hiring its professors. That is the purpose of this amendment.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson, on the amendment.

Mr. RICHARDSON. Mr. Speaker, this time I raise the point of constitutionality, because evidently it is quite obvious and quite clear that this has nothing at all to do with the bills dealing with South Africa, nor does it have anything to do with apartheid and the racist regime in South Africa, and for the universities and companies associated with those universities within the Commonwealth of Pennsylvania. I raise the point of constitutionality and yield to the gentleman from Philadelphia, Mr. Deal, for the points on constitutionality.

The SPEAKER. On the question of constitutionality, that is a matter for the House to decide.

On the question,

Will the House sustain the constitutionality of the amendments?

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Deal, do you wish to debate constitutionality?

Mr. DEAL. Mr. Speaker, may I first ask the Speaker a question?

The SPEAKER. Yes.

Mr. DEAL. Mr. Speaker, if this amendment was passed and a court decision was rendered based on the fact that there had been some past discrimination and an affirmative action plan was put in place to correct that past discrimination, if the institution attempted to obey the court order, would they be in violation of the law?

The SPEAKER. The Chair cannot answer that. There are too many imponderables involved in that question. The only thing the Chair can tell you, as a lawyer, is that if this were to be enacted into law, thereafter every court would have to face the question of whether or not an action on the part of the university violated this law or was it in accord with the law. The question of constitutionality could be raised in a Federal court and taken all the way to the Supreme Court on this law if it became a law. But beyond that, the Speaker cannot speculate.

Mr. DEAL. Mr. Speaker, I will yield to the gentleman, Mr. Richardson.

The SPEAKER. On the constitutionality, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, I would like to speak on the amendment.

The SPEAKER. Unfortunately, we are not on the amendment. The question Mr. Richardson raised raises the question of constitutionality.

Let us get over with the question of constitutionality by a simple vote, for that is what it takes on the floor of the House.

Mr. Stevens, your argument will have absolutely nothing to do with constitutionality, and no one else's argument will.

Mr. STEVENS. I am not going to argue. I just want to say, if this amendment is unconstitutional, then the bill is probably unconstitutional.

The SPEAKER. Well, let the floor decide.

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—125

Afflerbach	Dorr	Letterman	Saurman
Angstadt	Duffy	Lucyk	Scheetz
Argall	Durham	McClatchy	Schuler
Arty	Fargo	McVerry	Semmel
Barley	Fischer	Mackowski	Serafini
Birmelin	Flick	Manmiller	Seventy
Black	Foster, Jr., A.	Markosek	Sirianni
Blaum	Fox	Mayernik	Smith, B.
Book	Freind	Merry	Smith, L. E.
Bowser	Gallen	Micozzie	Snyder, D. W.
Boyes	Gamble	Miller	Snyder, G. M.
Brandt	Gannon	Moehlmann	Stairs
Bunt	Geist	Mowery	Steighner
Burd	Gladeck	Mrkonic	Stevens
Bush	Godshall	Murphy	Stewart

Carlson	Greenwood	Nahill	Swift
Cessar	Gruppo	Noye	Taylor, J.
Chadwick	Hagarty	O'Brien	Telek
Cimini	Hasay	Olasz	Tigue
Civera	Hayes	Perzel	Trello
Clark	Herman	Petrone	Van Horne
Clymer	Hershey	Phillips	Vroon
Colafella	Honaman	Piccola	Wass
Cordisco	Jackson	Pitts	Weston
Cornell	Jarolin	Pott	Wilson
Coslett	Johnson	Punt	Wogan
Cowell	Kennedy	Raymond	Wozniak
Coy	Kenney	Reber	Wright, J. L.
DeVerter	Kosinski	Reinard	
Davies	Langtry	Robbins	Irvis,
Dawida	Lashinger	Ryan	Speaker
Distler	Lescovitz	Saloom	

## NAYS—65

Acosta	Deal	Kukovich	Preston
Baldwin	Dombrowski	Levdansky	Richardson
Barber	Donatucci	Linton	Rieger
Battisto	Evans	Livengood	Roebuck
Belardi	Fattah	Lloyd	Rudy
Belfanti	Fee	McCall	Rybak
Bortner	Freeman	McHale	Showers
Bowley	Fryer	Manderino	Sweet
Broujos	Gallagher	Michlovic	Taylor, F. E.
Burns	George	Morris	Truman
Caltagirone	Gruitza	O'Donnell	Veon
Cappabianca	Haluska	Oliver	Wambach
Carn	Hutchinson	Petrarca	Wiggins
Cawley	Itkin	Pievsy	Wright, D. R.
Cole	Josephs	Pistella	Wright, R. C.
Deluca	Kasunic	Pressmann	Yandrisevits
Daley			

## NOT VOTING—8

Cohen	Harper	Laughlin	Staback
DeWeese	Howlett	Maiale	Stuban

## EXCUSED—3

Dietz	Dininni	Taylor, E. Z.	
-------	---------	---------------	--

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I believe there are two levels in which this amendment has to be analyzed. Under current Federal law, it is my belief that discrimination, racial discrimination in particular, by any of our State-related universities and member institutions would be unlawful, pursuant to the existing statutory and constitutional provisions of Federal law. When such racism, when such discrimination, can be established under Federal law, then a Federal court may order affirmative action with a wide range of remedies.

The question we have to ask ourselves is, in light of that Federal legal framework, what impact, if any, will this amendment have? I believe it will have none. Whatever we do with this amendment, at best I believe lawfully we may duplicate the existing Federal law provisions which prohibit dis-

crimination. With the passage of a State statute, we cannot conceivably limit the remedies available under Federal law once discrimination has been established. Once past discrimination or a series of past discriminatory actions have been proven under Federal law, we cannot with this amendment limit the options available either in State or Federal court.

For that reason, I believe that the issue being debated here today under law is moot. What is banned here is already banned under Federal law. What we do here cannot affect the remedies currently available under Federal law. Only the Congress could pass legislation attempting to do so. I therefore believe that when construed to its furthest legal limit, all this amendment will do is duplicate the antidiscriminatory provisions already found under Federal civil rights law. I will vote for it, and I will point out to the sponsor that I believe he is erroneous if he has reached the conclusion that the passage of this amendment will in any way impact upon the affirmative action remedies currently available under Federal law. Thank you, Mr. Speaker.

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

Mr. BORTNER. Thank you, Mr. Speaker.

I know it is getting late and everybody probably knows what they want to do in these amendments, but I find this one in particular so offensive that it is really difficult for me not to speak. Again, I will defer my comments to Representative McHale, who has already, I think, articulated some very strong feelings I have on my part.

Let me just talk about this from a practical point of view. Schools admit students to college using a lot of criteria. They consider geography; they consider the sexual makeup of the classes; race is given a consideration. Part of the educational process is to get a balance in the student body.

This amendment would take that process completely backwards. Not only would it be moving backwards from a commitment this country has made a long time ago, but it would also undermine, I think, the educational process.

I would ask you to consider voting "no" for it on that basis alone. Thank you.

The SPEAKER. The Chair recognizes the gentleman from McKean, Mr. Mackowski.

Mr. MACKOWSKI. Thank you, Mr. Speaker.

I urge the members of this House to consider their own position at the moment. I think it is high time we understood that each one of us, each judge, each local official at every level of government is elected not by anything other than a merit or the acceptance by his constituents. They do not judge the person because of race, religion, ethnic background, and so on.

I think that this amendment certainly is worthy of note, and I urge your support. Thank you.

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

Mr. COWELL. Mr. Speaker, would Mr. Stevens consent to interrogation, please?

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that the Pennsylvania Department of Education, as well as several higher education institutions, including the State-related universities and the State university system, have entered into a consent decree with the Federal Office of Civil Rights, and as a result of that consent decree, there are in place and in fact I think this legislature has been funding several actions designed to increase minority enrollments at the institutions and to increase the number of minority faculty employed.

What would be the effect of this amendment, if it were approved, on that OCR order and that plan that has been agreed to by the Department of Education and which we have been funding for the last couple of years?

Mr. STEVENS. I want to clarify. This amendment will not in any way decrease minority enrollments or any other enrollments. It is just saying that if universities are going to divest in South Africa because of apartheid, then universities in Pennsylvania should not make any decisions based upon race.

How an individual court or how a lawyer would interpret the effect on that decree is almost impossible to tell at this point. There is just no way to tell. It is not retroactive in any way. We cannot make it illegal to have done something in the past as of today. We cannot do that. So it will not affect anything that was already done. It is just saying that in the future you cannot discriminate on the basis of race, period, on the basis of race. That also affects whites as well as minorities.

Mr. COWELL. Mr. Speaker, I think that may beg the question. The Pennsylvania Department of Education and the Thornburgh administration in particular have agreed to a plan that is specifically intended to not decrease, not maintain, but to specifically increase minority enrollments at a number of public higher education institutions in the Commonwealth and also to specifically increase minority employment among faculty members.

My question is, how do you think that your amendment would impact on that agreement? My interpretation is that this amendment would effectively make null and void or attempt to make null and void what the administration has agreed to. Is that your intent?

Mr. STEVENS. My intent is if there is some form such as this court order to help minorities increase enrollment, that is okay, as long as in the process there is no discrimination against people who happen to be white. That is the intent. That is all I can tell you.

Mr. COWELL. Mr. Speaker, are you familiar with the OCR order and the plan which has been agreed to by the Department of Education?

Mr. STEVENS. No.

Mr. COWELL. So you really are not prepared to speak to the impact of your amendment on that plan then.

Mr. STEVENS. It would be impossible to speak to the impact of this amendment on every court in this State. It would be impossible.

Mr. COWELL. Thank you, Mr. Speaker.

If I might make some remarks, please.

The SPEAKER. The gentleman may proceed to comment on the amendment.

Mr. COWELL. Mr. Speaker, I would urge that we defeat this amendment. This legislature for the last couple of years has been providing extra funds to the Department of Education and to certain State-related institutions specifically for the purpose of helping them accomplish objectives that were provided for in an agreement with the Office of Civil Rights, and to oversimplify the situation, what was agreed to, particularly by the Pennsylvania Department of Education, was a plan intended to increase minority enrollments at the State-related universities, at the State university system, and also to increase minority employment at those institutions. This is a plan that the Commonwealth agreed to as well as the several institutions involved.

What we would effectively do, I fear, if we pass this amendment, is to create a dilemma for the institutions and the institutional leadership. On the one hand, the Commonwealth and the Department of Education and the Thornburgh administration entered into an agreement where they were committed to take certain steps to increase minority enrollment and minority employment. They have received special funding from the same people who are sitting on this floor today to help them accomplish those objectives, and in the meantime we would be passing an amendment that says you cannot do what we have encouraged you to do with money and what you were forced to do by the Thornburgh administration when they entered into this consent decree. I think that we create an impossible situation for higher education leaders in this State if we simply give them confusion rather than some direction by the passage of this amendment.

For that reason, if for no other reason, I would urge at this time that we defeat the Stevens amendment which is before us at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens.

Mr. STEVENS. Mr. Speaker, may I ask a question of Mr. Cowell on what he said?

The SPEAKER. If Mr. Cowell wishes to be interrogated, certainly.

Mr. Cowell, will you stand for interrogation by Mr. Stevens? Mr. Cowell indicates he will. You may proceed, Mr. Stevens.

Mr. STEVENS. Thank you.

Mr. Speaker, are you saying that this consent decree guarantees a position, for example, in a school to someone on the basis of their race, in this case a minority, and takes away that position from someone on the basis of their race, in this case, a white? Is that what you are saying this consent decree does?

Mr. COWELL. Mr. Speaker, the consent decree, as I understand it—and I do not have it before me at this time, and it has been many months since I looked at it, to be honest—but what the consent decree effectively does is commit the several institutions within the State university

system and commit each of the State-related universities to increases in minority enrollment and to increases in minority employment, particularly among their faculty.

Mr. STEVENS. How would they increase those enrollments? I have no problem with what you are saying except I want to know the specifics. How do they increase those enrollments? Is it not discriminating against people who happen to be white? Or do they not discriminate when they increase those enrollments?

