

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, APRIL 8, 1986

SESSION OF 1986

170TH OF THE GENERAL ASSEMBLY

No. 23

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:

O Lord, our glorious Father, for all of the glory and grandeur in the world about us we are extremely grateful. We pray that we may be forever humble as we share the bounties that come to us day by day. We beseech Thee to keep us obedient and useful to Thee as we associate with our fellow men in joy and fellowship. We ask that Thou wilt bestow upon us that peace which this world can neither give nor take away. And we give Thee the honor, the glory, and the praise which is due Thee forever and ever, world without end. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNALS APPROVED

The SPEAKER. The Chair is advised that the Journals for Wednesday, December 11, and Thursday, December 12, 1985, are now in print. Unless the Chair hears objection, the Journals will be approved as printed, and the Chair hears no such objection.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal for Monday, April 7, 1986, will be postponed until the Journal is in print, and the Chair hears no objection to that either.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns now to leaves of absence. Are there any requests for leaves from the Democratic side?

The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Thank you, Mr. Speaker.

I ask leave of absence for the gentleman from Washington County, Mr. SWEET, for today. Thank you.

The SPEAKER. Without objection, and the Chair hears no such objection, the leave is granted.

Mr. Hayes, do you have any requests for leaves of absence today?

Mr. HAYES. No.

The SPEAKER. None today. Thank you, sir.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Acosta	Deal	Langtry	Rieger
Afflerbach	Dietz	Lashinger	Robbins
Angstadt	Dininni	Laughlin	Roebuck
Argall	Distler	Lescovitz	Rudy
Arty	Dombrowski	Letterman	Ryan
Baldwin	Donatucci	Levdansky	Rybak
Barber	Dorr	Linton	Saloom
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	Foster	Maiale	Smith, B.
Bowley	Fox	Manderino	Smith, L. E.
Bowser	Freeman	Manmiller	Snyder, D. W.
Boyes	Freind	Markosek	Snyder, G.
Brandt	Fryer	Mayernik	Staback
Broujos	Gallen	Merry	Stairs
Bunt	Gamble	Michlovic	Steighner
Burd	Gannon	Micozzie	Stevens
Burns	Geist	Miller	Stewart
Bush	George	Moehlmann	Suban
Caltagirone	Gladeck	Morris	Swift
Cappabianca	Godshall	Mowery	Taylor, E. Z.
Carlson	Greenwood	Mrkonic	Taylor, F.
Carn	Gruitza	Murphy	Taylor, J.
Cawley	Gruppo	Nahill	Telek
Cessar	Hagarty	Noye	Tigue
Chadwick	Haluska	O'Brien	Trello
Cimini	Harper	O'Donnell	Truman
Civera	Hasay	Olasz	Van Horne
Clark	Hayes	Oliver	Veon
Clymer	Herman	Petrarca	Vroon
Cohen	Hershey	Petrone	Wambach
Colafella	Honaman	Phillips	Wass
Cole	Howlett	Piccola	Weston
Cordisco	Hutchinson	Pievsky	Wiggins
Cornell	Itkin	Pistella	Wilson

Coslett	Jackson	Pitts	Wogan
Cowell	Jarolin	Pott	Wozniak
Coy	Johnson	Pressmann	Wright, D. R.
DeLuca	Josephs	Preston	Wright, J. L.
DeVerter	Kasunic	Punt	Wright, R. C.
DeWeese	Kennedy	Raymond	Yandrisevits
Daley	Kenney	Reber	
Davies	Kosinski	Reinard	Irvis,
Dawida	Kukovich	Richardson	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Gallagher	Perzel	Sweet
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LEAVES CANCELED—1

Sweet

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. LLOYD presented the Report of the Committee of Conference on **SB 1134, PN 1989**.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2319 By Representatives TRELLO, CHADWICK, PRESTON and STUBAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for restrictions on the use of highways and bridges.

Referred to Committee on TRANSPORTATION, April 8, 1986.

No. 2320 By Representatives TRELLO, PETRONE, PETRARCA, J. L. WRIGHT, CARLSON, CLYMER, TIGUE, CAWLEY, CIVERA, STABACK, HALUSKA, JACKSON, BUSH, L. E. SMITH, BELFANTI, MICOZZIE, GODSHALL, COLE, HERMAN, PRESSMANN, MRKONIC, McVERRY, LUCYK, LASHINGER, BOWSER, BUNT, WILSON, F. TAYLOR, PHILLIPS, JOHNSON, DISTLER, D. W. SNYDER, GLADECK, KOSINSKI, KUKOVICH, NAHILL, MORRIS, VEON, BELARDI, COY, STEIGHNER, RAYMOND, AFFLERBACH, FARGO, DEAL, VAN HORNE, OLASZ, ACOSTA, BURD, ARTY, MAYERNIK, SIRIANNI, LEVDANSKY, TELEK, FLICK and COLAFELLA

An Act amending the act of July 15, 1976 (P. L. 1036, No. 208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act," further providing for the amount of certain loans.

Referred to Committee on LOCAL GOVERNMENT, April 8, 1986.

No. 2321 By Representatives TRELLO, FARGO, KOSINSKI, PETRONE, MRKONIC, BLACK, DOMBROWSKI, KUKOVICH, ROBBINS, F. TAYLOR, DAWIDA, GRUPPO, MARKOSEK, DeLUCA, J. L. WRIGHT, RAYMOND, PETRARCA, McVERRY, BOOK, STABACK, BOWSER, BURD, JOHNSON, ITKIN, FISCHER and COLAFELLA

An Act designating Interstate Highway 79 as the Disabled Veterans Highway.

Referred to Committee on TRANSPORTATION, April 8, 1986.

No. 2322 By Representatives CAWLEY and BELARDI

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, in return for the imposition of Project 70 restrictions on certain lands owned by the City of Scranton.

Referred to Committee on STATE GOVERNMENT, April 8, 1986.

No. 2323 By Representative LAUGHLIN

An Act amending the act of October 28, 1966 (1st Sp. Sess., P. L. 55, No. 7), known as the "Goods and Services Installment Sales Act," further providing for service charges.

Referred to Committee on CONSUMER AFFAIRS, April 8, 1986.

No. 2324 By Representatives HASAY and GEORGE

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$20,000,000 for the permanent improvement of Pennsylvania's streams and creeks by removing stream blockage flooding hazards affecting the health and safety of persons and properties in this Commonwealth created by surface runoff and for providing physical protection from such hazards.

Referred to Committee on CONSERVATION, April 8, 1986.

No. 2325 By Representatives DOMBROWSKI, CALTAGIRONE, VAN HORNE, BOWSER, BOYES and CAPPABIANCA

An Act amending the act of May 23, 1945 (P. L. 903, No. 362), entitled "An act authorizing cities of the third class to establish an optional retirement system for officers and employes independently of any pension system or systems existing in such cities," further providing for membership on certain retirement boards.

Referred to Committee on URBAN AFFAIRS, April 8, 1986.

SENATE MESSAGE**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The clerk of the Senate, being introduced, returned **HB 440, PN 3123**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate, April 7, 1986

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 14, 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, April 14, 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.

REPORT SUBMITTED

The **SPEAKER**. The Chair received yesterday the report of the special committee formed pursuant to **HR 50**, which the clerk will file.

(Copy of report is on file with the Chief Clerk.)

BILLS REMOVED FROM TABLE

The **SPEAKER**. The Chair recognizes the majority leader.

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

HB 1029;

HB 2080; and

SB 642.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CITATION PRESENTED

The **SPEAKER**. The Chair welcomes to the hall of the House a championship girls' basketball team and invites the gentleman from Blair, Mr. Geist, together with the gentleman from Blair, Mr. Johnson, to come to the podium, to the clerk's microphone, to present the citation.

The Chair recognizes the gentleman from Blair, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Speaker.

It is a real privilege to introduce our State champions from Altoona, Pennsylvania. I am going to introduce Representative Geist to make the presentation. Thank you.

Mr. GEIST. Thank you very much.

Mr. Speaker, I would like to take this opportunity to make my remarks very short. I know now how Steve Freind and Bob Flick and others felt last year when we had the Villanova team here, their team, the number one team in the U.S.A. I am delighted today to have with us the number one girls' basketball team in the United States and the Pennsylvania State champions from the city of Altoona, our Lady Lions.

Before introducing the team captains, I would like to introduce some people to my left: the head coach of the Mountain Lions, Art Taneyhill—and Art has been a friend of mine since we were in grade school. And the man who taught him everything he knows about basketball when he was a basketball coach and now the principal of Altoona High School, Hercky Betar.

I would also like to call your attention to the gallery and I would ask that the administration and the team members please stand. The Altoona High School Lady Lions, Quad-A champions.

Behind me are two team captains, Jennifer Shingler and Tracey Slogik. Since this is really their day in Harrisburg with the Governor and the Senate and the House, I would consider it a privilege, rather than having me read the citation, to ask Jennifer Shingler to read the House citation that has been presented to each of the team members.

The **SPEAKER**. Permission is granted by the Chair.

Miss SHINGLER. Thank you, Mr. Speaker, Representative Geist, Representative Johnson, and members of the legislature.

WHEREAS, The Altoona Area High School Girls' Basketball Team, the Lady Lions, captured the PIAA Class Quad-A Title with a fifty-nine to forty victory over Downingtown at the State championship game. They have had an exceptional thirty-one wins and no losses season and were listed in USA Today as the number one lady's basketball team in the nation; and

WHEREAS, The Lady Lions, comprised of Michele Rehm, Jenny Moran, Krissy Wolfe, Kristen Campbell, Tess Schimminger, Debbie Shingler, Sandy Baker, Jenny Shingler, Tracey Slogik, Jennifer Dorfmeister, Debbie Taneyhill, Shelley Weaver and Andrea Smeigh; managers, Dawn Focht, Debbie Wagner, Darie Luciano and Pam Worley, through the discipline and training of Coach Art Taneyhill have excelled to the utmost in their athletic abilities.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends hearty congratulations to the Altoona Area High School Girls' Basketball Team, managers, coach and loyal fans for completing a highly successful season; expresses its hope for continued victories in future seasons; and further directs that a copy of this citation be delivered to the Altoona Area High School Girls' Basketball Team.

Thank you.

The SPEAKER. We are very proud to have you here.

Miss SLOGIK. Mr. Speaker, members of the legislature, Representatives Johnson and Geist, on behalf of the Altoona Lady Lions and the city of Altoona, we would like to thank you for having us here today. It is a great honor and privilege and something that we will remember for years to come. Thank you.

The SPEAKER. Does the Chair understand that these young women are the national champions?

Mr. GEIST. Yes, sir, Mr. Speaker. This is the USA Today's—

The SPEAKER. That is a very special honor for you and you are very wonderful and we are proud of you as Pennsylvanians. Congratulations.

Mr. GEIST. Thank you very much.

PENNSYLVANIA JUNIOR MISS PRESENTED

The SPEAKER. Will the gentleman from Cambria, Mr. Wozniak, come to the podium?

Those of you who served several years ago with Pat Gleason when he was on the floor of the House will be proud to know that Pat's daughter, Kathleen—Katie—Gleason has been named the Pennsylvania Junior Miss of the year.

Mr. Wozniak, will you introduce—and I am sure that Mr. Ryan, who served with Pat, will want to say a few words about this young lady—will you introduce the young lady?

Mr. WOZNIAK. Thank you, Mr. Speaker.

Mr. Speaker, it is my pleasure to introduce Katie Gleason, who is Pennsylvania's Junior Miss for 1985-86. Last year I had the honor of introducing Kim Rovanseck, and she was a relative of one of our former members. As the Speaker said before, Katie is the daughter of the late Patrick Gleason, whom many people here served with.

Over to my left is LouAnn Gleason, her mother; her mother and father, Mr. and Mrs. Daley; Katie's cousin, Attorney Bob Gleason, Secretary of State; and the rest of the entourage is up in the balcony.

Mr. Speaker, this is not my show; this is Katie Gleason's. She worked very hard for this honor. She has been all through Pennsylvania talking to many different people, organizations, and she is quite talented, quite pretty, and she has a few words here that she would like to speak to you on.

Ladies and gentlemen, Pennsylvania's Junior Miss, Katie Gleason.

Miss GLEASON. Thank you.

Representative Wozniak, Mr. Speaker, members of the House, distinguished guests, Mom, ladies and gentlemen:

My name is Katie Gleason, and I have the privilege of having been selected to represent the Commonwealth of Pennsylvania in America's Junior Miss Program this summer in Mobile, Alabama.

The Junior Miss Program is a nationwide scholarship competition which seeks to focus public attention on the constructive achievements of young women of America by awarding college scholarships based upon achievement and development in a variety of areas. At all levels of the Junior Miss competition - local, State, and national - the judging standard and basis of selection is the same. The emphasis is on scholarship, personality, character, physical fitness, creative and performing arts, and interpersonal skills. There are no entry fees, and the program is open to all high school girls during their junior year. It is a privately funded program depending upon the support of small businesses on a local level. In Cambria County, over \$87,000 in scholarship awards have been made in the past decade. This summer in Mobile, over \$100,000 will be awarded, with America's Junior Miss receiving a \$25,000 scholarship. With the cost of a college education skyrocketing, the significance of this private sector program is apparent.

I am deeply honored to have been selected to represent this great Commonwealth. I was born in Pennsylvania; it has been my home.

Standing in this chamber before this distinguished body, I cannot help but be struck by the magnitude of the honor. I am honored also by the invitation to speak before you today. Though I must admit I was a bit intimidated by the prospect at first, but then it occurred to me that each of you is the elected representative of your community. In addition, you are husbands, wives, and parents, just as my father, Patrick Gleason, was when he was a member of the House. And so in speaking to you today, I hope you will forgive me if I speak to you as I would have liked to have spoken to him. For those of you who knew him, I hope that in some way my words remind you of him. I am my father's daughter.

I was not sure there was anything that I could say to you that would be worth your valuable time, but I have found something I feel is important to say to you. I believe it is important because it has to do with the future of this great Commonwealth and your responsibilities as the good stewards of its natural resources.

Pennsylvania has been blessed with vast resources, and we have reaped the bounty of our resources. We mined iron ore and coal to make steel and drive the engines of industry. We drilled for oil and natural gas. We dug clay for bricks and sand for glass. We planted the fields and timbered the forests. And yet we have preserved the beauty of our State for future generations with parks and wildlife regulations. We have begun to clean up the air and have stopped polluting the water. We have become conservationists without crippling our industry, and the General Assembly has played a large role in this.

Nations and States are often heard to boast of their natural resources and their great manufacturing plants. When Chrysler or GM wants to build a new plant, each State chases after it like an early forty-niner after the rumor of gold. And it is true that a new plant means jobs, and any Pennsylvanian can tell you how important jobs are. But just like forty-niners who left fertile farmland upon a rumor of gold, this great Commonwealth has left its greatest resource to lay fallow while it has chased after elusive jobs and a quick fix from industry.

The greatest resource a State can have is its people, especially its youth, who are the hope for the future. The greatest factories a State can have are its institutions of learning, where the priceless resources of humanity are converted into a finished product of inestimable wealth. But there is a blight upon our crops and it threatens this most precious harvest. Drugs and crime, poverty and despair, each conspire to rob this Commonwealth of its greatest resource and its future.

It is the responsibility of parents, teachers, and the members of this Assembly to tend the fields. If our future is to be protected, we must address directly the great problems which face us today.

Drugs and violence have no place in our schools. Those who desire to learn should have an opportunity to do so in an environment free of drugs and free of fear. High school classrooms should not be used as holding cells for criminals deemed too young for prison. We must deal with the problem. The drug addicts and the problem students are not the only ones being lost.

Poverty and despair threaten as well. For generations America denied itself the great achievements of women and minorities because it was blinded by ignorance and prejudice. How much greater might we have been? What great advance in science or industry have we been denied because of our ignorance? The disadvantaged student who knows he will never be able to afford a college education has no incentive to achieve in school, no reason to compete for higher grades when his future offers no promise beyond a high school diploma. Is it any wonder they despair and drop out? So much is lost in their despair - the individual's dreams and dignity, society's resources and its future - and this need not be so.

Pennsylvania is a home of opportunity. Its people comingle with the best blood of all races. Here the scholar ought to find the most powerful incentive and be inspired by the greatest effort. Whether he turns his efforts to agriculture, industry, communications, transportation, medicine, government, or to the social services, no matter where he or she applies himself, infinite possibilities abound.

Private programs are not enough. The government must take some measure to insure that this State's greatest resources are not squandered. The investment is worth the cost. Student loans and public service repayment programs would insure direct return, but the greatest return will come from the full utilization of our greatest resource - its youth. The fields have lain fallow for too long.

I know that if my father were here, he would urge you on in your struggle to be the good stewards of the great Commonwealth. He would urge you each to keep the faith. The man of faith, believing that every word spoken for the truth will have its influence and that no blow struck for the right is ever struck in vain, fights on without asking whether he is to fall in the beginning of the battle or live to join in the shouts of triumph.

Faith brings strength. If you come prepared, if you have faith in your colleagues and join with them to improve the general level of society, if you have faith in your form of government and seek to purge it of its imperfections so as to make it the pride of our people and the hope of all nations, and if you have faith in God and in the triumph of right, then no man can set limits on your achievements or upon the future of this great Commonwealth.

This is a great time in history. Communication and transportation advances have brought the edges of the Earth close together. It is easier today to help strangers a wide ocean apart than it was a few centuries ago to help the inhabitants of a single valley. This is indeed an age of great opportunity and great responsibility. I know my father would say, let your faith be large, and let your large faith inspire you to large service. Thank you.

The SPEAKER. We thank you, Katie.

Mr. GEIST. Thank you, Katie.

The SPEAKER. I thought for a moment when you were saying you are your father's daughter, he would certainly be proud of you, as we are. I think what you ought to do, Katie, is to give your words to those men who are now running for Governor - both Republican and Democratic ticket. You make a lot more sense than some of the words they have been saying to us recently, and that goes for all of them, Katie.

The Chair recognizes the minority leader.

Mr. RYAN. Katie, you said—I could not help but listen to your remarks, of course—and you said if your father were here today. Well, I believe he is. I think somewhere in the heavens today Pat Gleason looks down here kindly on you and on this House.

Pat Gleason was a lovable, witty, wonderful person, a man who was a fierce competitor, a man who could disagree without being disagreeable, and he was blessed with Irish wit and Irish humor that was really something to behold if you dealt with him on a daily basis.

I agree with the Speaker when he said that your father would be proud of you today, as we are. There are many of us in this hall who served with him, and his spirit and the spirit of so many others who went before him really permeates this building, and this hall particularly. And I would be a liar if I said that a tear did not come to my eye as you spoke here today, and I am really pleased to have had the opportunity to have heard you. Thank you.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Katie Gleason and the Gleason family who are here today certainly do pride, through Katie and through Pat, who served here in the Assembly, to the people of Pennsylvania.

Pat Gleason and I were adversaries - adversaries in philosophy and adversaries in many positions that we took on the floor of the House and in committee meetings - but Pat Gleason was a most worthy advocate of the positions that he took. He was hardworking, as hardworking as any member that I have ever seen here in Harrisburg, and he was knowledgeable always, as his daughter seems well to be, on the subject matter which he was handling, and the subject matter which she brought to us this morning.

There is no question, as Mr. Ryan has said, that Pat Gleason left his mark in Pennsylvania politics and in the Assembly of Pennsylvania, and he certainly left his mark on his daughter and on his family.

We congratulate Pennsylvania's Junior Miss, Katie Gleason.

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

Mr. DORR. Mr. Speaker, many of us have memories of Pat Gleason, and I just wanted to say a couple of words about how time marches on. Before I was ever personally involved in politics in Pennsylvania, my father-in-law, who was involved for many years, used to tell me stories about Katie's grandfather and his contacts with Katie's grandfather on the Republican State Committee of Pennsylvania. As I came to the General Assembly and learned to know Pat Gleason, the son of Andy, I appreciated even more those stories and appreciated Pat's contribution here.

I remember in particular him being way ahead of his time in regard to a very controversial issue then and now - the issue of assessment reform. Pat stood with all too few of us in regard to that issue, trying to move Pennsylvania forward at that time, and we are still in that struggle.

Mr. Speaker, Katie certainly represents her father well; she represents the youth of Pennsylvania well. I think I would say to the four high school students who are joining me from my district today that they, as well as the two or three candidates for Governor, ought to pay attention to Katie's words, because they were much more thoughtful than many of the speeches my friends, the students, will hear here today in debate on many bills.

We congratulate you, Katie.

The SPEAKER. The Chair thanks the Gleason family, also, and points out that Pat Gleason, in fathering this brilliant young woman, has made a gift to all of us which all of us will treasure. Congratulations and thank you so much for being here.

WELCOMES

The SPEAKER. We have in the balcony the fourth grade students from the Linwood Elementary School. They are here as the guests of Representative Freind. Congratulations, Mr. Freind, for having that many constituents. Welcome to the hall of the House.

Representative Coy has a group of school children from the Scotland Elementary School in Franklin County. Congratula-

tions to Mr. Coy for having such a bright group of students here. Welcome to the hall of the House.

The Chair is also pleased to welcome members of the 4-H Club of Montgomery County: David Stauffer, Diana Shank, Conrad Fisher, Susan Papp, Dan Cochran, Henry Wojton, Alice Cochran, Leslie Bartholemew, and Nancy Kadwill. They are guests of the Montgomery County legislative delegation.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 2264, PN 3121; HB 1625, PN 3130; and SB 1342, PN 1844.

* * *

The House proceeded to second consideration of **HB 1505, PN 2344**, 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 collective bargaining by the authority with its employees and their representatives; and making a repeal.

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 1505** be placed on the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. MANDERINO. Mr. Speaker, I move that **HB 1505** be lifted from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

* * *

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

SB 293, PN 1905.

* * *

The House proceeded to second consideration of **HB 1728, PN 3131**, entitled:

An Act amending the act of May 24, 1945 (P. L. 991, No. 385), known as the "Urban Redevelopment Law," further providing for the acquisition of blighted property by redevelopment authorities for certain uses and the means of financing the purchase of property; and further providing for economic development programs.

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 1728 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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1835, PN 2853**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for exceptions and appeals.

On the question,
Will the House agree to the bill on third consideration?
Mr. LLOYD offered the following amendment No. A0481:

Amend Sec. 1 (Sec. 332), page 1, lines 10 through 16, page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting
§ 332. Procedures in general.

* * *

(h) Exceptions and appeal procedure.—Any party to a proceeding referred to an administrative law judge under section 331(b) may file exceptions to the decision of the administrative law judge [within 15 days after such decision is issued] with the commission, in a form and manner and within the time to be prescribed by the commission. The [administrative law judge] commission shall rule upon such exceptions within [30] 90 days after filing. [Any party to the proceeding may appeal to the commission from the ruling of the administrative law judge on the exceptions within 15 days after such ruling is issued.] If no exceptions are filed [or if no appeal is taken from the ruling on the exceptions within 15 days after any such decision or ruling is issued], the decision [or ruling] shall become final, without further commission action, unless two or more commissioners within 15 days after the decision [or ruling on the exceptions] request that the commission review the decision and make such other order, within 90 days of such request, as it shall determine. Prosecutory counsel of the Law Bureau shall be deemed to have automatic standing as a party to such proceeding and may file exceptions to any decision of the administrative law judge under this subsection.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Somerset, Mr. LLOYD.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, earlier in the session Representative McCall had worked out a revised version of his legislation, and that had been amended into another bill. Inadvertently, the language which had been worked out with the Consumer Advocate and with Mr. Burns and other interested parties did not get incorporated into HB 1835. The purpose of this amendment is simply to conform the language of HB 1835 with what the House has previously passed.

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

The following roll call was recorded:

YEAS—189

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

NAYS—0

NOT VOTING—9

Blaum	Fattah	Letterman	Merry
Cordisco	Hutchinson	Linton	Richardson
Deal			

EXCUSED—3

Gallagher	Perzel	Sweet
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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

Acosta	Dininni	Lashingner	Robbins
Afflerbach	Distler	Laughlin	Roebuck
Angstadt	Dombrowski	Lescovitz	Rudy
Argall	Donatucci	Letterman	Ryan
Arty	Dorr	Levdansky	Rybak
Baldwin	Duffy	Livengood	Saloom
Barber	Durham	Lloyd	Saurman
Barley	Evans	Lucyk	Scheetz
Battisto	Fargo	McCall	Schuler
Belardi	Fee	McClatchy	Semmel
Belfanti	Fischer	McHale	Serafini
Birmelin	Flick	McVerry	Showers
Black	Foster	Mackowski	Smith, B.
Blaum	Fox	Maiale	Smith, L. E.
Book	Freeman	Manderino	Snyder, D. W.
Bortner	Freind	Manmiller	Snyder, G.
Bowley	Fryer	Markosek	Staback
Bowser	Gallen	Mayernik	Stairs
Boyes	Gamble	Merry	Steighner
Brandt	Gannon	Michlovic	Stevens
Broujos	Geist	Micozzie	Stewart
Burd	George	Miller	Stuban
Burns	Gladeck	Morris	Swift
Bush	Godshall	Mowery	Taylor, E. Z.
Caltagirone	Greenwood	Mrkonic	Taylor, F.
Cappabianca	Gruitza	Murphy	Taylor, J.
Carlson	Gruppo	Nahill	Telek
Carn	Hagarty	Noye	Tigue
Cawley	Haluska	O'Brien	Trello
Cessar	Harper	O'Donnell	Truman
Chadwick	Hasay	Olasz	Van Horne
Cimini	Hayes	Oliver	Veon
Civera	Herman	Petrarca	Vroon
Clark	Hershey	Petrone	Wambach
Clymer	Honaman	Phillips	Wass
Cohen	Howlett	Piccola	Weston
Colafella	Hutchinson	Pievsky	Wiggins
Cole	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	Kenney	Raymond	Yandrisevits
DeWeese	Kosinski	Reber	
Daley	Kukovich	Reinard	Irvis,
Dawida	Langtry	Rieger	Speaker

NAYS—0

NOT VOTING—11

Cordisco	Dietz	Linton	Seventy
Davies	Fattah	Moehlmann	Sirianni
Deal	Kennedy	Richardson	

EXCUSED—3

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

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

REMARKS ON VOTE

The SPEAKER. Why does the lady from Susquehanna, Miss Sirianni, rise?

Miss SIRIANNI. Mr. Speaker, I would like to be recorded in the affirmative on HB 1835.