Mr. COWELL. I think that the plan which is being pursued by each of the institutions working along with the Department of Education will vary. I would think though that it is reasonable to understand that if there is a limited number of spots at a particular institution, be they faculty spots or student slots, if you are going to increase the percentage of minorities enrolled or employed, then you would obviously decrease the percent of traditional whites who are enrolled or employed.

Now, if you are dealing with a given number of spots or slots and you are committed to increasing the percentage of minorities, it would seem that there would be some cases when, in being consistent with the commitment to increase minority enrollment or employment, decisions would be made on the basis of race. I do not know that to be a fact. The situation may well be such that each of the institutions is increasing the total number of people employed and increasing the total number enrolled.

What I am concerned with, though, is that we are really giving them no clear signals with the passage of this amendment. What we are basically telling them is this Commonwealth, this administration, forced you to agree to one thing, and this legislature has been funding you and encouraging you to do one thing in each of the last 2 years, and now we seem to be giving you different direction. I think that is a disservice to the people who are trying to live with the consent decree into which this Commonwealth entered.

Mr. STEVENS. Well, perhaps you have clarified your own question, because this amendment would not affect what you just said. If it increases minorities without discriminating against whites, no problem. Where there is a problem is the other part of what you asked me - if a limited number of spaces are being taken just on the basis of race. That would cause a problem with this. In fact, that is what this is supposed to stop.

Mr. COWELL. Well, in response to that question, Mr. Speaker, it seems clear to me that we do not know the impact of this amendment. As I said at the outset, my concern is about the confusion it will create for higher education institutional leaders, and until that can be clarified and until we can be sure we are not giving them inconsistent direction, we ought not to pass this amendment.

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

Mr. BARBER. Mr. Speaker, I have been here for a long while. When I read this amendment, I would not like to call anybody a racist, but if there ever was a racist amendment, this is a racist amendment.

I will not elaborate on my thoughts, but I will ask my friends and the people whom I have known for years, please, please, because I do not think there is anyone in this House naive enough not to know what this amendment is doing, I would appreciate it if each and everybody would vote this amendment down because everybody knows what this amendment does. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Stevens, for the second time on the amendment.

Mr. STEVENS. One sentence. I do not understand how it can be considered to be in any way a racist amendment when the purpose of it is to eliminate race as a basis of decisionmaking. Thank you.

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

The following roll call was recorded:

#### YEAS—102

Angstadt	Fargo	Lashingner	Reinard
Arty	Fischer	Letterman	Robbins
Barley	Flick	McClatchy	Rudy
Birmelin	Foster, Jr., A.	McHale	Ryan
Black	Freind	McVerry	Saurman
Book	Fryer	Mackowski	Scheetz
Bowley	Gallen	Manmiller	Schuler
Bowser	Gamble	Markosek	Semmel
Boyes	Gannon	Mayernik	Serafini
Brandt	Geist	Merry	Sirianti
Bunt	Gladeck	Micozzie	Smith, B.
Burd	Godshall	Miller	Smith, L. E.
Bush	Greenwood	Moehlmann	Snyder, D. W.
Carlson	Gruppo	Mowery	Snyder, G. M.
Cessar	Hagarty	Nahill	Stairs
Chadwick	Hasay	Noye	Stevens
Cimini	Hayes	O'Brien	Swift
Civera	Herman	Olasz	Taylor, J.
Clymer	Hershey	Perzel	Telek
Cornell	Honaman	Phillips	Vroon
Coslett	Jackson	Piccola	Wass
DeVertter	Johnson	Pitts	Weston
Davies	Kennedy	Pott	Wilson
Distler	Kenney	Punt	Wogan
Dorr	Kosinski	Raymond	Wright, J. L.
Durham	Langtry		

#### NAYS—91

Acosta	Daley	Lescovitz	Rybak
Afflerbach	Dawida	Levdansky	Saloom
Baldwin	Deal	Linton	Seventy
Barber	Dombrowski	Livengood	Showers
Battisto	Donatucci	Lloyd	Staback
Belardi	Duffy	Lucyk	Steighner
Belfanti	Evans	McCall	Stewart
Blaum	Fattah	Manderino	Stuban
Bortner	Fee	Michlovic	Taylor, F. E.
Broujos	Fox	Morris	Tigue
Burns	Freeman	Mrkonic	Trello
Caltagirone	Gallagher	Murphy	Truman
Cappabianca	George	O'Donnell	Van Horne
Carn	Gruitza	Oliver	Veon
Cawley	Haluska	Petrarca	Wambach
Clark	Harper	Petrone	Wiggins
Cohen	Hutchinson	Pievsky	Wozniak
Colafella	Itkin	Pistella	Wright, D. R.
Cole	Jarolin	Pressmann	Wright, R. C.
Cordisco	Josephs	Preston	Yandrisevits
Cowell	Kasunic	Richardson	
Coy	Kukovich	Rieger	Irvis,
Deluca	Laughlin	Roebuck	Speaker
DeWeese			

NOT VOTING—5

Argall	Maiale	Reber	Sweet
Howlett			

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question recurring,

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

BILLS TABLED

The SPEAKER. Why does the gentleman from Philadelphia, Mr. Richardson, rise?

Mr. RICHARDSON. Mr. Speaker, I rise because I feel that at this point in time that we have come to the end of our journey for this evening.

I would like at this time to table HB 6 and HB 5 and ask that those matters that I have in my hand be considered for reconsideration and that we take up this issue on another day. It is quite obvious that racism is alive and well in Pennsylvania.

The SPEAKER. On the motion to table, the motion is to table HB 6 and to table HB 5. Are there any objections to joining the two bills in the tabling motion? The Chair hears no objection.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—181

Acosta	Davies	Kenney	Roebuck
Afflerbach	Dawida	Kosinski	Rudy
Angstadt	Deal	Kukovich	Ryan
Argall	Distler	Langtry	Rybak
Arty	Dombrowski	Lashingier	Saloom
Baldwin	Donatucci	Lescovitz	Saurman
Barber	Dorr	Letterman	Scheetz
Barley	Duffy	Levdansky	Schuler
Battisto	Durham	Livengood	Semmel
Belardi	Evans	Lloyd	Serafini
Belfanti	Fargo	Lucyk	Seventy
Birmelin	Fee	McClatchy	Showers
Black	Fischer	McHale	Sirianni
Blaum	Flick	McVerry	Smith, B.
Book	Foster, Jr., A.	Mackowski	Smith, L. E.
Bortner	Fox	Manmiller	Snyder, D. W.
Bowley	Freeman	Markosek	Snyder, G. M.
Bowser	Freind	Mayernik	Staback
Boyes	Fryer	Merry	Stairs
Brandt	Gallagher	Michlovic	Steighner
Bunt	Gallen	Micozzie	Stevens
Burd	Gamble	Moehlmann	Stewart
Burns	Gannon	Morris	Stuban
Bush	Geist	Mowery	Swift
Caltagirone	George	Murphy	Taylor, F. E.
Cappabianca	Gladeck	Nahill	Taylor, J.
Carlson	Godshall	Noye	Telek
Carn	Greenwood	O'Brien	Truman
Cawley	Gruitza	O'Donnell	Van Hone
Cessar	Gruppo	Olasz	Veon
Chadwick	Hagarty	Oliver	Vroon
Cimini	Haluska	Perzel	Wambach

Civera	Harper	Petrone	Wass
Clark	Hasay	Phillips	Weston
Clymer	Hayes	Piccola	Wiggins
Cohen	Herman	Pievsky	Wilson
Colafella	Hershey	Pitts	Wogan
Cole	Honaman	Pott	Wozniak
Cornell	Hutchinson	Pressmann	Wright, D. R.
Coslett	Itkin	Punt	Wright, J. L.
Cowell	Jackson	Raymond	Wright, R. C.
Coy	Jarolin	Reber	Yandrisevits
Deluca	Johnson	Reinard	
DeVerter	Josephs	Richardson	Irvis,
DeWeese	Kasunic	Rieger	Speaker
Daley	Kennedy	Robbins	

NAYS—9

Broujos	McCall	Mrkonic	Tigue
Cordisco	Manderino	Petrarca	Trello
Laughlin			

NOT VOTING—8

Fattah	Linton	Miller	Preston
Howlett	Maiale	Pistella	Sweet

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

The SPEAKER. Pass out the supplemental calendars, please.

Chief Clerk, we are not through yet. Chief page, pass out the supplemental calendars.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I understand a supplemental calendar is being distributed?

The SPEAKER. Yes.

Mr. MANDERINO. Who ordered such?

The SPEAKER. That was requested of the Chair, and the Chair ordered the supplemental calendar.

Mr. MANDERINO. Mr. Speaker, did you consult with the majority leader?

The SPEAKER. About what? About what, ordering a supplemental calendar?

Mr. MANDERINO. Yes, Mr. Speaker.

The SPEAKER. No.

Mr. MANDERINO. Do you think you should have consulted with the majority leader?

The SPEAKER. No.

MOTION TO ADJOURN

Mr. MANDERINO. Mr. Speaker, I move that this House now adjourn.

The SPEAKER. Moved by the gentleman, Mr. Manderino, that the House now adjourn.

No other motion can take place before that.

On the question,

Will the House agree to the motion?

The following roll call was recorded:



YEAS—62

Acosta	Deluca	Kukovich	Pressmann
Baldwin	DeWeese	Lescovitz	Reber
Belardi	Daley	Letterman	Rieger
Belfanti	Dombrowski	Lloyd	Rybak
Blaum	Donatucci	Lucyk	Saloom
Bortner	Fee	Maiale	Seventy
Broujos	Gallagher	Manderino	Snyder, G. M.
Caltagirone	Gruitza	Morris	Steighner
Cappabianca	Haluska	O'Donnell	Stewart
Carn	Harper	Olasz	Taylor, F. E.
Cawley	Hasay	Oliver	Tigue
Clark	Howlett	Petrarca	Trello
Cohen	Jarolin	Petrone	Veon
Colafella	Josephs	Pievsky	Wozniak
Cole	Kasunic	Pistella	Wright, D. R.
Coy	Kosinski		

NAYS—130

Afflerbach	Durham	Levdansky	Rudy
Angstadt	Evans	Linton	Ryan
Argall	Fargo	McCall	Saurman
Arty	Fattah	McClatchy	Scheetz
Barber	Fischer	McHale	Schuler
Barley	Flick	McVerry	Semmel
Birmelin	Foster, Jr., A.	Mackowski	Serafini
Black	Fox	Manmiller	Showers
Book	Freeman	Markosek	Sirianni
Bowley	Freind	Mayernik	Smith, B.
Bowser	Fryer	Merry	Smith, L. E.
Boyes	Gallen	Michlovic	Snyder, D. W.
Brandt	Gamble	Micozzie	Staback
Bunt	Gannon	Miller	Stairs
Burd	Geist	Moehlmann	Stevens
Burns	George	Mowery	Swift
Bush	Gladeck	Mrkonic	Taylor, J.
Carlson	Godshall	Murphy	Telek
Cessar	Greenwood	Nahill	Truman
Chadwick	Gruppo	Noye	Van Horne
Cimini	Hagarty	O'Brien	Vroon
Civera	Hayes	Perzel	Wambach
Clymer	Herman	Phillips	Wass
Cornell	Hershey	Piccola	Weston
Coslett	Honaman	Pitts	Wiggins
Cowell	Itkin	Pott	Wilson
DeVertter	Jackson	Preston	Wogan
Davies	Johnson	Punt	Wright, J. L.
Dawida	Kennedy	Raymond	Wright, R. C.
Deal	Kenney	Reinard	Yandrisevits
Distler	Langtry	Richardson	
Dorr	Lashinger	Robbins	Irvis,
Duffy	Laughlin	Roebuck	Speaker

NOT VOTING—6

Battisto	Hutchinson	Stuban	Sweet
Cordisco	Livengood		

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

**SUPPLEMENTAL CALENDAR A  
BILL ON THIRD  
CONSIDERATION POSTPONED**

The SPEAKER. On the supplemental calendar A on third consideration postponed, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Mr. Speaker, I would like to call up HB 1876 for a vote now.