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

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1946, PN 2969**, entitled:

An Act requiring retail gasoline dealers to post gasoline additive information; and imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. GREENWOOD offered the following amendments No. A1112:

Amend Title, page 1, line 2, by inserting after "information;" requiring the dispensing of gasoline from self-service pumps to the vehicles of handicapped persons

Amend Sec. 1, page 1, line 7, by inserting after "labeling" and Gasoline for the Handicapped

Amend Sec. 5, page 4, line 5, by striking out "the provisions of this act" and inserting section 3 or 4

Amend Bill, page 4, by inserting between lines 10 and 11 Section 6. Service to handicapped; penalty.

(a) Dispensing required.—The owner, operator or employee of any full-service retail service station offering a self-service pump shall dispense gasoline from the self-service pump into any vehicle bearing a handicapped registration plate or a disabled veteran's registration plate upon the request of the disabled operator of such vehicle.

(b) Penalty.—A person who violates subsection (a) commits a summary offense.

Amend Sec.6, page 4, line 11, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. GREENWOOD. Thank you, Mr. Speaker.

This amendment is aimed at helping the handicapped of Pennsylvania. What it says is that at a gas station, a service station, where there is a self-service pump and where self-service is offered, that an individual pulling up to that pump who has a handicapped registration plate or a disabled veteran's registration plate would be able to have the self-service gasoline pumped into his car by an employee of the service station so that he or she would not have to pay the additional cost at the full-service line.

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

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I personally have no opposition to the amendment, but I would ask every member to vote his or her conscience. Thank you.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—7

Cordisco	Fattah	Linton	Richardson
Deal	Kenney	O'Donnell	

EXCUSED—3

Gallagher	Perzel	Sweet
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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. BOWLEY offered the following amendment No. A0929:

Amend Sec. 5, page 4, line 6, by inserting after "SECTION 3"

and a manufacturer who fails to comply with the provisions of this act

On the question,

Will the House agree to the amendment?

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

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply adds a penalty to the manufacturer if he does not comply with the provisions of this act, just like the retail gasoline station dealer himself.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Acosta	Deal	Langtry	Roebuck
Afflerbach	Dietz	Lashing	Rudy
Angstadt	Dininni	Laughlin	Ryan
Argall	Distler	Lescovitz	Rybak
Arty	Dombrowski	Letterman	Saloom
Baldwin	Donatucci	Levdansky	Saurman
Barber	Dorr	Livengood	Scheetz
Barley	Duffy	Lloyd	Schuler
Battisto	Durham	Lucyk	Semmel
Belardi	Evans	McCall	Serafini
Belfanti	Fargo	McClatchy	Seventy
Birmelin	Fee	McHale	Showers
Black	Fischer	McVerry	Sirianni
Blaum	Flick	Maiale	Smith, B.
Book	Foster	Manderino	Smith, L. E.
Bortner	Fox	Manmiller	Snyder, D. W.
Bowley	Freeman	Markosek	Snyder, G.
Bowser	Freind	Mayernik	Staback
Boyes	Fryer	Michlovic	Stairs
Brandt	Gallen	Micozzie	Steighner
Broujos	Gamble	Miller	Stevens
Bunt	Gannon	Moehlmann	Stewart
Burd	Geist	Morris	Stuban
Burns	George	Mowery	Swift
Bush	Gladeck	Mrkonic	Taylor, E. Z.
Caltagirone	Godshall	Murphy	Taylor, F.
Cappabianca	Greenwood	Nahill	Taylor, J.
Carlson	Gruitza	Noye	Telek
Carn	Gruppo	O'Brien	Tigue

Cawley	Hagarty	O'Donnell	Trello
Cessar	Haluska	Olasz	Truman
Chadwick	Harper	Oliver	Van Horne
Cimini	Hasay	Petrarca	Veon
Civera	Hayes	Petrone	Vroon
Clark	Herman	Phillips	Wambach
Clymer	Hershey	Piccola	Wass
Cohen	Honaman	Pievsky	Weston
Colafella	Howlett	Pistella	Wiggins
Cole	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	Rieger	Irvis,
Davies	Kukovich	Robbins	Speaker
Dawida			

NAYS—2

Mackowski	Merry
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NOT VOTING—5

Cordisco	Hutchinson	Linton	Richardson
Fattah			

EXCUSED—3

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the gentleman from Warren, Mr. Bowley.

Mr. BOWLEY. Thank you, Mr. Speaker.

Mr. Speaker, this legislation is to help those people who pull into a gas station and may drive a particular type of automobile, and it would require that retail service stations put on the pumps a label saying the type of gasoline or cosolvent and methanol in the gas. On the back of the previous amendment is the type of label that would be required on the pump.

I would ask for an affirmative vote.

The SPEAKER. On final passage, the Chair recognizes the gentleman from Centre, Mr. Letterman.

Mr. LETTERMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for an affirmative vote on this piece of legislation. It is very important, because of the amount of additives being added to gasoline today, that we know what we are putting in the motorboats. The motors for boats today are running around \$6,000, if you buy a decent sized one, and one dose of this bad additive and alcohol could destroy that engine. So that is why we really need this. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—190

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

NAYS—1

Dorr

NOT VOTING—7

Bush	Cordisco	Fattah	Richardson
Cimini	Deal	Linton	

EXCUSED—3

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

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

The SPEAKER. Turn back to page 3. Mr. Cowell will not be offering his amendment. That means that HB 1880 is available for third consideration and final passage.

* * *

The House proceeded to third consideration of **HB 1880, PN 3196**, entitled:

An Act to further provide from the General Fund for the expenses of the Executive and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1985 to June 30, 1986, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985; and to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1985.

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

NAYS—0

NOT VOTING—5

Cordisco	Fattah	Linton	Richardson
Deal			

EXCUSED—3

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

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

STATEMENT BY MR. COWELL

The SPEAKER. Why does the gentleman from Allegheny, Mr. Cowell, rise?

Mr. COWELL. Mr. Speaker, may I make a brief comment concerning that legislation and the amendment that I had intended to offer?

The SPEAKER. The Chair hears no objection. The gentleman may proceed.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I had indicated an interest in offering an amendment to deal with a problem being experienced in many district offices of the Office of Vocational Rehabilitation. There are many of our district offices that in fact have run out of money or are close to running out of money and are in the process of turning clients or potential clients away for the remainder of this fiscal year. This remains an issue that we must address.

I agreed to not offer the amendment to HB 1880 because leaders of both parties in this chamber agreed not to consider amendments, but I want to emphasize that this is an issue we must take up and it is my intention to add that amendment or propose to add that amendment to the next available vehicle that comes through this chamber. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. The Speaker is delighted to have as his guests Jim West and Mary Flaherty. Mary Flaherty is the daughter of Jim Flaherty, the niece of Peter Flaherty, and more importantly, the daughter of one of the most beautiful and dynamic mothers I have ever known, Katie Flaherty. Welcome to the hall of the House, both of you.

Don Dorr has as his guests Southwestern High School students, Kathy Woodward, Laurie Bidelspock, Chris Wingert, and Brian Hockensmith. Welcome to the hall of the House. We are delighted to have you.

Representative Micozzie has as his guests Karen Sokol from New Kensington and Connie Rusek from Springdale, Pennsylvania. Welcome to the hall of the House. We are delighted to have you.

We have guest pages here today. They are the guests of Representative Robbins - Edythe Potter, Alyce Potter, Michelle McElhaney, and Pat Potter is the commander of the Jamestown VFW Post. I would assume Pat Potter is Edythe's father. Is that correct? Are they on the floor of the House? They are being sent on errands. Well, that is what they do when they are pages.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies. Why do you rise, sir?

Mr. DAVIES. Mr. Speaker, I was out of my seat on HB 1835 on final passage. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Allegheny, Mr. Seventy. Why do you rise, sir?

Mr. SEVENTY. Mr. Speaker, on HB 1835 my switch did not register. I would like to be recorded in the affirmative.

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

Mr. SEVENTY. Thank you.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2062, PN 2813**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," providing for the establishment of a regional office for western Pennsylvania by the Department of Commerce; and making an appropriation.

On the question,

Will the House agree to the bill on third consideration?

Mr. FARGO offered the following amendment No. A1355:

Amend Sec. 1 (Sec. 2501-B), page 2, line 5, by striking out "Pittsburgh" and inserting
Butler

On the question,

Will the House agree to the amendment?

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

Mr. FARGO. Thank you, Mr. Speaker.

The purpose of this amendment is to locate the Commerce Department district office that is being considered in HB 2062 in Butler, Pennsylvania. It is my understanding that the proposed Commerce Department office will be an office from which Commerce Department representatives will operate to cover all of western Pennsylvania, and businesses, individuals, tourist promotion agencies from all over western Pennsylvania will work in that office.

At the present time the Commerce Department representative covering most of western Pennsylvania lives in the area of Erie and travels over all the counties that he covers. It certainly would be more convenient and less costly to work from a centrally located office, and Butler serves that description much better than Pittsburgh.

Businessmen in Erie, Warren, Meadville, Oil City, and DuBois will be closer to the office if that office is located in Butler. Even for contacts from Pittsburgh, there would be convenient access through uses of Route 80 or Route 79 and Route 8.

It is my understanding that the fastest growing area in all of western Pennsylvania or in all of Pennsylvania is Cranberry Township. This is at the intersection of 79 and the turnpike. This is an area that is convenient to Butler, Pennsylvania.

Butler City several years ago lost its major employer, Pullman Standard. They employed over 2,800 employees, and that city is fighting back to overcome that loss. The general economic conditions that are experienced by the entire district are also being experienced in Butler.

For all of these reasons, I would greatly appreciate the consideration of my colleagues to this amendment. Thank you.

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

Mr. TRELLO. Mr. Speaker, with all due respect to my colleague from the Butler area, I can appreciate what he wants to do, but by the same token, I would like to have that office in my hometown of Coraopolis.

Let us talk about Coraopolis. In Coraopolis we have I-79 about an eighth of a mile away. We have Route 60; we have the Parkway West; we have 51 that goes into Beaver County, a number of distressed areas. But I feel that I can be satisfied with the office in the city of Pittsburgh where it is close to Washington County, Greene County, Fayette County, Beaver County, Allegheny County, Butler County, and all of those areas.

So I stand to oppose the amendment, because I feel that Pittsburgh is the best area for that office, including Butler County.

I would appreciate a negative vote on this amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Beaver, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, I rise to oppose this amendment. This bill was designed to help the region of western Pennsylvania. Pittsburgh is a city that has a major international airport, has major hotels, it has State office buildings that are located in Pittsburgh, and that is where the Commerce Department offices will go, where we can utilize the services of the State offices in Pittsburgh.

Mr. Speaker, the kinds of businesses that we want to locate in western Pennsylvania are people who are going to come in from Europe, who are going to come in from all over this country, and they are corporate presidents. We want these corporate presidents to look at a major league atmosphere that the city of Pittsburgh has, and hopefully we will be able to locate new businesses surrounding the Pittsburgh area.

For that reason, I oppose this amendment, and I would appreciate a negative vote on this particular amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Butler, Mr. Steighner.

Mr. STEIGHNER. Thank you, Mr. Speaker.

Mr. Speaker, I think the importance of what we are considering today is that a regional office be established in western Pennsylvania. The Mon Valley study that was completed by the Department of Commerce, among other studies as well, pointed this need out.

I am indeed flattered by the amendment offered by the prime sponsor that he would suggest that it would be placed in Butler in Butler County. I would obviously be hard pressed in opposing it, so I would ask for the favorable consideration by the House. Thank you, Mr. Speaker.

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

Mr. COWELL. Mr. Speaker, it is unfortunate that members are put into a position where they have to speak in favor of one city or another when the real issue is to get an office in western Pennsylvania, which is lacking and which is so critical if we are going to see true utilization of the array of programs that are administered by the Department of Commerce. I would ask that we not toy with this bill and not confuse the issue today by trying to amend it.

Representative Colafella does not live in Pittsburgh or Allegheny County, but he had the good wisdom not to suggest that we pick some suburban community, preferably in his district, and propose to locate a major office there. He did try to identify the real need, and that is to put an office into southwestern Pennsylvania where so many of the economic development programs are so necessary and so underutilized today.

Let us stay on track; let us keep our focus; let us defeat this amendment and pass this very important bill today. Thank you.

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

Mr. MERRY. Mr. Speaker, the content of this bill is worthwhile. I believe all we are tinkering with is where it should be located. I am certain any member from the east of Pennsylvania can look at the map and see that Pittsburgh is in the southwest. If this proposed regional office is to serve western Pennsylvania, let us serve the entire portion of western Pennsylvania in such a way that it will not degrade the service to Pittsburgh in Allegheny County.

Being from Crawford and Erie Counties, I suggest an office in Butler would be very fair. It would be nice to have one in Erie like we used to, but there has been an economy movement in the Department of Commerce and throughout this administration to have just a few offices. Since it would appear that we were going to have to force the administration to create this one office, let it be in a worthwhile, reasonable position.

Mr. Speaker, I suggest that the location of Butler is reasonable and that the members should support this amendment.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise opposing this amendment. Last summer, Mr. Speaker, I did a study in which we evaluated the number of jobs created by the Department of Commerce in terms of bringing new industry into Pennsylvania through the years 1980 to 1985, and we found out that through that period of time, and specifically last year, that of the 1,400 new jobs created, 97 percent of those new jobs were created on the other side of the mountains from western Pennsylvania.

Now, economic deprivation and unemployment is pervasive throughout western Pennsylvania. Not only have we found out it is in Armstrong and in Beaver and in Butler and Allegheny and Westmoreland, but it is in Greene and Fayette and all the counties of western Pennsylvania. We found out also from the Department of Commerce that foreign companies moving into Pennsylvania, most of those companies located on the other side of the State, not in western Pennsylvania, Mr. Speaker. That is why there is a need to have the Department of Commerce and their presence being in western Pennsylvania, specifically in the center of the population center, and that is in Pittsburgh.

Now, we know in Washington County and in the Mon Valley that we have 26 percent unemployment. It reminds me of the analogy of getting a bone thrown and all the dogs fighting over the bone. Let us look at this issue as a regional issue. This office needs to be in Pittsburgh, and if we are going to really systematically address the unemployment problem and the depression and the economic problems in southwestern Pennsylvania, let us put a regional office in Pittsburgh and subregional offices out in the county seats, and then we can work at it from there. But the office should be in the center of the area, and that is Pittsburgh. Thank you, Mr. Speaker.

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

Mrs. LANGTRY. Mr. Speaker, I rise to ask defeat of the amendment. I have great respect for the writers of the amendment, but I would just say that it only makes common sense to have a Department of Commerce office in the city of Pittsburgh, the second largest city in Pennsylvania. The city of Philadelphia has an office; Pittsburgh does not. But more than that, the city of Pittsburgh has, of course, a State office building already in existence. I think the expenses would be less to place this service in the city of Pittsburgh. We have the transportation and communication facilities and, in addition, all the means to service the surrounding communities. I think it only makes sense to have this office in the second largest city in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Thank you, Mr. Speaker.

Mr. Speaker, I rise to, of course, support the amendment. I am not here supporting it just because it is Butler County. It just so happens that Butler County, and the area that we who are Representatives from that particular area in the State are

from, happens to be located geographically in such a way that it would be a more convenient place to put a center such as we are talking about. If those of you from western Pennsylvania are familiar with the area, and I am sure you are, you realize that Route 79, which is an interstate highway, runs from Erie clear through the State clear through Washington County at the very southern end of the State. It is very close to the airport; someone mentioned the availability of the airport. Well, I am here to tell you that it is very close to the airport, and if it was located along that particular highway, of course, it would put all of those counties in western Pennsylvania within about an hour's drive from Erie or Washington, either one, to that facility. So I am asking the membership to consider that.

Not only does it put them in close proximity to the airport; it also puts them in close proximity to downtown Pittsburgh itself, the very place where a lot of people feel that this should be located. And I maintain that if it was located a little further out of town along a major highway such as Route 79—and I am saying this because it happens to be Butler County—you would be able to provide a facility and a service for the Department of Commerce that would be a lot less congested than asking our neighbors or anyone to come into downtown Pittsburgh where parking has been a problem and will continue to be a problem forever and a day.

So using those reasons, I ask my fellow members, my colleagues, if they would give some very serious consideration to this amendment. I think it is very important to the State of Pennsylvania. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—97

Angstadt	Distler	Kenney	Saurman
Argall	Dorr	Lashingner	Scheetz
Arty	Durham	Livengood	Schuler
Barley	Fargo	McClatchy	Semmel
Birmelin	Flick	Mackowski	Serafini
Black	Foster	Manmiller	Sirianni
Bowley	Fox	Merry	Smith, B.
Bowser	Freind	Micozzie	Smith, L. E.
Boyes	Gallen	Miller	Snyder, D. W.
Brandt	Geist	Moehlmann	Snyder, G.
Bunt	Gladeck	Mowery	Steighner
Burd	Godshall	Nahill	Stevens
Burns	Greenwood	Noye	Swift
Bush	Gruitza	O'Brien	Taylor, E. Z.
Carlson	Gruppo	Phillips	Taylor, J.
Chadwick	Hagarty	Piccola	Telek
Cimini	Hasay	Pitts	Vroon
Civera	Hayes	Pott	Wass
Clymer	Herman	Punt	Weston
Cornell	Hershey	Raymond	Wilson
Coslett	Honaman	Reber	Wogan
DeVerter	Jackson	Reinard	Wright, D. R.
Davies	Johnson	Robbins	Wright, J. L.
Dietz	Kennedy	Ryan	Wright, R. C.
Dininni			

NAYS—97

Acosta	Daley	Lescovitz	Rieger
Afflerbach	Dawida	Letterman	Roebuck
Baldwin	Dombrowski	Levdansky	Rudy
Barber	Donatucci	Lloyd	Rybak
Battisto	Duffy	Lucyk	Saloom
Belardi	Evans	McCall	Seventy
Belfanti	Fee	McHale	Showers
Blaum	Fischer	McVerry	Staback
Book	Freeman	Maiale	Stairs
Bortner	Fryer	Manderino	Stewart
Broujos	Gamble	Markosek	Stuban
Caltagirone	Gannon	Mayernik	Taylor, F.
Cappabianca	George	Michlovic	Tigue
Carn	Haluska	Morris	Trello
Cawley	Harper	Mrkonic	Truman
Cessar	Howlett	Murphy	Van Horne
Clark	Hutchinson	O'Donnell	Veon
Cohen	Itkin	Olasz	Wambach
Colafella	Jarolin	Oliver	Wiggins
Cole	Josephs	Petrarca	Wozniak
Cordisco	Kasunic	Petrone	Yandrisevits
Cowell	Kosinski	Pievsky	
Coy	Kukovich	Pistella	Irvis,
Deluca	Langtry	Pressmann	Speaker
DeWeese	Laughlin	Preston	

NOT VOTING—4

Deal	Fattah	Linton	Richardson
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EXCUSED—3

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

On the question recurring,
Will the House agree to the bill on third consideration?
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—189

Acosta	Dininni	Lescovitz	Rudy
Afflerbach	Distler	Letterman	Ryan
Angstadt	Dombrowski	Levdansky	Rybak
Argall	Donatucci	Linton	Saloom
Arty	Dorr	Livengood	Saurman
Baldwin	Duffy	Lloyd	Scheetz
Barber	Durham	Lucyk	Schuler
Barley	Evans	McCall	Semmel
Battisto	Fattah	McClatchy	Serafini
Belardi	Fee	McHale	Seventy
Belfanti	Fischer	McVerry	Showers
Birmelin	Flick	Mackowski	Sirianni
Black	Foster	Maiale	Smith, B.
Blaum	Fox	Manderino	Smith, L. E.
Book	Freeman	Manmiller	Snyder, D. W.
Bowley	Freind	Markosek	Snyder, G.
Boyes	Fryer	Mayernik	Staback
Brandt	Gamble	Michlovic	Stairs
Broujos	Gannon	Micozzie	Steighner
Bunt	Geist	Miller	Stevens
Burd	George	Moehlmann	Stewart
Burns	Gladeck	Morris	Stuban
Bush	Godshall	Mowery	Swift
Caltagirone	Greenwood	Mrkonic	Taylor, E. Z.
Cappabianca	Gruitza	Murphy	Taylor, F.
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
Civiera	Herman	Petrarca	Veon
Clark	Hershey	Petrone	Vroon
Clymer	Honaman	Phillips	Wambach
Cohen	Howlett	Piccola	Wass
Colafella	Hutchinson	Pievsky	Weston
Cole	Itkin	Pistella	Wiggins
Cornell	Jackson	Pitts	Wilson
Coslett	Jarolin	Pott	Wogan
Cowell	Johnson	Pressmann	Wozniak
Coy	Josephs	Preston	Wright, D. R.
Deluca	Kasunic	Punt	Wright, J. L.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Davies	Langtry	Rieger	Irvis,
Dawida	Lashinger	Robbins	Speaker
Dietz	Laughlin	Roebuck	

NAYS—6

Bortner	Fargo	Kennedy	Merry
Bowser	Gallen		

NOT VOTING—3

Cordisco	Deal	Richardson
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EXCUSED—3

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

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

STATEMENT BY MR. ROBBINS

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Robbins. Why do you rise?

Mr. ROBBINS. Mr. Speaker, just to correct the record and to apologize to you for my note.

Pat Potter, the mother of the guest pages—and I did not explain that in the note—but between her and her husband they had 41 years of service in the military. She retired as a lieutenant commander and is one of the few female commanders in the VFW in Pennsylvania.

The SPEAKER. That is indeed an honor, and the Speaker is sorry to have guessed wrong on it. But thank you, Mr. Robbins, for straightening this out.

WELCOMES

The SPEAKER. The student government class and their advisers from the Jim Thorpe Junior High School, Carbon County, are here as the guests of Keith McCall. Welcome to the hall of the House.

The Trinity Christian Academy is here with their instructor, Bonnie Shane. They are the guests of Representative Wilson and Representative Cornell. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2200, PN 3049**, entitled:

An Act amending the act of November 22, 1978 (P. L. 1166, No. 274), referred to as the "Pennsylvania Commission on Crime and Delinquency Law," adding a definition; further providing for the membership, powers and duties of the Pennsylvania Commission on Crime and Delinquency; reestablishing the Pennsylvania Commission on Crime and Delinquency; and making an editorial change.

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

Mr. DeWEESE offered the following amendment No. A1235:

Amend Sec. 6, page 4, line 15, by striking out "in 60 days." and inserting
immediately.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, amendment A1235 is a technical amendment currently being distributed by Darryl and the other pages, and it is of a technical nature only. HB 2200, sunset on the Pennsylvania Commission on Crime and Delinquency, would not take effect for 60 days if the legislation were to be enacted as is. Therefore, it was the combined feeling of the committee, and I believe the decision was reached without opposition, that we should eliminate "60 days" and have the effective date of the act take place immediately. I am under the firm impression that there is concurrence from both sides of the aisle.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—182

Acosta	Davies	Kukovich	Reber
Afflerbach	Dawida	Langtry	Reinard
Angstadt	Dietz	Lashinger	Rieger
Argall	Dininni	Laughlin	Robbins
Arty	Distler	Lescovitz	Rudy
Baldwin	Donatucci	Letterman	Ryan
Barber	Dorr	Levdansky	Rybak
Barley	Durham	Livengood	Saloom
Battisto	Evans	Lloyd	Saurman
Belardi	Fargo	Lucyk	Schuler
Belfanti	Fee	McCall	Semmel
Birmelin	Fischer	McClatchy	Serafini
Black	Flick	McHale	Seventy
Blaum	Foster	McVerry	Showers
Book	Fox	Mackowski	Sirianni
Bortner	Freeman	Maiale	Smith, L. E.
Bowley	Freind	Manderino	Snyder, D. W.
Bowser	Fryer	Manmiller	Snyder, G.
Boyes	Gallen	Markosek	Staback
Brandt	Gamble	Mayernik	Stairs
Bunt	Gannon	Merry	Steighner
Burd	George	Michlovic	Stevens

Burns	Gladeck	Micozzie	Stewart
Bush	Godshall	Miller	Stuban
Caltagirone	Greenwood	Moehlmann	Taylor, E. Z.
Cappabianca	Gruitza	Morris	Taylor, F.
Carlson	Gruppo	Mowery	Taylor, J.
Carn	Hagarty	Mrkoncic	Telek
Cawley	Haluska	Murphy	Tigue
Cessar	Harper	Nahill	Trello
Chadwick	Hasay	Noye	Van Horne
Cimini	Hayes	O'Brien	Veon
Civera	Herman	O'Donnell	Vroon
Clark	Hershey	Olasz	Wass
Clymer	Honaman	Oliver	Weston
Cohen	Howlett	Petrarca	Wiggins
Colafella	Hutchinson	Petrone	Wilson
Cole	Itkin	Piccola	Wogan
Cornell	Jackson	Pievsky	Wozniak
Coslett	Jarolin	Pistella	Wright, D. R.
Cowell	Johnson	Pitts	Wright, J. L.
Coy	Josephs	Pott	Wright, R. C.
DeLuca	Kasunic	Pressmann	Yandrisevits
DeVerter	Kennedy	Preston	
DeWeese	Kenney	Punt	Irvis,
Daley	Kosinski	Raymond	Speaker

NAYS—0

NOT VOTING—16

Broujos	Duffy	Phillips	Smith, B.
Cordisco	Fattah	Richardson	Swift
Deal	Geist	Roebuck	Truman
Dombrowski	Linton	Scheetz	Wambach

EXCUSED—3

Gallagher	Perzel	Sweet
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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—192

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

Burns	Gladeck	Morris	Swift
Bush	Godshall	Mowery	Taylor, E. Z.
Caltagirone	Greenwood	Mrkoncic	Taylor, F.
Cappabianca	Gruitza	Murphy	Taylor, J.
Carlson	Gruppo	Nahill	Telek
Carn	Hagarty	Noye	Tigue
Cawley	Haluska	O'Brien	Trello
Cessar	Harper	O'Donnell	Truman
Chadwick	Hasay	Olasz	Van Horne
Cimini	Hayes	Oliver	Veon
Civera	Herman	Petrarca	Vroon
Clark	Hershey	Petrone	Wambach
Clymer	Honaman	Phillips	Wass
Cohen	Howlett	Piccola	Weston
Colafella	Hutchinson	Pievsky	Wiggins
Cole	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	Rieger	Speaker
Dawida	Langtry		

NAYS—0

NOT VOTING—6

Cordisco	Fattah	Richardson	Roebuck
Deal	Linton		

EXCUSED—3

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

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Wambach. Why do you rise, sir?