The SPEAKER. On the call up, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, if you did not consult with me when you ordered it, you do not have to consult with me now.

The SPEAKER. Fine. I will run the House.

The House proceeded to **HB 1876, PN 2475**, on third consideration postponed, entitled:

An Act amending the act of April 6, 1956 (1955 P. L. 1414, No. 465), known as the "Second Class County Port Authority Act," further providing for the board of the authority; and providing for a transit council, audits, service standards and the operation budget.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. MURPHY offered the following amendments No. A0650:

Amend Title, page 1, line 32, by striking out "and"

Amend Title, page 1, line 33, by removing the period after "budget" and inserting

; and further providing for labor relations.

Amend Bill, page 6, by inserting after line 30

Section 3. Section 13.2 of the act, added October 7, 1959 (P.L.1266, No.429), is amended to read:

Section 13.2. [The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, working conditions and pension or retirement provisions.

In case of any labor dispute where collective bargaining does not result in agreement, the authority shall offer to submit such dispute to arbitration by a board composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organization, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including, but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements and the interpretation or application of such collective bargaining agreements and any grievances that may arise. Each party shall pay one-half of the expenses of such arbitration.

If the authority acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the authority, shall be transferred to and appointed as employes of the authority subject to all the rights and benefits of this act. These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employes. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employes. The authority and the employes through their representatives for collective bargaining purposes shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employes through their representatives transferred to the trust fund to be established, maintained and administered jointly by the authority and the participating employes through their representatives.

No employe of any acquired transportation system, who is transferred to a position with the authority, shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employe of such acquired transportation system.

Employes who have left the employ of any acquired transportation system or leave the employ of the authority to enter the military service of the United States shall have such reemployment rights with the authority as may be granted under any law of the United States or the Commonwealth of Pennsylvania.]

(a) The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, terms and conditions of employment and pension or retirement provisions. Collective bargaining and the employer-employee relations of the authority and its public employes shall not be subject to or governed by the terms and provisions of the act of November 27, 1967 (P.L.628, No.288), entitled "An act protecting the rights of employes of existing transportation systems which are acquired by cities of the third class or any authority thereof or certain joint authorities; requiring cities of the third class or any authority thereof or any such joint authority to enter into contracts with labor organizations acting for such employes, and providing for arbitration in case of disputes."

(b) It shall be the duty of the authority and the authorized representative to exert every reasonable effort to settle all disputes by engaging in collective bargaining in good faith and by entering into settlements by way of written agreements and maintaining the same.

(c) The authority shall not be required to bargain over matters of inherent managerial policy, which shall include, but shall not be limited to, such areas of discretion or policy as the functions and programs of the authority, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel. The authority, however, shall be required to meet and discuss on policy matters affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by the authorized representative.

(d) First level supervisors shall not be included in bargaining units with other employes of the authority, but shall be permitted to form their own separate bargaining unit. "First level supervisor" shall mean the lowest level at which an employe functions as a supervisor. For the purposes of this section "supervisor" shall mean any individual having authority in the interests of the employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employes or responsibly to direct them or adjust their grievances; or to a substantial degree effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature but calls for the use of independent judgment.

(e) Collective bargaining shall commence at least one hundred days prior to the expiration of a collective bargaining agreement.

(f) In the case of any labor dispute where collective bargaining does not result in an agreement, the dispute with the written consent of both parties shall be submitted to final and binding interest arbitration. The board of arbitration shall be composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organization, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. All contract provisions shall remain status quo during the period of arbitration, and there shall be no lockouts, strikes or other interference with or interruption of transit operations during the arbitration proceedings or during any action which may be instituted to upset the arbitration award. The term "labor dispute" shall include any controversy regarding written provisions of a collective bargaining agreement between the parties concerning wages, salaries, hours, terms and conditions of employment or benefits, including health and welfare, sick leave insurance or pension or retirement provisions. The term "interest arbitration" shall mean formulation by a neutral arbitrator of provisions governing wages, hours of work and other terms and conditions of employment after consideration of proposals relating to wages, hours of work and other terms and conditions of employment advanced by the authority and the authorized representative of the employes of the authority. Each party shall pay one-half of the expenses associated with any arbitration which may be conducted pursuant to this subsection.

(g) If an agreement has not been reached by the expiration date of the collective bargaining agreement, both parties shall immediately, in writing, call upon the Pennsylvania Labor Relations Board to appoint a neutral fact-finder. The fact-finder may hold hearings and take oral or written testimony and shall have subpoena power. Collective bargaining may continue during fact-finding.

(h) The Commonwealth shall pay one-half of the cost of fact-finding; the remaining one-half of the cost shall be divided equally between the parties. The Pennsylvania Labor Relations Board shall establish rules and regulations under which the fact-finder shall operate.

(i) The findings of facts and recommendations shall be sent by registered mail to the Pennsylvania Labor Relations Board and to both parties not more than forty-five days after expiration date of the collective bargaining agreement.

(j) Not more than fifteen days after the findings and recommendations shall have been sent, the parties shall notify the Pennsylvania Labor Relations Board and each other whether or not they accept the recommendations of the fact-finder and, if they do not, the fact-finder shall publicize his findings and recommendations.

(k) If the authority and the authorized representative of the employes of the authority do not accept the recommendations of the fact-finder, and refuse to mutually agree to final and binding interest arbitration in accordance with subsection (f), the employes shall have the right to strike in regard to that dispute and such strike shall not be prohibited unless or until such a strike creates a clear and present danger or threat to the health, safety or welfare of the public: Provided, That such strike shall not be prohibited on the grounds that it creates a clear and present danger or threat to the health, safety or welfare of the public unless the court's order granting relief further mandates that both parties submit the labor dispute to final and binding interest arbitration by a board of arbitration under the provisions of this section. No party, other than the authority, shall have any standing to seek any relief in any court of this Commonwealth under this subsection.

(l) Although the arbitrators may consider any factors deemed to be relevant, the arbitrators shall consider and give weight primarily to and describe in the award the impact of the following factors in determining the award:

(1) The ability of the authority to maintain levels of transit service sufficient to serve the service area.

(2) The appropriated amounts of Federal, State and county operating subsidies.

(3) The amount, if any, of any fare increase and/or additional public subsidy which would be necessary to fund the economic cost increase (including, but not limited to, increases in wages, pensions and other fringe benefits) and the ability of the public to bear such a fare increase, with consideration given to the per capita income of persons in the service area and the impact upon future ridership levels.

(4) A comparison between the overall wage, salary and fringe benefit levels of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform similar work.

(5) A comparison of the hours and working conditions of the authority's represented employes and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills.

(6) The cost of consumer goods and services within the metropolitan area.

(7) Any stipulation entered into between the authority and the authorized representative.

(m) No employe of the authority shall engage in any strike, walkout, or other concerted cessation or curtailment of work, and no authorized representative of employes of the authority shall cause, instigate, encourage, promote or condone any strike, slowdown, walkout or other concerted cessation or curtailment of work by any employe of the authority where in either case such action is taken in support of any labor dispute involving the formulation of any contract provisions until fifteen days following the issuance of the fact-finder's report.

(n) The authority shall submit disputes involving the interpretation of specific provisions of collective bargaining agreements in effect from time to time to grievance arbitration. In any grievance arbitration, the arbitrator must base the award upon the express terms and conditions of a labor agreement between the authority and the authorized representative. Each party shall

pay one-half of the expenses associated with any arbitration which may be conducted pursuant to this subsection.

(o) If the authority or the authorized representative refuses to submit to the procedures set forth in this section, such refusal shall be deemed a refusal to bargain in good faith and unfair practice charges may be filed by the submitting party, or the Pennsylvania Labor Relations Board may, on its own, issue an unfair practice complaint and conduct such hearings and issue such orders as provided by law.

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 5. Nothing in the provisions of this amendatory act shall apply to the labor dispute between the authority and its employees over the terms to be included in a successor agreement replacing the agreement in effect until November 30, 1985, which shall be governed by current laws. Upon the expiration of the collective bargaining agreement, the authority shall have no power to enter into, renew, amend or extend any collective bargaining agreement which contains provisions or agreements which are inconsistent with or contrary to any of the terms of this amendatory act.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

6

Amend Sec. 3, page 7, line 4, by striking out all of said line and inserting

immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, my amendment A0650 attempts to put employees of the Allegheny County Port Authority in a comparable position as other public employees in the State of Pennsylvania in regards to the question of arbitration. Presently in Allegheny County the union and management have a system of unilateral arbitration which permits the union to unilaterally request that the authority go to arbitration in case of an impasse with the contract when the contract expires.

In the history of the port authority, with but one exception, that contract has always gone to arbitration. The results have been that the costs of the authority have increased dramatically. For example, the port authority employees get paid on an average \$2.50 an hour more than SEPTA (Southeastern Pennsylvania Transportation Authority) employees. The cost to run the port authority in Allegheny County has increased 3,500 percent in the last 20 years.

This amendment attempts to put in place a process of mutual consent arbitration - that both sides would have to agree before they would go to arbitration. If they did not agree, the union would have the option, as every union does, to go on strike. If that strike were to be enjoined by the port authority management, then they would go directly to arbitration. That is unique again to the port authority and it is a request; it is different than Act 195.

What this attempts to do is address a problem in the port authority that has been covered up for 20-some years because

of increasing subsidies both from the Federal, the State, and local governments. In a \$150-million budget, the subsidies from the State total in excess of \$70 million. From Allegheny County the subsidies total approximately \$16 million, and from the Federal Government the subsidy is about \$11 million. If we continue to provide those levels of subsidies, we could continue to support an inefficient operation, but obviously, we all know that the Federal subsidies are decreasing. It is more difficult for State and local governments to provide more subsidies. We have to encourage more efficient operations, and in doing that we will provide for a better port authority.

Let me just say that the port authority in the last year cut service 10 percent. So in Representatives Seventy and Petrone's district, they march in a protest for 300 of their constituents because their service has been cut, and in Representative Trello's district in Coraopolis, his constituents are concerned because the commuter service to downtown is unavailable to them. In Representative Mrkonic's district in McKeesport, where it has the highest unemployment rate in the State of Pennsylvania, more than half of their service has been cut and they cannot get to the jobs that are being created in downtown Pittsburgh. In Beaver County and in Westmoreland County and in Washington County, in Nick Colafella's district, in Charlie Laughlin's district—

### POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Pistella. Why does the gentleman rise?

Mr. PISTELLA. Point of order, Mr. Speaker.

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

Mr. PISTELLA. I was under the impression, Mr. Speaker, that the gentleman was to explain the contents of his amendment. Instead, I have heard quite a detailed explanation on the operation of the port authority in the various districts of the members. I would like to hear the contents—

The SPEAKER. Will the gentleman, Mr. Murphy, eliminate the prelude to his discussion of the amendment—

Mr. MURPHY. Yes, Mr. Speaker.

The SPEAKER.—and get to the amendment itself.

Mr. MURPHY. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. MURPHY. In reviewing the amendment, the amendment requires bilateral arbitration. The amendment removes first-level supervisors who are presently in the union from the union and permits them to join or organize another union. The amendment enacts standards of arbitration.

Presently, when an arbitrator comes into Allegheny County—and most often the arbitrator is from some other State in the country—that arbitrator has no standards by which he makes a decision. This attempts to put standards in by which the arbitrator would make a decision. The standards include such things as requiring the arbitrator to look at comparable wages in the region. For example, a port authority mechanic. They would look at wages for the private industry

mechanics in the State; they would look at wages in the county; they would look at wages for county government employees to do comparable work; they would look at the authority's ability to pay. Believe it or not, the arbitrator does not have to do that right now, and in fact in most cases the arbitrator looks to other cities for comparable wages.