Mr. WAMBACH. Mr. Speaker, on the DeWeese amendment A1235 to HB 2200, I would like to be recorded in the affirmative.

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

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1557, PN 3048**, entitled:

An Act providing for official visitation of prisons.

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—192

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

NAYS—0

NOT VOTING—6

Cordisco	Fattah	Linton	Richardson
Deal	Letterman		

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 357, PN 2618**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," imposing additional powers and duties upon the Department of Community Affairs.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 357 be recommended 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 third consideration of **HB 358, PN 2224**, entitled:

An Act providing a procedure whereby economically disadvantaged municipalities may participate in State-funded programs requiring shared funding when they are unable to provide their share of the funds.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 358 be recommended to the Committee on Appropriations for a fiscal note.

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

WELCOME

The SPEAKER. Grace Pritti and Gloria Meehan are both here as the guests of Representative Dennis O'Brien. Welcome to the hall of the House.

ANNOUNCEMENT BY MR. NAHILL

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

Mr. NAHILL. Thank you, Mr. Speaker.

Mr. Speaker, I am about to introduce a two-bill package. One of the bills deals with the tampering of food and drug products. What it will do is raise the penalty for tampering from an unclassified misdemeanor up to a second-degree

felony. The second bill will allow the Secretary of Health to embargo products for just cause across the State of Pennsylvania.

Anybody who would like to sign on these bills, they will be down with the bill clerk. Thank you, Mr. Speaker.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

On HB 2200, amendment A1235, my vote was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. Mr. Speaker, I was temporarily out of my seat when the vote was taken on HB 1835, PN 2853. Had I been in my seat, I would have liked to have voted in the affirmative.

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

The Chair recognizes the gentleman from Mercer, Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

On HB 2062 I was recorded in the negative. I would like to be recorded in the affirmative.

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

The majority leader would prefer that we take up some of the less controversial bills which we have on the calendar before we go into the lunch recess. Let us see if we can get them done. Quiet down and we will get them done quickly.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2081, PN 3021**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the organization and operation of the State Transportation Commission; and reestablishing the State Transportation Commission in conformity with the Sunset Act.

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—190

Acosta	Deal	Langtry	Rieger
Afflerbach	Dietz	Lashinger	Robbins
Angstadt	Dininni	Laughlin	Rudy
Argall	Distler	Lescovitz	Ryan

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

NAYS—0

NOT VOTING—8

Barber	Evans	Linton	Roebuck
Cordisco	Fattah	Richardson	Wiggins

EXCUSED—3

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

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

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 383, PN 3129**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

A Supplement to the act of July 3, 1984 (P. L. 583, No. 117), entitled "An act providing for the capital budget for the fiscal year 1984-1985," itemizing public improvement projects, furni-

ture and equipment projects, transportation assistance projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Transportation or the Department of Community Affairs; stating the estimated useful life of the projects; and making appropriations.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky, on concurrence.

Mr. PIEVSKY. Mr. Speaker, I urge that we nonconcur on HB 383. There are more amendments to be added to this bill, and I think we can do that in conference. Also, the administration has some amendments that they want to put in for next year, and that is the reason why I urge nonconcurrence.

The SPEAKER. The Chair recognizes the minority whip.
Mr. HAYES. Thank you, Mr. Speaker.

I support the gentleman, Mr. Pievsky, and ask for a vote to nonconcur.

The SPEAKER. The question is, shall the House concur in amendments inserted by the Senate to HB 383? Mr. Pievsky and Mr. Hayes have suggested the vote on that motion be in the negative.

Those who wish to concur will vote "aye." For nonconcurrence, the vote should be "no."

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—6

Dawida	Murphy	Rybak	Wogan
Duffy	Rudy		

NAYS—184

Acosta	Deal	Langtry	Reinard
Afflerbach	Dietz	Lashingier	Rieger
Angstadt	Dininni	Laughlin	Robbins
Argall	Distler	Lescovitz	Ryan
Arty	Dombrowski	Letterman	Saloom
Baldwin	Donatucci	Levdansky	Saurman
Barley	Dorr	Livengood	Scheetz
Battisto	Durham	Lloyd	Schuler
Belardi	Fargo	Lucyk	Semmel
Belfanti	Fee	McCall	Serafini
Birmelin	Fischer	McClatchy	Seventy
Black	Flick	McHale	Showers
Blaum	Foster	McVerry	Sirianni
Book	Fox	Mackowski	Smith, B.
Bortner	Freeman	Maiale	Smith, L. E.
Bowley	Freind	Manderino	Snyder, D. W.
Bowser	Fryer	Manmiller	Snyder, G.
Boyes	Gallen	Markosek	Staback
Brandt	Gamble	Mayernik	Stairs
Broujos	Gannon	Merry	Steighner
Bunt	Geist	Stevens	Stewart
Burd	George	Micozzie	Stuban
Burns	Gladeck	Miller	Swift
Bush	Godshall	Moehlmann	Taylor, E. Z.
Caltagirone	Greenwood	Morris	

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

NOT VOTING—8

Barber	Evans	Linton	Roebuck
Cordisco	Fattah	Richardson	Wiggins

EXCUSED—3

Gallagher	Perzel	Sweet
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Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The clerk of the Senate, being introduced, returned the following **HB 583, PN 3127**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the term of a firearms license and the fee therefor; and further providing for revocations.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman.

The question is, Mr. Herman, shall we concur in the Senate amendments to HB 583?

Mr. HERMAN. Yes, Mr. Speaker. What the Senate has done is to change the effective date from 90 days to January 1, 1987, which would negate any adverse effect it would have on any county's budget. I support concurrence, Mr. Speaker.

On the question recurring,
Will the House concur in Senate amendments?

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

YEAS—186

Afflerbach	Dininni	Lashingier	Rieger
Angstadt	Distler	Laughlin	Robbins
Argall	Dombrowski	Lescovitz	Rudy
Arty	Donatucci	Letterman	Ryan
Baldwin	Dorr	Levdansky	Rybak
Barley	Duffy	Livengood	Saloom

Battisto	Durham	Lloyd	Saurman
Belfanti	Fargo	Lucyk	Scheetz
Birmelin	Fee	McCall	Schuler
Black	Fischer	McClatchy	Semmel
Blaum	Flick	McHale	Serafini
Book	Foster	McVerry	Seventy
Bortner	Fox	Mackowski	Showers
Bowley	Freeman	Maiale	Sirianni
Bowser	Freind	Manderino	Smith, B.
Boyes	Fryer	Manmiller	Smith, L. E.
Brandt	Gallen	Markosek	Snyder, D. W.
Broujos	Gamble	Mayernik	Snyder, G.
Bunt	Gannon	Merry	Staback
Burd	Geist	Michlovic	Stairs
Burns	George	Micozzie	Steighner
Bush	Gladeck	Miller	Stevens
Caltagirone	Godshall	Moehlmann	Stewart
Cappabianca	Greenwood	Morris	Stuban
Carlson	Gruitza	Mowery	Swift
Carn	Gruppo	Mrkonic	Taylor, E. Z.
Cawley	Hagarty	Murphy	Taylor, F.
Cessar	Haluska	Nahill	Taylor, J.
Chadwick	Harper	Noye	Telek
Cimini	Hasay	O'Brien	Tigie
Civera	Hayes	O'Donnell	Trello
Clark	Herman	Olasz	Truman
Clymer	Hershey	Oliver	Van Horne
Cohen	Honaman	Petrarca	Veon
Colafella	Howlett	Petrone	Vroon
Cornell	Hutchinson	Phillips	Wambach
Coslett	Itkin	Piccola	Wass
Cowell	Jackson	Pievsky	Weston
Coy	Jarolin	Pistella	Wilson
Deluca	Johnson	Pitts	Wogan
DeVerter	Josephs	Pott	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kennedy	Preston	Wright, R. C.
Davies	Kenney	Punt	Yandrisevits
Dawida	Kosinski	Raymond	
Deal	Kukovich	Reber	Iris,
Dietz	Langtry	Reinard	Speaker

NAYS—0

NOT VOTING—12

Acosta	Cole	Fattah	Roebuck
Barber	Cordisco	Linton	Wiggins
Belardi	Evans	Richardson	Wright, J. L.

EXCUSED—3

Gallagher	Perzel	Sweet
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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The clerk of the Senate, being introduced, returned the following **HB 1549, PN 3038**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for special provisions for exchange of hotel liquor licenses.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza, on the question.

Mr. GRUITZA. Mr. Speaker, I would suggest that the House do concur. The amendments offered by the Senate were technical in nature. Thank you.

The SPEAKER. On the question, those in favor of concurrence, as suggested by Mr. Gruitza, will vote "aye"; those opposed, "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—174

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

NAYS—16

Birmelin	DeVerter	McClatchy	Smith, B.
Boyes	Dietz	Mowery	Smith, L. E.
Broujos	Fryer	Murphy	Vroon
Coy	George	Pitts	Wass

NOT VOTING—8

Barber	Evans	Petrarca	Snyder, D. W.
Cordisco	Hutchinson	Richardson	Wiggins

EXCUSED—3

Gallagher	Perzel	Sweet
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS ON VOTE

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

Mr. McCLATCHY. Mr. Speaker, I pressed the negative; I meant to be in the affirmative, Mr. Speaker, on that last vote, concurrence in HB 1549.

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

RECESS

The SPEAKER. The House will stand in recess until 1:30. Please be prompt. We have a game bill which has about 21 amendments to be offered, and that is probably going to be called up immediately on the return from lunch.

The House stands in recess until 1:30.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

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

CALENDAR CONTINUED CONFERENCE COMMITTEE REPORT POSTPONED

The House proceeded to consideration on the postponed calendar of the Conference Committee Report 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 recurring,

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

The SPEAKER. Do you wish to speak on the committee of conference report, Mr. Lashinger?

Mr. LASHINGER. Mr. Speaker, I would ask the prime sponsor to stand for brief interrogation.

The SPEAKER. This is a Senate bill.

Mr. LASHINGER. Mr. Speaker, not necessarily the prime sponsor; that person who is handling the floor debate for it.

The SPEAKER. Who is handling the floor debate on SB 655, the committee of conference report? Apparently no one. In that case we can go quickly on it.

FILMING PERMISSION

The SPEAKER. The Chair gives permission for Charles Thomas of WTAJ-TV to film for 10 minutes on the floor.

CONSIDERATION OF SB 655 CONTINUED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the matter of SB 655, the conference report, is, of course, the matter of the Philadelphia Convention Center which has been before the House previously. I ask for a vote of concurrence in the report, Mr. Speaker.

The SPEAKER. On the question, shall the House concur in the Committee of Conference Report on SB 655, the Chair recognizes the gentleman from Montgomery, Mr. Lashinger.

Mr. LASHINGER. Mr. Speaker, I once again ask for an opportunity to interrogate someone on the changes that have been made in the conference report.

The SPEAKER. Mr. Lashinger, the Chair would be glad to find someone who will be interrogated, but no one seems to volunteer. Therefore, there can be no interrogation because this is a Senate bill.

The question recurs, will the House adopt the committee of conference report?

Mr. LASHINGER. Excuse me, Mr. Speaker.

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

Mr. LASHINGER. Mr. Speaker, the opportunity to comment before final passage.

The SPEAKER. The gentleman may comment on the committee of conference report.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, it is, I want to say disturbing. It is, I guess, more than disturbing; it is disappointing that on an issue of such importance to those of us in the Commonwealth and surely of importance to the city of Philadelphia and to south-eastern Pennsylvania that no one would be prepared—

Mr. Speaker, may I have some order, please?

The SPEAKER. Try it now, Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, once again I want to say it is disappointing. This is the third time that we have had an issue or a related issue on the convention center before us. It is the third time that I have risen to address the issue. It is, unfortunately, the first time that no one has been prepared to respond. I personally attempted to approach this issue objectively and fairly and promised that if questions were not answered, that I would be back before this chamber in an effort to be educated in my effort before I formulated a response or formulated a vote on this issue. I still have some very serious, what I consider serious, questions and, hence, serious reservations about approving this proposal today.

I am not sure what has changed since the time that this matter failed this chamber some 3 weeks ago. None of the issues have changed; surely none of the facts have changed. It would surprise me—well, I guess it would not really surprise

me considering the fact that we are running it now at 1:30 as the first vote on the calendar—but it does surprise me that there has been such a dramatic change in votes considering that there has been no factual change in the setting of the convention center.

Mr. Speaker, SB 655 still has some major flaws that I think deserve the attention of the individual members and that still need to be rectified. I say there are some deficiencies, and I am sure that those people who voted against this last time carried some of the same concerns or the same questions with them last time, and I am assuming that the vote has been changed as a result of the satisfaction of some of those concerns. I am telling this chamber today that they have not been satisfied. Specifically, I look at page 34 of SB 655 and I bring to the members' attention on page 34 the fact that that last sentence says "Nothing in this section or any other law of this Commonwealth shall require the authority to competitively bid architectural design, engineering, construction management or other professional services required by the authority."