Finally, the amendment addresses the question of labor disputes. Unique to this act is the ability of the port authority union to grieve and eventually arbitrate every dispute. Unlike in private and public industry where the disputes are limited only to the collective-bargaining agreement, with this present law the union is able to grieve everything, whether it is in the written agreement or not. That is unique to the unions covered by this act; it makes it impossible for the port authority to govern.

For those reasons, I would urge your support of this amendment. Thank you.

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

Mr. FOSTER. Thank you, Mr. Speaker.

The Subcommittee on Counties of the Local Government Committee has labored long and hard on this package, and the Murphy amendment is the increment that makes it work. It is a good amendment, and I would urge everyone on this side of the aisle to support it. It produces consensus where consensus is the best thing that we can achieve. We cannot hope for unanimity, but we have consensus.

I urge all members on this side of the aisle and all members of the House to vote for the Murphy amendment.

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

Mr. MANDERINO. Would the gentleman, Mr. Foster, consent to interrogation?

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

Mr. MANDERINO. Mr. Speaker, I have difficulty with words that speak in generalities. Can you explain to me what you mean when you say the Murphy amendment achieves consensus or has consensus?

Mr. FOSTER. Yes, Mr. Speaker. By virtue of the names on the amendment, they are a diverse group. I think that speaks of the consensus that we have.

Mr. MANDERINO. You are speaking of the sponsorship of the amendment.

Mr. FOSTER. Yes.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak against the Murphy amendment.

The Murphy amendment, pure and simple, is an antiunion amendment. It is an amendment that takes away from the port authority union - the transit union in Pittsburgh - the unilateral right that they presently have to achieve binding arbitration. Everyone knows that a transit strike in the city of Pittsburgh would be devastating - devastating to the economy, devastating to the some 300,000 people who use the

service of the transit authority, devastating generally to an already depressed area. It boggles the mind, Mr. Speaker, for anyone to propose a solution to whatever problems might exist at the port authority which encompass the taking away of a peaceful means of settling any labor dispute, because once that peaceful means is taken away, you have only a work stoppage, which would be devastating.

Now, I think I know why the proposal was made, though, or is being made. I think it is being made because those people who are making the proposal know that the transit authority union will not cause that devastation to its own area. It will not and has not used the right to strike. It has sought to arbitrate its grievances; it has sought to arbitrate its differences with management. To come in and fault a union for using the arbitration method and to try to take that arbitration method of settling disputes away from the union, I think, is nothing but antiunion. And that is why all of the various affiliated unions have been in contact with members of this Assembly and have urged them to be against the Murphy amendment - because they recognize this as what I believe it is, an attempt to lower costs of running the transit authority in Allegheny County out of the hide of the worker, when every study that has been done would indicate that management is the culprit. Management for the past 20 years of the port authority has been terrible. Management for the past 20 years of the port authority has been lax. Management of the port authority for the past 20 years has been complacent. Management for the past 20 years has been political. Mr. Speaker, all that has come about because of management's shortcomings, in one fell swoop they want to correct by taking it from the rights of the worker.

I ask for a negative vote on the Murphy amendment. I think that there are other amendments that will be offered later today that come closer to achieving fairness between the authority and the union than does the Murphy amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Gamble, on the Murphy amendment.

Mr. GAMBLE. Mr. Speaker, I rise to support the Murphy amendment, and if I could just take a couple of minutes to explain to you why we are here today.

We were given a revitalization proposal 14 months ago by the county commissioners and by port authority management. The bottom line of that report was they wanted this legislature to pass sweeping labor changes and they also wanted us to authorize a 1-percent sales tax, making an island out of Allegheny County in that we would have a 7-percent sales tax, and this was on top of four subsidies by our taxpayers already because we subsidized it through our Federal, State, and county taxes, as well as through our Lottery Fund. Needless to say, there was no one who stepped forward to introduce either one of those measures, but instead there was an investigation by our Subcommittee on Counties. That was followed by an investigation of the minority subcommittee. That was followed by an investigation by the Chamber of Commerce

Management Evaluation Team. And finally, that was followed by a 9-month performance audit by the Auditor General.

Those four reports did not have one word of conflict with the other, and there were some startling revelations. Number one, that the average wages and benefits of all 2,800 PAT (Port Authority of Allegheny County) employees was \$37,000 a year and that there was an excess of absenteeism at the port authority, that the average bus driver missed 25 days a year, and that equated into a \$5-million cost to the taxpayers in overtime. We found that for every four bus drivers we saw on the road in a bus, one was sitting back in the garage in case of an emergency because of that excess of absenteeism.

Finally, the bottom line of any business is productivity. How was the productivity at the port authority? Lee Iacocca said, not about the port authority but in a major address, that in the end you have to be productive; that is what made this country great and that is what is going to make us great again. Well, the productivity was not so great and is not so great at the port authority. In the last 5 years, productivity is down 19 percent and the cost of operation is up 45 percent. No one could stay in business with those kinds of figures.

The Murphy and Foster amendment will address the inequities at the port authority. It will put the taxpayers on a fair and even footing. It will give the taxpayers of Allegheny County an even break.

I know a lot of observers of this fiasco have looked with amusement to our delegation over here in that there is no solidarity and there are a couple different opinions, and it has been suggested that there has been a lot of dancing over here. Well, I say, Mr. Speaker, that the dance is over, and the question is, who are you going to take home from the dance, the ones who got you here, the taxpayers, or are you going home from the dance with the union?

We would appreciate your vote for the Murphy amendment. Thank you.

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

Mr. DAWIDA. Mr. Speaker, I promise to be brief, but I had to speak because I find that both the majority leader and the gentleman, my good friend, Mr. Gamble, who just spoke, are wrong to some degree on this issue, and let me explain how I think that.

Fault is not important today, because the issue today is money - money to continue the transit system of Allegheny County; money to keep the union jobs that run that transit system in existence.

Seventy-seven million dollars out of a \$150-million budget is provided by taxpayers, and I thank you for that because many of them are your taxpayers, the taxpayers you represent, because \$77 million comes from either the State, the Federal, or the local tax coffers to support a \$150-million budget, and that is the issue today.

Management has historically been inept and very bad in the port authority, and to their credit the union has been very effective for their employees, their workers, their union

members. But the issue today is money and the saving of a transit system. Even with this amendment the port authority may not survive as a first-class transit system.

You, the General Assembly, have been heroic in funding our transit system, especially since the Federal Government has decided to eliminate transit funding, but I cannot in good conscience ask any of you to tap your taxpayers any more until our house is in order in Allegheny County. I cannot ask my constituents whom I represent to pay an additional tax to run this authority until our house is in order with the port authority. Arbitration will still exist, a different kind under this, and union jobs will still remain - well-paid, meaningful union jobs staffed by good, hard-working people from Allegheny County. But until we get our house in order, we cannot ask you for any more money than the \$77 million out of a \$150-million budget. I ask you to give us in Allegheny County a chance to put our own house in order, and then we will come back to you for additional money.

Thank you. Vote for the Murphy amendment.

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

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

Mr. Speaker, I am in wholehearted support of the Murphy-Foster amendment. I would like to bring to the attention of the members of the General Assembly that it is my understanding that the average salary for a port authority employee in Allegheny County is approximately \$28,000. It is also my understanding that the average salary for a county employee approximates \$18,000. Those who are the most vocal, of course, are the drivers. It is my understanding that the average salary for a driver is about 10 percent more than those of us who serve in the General Assembly of the Commonwealth of Pennsylvania.

How did we achieve this situation? We achieved it through the arbitration, the unilateral call for binding arbitration that now exists in the Second-Class County Port Authority Act that the Murphy amendment does correct. This unilateral call permits one party to take the other party as far as they can possibly go at the negotiating table and then say, no, we will not strike but we will go to binding arbitration. Binding arbitration is a much better economic means for the party that goes there because they have taken the other party the full way down the line and now they go to an arbitrator to get half more than what they had asked for to start with. I think this is very important to remember. We are no longer going to permit under the Murphy amendment this type activity.

It is unfortunate that the citizens, the riders of the transit system, are the ones who are being held hostage. Labor in itself is really being held hostage, and I want everyone in this House to listen to what I am going to say on this.

Labor is the people who work. Labor is the people who use the public transportation system to get back and forth from their residencies to their place of employment. For a transit authority to shut down, for the costs to become exorbitant may favor one particular union of employees who work for the port authority; however, it hurts the elderly and every

other single rider of the port authority, especially the lower level of our economic system, the lower income people in Allegheny County. Labor is the people who pay taxes. Labor also is those who cannot afford to drive in a strike from their residencies into the downtown or other areas and have to pay for parking all day at a rate of anywhere from \$7 to \$12 a day.

Let us vote for the taxpayer; let us cast a true vote for the laboring public, the utilizers, the users of the public transit system, not those who work there. I would appreciate your positive vote on the Murphy-Foster amendment.

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for interrogation?

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

Mr. DeLUCA. Mr. Speaker, in section (c) of your amendment, would you explain the first part of that - managerial rights?

Mr. MURPHY. Yes, Mr. Speaker. Section (c) outlines general managerial rights. It is taken verbatim from Act 195.

Mr. DeLUCA. Mr. Speaker, would this affect bumping rights, seniority—

Mr. MURPHY. No; it would not, Mr. Speaker.

Mr. DeLUCA. It seems to me that this is a very broad statement here.

Let me ask you about the utilization of technology. Going to the extremes, Mr. Speaker—and I mean going to the extremes—if sometime in the future we possibly could use robots to run the transportation system, would this eliminate the bus drivers if the management thought that they could do that?

Mr. MURPHY. What I think it would do, it would certainly permit the port authority to use the robots, Mr. Speaker, if I want to justify your argument. It would not exclude labor and management from negotiating the role of the union members in dealing with those robots.

Mr. DeLUCA. Okay. Thank you.

Going back to section 4, Mr. Speaker, is there a reason why you have not—since strikes would be devastating to a community, especially a community like Allegheny County where our basic industry is being lost and unemployment is still high—is there a reason why you have not included the public from enjoining the transit workers in the possibility of a strike? Is there a reason for that, where you only give the authority—

Mr. MURPHY. Very simply, Mr. Speaker, we are again tracking Act 195. That is how every other public employee has treated it, public union has treated it in the State.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. MURPHY. Including SEPTA.

Mr. DeLUCA. Thank you, Mr. Speaker.

If we are talking about Act 195, Mr. Speaker, I have been getting a lot of letters. I have a lot of correspondence.

The SPEAKER. Mr. DeLuca, have you finished with your interrogation?

Mr. DeLUCA. Yes. Thank you, Mr. Speaker.

The SPEAKER. All right; fine.

Mr. DeLUCA. May I make a statement?

The SPEAKER. You may make a comment on the amendment, yes.

Mr. DeLUCA. Thank you.

Mr. Speaker, Act 195 has been alluded to, that this has been taken out of Act 195, and all the correspondence I have been receiving pertaining to Act 195 has been to the effect that we should change Act 195 because of the strikes it is creating and the hardships it is creating throughout our Commonwealth.

Secondly, Mr. Speaker, it amazes me that on October 29 this House passed HB 1130 changing the Constitution to permit this legislature to designate public employees who we think should be given arbitration rights. That bill passed 182 to 15. It seems to be a contradiction here that we are going to say that some public employees—when I consider and I guess everybody here knows that the port authority drivers are public employees—we are going to give some public employees the right to arbitrate and some not.

What I think, Mr. Speaker, we are doing here today, I think there are two other amendments that are better. I think the Murphy amendment, although I credit him with all his hard work and that, I think it goes too far. I think all we are doing is stacking the deck from labor to management, and we are going to come to regret it in Allegheny County.

This legislature is not here to negotiate labor contracts where inefficient and ineffective management has over the last 20 years permitted—permitted—these situations to happen. We are not up here to negotiate labor contracts; we are up here to interpret laws and to make laws. We have a system there— You talk about management and that, we have a system. In 1980 they were told to go to computers. They would save \$3 million to \$5 million. They still have not gone to computers today. They are in the process of doing it - \$3 million to \$5 million in 5 years, and they are in the process of doing it. That is not a labor problem; that is a management problem.