One of the major concerns of this body in approaching this issue was that this be airtight in terms of conflicts of interest or as to who would end up getting these contracts in the construction of this facility which, as we all know, is going to probably be the largest construction project, capital project, in the Commonwealth of this year and probably for future years. And here is a provision, for anyone who has any construction management experience or any real estate experience, that allows probably 11 percent, would be my guess, 10 percent or 11 percent of a \$500-million project—what we are now being told is close to a \$500-million project—to go unbid. Think about it, Mr. Speaker and the members. The authority is not required to competitively bid architectural design, engineering, or construction management. I am going to guess from experience that construction management can be 5 percent of a project's costs and the balance, the architectural work and the engineering work, can be 6 percent. So let us assume for sake of discussion today that \$50 million of this project in the city will be unbid.

We were told from the beginning and we were told by the proponents of the legislation that this was airtight and it all would be competitively bid. I went back to some of the sponsors of the legislation and said, if you are going to leave this provision in, then why not put a cap on the State's commitment to the project, our commitment being \$185 million. When we did not get the commitment for the State cap, we then went back and said, well, at least amend that language out so everything is competitively bid and we, minimum, get some guarantee that the costs are controlled or at least reduced. With that language in there, I am telling you that especially on the construction management side—and again, about 5 percent of construction costs are usually allocated to construction management—5 percent of this total cost can go unbid and the balance 6 percent that I mentioned will continue to go unbid. That is just one concern, Mr. Speaker.

Another concern that I bring to the attention of the members is on page 37 and page 38 of the bill in the area that was of concern to a number of the members, and that was the conflicts-of-interest section. Again, some of the negative votes resulted from the fact that we were concerned about certain individuals or certain groups or certain organizations that would end up with contracts on this city project. Again, there is language in here that really is not airtight conflict-of-interest language. If you read it, it is possible that if it is done through what is called in the legislation an open bidding process, then the conflict-of-interest section does not apply. Well, my comment on that, Mr. Speaker, is either it is a conflict of interest or it is not a conflict of interest. You cannot say that if it is done through an open bidding process, it is no longer a conflict of interest. So I think those of you who have hung your hat on the issue of the fact that this is now airtight in terms of conflict of interest, I do not want to say you have been misled. I have a lot of respect for the proponents of the legislation, but I think you have gotten bad information on how airtight this legislation is.

Another concern of mine, Mr. Speaker—and again, these are all issues that I have raised and have not been satisfied; instead of satisfying the concerns of the individual members, the proponents instead have gone vote shopping on just this issue and not attempted to make any changes—is the issue of the hotel tax.

Mr. Speaker, if you look at the breakdown for funding this project— And the reason that I keep hammering away at this point is there is no cap on the commitment that the State is making to this project. We are in it for \$185 million in what I am going to call a State grant, Mr. Speaker, because no one would answer that question today when I asked it. A \$185-million State grant. It was \$185 million, Mr. Speaker, when the project cost was \$431 million. My question is today, with the estimates that were given that the project is now \$485 million—and now I am relying on industrial development corporation statistics—we were in it for \$185 million when this project cost \$431 million. What are we in it for today, Mr. Speaker, when the estimates are now \$485 million and tomorrow the estimates are \$600 million and the following month \$700 million? I only need to draw to the attention of the chamber the fact of the Javits Center, which was just recently constructed in New York - not unlike this center, built in an urban area; built in Manhattan. The original project cost was \$500 million. The project ends up coming in at \$3 billion - 6 times the original construction estimates, Mr. Speaker. There is no cap in this. What will be the State's share when this project quadruples in cost? My comment to the proponents was, give us a cap. I agree; I share the same commitment that I think even some of the Philadelphia legislators do to the city. I think we do have an obligation to the city, but to what degree is our obligation, Mr. Speaker? Where does it end? Does it end at \$185 million? Does it end at \$250 million?

Back to my point, Mr. Speaker, on the hotel tax. Part of the operating costs under the legislation are being paid through the city hotel tax, which is also a part of this legisla-

tion. We are moving the hotel tax from its current 3 percent to its new cap of 6 percent. I raised the issue on the floor last time that the hotel tax has just recently been ruled unconstitutional in Allegheny County. Mr. Speaker, my question was—and it was again one of the reoccurring questions I had when I opened this debate—if the hotel tax is ruled unconstitutional in the city of Philadelphia, what is the replacement revenue? Where will the replacement revenues come from?

I received an opinion from a respected law firm in the city of Philadelphia on the hotel tax. I have read Judge Papadakos' opinion from the Supreme Court on the Allegheny hotel tax, and believe me, Mr. Speaker—and I have worked with this issue in Montgomery County—I believe that the hotel tax in the city of Philadelphia, the way that it is drafted in this legislation, is still a major question mark. I am still concerned about the constitutionality of the way this hotel tax is drafted, like the same constitutional questions I have about other hotel taxes that have been drafted by this General Assembly. If the hotel tax is ruled unconstitutional, what is the replacement revenue? That question has never been answered, Mr. Speaker. It has never even been attempted to be answered.

Another issue arises: It is ruled constitutional; it is upheld. There is a provision in the legislation that says if any other taxes are raised in the city, the maximum tax could be 12 percent. The hotel tax is 6 percent of that total 12 percent. Let us say, for example, there are discussions in the region right now about a regional sales tax or some other tax in order to pay mass transportation costs. If we implement one of those other taxes that affect this industry in the city of Philadelphia, it will proportionally reduce the city hotel tax, which means the hotel tax will be reduced by 1 percent for every percentage point that any other tax goes up in the city of Philadelphia. That again will provide for a major shortfall in the revenue expectations for this project.

Another concern, Mr. Speaker, and again, I do not want to occupy all the time of this House today, and I suspect that the votes are here. Why, I am not sure, because I think I have indicated nothing has changed. One of my other questions in approaching the topic was, what happens to the Philadelphia Civic Center? What about the Civic Center that is still existing in the city of Philadelphia? My comment was I assume that the boat show and the flower show and all those other projects will be moved to the new convention center. The response to that was that, no, the flower show and the boat show would continue to operate at the Philadelphia Civic Center because this facility would be much too large, probably not be modular in nature, and not be able to handle smaller events like that.

Those are some of the major events in the city; those are the major Civic Center events, surely, in the city of Philadelphia today. My question becomes, then why a project of this size if you are trying to accommodate smaller scale projects like the flower show and the boat show that occupy the Civic Center currently? So apparently, the Civic Center will continue to be operated by the city and they will continue to have smaller events at this center and not the new center.

One of my other questions became, if the purpose of this is to enhance the hotel industry in the city of Philadelphia, then why is this convention center committed to having ballroom space, dining room space, and major kitchen facilities for preparing meals? What I now perceive happening, Mr. Speaker, is instead a facility that will be in competition for the catering, the dining, and all of the other money-making events that our hotels have in the city of Philadelphia, and instead what I fear is now happening is we are creating competition, especially for that money-making operation for our city hotels, and I am just not sure it is going to be the shot in the arm that this is projected to be.

Finally, Mr. Speaker, as I look around and I think about all of the opposition that there has been—and for so many reasons—to the legislation, I am confused as to how this could have the votes to pass today. I made the comment in our caucus a few weeks ago that this issue seems to have taken on a life of its own. I have a lot of respect for those proponents and the lobbyists on this issue, and I think they have done an effective and a commendable job. They surely have attempted to answer questions—maybe not to my satisfaction, but they have at least made the effort to answer. But why, as I look around the room and I think of the varying reasons for opposition—mine because of what I perceive as major substantive deficiencies, major loopholes in the legislation; some of the city Representatives, who are still concerned about the minority hiring provisions not being prevalent in the bill or not being in the bill at all; the suburban, the southeastern legislators, because of the city wage tax issue, which I have now, since the issue has been created, gotten major response on and as reason surely my constituents would like to see me be opposed to the issue—I am confused why there would be a change in heart today, Mr. Speaker, and I again ask the question, what has changed in the last 3 weeks concerning the Philadelphia Convention Center?

Let me just close by saying what I said a little bit earlier. I share the same commitment to the city of Philadelphia. I attended university in the city of Philadelphia. I share the same love and affection for the city that most of the members in the suburbs and the city members share. I believe we have an obligation to the city. My concern is, what is the extent of the State's obligation? What we have done today and what was attempted to be done a few weeks ago is we are now giving the city a blank check to build a convention center that honestly we do not know what it will cost, Mr. Speaker. We do not know what it will cost today; we do not know what it will cost tomorrow. My guess is going to be that when the facility is three-quarters of the way done, or seven-eighths of the way done, we will be back in this chamber with a request for more money. Maybe the facility will be completed. The operating deficits are projected already today to be between \$4 million and \$5 million. We have done some cost projections. Our operating deficit projections are much higher, probably 400 percent higher, when you consider the debt service on this obligation. What will happen when the operating deficits are instead \$12 million to \$15 million? Will the city

be back here, Mr. Speaker, asking us for more money to control the operating deficit of the Philadelphia Convention Center? I believe they will, and I think the chamber, after the completion of such a facility, will be in a position of having then to pay for the continued operation of the facility that we saw fit to construct today through the approval of the authority legislation.

For all of those reasons, Mr. Speaker, and so many others, I would ask that the membership vote "no" on the conference committee report. I think we have an obligation to go back, to make the legislation airtight. I think we have an obligation to the citizens of the Commonwealth to at least, at minimum, get a cap on the State's share of this project and not leave it open ended. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House the Mount Royal AARP, Chapter No. 2510. They are in the balcony and they are the guests of Representative Rick Cessar. Welcome to the hall of the House.

The Chair also welcomes, as guests of Representative David Richardson and the Philadelphia delegation, John Macklin, John Simon, and John Dent. This is a delegation of Johns, anyway. Welcome to the hall of the House, gentlemen.

CONSIDERATION OF SB 655 CONTINUED

The SPEAKER. On the question, shall the House adopt the committee of conference report, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly, I hope.

The gentleman who just spoke was looking for someone to answer questions about the convention center and about the bill that is before us today. What is different, he asks? There is no difference between the bill that is before us today and the bill that was extensively debated in this chamber just several weeks ago. Not one word has changed; not one sentence has changed. There has been an attempt to contact members to find out what problems members had with the legislation, to explain to members what the legislation was designed to do. I am sure Mr. Lashinger had that opportunity. I am sure Mr. Lashinger had the opportunity to meet with anyone he wanted to meet with who were proponents of this legislation.

He seems to make arguments in two areas. He said we ought to make sure that the legislation is airtight. When this legislation was negotiated by leaders of this side of the aisle in the House, the other side of the aisle in the House, both sides of the aisle in the Senate, the city administration in Philadelphia, Governor's Office personnel of the highest, everyone's concern was to make the legislation airtight.

Now, if we are talking about airtight on conflict of interest, I have never seen a piece of legislation more extensively, more extensively detailed with what is a conflict of interest and who can do what and what city employees and what State employees are prohibited from what kinds of activity. I have never

seen a piece of legislation more extensively detailed in that subject matter, and I am sure Mr. Lashinger would have to agree.

He talks about it being airtight also in the area of financial commitment. I have never, again, seen a piece of legislation more airtight in our financial commitment. Our financial commitment is \$185 million, period. All other moneys to be expended are to be expended by the city of Philadelphia for this convention center, which has been called by the Governor of this Commonwealth, the leader of your party, Mr. Lashinger, Pennsylvania's Convention Center in Philadelphia.

Not only is the dollar amount tied, Mr. Speaker, but a veto, a veto has been given to the State Secretary of the Budget, who can veto any financial matter contained. Any bid, any contract, any proposed expenditure can be vetoed, by the terms of this legislation, by the Secretary of the Budget of the Commonwealth of Pennsylvania. A similar veto was given to the financial director in the city of Philadelphia, and, Mr. Speaker, this is unprecedented in finding ways to hold the costs to the estimates that have been made.

Now, you can either be for a convention center for Pennsylvania in the city of Philadelphia or you do not have to be, but do not pick the thing apart with the kinds of specious arguments that we heard from Mr. Lashinger. Be man enough to say you do not believe we ought to build a convention center down there. Do not talk about wage tax in the city; do not talk about affirmative action; say, I do not think we ought to build that center. I would respect that kind of an opinion more than the kind of opinion that goes around the bush and says, how confused we are today, and what changed since the last time, and I am so confused that I do not understand this and I do not understand that.

You understand all of it. You understand we are trying to build a convention center. It costs money to build that convention center. Either you are willing to make that commitment for the State of Pennsylvania or you are not. What has not changed, Mr. Speaker, is there is an estimate of 12,000 permanent jobs to be created in southeastern Pennsylvania. There is no change in the economic development boost that is going to be given to that area of the State.

Mr. Speaker, I am asking for an affirmative vote on the convention center. I think just as we have been trying to help other areas of the Commonwealth of Pennsylvania with all sorts of economic development programs - we are trying to build the Greensburg Bypass, we are trying to build the Mon Valley Expressway, we are making a commitment in this Commonwealth for the Beaver Valley Expressway. We are spending large dollars. If you think the convention center costs a lot of money, you ought to look at the cost estimates for some of those roads, and some of them are in my area, but we are fighting for those, too. We think that they are the future for that area, and I think that one item of the future of southeastern Pennsylvania is Pennsylvania's Convention Center to be built in Philadelphia, and we ought to have the guts, we ought to have the fortitude, to stand up and be counted in favor of that convention center.

Let us not be parochial; let us not say that does not affect us. It affects every Pennsylvanian. We are all brothers and sisters in this Commonwealth. We are all family, and what affects one part of the State affects every part of the State. When we look more towards that kind of nonparochial interest within the halls of the General Assembly, we will do our constituents, wherever they might be, the greatest service.