When we talk about inventory control - a \$125-million operation—

The SPEAKER. Mr. DeLuca, will you yield for a moment.

### POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Why do you rise?

Mr. DAVIES. Mr. Speaker, is the gentleman speaking to the amendment? Is he not going far afield rather than speaking to the amendment?

The SPEAKER. The gentleman is advised that he would be better advised to restrict his remarks strictly to the amendment rather than wandering into the field of whether or not we are in labor negotiations.

The Chair recognizes the gentleman from Mifflin, Mr. DeVerter.

Mr. DeVERTER. Mr. Speaker, would it also be possible if the gentleman could slow his pace and his voice so that we could understand what the gentleman is trying to transmit to the body.

The SPEAKER. I think the problem that Mr. DeLuca is having is not of his causation. He is trying to talk over the noise, and that is understandable. The Speaker has been trying to do that all afternoon. Let us see if we cannot reduce the noise, and that will make it possible for you to hear him and he will not have to shout to do it.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, in conclusion, I oppose the Murphy amendment. I think there are two other amendments that will do the job and will balance management and labor, and that is what we have to do if we are trying to come up with a solution. Let me say that we are talking about money here, Mr. Speaker. This amendment will have nothing to do with straightening out the port authority's problems for the next 3 years. Let us remember that. Thank you, Mr. Speaker.

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

Mr. PRESTON. Thank you.

Will the maker of the amendment stand for interrogation?

The SPEAKER. Mr. Murphy indicates he will so stand. You may proceed, sir.

Mr. PRESTON. Thank you.

Mr. Speaker, under the present existence of the Port Authority of Allegheny County right now, are they allowed to strike?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. PRESTON. Under what conditions are they allowed to strike, Mr. Speaker?

Mr. MURPHY. Once their contract expires, they are permitted to strike, Mr. Speaker.

Mr. PRESTON. How many strikes have we had over the past 20 years, Mr. Speaker?

Mr. MURPHY. Two strikes, Mr. Speaker.

Mr. PRESTON. And how many total days were those two strikes?

Mr. MURPHY. I am going to guess and say 3 or 4 days.

Mr. PRESTON. Under the present legislation that exists now, can you tell me, was it labor or was it management that requested that it be changed over 20 years ago?

Mr. MURPHY. Excuse me? I did not understand your question, Mr. Speaker.

Mr. PRESTON. Under the existing law right now, was it labor that asked for the form of arbitration that they have or was it management that asked for the present form of arbitration that they have?

Mr. MURPHY. Mr. Speaker, that law was put into effect 22 years ago. I have no idea who concocted this law.

Mr. PRESTON. Can you tell me under your present legislation, the amendment, if we pass it, when any of this would have any effect?

Mr. MURPHY. Mr. Speaker, it exempts the present contract negotiations which, assuming the contract holds like

other contracts, major portions of this would not take place in regard to the contract for 3 years. One portion of it would begin to take place immediately, and that is how labor disputes are handled.

Mr. PRESTON. Okay. So in other words, one part or most of this legislation would not have any effect until 3 years.

Mr. MURPHY. Until the next contract was to be negotiated, Mr. Speaker.

Mr. PRESTON. When is the next contract due to be renegotiated, sir?

Mr. MURPHY. I do not know that, Mr. Speaker, because I do not know how long this contract will be.

Mr. PRESTON. Would you estimate that it will probably be somewhere around the next 3 years?

Mr. MURPHY. It might be, Mr. Speaker.

Mr. PRESTON. Did you not just say possibly 3 years a little while ago?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. PRESTON. Thank you.

Can you tell me if there will be in Allegheny County any immediate fiscal impact in dollars and cents, let us say within the next 12 months, if we vote for your amendment?

Mr. MURPHY. Mr. Speaker, in the definition of "labor dispute," that would permit the port authority to begin to get a handle on a number of working conditions and work rules that would give the authority much more of an opportunity to control costs by being able to manage rather than arbitrate every decision.

Mr. PRESTON. Thank you, Mr. Speaker. I am glad you brought up that subject and that word "cost." I would like for you to answer the question, because I noticed the gentleman, Mr. Gamble, mentioned something about high absenteeism, and it has been a very important part that I have been very concerned about because I have read about it - about the high absenteeism as far as union employees are concerned.

It is my understanding that there exists a policy between management and labor whereby if a person calls off for 1 day, they do not get paid, but if they call off for 2 days and they bring in a doctor's excuse, they will get paid. Can you tell me if this issue is presently being negotiated in any of the contracts right now?

Mr. MURPHY. Mr. Speaker, I am not privy to the contract negotiations taking place. I do not know if it is being negotiated or not.

Mr. PRESTON. Thank you, Mr. Speaker.

May I address the amendment?

The SPEAKER. On the amendment, the gentleman is in order and may proceed.

Mr. PRESTON. This has been a very tough issue within our community because what we are going to be asking you to do is to support an amendment that probably will not have any effect until 3 years from now. You have not heard anyone say that there will be any dollars and costs in the immediate future. No one can say if there will be \$1 or \$1 million in the immediate future. No one has been able to state whether or not my port authority will be in existence 1 year from now

even if we pass this piece of legislation. Now, it may help as far as the thought process, but it does not satisfy the over 30 million dollars' worth of debt; it does not satisfy the high absenteeism; it does not satisfy, in many cases, the lack of management responsibilities that we have. Now, I am going to really say, too, that the new director whom we have I think is doing a fine job with the limited amount of funds that he has been able to get, because I truly see that you and my fellow colleagues have always contributed quite fairly to the port authority. I can remember even last year when we were trying to give the port authority close to \$8 million, but yet in a sense we had to prod and fight with the county to come up with the matching funds so that they could receive it for an extra \$2 1/2 million.

I am very concerned about my senior citizens who depend on the port authority, and yet I sit down and I continue to hear, no savings as far as fiscal impact. Yet I also continue to hear that what we are voting on right now possibly will not have any effect for over 3 years or less than 3 years, however you want to look at it, since Mr. Murphy could not ascertain when this might have any major effect as far as the next contract proceedings. I am deeply concerned because, again, no money has been mentioned. You will not hear any member sit down and try to tell you that there is going to be a direct cost savings in the next 12 months.

With the many thoughts that we have heard - the, quote, unquote, Gramm-Rudman, as far as the fiscal cuts; losing as far as the tax base with many people moving out of Allegheny County - I am deeply concerned. Again, this piece of legislation has nothing to do and does not guarantee the port authority any immediate funds; it does not save them any immediate funds. The port authority presently is in the process of increasing its labor relations staff. Presently, for over 2,000 employees they only have 3 people working in labor relations - not the complement that any corporation would have.

I do not see this as really doing a great boon. This legislation will help 3 years down the road. If that is the way you feel and what is needed, then you should support it. But my main concern is no one here has been able to answer to me how I can be able to come up with somewhere around \$25 million to keep our port authority solvent. No one is going to sit up and tell you today, of the following speakers, that they are going to be able to say that this is going to bring \$25 million next year for the port authority. What they are going to say, without really telling you in concrete words, is they are going to come back and ask you for more money for the Port Authority of Allegheny County. Thank you very much.

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

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, with all that has been said, the heart of the problem at the port authority rests with existing legislation. The union has a unilateral right to invoke binding arbitration; management has no such right to arbitration. The union can take anything it likes to an arbitrator.



The Murphy-Foster amendment is designed to simply give management an equal right to arbitration. I might say that management had not previously had this right; this is a new right. It balances out the arbitration rights. In addition, it imposes guidelines on arbitrators in rendering decisions. It gives PAT management the rights and the tools it needs to cut costs at the port authority. Indeed this is a job-saving piece of legislation, and it also institutes good management practices such as timely audits and so forth.

Mr. Speaker, I strongly urge support of this bipartisan effort to solve the problems at the port authority. Thank you.

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

Mr. PISTELLA. Thank you, Mr. Speaker.

I beg the indulgence of the members of the House at this late hour on an issue that is very controversial to Allegheny County, and I can understand the weariness with which one must sit and listen to issues that come before the House that would appear to be regional in nature. But I would like to take a couple of minutes, if I could, to try to dispel some of the rumors that have been circulated by those who wish to change the existing port authority law.

The previous speaker had made mention of the fact, Mr. Speaker, that there had in fact been four studies done of the operation and management of the Port Authority of Allegheny County. I know many of you received a copy of its report dated May 1985. Since the issue may not be relevant to your respective districts, I would like to share with you for a moment, if I could, the recommendations that were made by that committee report. That was the fact that the report recommended that section 13.2 of the Second-Class Port Authority Act be repealed. That, in fact, will be done if this House sees fit to adopt the Murphy amendment.

However, the contents of the Murphy amendment that were made reference to in regard to the arbitration do not come as a recommendation of the report or the committee itself but as a portion of a proposal that was submitted by the Allegheny County commissioners to the Allegheny County delegation, and that proposal was referred to as a transit revitalization proposal for the Port Authority of Allegheny County, at which time the county commissioners explored with our delegation, both Democrat and Republican, what could be done to spend approximately \$70 million or an additional 1 percent add-on to the sales tax. It was the county commissioners' revitalization program that recommended the changes to arbitration in the Murphy amendment. It was not a study that was submitted to this House of Representatives by a standing subcommittee of Local Government; it was the county commissioners. Bear that fact in mind.

In addition, Mr. Speaker, there is some thought that if the Murphy amendment is adopted, the Allegheny County transportation union will have parity with other public service employee unions in transportation across the State. I would like to draw your attention to today's edition of the Pittsburgh Post-Gazette. The headlines read, "Bus Strike Threatens 400,000 in Philadelphia."

The sponsors of the Murphy amendment would have you believe, Mr. Speaker, that if this amendment is adopted, strikes will be eliminated. What this in fact does, it says that if arbitration cannot be reached, the union will then have the opportunity to strike. However, only the port authority management—only the port authority management—can go to court to enjoin that strike. In essence, what this amendment does is it takes away the right of my constituency, of the constituency that I represent, to go to court in a timely fashion to enjoin that strike if they so desire.

I sincerely believe that the management of the port authority have the interest of the public at heart, but I think if it came down to creating an image that they were trying to save money for the taxpayers of the Commonwealth by allowing a strike to occur, I believe, in my heart, that they would do that.

The proponents of the Murphy amendment have repeatedly said that their amendment would save the Allegheny County Port Authority money. At no time has there been any dollar figure attached to the savings that could be earned by the adoption of the Murphy amendment. However, the same Gamble report issued a series of 15 recommendations the management of the port authority could adopt, and the management of the port authority has seen fit not to share with one member of our delegation or our leadership how many of these proposals they have actually instituted and what in fact has been saved.

I would like the ladies and gentlemen of the House to keep this thought in mind: Urban mass transportation is a labor-intensive industry. Whether it is in Philadelphia, Boston, Los Angeles, or anywhere else, urban mass transportation costs money, and it costs money because it is labor intensive.

I do not feel that what has been suggested as a reasonable compromise to the solution the port authority faces is that in fact. Instead what you have is an attempt by people to push a piece of legislation that will throw out of kilter the balance that both management and the port authority union want in resolving the problem of arbitration. In addition, various municipal transportation authorities have continued to request designated funding for urban mass transportation in light of Federal deficits, in light of increasing costs, and there have been no assurances made to anyone that if the Murphy amendment is adopted, that request will evaporate.

I urge the rejection of the Murphy amendment. Thank you.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Murphy amendment essentially because I believe that it is the most fair way to resolve the present vexing problem that is laid before the port authority. I support this amendment because it is fair and will encourage bargaining and discourage posturing by both sides and, instead, encourage reasonable bargaining proposals by both labor and management.

Secondly, collective bargaining works only, only, when both sides have equality of strength at the bargaining table. That is not so in the present bargaining relationship at the

port authority. Collective bargaining has been public policy for resolving labor-management disputes; unilateral interest arbitration never has been, and never will. The foundation of the unions' strength has been and always will be in their right to strike, the right of workers to withhold their labor from their employers. Again, unilateral interest arbitration has never, has never, led to a strong union anywhere in the country.

This bill is not antiunion. As a matter of fact, the right to strike is retained, and additionally, the option for mutual agreed-upon interest arbitration is provided for.

Finally, the union bargaining rights are also preserved, and their institutional security is also guaranteed. This amendment, as a matter of fact, would retain more power for the local union at the port authority than any other local union in the State, be it in the private or in the public sector.

I urge my colleagues to recognize that the solution to the port authority is either to give us the tools, to give management the tools, to keep costs under control, or in fact, the other option of increased subsidies, more money, more money from counties outside of Allegheny County to be channeled to the Port Authority of Allegheny County.

Again, I urge support of the Murphy amendment. Thank you, Mr. Speaker.

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

Mr. DUFFY. Thank you, Mr. Speaker.

In our investigation of the port authority, we found that the men and women who work at the port authority made good wages. I think they are all entitled to it. Nobody was asked to take a wage cut.

Now, the problems over there have been going on since 1971. They had an investigation in 1971 of the port authority, in 1973, 1976, 1981, and 1985. The problems that were there in 1971 are still there in 1985.

Now, the suggestion was made to us to pass a 1-percent increase in the sales tax for Allegheny County. I do not think there is anybody in our delegation, with the possible exception of two or three, who are for this increase in the sales tax to create \$60 million additional money for the port authority. We have solved the problem in the past by putting more and more money towards the problem. We are not going to do it this time, and the only way we can solve this problem is by voting for the Murphy-Foster amendment. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, as everybody is aware, this piece of legislation has brought a lot of dissension among the Allegheny County delegation, and I, for one, regret that. There has also been an awful lot of talk about the union's rights and the management's rights, and they indicate that the unions have all the rights. Well, under the Murphy amendment, it would be just reversed. That would take away all the rights from the union and impose restrictions on them that no other public employees have at this present time. If you call that compromise, then I do not know what to tell you.

Number two, the main problem for the port authority is money. Nothing in this amendment will bring the port authority one red dime. There will still be a need for that. I am asking all my colleagues to reject the Murphy amendment and pay attention to the other amendments that are coming up that I think will do the job much more thoroughly. Thank you.

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

Mr. BOOK. Thank you, Mr. Speaker.

I just have a short statement. I rise to ask my colleagues in the House to support the Murphy-Foster amendment. The whole thing here, the bottom line, is that we need the tools to do the job, and I would appreciate your support in voting "yes" on this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I do not know exactly what is running through Gaynor Cawley's mind right now; Bud George told me what he thought of the Murphy amendment. When one thinks of what we are dealing with right now, several words come to mind. Most of us would feel that what we have in front of us is inscrutable, abstruse, arcane, recondite, vexing, and befuddling. To say the least, what we have in front of us is indistinct.

Now, I want to ask you if you know what airline stewardesses and bus drivers and George Pickett had in common. Well, you probably do not know, but when you think about it, all are going up against very difficult odds. Longstreet did not want Pickett to charge, but he charged. The airline stewardesses and the air traffic controllers right now are buffeted by the difficulties that big business is putting in their path. And right now, what we have in front of us, in my opinion, in my opinion, is an effort to have scabs drive buses. Yeah, scab driver; scab driver. That is what Bud George calls it. We are going to blame it all on the worker. We are going to blame it all on the worker.

What I think Jere Schuler and Bud George and Don Dorr and Bill DeWeese, what I think we all have in this bill is the result of 5 years of Reaganomics. I do not think we have the revenue that we used to have. I think that there is a Federal decision buttressed by governments on down the line to take money away from mass transit. So what are we going to do? We are going to blame it on the workers. What are we going to do with those airline stewardesses? We are going to take away their pay. I know a lot about airline stewardesses, and I am learning a lot more about bus drivers. It is certainly obvious that men and women who have organized, who have gained the franchise, who have been the lifeblood of the American labor movement, have made innumerable contributions to our society. What I feel that we are experiencing in the mid-1980's is an effort to pulverize the union movement in this country - scab bus drivers, airline stewardesses working for half pay, and all kinds of other calamitous circumstances ready to intercede and bust the unions of the United States.

Now, I will go to my seat, since I feel that I have at least helped momentarily to melt this down to a bullet. I want us all to see the nub of this issue. And in my opinion, the gentleman from Monessen and the other men who have risen to speak on behalf of the bus drivers have stated categorically that this amendment is not necessary and that if we are going to stand beside our brothers and sisters in the labor movement, we will vote with the man from Monessen. Thank you.

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

Mr. COWELL. Mr. Speaker, would Mr. Murphy consent to interrogation, please?

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

Mr. COWELL. Mr. Speaker, I would just like clarification on two points in the amendment.

Mr. Speaker, there was reference made to Act 195, and it was suggested that this amendment is modeled after 195 in terms of the arbitration procedures. The question is about the language on page 4. It is, first of all, my understanding that currently employees of the port authority, when an impasse is reached and the contract has expired, can either choose to strike or can choose to invoke arbitration, and they can do that unilaterally. Actually, the procedure is the authority must offer them arbitration. Is that correct?

Mr. MURPHY. That is correct, Mr. Speaker.

Mr. COWELL. Mr. Speaker, I understand, upon reading the amendment, that what we would do if this amendment were adopted would be to provide in law that upon an impasse and the expiration of a contract without resolution of the dispute, the union would not be able to invoke arbitration unilaterally and also for approximately a 60-day period would not have the right to strike because there is a factfinding procedure provided for in the amendment that commences after the expiration of the contract. Is that correct?

Mr. MURPHY. That is correct, Mr. Speaker.

Mr. COWELL. Mr. Speaker, is that provision consistent with the language in Act 195?

Mr. MURPHY. The provision in Act 195 is a "may" provision, Mr. Speaker.

Mr. COWELL. And so other public employees who organize under Act 195 and have certain rights provided for do have the opportunity to strike if management and the union do not choose together to go to binding arbitration at the point of impasse. Is that correct?

Mr. MURPHY. That is correct, Mr. Speaker.

Mr. COWELL. So this is not like Act 195 in that regard.

Mr. MURPHY. Mr. Speaker, I had mentioned before that there are a number of other instances why this is not like Act 195.

Mr. COWELL. Mr. Speaker, the second point where I would like clarification, I know that it is the intent of everybody who has worked on this issue to exempt from any language or any changes in the law that we might make the negotiations that are currently underway between some port

authority employees and management. Is that correct, Mr. Speaker?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. COWELL. And does this amendment provide for that?

Mr. MURPHY. Yes, Mr. Speaker.

Mr. COWELL. Mr. Speaker, I understand that there is at least one other contract, however, that is approaching an expiration date, and that is a contract with approximately 150 clerical employees of the port authority organized by the IBEW (International Brotherhood of Electrical Workers), I believe. It is my understanding that their contract will expire sometime in the next couple of months. If we adopt your language, is there any exemption provided for with respect to that contract and that negotiation process?

Mr. MURPHY. Mr. Speaker, I do not know when this bill is going to be made into law, if it ever will, so we cannot address that. We can only address the present contract negotiations.

Mr. COWELL. But this amendment does not provide for, in any way, an exemption, if you will, for the negotiations that have commenced or will shortly commence with the IBEW folks.

Mr. MURPHY. No, Mr. Speaker; it does not.

Mr. COWELL. Thank you, Mr. Speaker.

#### PARLIAMENTARY INQUIRY

Mr. COWELL. Mr. Speaker, may I ask one parliamentary question, please?

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. COWELL. Mr. Speaker, I believe that there are probably a number of issues with this amendment that either need clarified or corrected or modified in one fashion or another. We do not know whether this amendment is going to pass, but it is probably my belief that it is likely to pass. Parliamentarily speaking, to amend this amendment—I know we do not do that on the floor—would it be necessary then to have this bill reprinted so that other modifications or other amendments could be considered that would directly conflict with certain provisions in the Murphy amendment?

The SPEAKER. It will not be necessary to reprint it. It would certainly be advantageous to do so. But once the amendment is accepted, even though it be not reprinted, the amendment disappears as an amendment and becomes part of the body of the bill and therefore is subject itself to be amended.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Letterman, on the amendment.

Mr. LETTERMAN. Mr. Speaker, I rise in opposition to the Murphy amendment. I would almost feel that if we want to cut something apart, we should have tried to repeal Act 195, not just take away from one segment of the people who are covered by Act 195. And the longer I listen, the more I am

sure I have been right all along that we should not give any money to mass transit whatsoever, because it is always misused. So people in the rural areas like I come from, who never have advantage to all these gifts we give away to mass transit all the time, who have to buy the automobiles and the insurance and pay for all the gas and all the travel all the time, get nothing out of this, and all we ever hear is "mismanagement." So from now on whenever that budget comes up, we will be taking a real good, hard look at it, and I will be asking all rural legislators to follow me in voting "no" against it.

I just think that what the Murphy amendment is attempting to do is almost what a President of the United States might do in saying we are going to freeze wages but we are not going to freeze prices. That is exactly what this amendment does to union people. It freezes their rights and lets everybody else run free. I ask for the defeat of the amendment. Thank you.

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

Mr. GAMBLE. Mr. Speaker, we have a transit system that is out of control. We need your help. Vote for the Murphy amendment. Thank you.

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

Mr. MANDERINO. Mr. Speaker, I have heard discussion this afternoon about the average salary of a bus driver, the average salary of a county employee. I have heard Mr. Gamble say that the port authority is out of control, the system is out of control, and what this bill does to put it back into control is to take away the right of arbitration. Now, is that silly or is it silly? I heard the young lady on the other side say that what we are doing is making it even; we are giving management the right to ask for arbitration, too. We are not doing any such thing. What we are doing is saying that you cannot have arbitration unless both management and labor agree.

The courts in Allegheny County, the courts that have considered whether or not the transit union can strike, have come down on the side that they cannot strike because the public interest demands that they do not strike, that the health, safety, welfare, and morals of the people will be so adversely affected by a strike that they cannot strike. Now, you tell me if you were a bus driver and the court is not going to allow you to strike, how you are going to settle a dispute if you cannot go to arbitration.

Mr. Speaker, if you read every word in the Murphy amendment carefully, you will come down on the side of those who say that the Murphy amendment is a terrible antiunion amendment which will not solve any of the financial problems that exist at the port authority.

Let me tell you what the problem is at the port authority. You heard that \$77-million cost of running the system? That is the right system; that is the right cost of the system. Do you know how much Allegheny County puts up themselves of the \$77 million that runs that system? About \$16 million. That is all they put up locally, \$16 million, and they keep trying to

find more ways to put the burden of the transit system in Allegheny County on everybody but themselves. They brought this dispute to us and are asking us so that they do not have to put up more of a match locally to take it out of the hide of the employee. That is what this is all about.

Mr. Speaker, I ask for the defeat of the Murphy amendment.