I ask for an affirmative vote, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

FILMING PERMISSION

The SPEAKER. The Chair has given permission for WPVI's Jim Murtha to film on the floor, and for Bill Martin of KDKA to film on the floor.

CONSIDERATION OF SB 655 CONTINUED

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

Mr. FATTAH. Mr. Speaker, I rise to ask for support in favor of the Conference Committee Report on SB 655.

If we were talking about 10,000 jobs anyplace in this Commonwealth, votes would go in favor. Philadelphia is not in some other State; it is in the Commonwealth of Pennsylvania.

Mr. Speaker, there are a great many jobs involved in this project. At any time on the floor of this House we have always been willing to put our faith, to put our dollars, to try to rebuild the economy of this State, to try to put Pennsylvanians back to work. In the city of Philadelphia, this convention center is extremely important to the vitality of the Philadelphia economy. So I stand to ask for all of us to add our votes, to vote "yes" for the Conference Committee Report on SB 655. Thank you very much.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, when I started out becoming involved in the convention center authority bill, I pretty much started out as a nonbeliever but felt that it was my obligation, or duty, if you please, to meet with representatives of the four caucuses and the Governor's Office to attempt to fashion a bill, whether I was going to vote for it or not—and I never made a commitment to vote for it as I went through these early meetings—but to try and fashion a bill that I felt I could tell my caucus, if you want to vote for it, fine; if you do not want to vote for it, fine, but in my judgment, this particular vehicle, this authority bill, is the best possible authority bill, best possible vehicle that could be fashioned by the four caucuses. I felt that that was my obligation, to do my best to put together a bill that would take care of many of the problems that were raised by members of my caucus and, I am sure, members of the other caucus.

I listened to Mr. Manderino's remarks with respect to the ethics provisions, and I recall at one particular meeting in the Governor's complex—not his office; he never sat in on any of those meetings, but in that complex—when we discussed the question of an ethics law. It was decided by all of us there that our staff people would look through the laws of the Common-

wealth dealing with the flat tracks, the harness tracks, the lottery, the general law on ethics here in the State, and would fashion a conflicts law that would be the toughest one this State has ever seen, so that we could, in good conscience, say to the members of our caucus, as Mr. Manderino just said, that this is the toughest piece of legislation with respect to conflicts and ethics that this State has seen. And it is my belief that this bill covers that.

We were faced with the question, particularly being a Republican with a convention center that was going to be located in the city of Philadelphia, we were faced with the question of how do we get equity and fairness in the construction and operation of this, and I put in quotes, "regional convention center"? And after much time, much trouble, much drafting and redrafting, the present makeup of the convention authority board was arrived at as the fairest that we could design, where no one party, represented by government, of course, would have an advantage over the other; that it was, again, fair, which is what we sought and what we struggled to do.

In my caucus particularly, this convention center has caused much bleeding, and it is unfortunate. A lot of our friends are not pitted against one another but rather on different sides of the same issue. We have had at least one of our members stand up in caucus from Allegheny County and say, will you guys please get together so that we on the other side of the State who are not really affected by this do not have to choose lots and get in one camp or the other camp?

Reasonable men may differ. I said earlier today when making a remark about the late Pat Gleason that he was a man who could disagree with you but would never be disagreeable. I would like to think that the same thing holds true within our caucus, and your caucus, of course, with respect to this bill. Reasonable men differ.

I happen to take the position that this bill should not be linked with a reduction in the nonresident wage tax, which is the underlying difficulty I think we have had, at least in our caucus, with the adoption of this bill. I do not believe over the years that anything has been so controversial and of so much interest to me and the suburban legislators as the question of the Philadelphia wage tax. It is an issue that is not going to go away. It is one that we are going to continue to work on. We have had a number of meetings, of course, over the past year or two. They have not been fruitful. I do not happen to think, when dealing with this particular convention center, that it is time to tag this piece of legislation with that particular anchor. I think there are other opportunities to do that, but here we have, in my judgment, a regional center that is going to benefit not only the city of Philadelphia but also the surrounding counties that go beyond the four suburban counties, indeed into the western part of this State, or at least the central to central-western part of this State.

I do not know if today there are sufficient votes to adopt this conference report. I hope there are, if for no other reason than to get rid of this issue. But I again am going to vote "yes" for it. I would ask that our members really reflect on

the bill that is before us, the project that is before us, and I state only once again with respect to the financial integrity of this program that our financial people - that is, the House Republican financial people, Appropriations - and the State financial people, as represented by Mr. Bittenbender's office, have all assured us, have assured me, that as far as this State is concerned, this project will be of financial benefit to the State. It is my understanding that that feeling is shared with respect to the city of Philadelphia and that a professor from Penn—and the name slips my mind, but from one of the Penn schools—has recently conducted a study that verifies what we had been told earlier, that the city of Philadelphia will generate enough revenues directly and indirectly from this center to more than meet the projections that were placed before us sometime earlier this year. Thank you, Mr. Speaker.

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

Mr. RICHARDSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 655, the conference committee report, and I do so for several reasons, Mr. Speaker.

I am amazed at the reaction that we have gotten with respect to those who have chosen to take a different twist and a different angle on the convention center. When we raised this issue concerning this convention center from its very inception, we raised a question concerning where do we stand as far as those individuals who are black, who are women and minorities?

I was appalled at the fact that this convention center in the city of Philadelphia, the City of Brotherly Love and sisterly affection, is being called the Pennsylvania Convention Center. It amazes me that all of a sudden we are now wanting to be sharing in the equal wealth of all of those who are now involved in this convention center. It always amazes me, because when the question was raised earlier for those who have a convention center in Pittsburgh, I notice that we do not call the convention center in Pittsburgh the Pennsylvania Convention Center. Then I went out to Erie and I looked at Erie and I noticed that without question, they did not call the convention center in Erie, Pennsylvania, the Pennsylvania Convention Center.

But I looked at a project that evidently started off with some private contractors who evidently came up with a plan to in fact deal with this convention center. Then I watched it as it moved along progressively, and we raised a question at that time about where are blacks, minorities, and women involved in the process of every aspect of this? They told us that we could be assured that affirmative action was going to be placed within this bill. So they changed a word. They changed a word from "may" to "shall." So it reads thusly: "Affirmative action.—The authority shall develop and implement an affirmative action plan to assure that all persons are accorded equality of opportunity in employment and contracting by the authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers," and that is the end of that section on affirmative action.

Now, for many of us who have looked at this issue and have raised this issue, this is one of the major points and one of the many points that we have outlined over and over again about where is the involvement of assuring that the jobs, the building of this construction, the assignees, the lessees, the designers, the architects, who are supposed to be all a part of an open process, but unfortunately have already been picked as to who the designer is and who the architects are. There has not been anyone yet who has come forward and been honest enough to say that we have already started on this project, moved forward in several aspects of this project, and do not care at all about other folks who have been excluded from the process.

Well, I reject that notion, because there are many people in the city of Philadelphia who have called us and have asked us to vote "no" on this convention center who not only live in our legislative districts but also are a part of the comments and concerns that have been raised in the past, and that is, what is the price tag on this issue to the citizens of the city of Philadelphia? Where do they stand? Have you asked them and have you discussed with them in detail, in every aspect of this convention center, your major concerns over this convention center? I share with you they have been ousted out of that process. We have not been at the table and we have not been allowed to discuss those very important issues that affect the building of this convention center.

There are about five studies, Mr. Speaker, that have been done on this project. Some talk about the multiplier effect that says that we will get X number of thousands of jobs out of this. Well, I share with you at this moment, no one yet, union by union or project by project or hotel by hotel or brick by brick, has shown me the number of people who are going to be employed in this project that will allow us to know where do our people stand on a major project that is over half a billion dollars that is supposed to be initiated out of this particular convention center, but yet we cannot get a determination as to where do the people in the city of Philadelphia stand relevant to those contracts, subcontracts, vendors, suppliers, lessees, assignees, et cetera. I say to you that it is an insult to the citizens of this Commonwealth.

Number one, I think it needs to be in the city of Philadelphia and it needs to be built in the city of Philadelphia, and I think that the people need to determine exactly what those points are. Those points are, how do you begin now to talk about why it costs so much money to build a convention center that is almost three to four times the amount of money that has already been set forth in terms of other convention centers that have been built across the country.

Secondly, we have raised the question before of the "trust me" theory in all the meetings that subsequently have occurred as a result of the building of this convention center. Every time we ask where are the blacks and the minorities and women as it relates specifically to the construction end of this issue, we do not see any change at all in any of the attitudes of those who have already been at the table who decided that we are going to get a fair share. In talking to members of city

council, they keep saying that there is a hope and a wish and a prayer that after we get this passed, after this is voted on, we then are going to honestly be able to look at this project realistically, honestly, and be assured that there is going to be affirmative action across the board. Let me say this: I do not believe that. I do not believe that because in the past it has never happened. The Indians had 401 treaties with the United States and they never kept a one. The United States never kept one treaty with the Indians, always on a promise and a whim.

The same situation exists here within this Commonwealth. We signed bills that passed this House and the Senate on affirmative action in the budget bill the last year. This Governor decided to blue-line the language out that took all affirmative action programs out of the bill completely that gave us a 15-percent-across-the-board set-aside and affirmative action program in it. It is clear that there is no commitment from the Governor's Office or any of those who have been a part of the negotiations on this issue to try to make us believe and be convinced that we have a right to vote for this convention center bill.

Then coupled with all those other problems, they have decided now to take out the \$141 million that was already supposed to be attached to the capital budget bill that was supposed to go in automatically. Already they have played the games. The games that have been played are now you are going to have to vote on this convention center issue twice. So it does not mean at all that there has been a good-faith effort shown in the attitude of those who have not been willing to come to the table to negotiate seriously and honestly that question. There are people who are here who have come from Philadelphia who have been concerned about the fact that when these secret meetings have taken place, they have not even been at the table to be able to offer their concerns and objections whether for or against this particular project. What is there to be afraid of? Why is anyone upset about the fact that they want to make sure that their equal share is placed in it?

I do not think we should vote any convention center bill unless all of those parties are sitting down discussing each aspect of it from the building trades aspect, from all of the unions that are supposed to be involved in the aspect, including the designers who are supposed to have already been on board, including the architects that are already supposed to be on board. We are supposed to make sure that this is a public project; then all aspects of this should be public.

The other point that should be made is that I do not agree that there is a 4.5 voting power on both sides and that there is balance. I do not believe that the Democrats have 4.5 percent of the vote and I do not agree that the Republicans have 4.5 percent of the vote, making 9 votes. I believe that it is very obvious and very clear to me that the Republicans are controlling this, that it is a controlled project by them cited by the Governor, and that it is making sure that affirmative action is not in the program.

I have said this before and I will say it again. It does not matter to me whether the press writes what we say or not. We

have pointed it out over and over and over again that there is no commitment to dealing with the affirmative action and making sure that blacks, minorities, and women are included. When you talk about the wealth, I want to make it very clear that I am not going to be a party to anything that talks about distributing the wealth to everybody else and making them rich and flaunting them off in some fancy scheme to allow them to go off and do what they want to do and not include those citizens in the city of Philadelphia who have been denied categorically and systematically by those who sit at the top. The wealth is either going to be distributed fairly to everyone or we are going to be in a position to be able to stop it.

In conclusion I want to say this: If in fact today this convention center bill in fact goes through and the authority is in fact then put in place, I am saying publicly and on the record that I will be a part of those citizens and community organizations in the city of Philadelphia who are going to be a part of lying their bodies in front of any project that is going to be built in order to make sure that the issue that is in front of us is more fundamentally important than anything else that has hit the city of Philadelphia. We have to show that unless there is a set-aside provision that specifically deals with every aspect of this convention center for blacks, minorities, and women, I cannot buy it, and the reason I cannot buy it is that for 241 years our foremothers and forefathers gave of free labor, and they were told and they were told and they were told over and over again, we are going to pay you for those 241 years of free labor. They have never paid us yet. Then they turned around and promised us 40 acres and a mule, and we have never gotten that yet, based on the trust theory.

I want to say for the record that I am not going on the trust theory any longer. This convention center is wrong. You know it is wrong, and those who have put themselves in positions of trying to make it appear as though it is a great, grandiose idea to have a Pennsylvania Convention Center for all, it is just ludicrous, because it is not for all; it is for a few, and I am fighting those few who continue to reap all of the benefits while the crumbs drop from the table.

I ask for a negative vote.

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

Mr. EVANS. Mr. Speaker, I rise to support SB 655, and probably I do not have to go into the specifics of what exactly is in that particular bill because I think that it has been discussed, debated, and challenged over the last 2 years. I think that the members, may you be a Democrat or a Republican, are very clear about exactly what is in that particular bill. You have heard the debates about jobs; you have heard the debates about activity in the southwest; you have heard about the importance of bringing trade associations to that particular area, but I want to take a second to talk about something else, and I want to talk about the State that we are in. We are in a State that is made up of 67 counties, 15 major industries, and 12 million people, and if ever we are going to deal with the problems that we face in this particular State, we are going to have to get over two fundamental issues.

Some of you may have traveled or read that I traveled around the State, and as I traveled around the State, no matter if it was in rural Pennsylvania or in urban Pennsylvania or in suburban Pennsylvania, people wanted something to happen in this State. People in Pennsylvania, in my opinion, are sick and tired of us not taking the kinds of stands that I believe are very important to make something happen.