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

The following roll call was recorded:

YEAS—88

Barley	Dorr	Johnson	Punt
Battisto	Duffy	Kennedy	Raymond
Birmelin	Fargo	Kenney	Reinard
Black	Fischer	Langtry	Robbins
Book	Flick	Levdansky	Rudy
Bortner	Foster, Jr., A.	Linton	Ryan
Bowley	Fox	McClatchy	Saloom
Bowser	Freind	McVerry	Saurman
Bunt	Fryer	Mackowski	Scheetz
Burd	Gamble	Markosek	Schuler
Bush	George	Mayernik	Semmel
Carlson	Gladeck	Merry	Sirianni
Cessar	Godshall	Michlovic	Smith, B.
Chadwick	Greenwood	Mochlmann	Snyder, D. W.
Clymer	Gruppo	Mowery	Swift
Cole	Hagarty	Mrkonic	Tigue
Cordisco	Hayes	Murphy	Van Horne
Cornell	Herman	Nahill	Vroon
Cowell	Hershey	O'Brien	Wilson
Coy	Honaman	O'Donnell	Wogan
Dawida	Itkin	Pitts	Wright, J. L.
Distler	Jackson	Pott	Yandrisevits

NAYS—107

Acosta	Dombrowski	Lloyd	Serafini
Afflerbach	Donatucci	Lucy	Seventy
Angstadt	Durham	McCall	Showers
Argall	Evans	McHale	Smith, L. E.
Arty	Fattah	Maiale	Snyder, G. M.
Baldwin	Fee	Manderino	Staback
Barber	Freeman	Manmiller	Stairs
Belardi	Gallagher	Micozzie	Steighner
Belfanti	Gallen	Miller	Stevens
Blaum	Gannon	Morris	Stewart
Boyes	Geist	Noye	Suban
Broujos	Gruitza	Olasz	Taylor, F. E.
Burns	Haluska	Oliver	Taylor, J.
Caltagirone	Harper	Perzel	Telek
Cappabianca	Hasay	Petrarca	Trello
Carn	Howlett	Petrone	Truman
Cawley	Hutchinson	Phillips	Veon
Cimini	Jarolin	Piccola	Wambach
Civera	Josephs	Pievsky	Wass
Clark	Kasunic	Pistella	Weston
Colafella	Kosinski	Pressmann	Wiggins
Coslett	Kukovich	Preston	Wozniak
Deluca	Lashinger	Reber	Wright, D. R.
DeVerter	Laughlin	Richardson	Wright, R. C.
DeWeese	Lescovitz	Rieger	
Daley	Letterman	Roebuck	Irvis,
Davies	Livengood	Rybak	Speaker
Deal			

NOT VOTING—3

Brandt	Cohen	Sweet
--------	-------	-------

## EXCUSED—3

Dietz                      Dininni                      Taylor, E. Z.

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. The Chair recognizes the gentleman from Allegheny, Mr. Cowell, who offers the following amendment, which the clerk will read.

The House will stand at ease for a few seconds.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, will you take the gentleman, Mr. Pistella's amendment at this time? The gentleman, Mr. Cowell, has consented to that.

The SPEAKER. All right.

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

Mr. PISTELLA offered the following amendments No. A0977:

Amend Sec. 3 (Sec. 13.2), as added by Amendment A0650, beginning at page 7, at line 1, by striking out all of said section and inserting

Section 3. Section 13.2 of the act, added October 7, 1959 (P.L. 1266, No. 429), is amended to read:

Section 13.2. [The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, working conditions and pension or retirement provisions.

In case of any labor dispute where collective bargaining does not result in agreement, the authority shall offer to submit such dispute to arbitration by a board composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organization, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions or benefits, including health and welfare, sick leave insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including, but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements and the interpretation or application of such collective bargaining agreements and any grievances that may arise. Each party shall pay one-half of the expenses of such arbitration.

If the authority acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the authority, shall be transferred to and appointed as employes of the authority subject to all the rights and benefits of this act. These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employes. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employes. The authority and the employes through their representatives for collective bargaining purposes shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employes through their representatives transferred to the trust fund to be established, maintained and administered jointly by the authority and the participating employes through their representatives.

No employe of any acquired transportation system, who is transferred to a position with the authority, shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employe of such acquired transportation system.

Employes who have left the employ of any acquired transportation system or leave the employ of the authority to enter the military service of the United States shall have such reemployment rights with the authority as may be granted under any law of the United States or the Commonwealth of Pennsylvania.]

(a) The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, terms and conditions of employment and pension or retirement provisions.

(b) In the case of any labor dispute where collective bargaining, mediation or factfinding does not result in agreement, the labor dispute shall be submitted, at the written request of either party, to arbitration pursuant to the provisions of an agreement, or, in the absence of an agreement, to arbitration by a board of arbitration composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organization, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator.

(c) In a binding interest arbitration between the authority and an authorized representative in which an increase in wages,

fringe benefits or other labor costs is in issue between the parties, the arbitrators, in addition to considering and giving weight to other factors they deem relevant, shall also take into consideration and accord substantial weight to the amount, if any, of a fare increase and additional public subsidy which would be necessary to fund an economic cost increase and the ability of the public to bear such a fare increase, with consideration given to the per capita income of persons in the service area and the impact, if any, upon future ridership levels.

(d) Notwithstanding any provision of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, there shall be no right to strike in regard to a labor dispute which is subject to arbitration under this section. Unless agreed otherwise by the parties, all contract conditions shall remain in status quo during the period of arbitration; and there shall be no lookouts, strikes or other interference with or interruption of transit operations during the arbitration proceedings or to upset the arbitration award.

(e) Each party shall pay one-half of the expenses associated with any arbitration which may be conducted pursuant to this subsection.

Amend Sec. 5, as added by Amendment A0650, by striking out the last sentence.

On the question,

Will the House agree to the amendments?

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

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, short, sweet, and to the point: This amendment does three things. First of all, it removes the right to strike on the part of the local transportation union in Allegheny County; second, it gives both management and the authority union the right to request arbitration; and third, it mandates that one of the factors or the main factor that the arbitrator shall keep in mind when awarding his decision is the local community's ability to withstand a fair increase or government's ability to increase its subsidy in proportion to the amount of the award.

I would request your support on my amendment. Thank you.

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

Mr. MURPHY. Mr. Speaker, I rise to oppose this amendment, and I rise to oppose it because while it sounds good, it does not do anything more than what we have. What we are simply saying is that when you try to balance a budget, you do it two ways - you either do it by being more efficient or you put more money into the system. If you want to put more money into the system—and I will ask you to do a tax vote for us, and if you want to do that, that is fine—then vote for this amendment because it will cost us more money. If you want to be more efficient, if you want to have an efficient system and save your transit authorities money and give them money because the State formula will reward us for efficiency, then you have to vote for this amendment because unilateral arbitration, the history of it, all you have to do is look at it—

The SPEAKER. Will the gentleman, Mr. Murphy, yield for a moment.

We have a technical problem with this amendment. Will Mr. Manderino, Mr. Pistella, and Mr. Murphy please come up to the podium. The House will stand at ease.

The Chair apologizes, and it is not the fault of the Chair or the fault of the gentleman, Mr. Pistella, but his amendment which he wished to offer was drawn up on the premise that the Murphy amendment would be adopted, which, of course, did not happen. The gentleman, Mr. Pistella, however, does have an identical amendment drawn correctly to the bill. It will take a few moments to have it duplicated, but there is no other way of doing this.

SB 655 RECONSIDERED

The SPEAKER. The Chair is in receipt of a reconsideration motion, signed by the gentleman, Mr. Manderino, that the vote by which the Conference Report on SB 655 was defeated on this the 11th day of March be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—141

Acosta	Duffy	Lloyd	Rybak
Afflerbach	Evans	McCall	Saloom
Argall	Fee	McClatchy	Saurman
Arty	Foster, Jr., A.	McHale	Serafini
Baldwin	Freeman	McVerry	Seventy
Barber	Gallagher	Maiale	Showers
Battisto	Gallen	Manderino	Sirianni
Belardi	Gamble	Manmiller	Smith, B.
Belfanti	Gannon	Markosek	Smith, L. E.
Black	Geist	Mayermik	Staback
Blaum	George	Merry	Steighner
Bortner	Gruitza	Michlovic	Stevens
Bowley	Gruppo	Moehlmann	Stewart
Bowser	Haluska	Morris	Stuban
Brandt	Hayes	Mowery	Taylor, F. E.
Broujos	Herman	Murphy	Taylor, J.
Burd	Honaman	O'Brien	Telek
Cappabianca	Howlett	O'Donnell	Tigue
Carn	Hutchinson	Olasz	Truman
Cawley	Itkin	Oliver	Van Horne
Cessar	Jackson	Perzel	Veon
Clark	Jarolin	Petrarca	Vroon
Colafella	Johnson	Petrone	Wambach
Cole	Josephs	Phillips	Wass
Cordisco	Kasunic	Piccola	Weston
Coslett	Kenney	Pievsky	Wiggins
Cowell	Kosinski	Pistella	Wilson
Coy	Kukovich	Pott	Wogan
Deluca	Langtry	Pressmann	Wozniak
DeVerter	Lashinger	Preston	Wright, D. R.
DeWeese	Laughlin	Reber	Wright, R. C.
Davies	Lescovitz	Richardson	Yandrisevits
Dawida	Letterman	Rieger	
Deal	Levdansky	Roebuck	Irvis,
Dombrowski	Linton	Rudy	Speaker
Donatucci	Livengood	Ryan	

NAYS—51

Angstadt	Clymer	Greenwood	Raymond
Barley	Cornell	Hagarty	Reinard
Birmelin	Distler	Hasay	Robbins
Book	Dorr	Hershey	Scheetz
Boyes	Durham	Kennedy	Schuler
Bunt	Fargo	Mackowski	Semmel
Burns	Fischer	Micozzie	Snyder, D. W.

Bush	Flick	Miller	Snyder, G. M.
Caltagirone	Fox	Mrkonic	Stairs
Carlson	Freind	Nahill	Swift
Chadwick	Fryer	Noye	Trello
Cimini	Gladeck	Pitts	Wright, J. L.
Civera	Godshall	Punt	

NOT VOTING—6

Cohen	Fattah	Lucyk	Sweet
Daley	Harper		

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question recurring,

Will the House adopt the report of the committee of conference?

**BILL PLACED ON POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I move that the Conference Committee Report on SB 655 be placed on the postponed calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

Mr. MANDERINO. Mr. Speaker, what we have put on the final passage postponed calendar was a conference report, and I do not know if that is where it belongs or not.

The SPEAKER. Well, it is on the conference report postponed calendar, so that is where it will appear.

Mr. MANDERINO. Thank you, Mr. Speaker.

The SPEAKER. We have not sent any of the bills or any of the amendments for which reconsideration motions have been filed out of the House, so we will take up the reconsideration motions tomorrow, rather than delaying you further tonight, unless somebody objects. Do we have some objection? Let us hear it.

I am told that there is one bill, HB 2102, that they wish to have revoted tonight.

**HB 2102 RECONSIDERED**

The SPEAKER. It is moved by the gentleman from Butler, Mr. Steighner, that the vote by which HB 2102 was passed on this the 11th day of March be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—196

Afflerbach	Distler	Laughlin	Rieger
Angstadt	Dombrowski	Lescovitz	Robbins
Argall	Donatucci	Letterman	Roebuck
Arty	Dorr	Levdansky	Rudy
Baldwin	Duffy	Linton	Ryan
Barber	Durham	Livengood	Rybak
Barley	Evans	Lloyd	Saloom
Battisto	Fargo	Lucyk	Saurman
Belardi	Fattah	McCall	Scheetz

Belfanti	Fee	McClatchy	Schuler
Birmelin	Fischer	McHale	Semmel
Black	Flick	McVerry	Serafini
Blaum	Foster, Jr., A.	Mackowski	Seventy
Book	Fox	Maiale	Showers
Bortner	Freeman	Manderino	Sirianni
Bowley	Freind	Manmiller	Smith, B.
Bowser	Fryer	Markosek	Smith, L. E.
Boyes	Gallagher	Mayernik	Snyder, D. W.
Brandt	Gallen	Merry	Snyder, G. M.
Broujos	Gamble	Michlovic	Staback
Bunt	Gannon	Micozzie	Stairs
Burd	Geist	Miller	Steighner
Burns	George	Moehlmann	Stevens
Bush	Gladeck	Morris	Stewart
Caltagirone	Godshall	Mowery	Stuban
Cappabianca	Greenwood	Mrkonic	Swift
Carlson	Gruitza	Murphy	Taylor, F. E.
Carn	Gruppo	Nahill	Taylor, J.
Cawley	Hagarty	Noye	Telek
Cessar	Haluska	O'Brien	Tigue
Chadwick	Harper	O'Donnell	Trello
Cimini	Hasay	Olasz	Truman
Civera	Hayes	Oliver	Van Horne
Clark	Herman	Perzel	Veon
Clymer	Hershey	Petrarca	Vroon
Cohen	Honaman	Petrone	Wambach
Colafrella	Howlett	Phillips	Wass
Cole	Hutchinson	Piccola	Weston
Cordisco	Itkin	Pievsky	Wiggins
Cornell	Jackson	Pistella	Wilson
Coslett	Jarolin	Pitts	Wogan
Cowell	Johnson	Pott	Wozniak
Coy	Josephs	Pressmann	Wright, D. R.
Deluca	Kasunic	Preston	Wright, J. L.
DeVerter	Kennedy	Punt	Wright, R. C.
DeWeese	Kenney	Raymond	Yandrisevits
Daley	Kosinski	Reber	
Davies	Kukovich	Reinard	Irvis,
Dawida	Langtry	Richardson	Speaker
Deal	Lashingier		

NAYS—0

NOT VOTING—2

Acosta	Sweet
--------	-------

EXCUSED—3

Dietz	Dininni	Taylor, E. Z.
-------	---------	---------------

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

On the question recurring,

Shall the bill pass finally?

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

YEAS—196

Acosta	Deal	Laughlin	Rieger
Afflerbach	Distler	Lescovitz	Robbins
Angstadt	Dombrowski	Letterman	Roebuck
Argall	Donatucci	Levdansky	Rudy
Arty	Dorr	Linton	Ryan
Baldwin	Duffy	Livengood	Rybak
Barber	Durham	Lloyd	Saloom
Barley	Evans	Lucyk	Saurman
Battisto	Fargo	McCall	Scheetz
Belardi	Fattah	McClatchy	Schuler
Belfanti	Fee	McHale	Semmel
Birmelin	Fischer	McVerry	Serafini
Black	Flick	Mackowski	Seventy
Blaum	Foster, Jr., A.	Maiale	Showers
Book	Fox	Manderino	Sirianni
Bortner	Freeman	Manmiller	Smith, B.

Bowley	Freind	Markosek	Smith, L. E.
Bowser	Fryer	Mayernik	Snyder, D. W.
Boyes	Gallagher	Merry	Snyder, G. M.
Brandt	Gamble	Michlovic	Staback
Broujos	Gannon	Micozzie	Stairs
Bunt	Geist	Miller	Steighner
Burd	George	Moehlmann	Stevens
Burns	Gladeck	Morris	Stewart
Bush	Godshall	Mowery	Stuban
Caltagirone	Greenwood	Mrkonic	Swift
Cappabianca	Gruitza	Murphy	Taylor, F. E.
Carlson	Gruppo	Nahill	Taylor, J.
Carn	Hagarty	Noye	Telek
Cawley	Haluska	O'Brien	Tigue
Cessar	Harper	O'Donnell	Trello
Chadwick	Hasay	Olasz	Truman
Cimini	Hayes	Oliver	Van Horne
Civera	Herman	Perzel	Veon
Clark	Hershey	Petrarca	Vroon
Clymer	Honaman	Petrone	Wambach
Cohen	Howlett	Phillips	Wass
Colafella	Hutchinson	Piccola	Weston
Cole	Itkin	Pievsky	Wiggins
Cordisco	Jackson	Pistella	Wilson
Cornell	Jarolin	Pitts	Wogan
Coslett	Johnson	Pott	Wozniak
Cowell	Josephs	Pressmann	Wright, D. R.
Coy	Kasunic	Preston	Wright, J. L.
Deluca	Kennedy	Punt	Wright, R. C.
DeVerter	Kenney	Raymond	Yandrisevits
DeWeese	Kosinski	Reber	
Daley	Kukovich	Reinard	Irvis,
Davies	Langtry	Richardson	Speaker
Dawida	Lashinger		

NAYS—1

Gallen

NOT VOTING—1

Sweet

EXCUSED—3

Dietz

Dininni

Taylor, E. Z.

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

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

**COMMUNICATION FROM GOVERNOR**

**VETO OF HB 452**

The Secretary to the Governor presented the following communication from His Excellency, the Governor:

Commonwealth of Pennsylvania  
 Governor's Office  
 Harrisburg

February 21, 1986

To the Honorable, the House of Representatives  
 of the Commonwealth of Pennsylvania

I am returning without my approval House Bill 452, Printer's No. 2832, which permits insurance companies to adopt and utilize sexually discriminatory automobile insurance rates.

Since 1971, the Constitution of Pennsylvania has provided that equality of rights under the law shall not be denied or abridged because of the sex of an individual. Pursuant to this constitutional mandate, in 1980 the Insurance Commissioner reviewed

the manner in which sex is utilized in determining automobile insurance rates and found that current practices unfairly discriminated against individuals based upon sex. This decision of the Insurance Commissioner was upheld by the Commonwealth Court in 1982 and by the State Supreme Court in 1984. Following the Supreme Court's decision, the Insurance Department conducted extensive hearings regarding the appropriate method to prevent unfair discrimination based upon sex. At the conclusion of these hearings, in March 1985, the Insurance Commissioner entered an order requiring all insurance companies to file for review and approval gender neutral automobile insurance rates. The Insurance Department is currently prepared to approve gender neutral rates for use by insurance companies beginning on June 1, 1986.

While I recognize that there is considerable controversy regarding the best method to be used in devising nondiscriminatory automobile insurance rates, I cannot support legislation which affords less protection against unfair sexual classifications than is afforded against unfair classifications based upon race, religion or national origin. The Pennsylvania Constitution equally protects individuals from unfair treatment based upon race, religion, national origin and sex. This legislation, however, while absolutely prohibiting insurance rate classifications based upon race, religion and national origin, even if "supported by sound actuarial principles," expressly permits automobile insurance classifications based upon sex.

Rather than permitting rates to be based on sexual classifications, even where actuarially sustainable, I feel that we should identify the underlying rating factors which better reflect actual variations in driving and safety records of many males and females. While such factors might coincide with the sex of the insured, rates should be based on those underlying factors and not per se on sex.

Insurance companies have primarily responded to the Commissioner's order requiring gender neutral automobile rating plans by removing gender from the numerous rating factors which have been used in the past to determine rates. I do recognize, however, that other parties could devise reasonable alternatives which would determine risk by placing greater emphasis on certain rating factors which might better reflect the actual driving habits of individuals, male and female. As an alternative to the bill which I veto today, therefore, I am prepared to support legislation which temporarily suspends the imposition of gender neutral rates and establishes a procedure whereby a joint legislative-executive inquiry is conducted concerning the best alternative methods available to determine automobile insurance rates for young drivers based upon factors other than sex.

Without any such clear legislative direction, however, and without a definite timetable for the elimination of gender based rating practices, I cannot support any further delay in the implementation of the orders of our Insurance Commissioner and State Supreme Court.

Dick Thornburgh  
 Governor

**BILL AND VETO MESSAGE  
 PLACED ON POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.  
 Mr. MANDERINO. Mr. Speaker, I move that the veto message on HB 452 be placed on the postponed calendar.

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



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

**SB 1342, PN 1844**

By Rep. DeWEESE

An Act amending the act of October 4, 1978 (P. L. 876, No. 169), entitled "Pennsylvania Crime Commission Act," reestablishing and further providing for the powers and duties of the Pennsylvania Crime Commission.

JUDICIARY.

**SENATE MESSAGE**

**AMENDED HOUSE BILLS  
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 441, PN 3025**; and **HB 563, PN 3026**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**CONSIDERATION OF HB 1876 CONTINUED**

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. PISTELLA offered the following amendments No. A0973:

Amend Title, page 1, line 32, by striking out "and"

Amend Title, page 1, line 33, by removing the period after "budget" and inserting

; and further providing for labor relations.

Amend Bill, page 6, by inserting after line 30

Section 3. Section 13.2 of the act, added October 7, 1959 (P.L.1266, No.429), is amended to read:

Section 13.2. The authority through its boards shall deal with and enter into written contracts with the employes of the authority through accredited representatives of such employes or representatives of any labor organization authorized to act for such employes concerning wages, salaries, hours, working conditions and pension or retirement provisions.

In case of any labor dispute where collective bargaining, mediation or fact-finding does not result in agreement, [the authority shall offer to submit such dispute] the labor dispute shall be submitted, at the written request of either party, to arbitration pursuant to the provisions of an agreement or, in the absence of such agreement, to arbitration by a board composed of three persons, one appointed by the authority, one appointed by the labor organization representing the employes, and a third member to be agreed upon by the labor organization and the authority. The member selected by the labor organization and the authority shall act as chairman of the board. The determination of the majority of the board of arbitration thus established shall be final and binding on all matters in dispute. If, after a period of ten days from the date of the appointment of the two arbitrators representing the authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the American Arbitration Association to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the authority and the labor organization, promptly, after the receipt of such list, shall determine, by lot, the order of elimination and, thereafter, each shall, in that order alternately, eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours,

working conditions or benefits, including health and welfare, sick leave insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including, but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements and the interpretation or application of such collective bargaining agreements and any grievances that may arise. Each party shall pay one-half of the expenses of such arbitration.

In a binding interest arbitration between the authority and an authorized representative in which an increase in wages, fringe benefits or other labor costs is in issue between the parties, the arbitrators, in addition to considering and giving weight to other factors they deem relevant, shall also take into consideration and accord substantial weight to the amount, if any, of a fare increase and additional public subsidy which would be necessary to fund an economic cost increase and the ability of the public to bear such a fare increase, with consideration given to the per capita income of persons in the service area and the impact, if any, upon future ridership levels.

Notwithstanding any provisions of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, there shall be no right to strike in regard to a labor dispute which is subject to arbitration under this section. Unless agreed otherwise by the parties, all contract conditions shall remain in status quo during the period of arbitration; and there shall be no lock-outs, strikes or other interference with or interruption of transit operations during the arbitration proceedings or to upset the arbitration award.

If the authority acquires an existing transportation system, such of the employes of such transportation system, except executive and administrative officers, as are necessary for the operation thereof by the authority, shall be transferred to and appointed as employes of the authority subject to all the rights and benefits of this act. These employes shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employes. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employes. The authority and the employes through their representatives for collective bargaining purposes shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employes through their representatives transferred to the trust fund to be established, maintained and administered jointly by the authority and the participating employes through their representatives.

No employe of any acquired transportation system, who is transferred to a position with the authority, shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits than he enjoyed as an employe of such acquired transportation system.

Employes who have left the employ of any acquired transportation system or leave the employ of the authority to enter the military service of the United States shall have such reemployment rights with the authority as may be granted under any law of the United States or the Commonwealth of Pennsylvania.

Section 4. The provisions of this act are severable. If any provision of this act or its application to any person or circum-

stance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 5. Nothing in the provisions of this amendatory act shall apply to the labor dispute between the authority and its employees over the terms to be included in a successor agreement replacing the agreement in effect until November 30, 1985, which shall be governed by current laws.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

6

Amend Sec. 3, page 7, line 4, by striking out all of said line and inserting  
immediately.

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, as I had explained before, this does three things. First of all, it eliminates the right to strike; second, it gives both management and labor the ability to request arbitration; and third, it says that the arbitrator must consider the community's ability to bear a fair increase or government's ability to subsidize any increase that would be necessary to meet the economic conditions that have been granted by the arbiter. Thank you very much.

### **MOTION TO PLACE BILL ON THIRD CONSIDERATION POSTPONED CALENDAR**

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

Mr. FOSTER. For the purpose of a motion.

The SPEAKER. The gentleman will state the motion.

Mr. FOSTER. I move that HB 1876 be placed on the postponed calendar because of the lateness of the hour, and I would move that we take it up tomorrow.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Manderino, the motion was to put HB 1876 on the postponed calendar.

### **ADJOURNMENT**

Mr. MANDERINO. Mr. Speaker, I move that we adjourn so that the bill tomorrow will be in the same position it is today.

The SPEAKER. The question is on the motion to adjourn until Wednesday, March 12, 1986, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

The motion to adjourn supersedes all other motions.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:54 p.m., e.s.t., the House adjourned.