Are we going to have differences? Absolutely. Any time you start talking about 203 different personalities, you are going to have differences of opinion, but to me there is nothing wrong with differences of opinion. We can have differences of opinion as long as we focus on the number one goal, and that is the people whom we represent. Well, I, too, represent the people of the city of Philadelphia, and some of the people whom I represent believe that we need to have this convention center.

Can we have something that is absolute? No. You and I know that is why we have a green button and we have a red button, and we are here to make decisions. Some of us will be "yes" and some of us will be "no," but I know in the final conclusion that we are working in the interest of Pennsylvania, that we have to get over what I call regionalism and parochialism. Those two problems, in my opinion, will prevent Pennsylvania from ever moving and being the aggressive State that it is capable of being in this country.

We have a unique opportunity here; I call it a litmus test. I call it a litmus test for leadership. I call it a test to show once and for all that we as members of this General Assembly are going to bite the bullet and make a political decision.

Is everybody going to agree with our decision? No. I am saying to you today that we need to bite that bullet and support this particular project.

Are there going to be consequences? Absolutely. I would ask my colleagues, because this is not a Democrat or Republican issue; this is an economic issue. This is an issue where you are talking about \$455 million being invested in five different counties and has a potential of billions of dollars of return to the State. Now, there is some debate about the amount of return that it will bring back to the State, and no matter whom you talk to, everybody has an opinion.

But I am saying to you here today, we have an opportunity. We have an opportunity to show the people of the Commonwealth of Pennsylvania that we have vision, that we all have vision that one day we are going to make this place a lot better than it has ever been.

I am saying to you that in the city of Philadelphia we want this convention center. Now, have there been people who disagree? Yes. We cannot discount those people who disagree, but there have also been people who are supportive of it. I do not think any longer can we say to ourselves that because a few of us disagree, that the majority of us do not want to make that decision.

There was a city council resolution passed 2 weeks ago or a week ago in the city of Philadelphia, and we have 17 members in our city council. Of those 17 members, 15 voted "yes," 2 voted "no"; 15 voted "yes," 2 voted "no." I am asking my

colleagues on both sides of the aisle to strongly consider this project, because this project is more than just saying Philadelphia; this project is about this Commonwealth. So I ask my colleagues to consider the idea of having a vision. Consider the idea of having a vision that we can do a lot better tomorrow than we have been doing today.

Is it a perfect plan? No. Is it what everybody would like to have? Absolutely not. But we know that. We face that day in and day out. We have an opportunity here, in my opinion, to send a message, to send a message like we have never sent before that we in Pennsylvania are determined to compete with any other State in this United States. So I say to my colleagues, and particularly some of my colleagues from the suburbs, I know your concerns about the wage tax issue, and I think that needs to be dealt with, but the bottom line, in my opinion, is that one should not be connected to the other and that we need to focus and take a stand today, may you agree or disagree.

So I would ask my colleagues to strongly consider supporting the conference committee report, because I believe that it is in the Commonwealth's interest. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the lady from Philadelphia, Mrs. Weston.

Mrs. WESTON. Thank you, Mr. Speaker.

The few statements that I want to make, I want to start off by saying that as a Philadelphia taxpayer and as a Pennsylvania taxpayer, I had very grave concerns about this project from the beginning. It was those concerns that I had that brought about, like many in this legislature, a reason to separate the convention center from the capital budget projects bill. We failed in that attempt. But it was out of those concerns about this convention center that this bill came about. Leadership in the city of Philadelphia, leadership from every caucus in this legislature got together and put this bill together. This bill addresses many of the concerns that I, as a Philadelphian, had about the operation of the convention center, the construction of the convention center, who would manage it, how it would be funded, ethical controls. That is what this bill is all about - making sure that the convention center is constructed and operated properly. Please keep that in mind as you are pushing your switch in the next few minutes, hopefully in the next few minutes.

I would like to repeat something that our leader, my leader, Matthew Ryan, said, and that is that the State's contribution to this convention center will be recovered through State revenues. There is no question about that by any source in Pennsylvania.

I am one Philadelphian who does not exactly have a great love for the current administration in Philadelphia. However, I do have a great love for the city of Philadelphia, and I think this project, the convention center, goes above Philadelphia politics and certainly should go above politics in Pennsylvania. It is not a Philadelphia project; it is a Pennsylvania project.

Big cities like Philadelphia, whether you want to accept this or not, are the hubbub of the States, of any State. Where would this State be without Philadelphia to sell its products and services? Where would Pennsylvania be without Philadelphia's hospitals, without its universities, without its sports complexes, without its entertainment centers? Where would many of the people in your districts be if it was not for Philadelphia to go to for a job? If it was not for Philadelphia, many of your constituents would not have a job, whether you live in Philadelphia, in the suburbs, or throughout the rest of the State.

This convention center, I just do not see how anybody can argue that it will bring new jobs to Philadelphia, jobs for all segments of our population, not just any particular segment of our population. It will obviously enhance the businesses that we have and bring new businesses.

If you have a good, valid fiscal reason, a logical reason for voting against the convention center, then vote against it. But do not get caught up in a wage tax issue or some other kind of political subversion that is going on in this room today.

I would just end by asking you to help make Philadelphia a world-class city. Please vote "yes" today on the convention center authority.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Greenwood.

Mr. GREENWOOD. Thank you, Mr. Speaker.

The majority leader, Mr. Manderino, in response to Representative Lashinger's debate, indicated that somehow in this issue you had to either be a man or not a man and you had to stand up and say you are for the convention or against the convention and that pointing out certain loopholes in the law, like the fact that the professionals, the consultants, the architects, the lawyers, the appraisers, the auditors, et cetera, do not have to go through any kind of competitive bidding process at all, was somehow not germane or not the issue, and I disagree with that conclusion.

I think the fact that this bill permits carte blanche hiring of consultants and professionals of all kinds without any reference whatsoever to competition and with no mechanism illustrated in the language of the law to try to hold the costs down for those services is certainly a loophole, and I think it is a large enough loophole for some very fat piggies to get their snouts in the public trough. Thank you.

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise to oppose SB 655. I am making the suburban wage tax an issue.

Philadelphia suburban legislators for years have tried to negotiate with Philadelphia on this issue, and we have been turned down at every attempt. We have failed time and time again at the very tail end of coming to some kind of an agreement which would really cement the relationship between the suburbs and the city. We need your support in this issue, and you can demonstrate that support by voting "no" on SB 655. Thank you.

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

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, I listened to the debate on SB 655, and I remember approximately 3 weeks ago when we stood in this House and talked about this issue before. I listened and watched as my colleague asked for a member of the conference committee to stand for a period of interrogation and no one stood. I listened and watched as he asked questions which no one directly wanted to stand up and answer. I listened as the majority leader stood up and made some responses in response to his questions. I think the one thing he said was quite clear: There has been no change since the bill that we had before us 3 weeks ago.

I want people to be very clear about my position. Yes, we want a convention center in the city of Philadelphia. I will say it again. Yes, we would like to have, I would like to have, a convention center in the city of Philadelphia. Yes, city council voted a resolution to ask for a convention center in the city of Philadelphia. Remarkably, though, city council removed SB 655 from their resolution because they are saying, yes, we want a convention center but not at all costs. I think putting together an authority is a fair deal; putting together an authority may be a fair deal. But it seems to me that if you put up 60 percent of the dollars—and that is what Philadelphia is providing—that you should in fact have 60 percent of the vote. But when you put up 60 percent of the dollars and you have 4.5 out of 9 votes, which is 50 percent of the vote—and there is a question as to whether we have that—then we have a problem in our authority.

In addition, Mr. Speaker, I, too, have a vision of employment in the city of Philadelphia. I heard my colleague, Representative Evans, and my colleague, Representative Fran Weston, stand to talk about the kind of growth that we would like to see in the city of Philadelphia. I share that concern. I would also like to see us become a first-class city and compete with the other cities around this country in terms of convention centers, but I would also like to see that the young people who participate in that city—and there is a high degree of unemployment—that they have a chance to work. I would like to see that the senior citizens who have written me since I have taken my position, who have been concerned about their real estate tax going up, I would like to see in fact their concerns addressed.

Mr. Speaker, initially I chose not to stand up today. I was going to just vote "no" on this convention center bill, but it seems that some of the arguments that have been put forth by many on this floor made it necessary for me to set the record straight. This is not a fair deal. It is definitely a new deal, but it is a new deal that is slanted toward those on the other side of the aisle, Mr. Speaker - a new deal in which the Lieutenant Governor of this State has been running around trying to make sure he gets the votes for it, Mr. Speaker; a new deal in which the minority leader has stood up and in fact said, yes, it is a great deal for us. I agree, once again, that it is, that it is a great deal for them but not for us. And when you are talking

about "us," the city of Philadelphia, the residents of the city of Philadelphia.

Once again, Mr. Speaker, I must rise, and I will vote "no." You vote the way your conscience tells you to, and I suggest that you do that. But I am going to vote "no," and I am going to follow this project until the last brick is put in place, and we are going to fight in every way, as long as we have to, to make sure that all the citizens of the city of Philadelphia participate.

I remember when I was on the campus of Lincoln University here in the Commonwealth of Pennsylvania, and I was walking across the campus when Dr. Martin Luther King was shot. I remember the feeling that I had about the struggles that my family went through to get me to that university and their feeling that someday, at some point in time, their son and their grandchildren would participate equitably in projects in the city of Philadelphia. My father was a laborer, working in the unions in the construction projects in the city of Philadelphia. My father many days came home and was not able to work, not because he did not go down to the union line, not because he did not have his card, but because they picked over him day in and day out, and he did not work. Well, I will not vote for this convention center in the current form and I will not stand in the city of Philadelphia and see that it is erected until all the folks in our city participate. Thank you, Mr. Speaker.

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

Mr. FREIND. Thank you, Mr. Speaker.

To almost no one's surprise, I rise to oppose SB 655. And, yes, one of the reasons is the city wage tax, and I do not think that is subversive, and I will talk about that in a second. But you know something I found interesting in talking to people about this, you find out one truth about life. What is in life is not important; it is what is perceived. Perception is everything. There has been a perception that this convention center is going to be the panacea for all of the evils in Philadelphia. Despite that, when you go off the record with the majority of the media who are publicly supporting this, when in fact members on both sides of the aisle who are supporting it come up to you off the record, they say to you, we have to vote for it but I hope it goes down because I think it is going to be the biggest boondoggle in the world. And you know, Mr. Speaker, I think I have to agree.

I think the members ought to know what the price tag is here, and the price tag to the State when you include debt service is \$400 million, and that is only the first bite of the apple, because what is going to happen—and I guarantee and I predict it—is within a year and a half or 2 years the buses will be rolling back here for more money and we are going to be asked to pick up the tab.

Now, Philly claims they can handle a world-class convention center. Why is it, therefore, that WCAU radio called me up a couple days ago in the midst of an expose and indicated that the Shriners contacted the city of Philadelphia? They wanted the 1992 convention to come to the city. Their estimates were 50,000 people, 12,000 hotel rooms, and when you

consider the multiplier effect, it is between \$150 million and \$200 million they would pump into the economy. Now, the first problem the Shriners had—and this is according to WCAU radio—is that when they called the Convention Bureau, the Convention Bureau had never heard of the Shriners. Then, Mr. Speaker, when the head of the Shriners, who was raised in Philadelphia, contacted a high-ranking private individual, who then took it to the mayor and the mayor expressed his happiness with it, on three occasions he tried to follow up with the mayor and the return call was never made. Finally, the Convention Bureau got back to the Shriners and said, we are not bidding on the convention in 1992; we do not think we can handle it. Now, you know, you cannot have it both ways. You cannot say you want a world-class convention center and at the same time say you do not think you can handle it.

There is not any doubt in my mind whatsoever that this will be the worst possible thing that happens to the city of Philadelphia. Number one, it has never been determined that it needs a convention center, that the money might be better spent to spruce up the Civic Center. But, secondly, if you are going to build it, I cannot think of a worse place to put it than at 12th and Market. Have you tried driving around City Hall right now? If in fact you want a convention center, a large one, why not put it out at 30th Street where it is right on the spur of Amtrak, on the northeast spur?

So on the merits itself, I think the convention center has a serious problem. But, yes, as a couple other members said, there is another problem that affects the suburbs, that affects the city, and that affects the entire State of Pennsylvania, and that is the city wage tax, a problem we have fought for 40 years, where our suburbanites are paying double in city wage tax what they pay in income tax and which all of you throughout the Commonwealth know is the single greatest impediment to statewide tax reform. If Philly had any brains, they would realize that it is also killing them, because it is a disincentive to live there; it is a disincentive to work there; it is a disincentive to keep your business there, and that is why all the counties outside are advertising, to try and get business from Philadelphia. Philadelphia ought to have a little bit of foresight.

Now, we tried to negotiate in good faith and we found out what we got for that. We found out that you could not negotiate in good faith with Wilson Goode.

This is the only lever we have to solve this problem for the suburbs, for the city, and for the State. For those two reasons, Mr. Speaker, I am voting against this turkey, and I sincerely hope that once again it is blown out of the water. Thank you.

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

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

Mr. Speaker, we talk about economic development and the need to pass this bill in order to have economic development in the southeast of Pennsylvania. Two years ago, Mr. Speaker, we developed what I feel is a sound economic development program in this General Assembly. We basically

authorized about as much money as we are going to spend on this convention center in State moneys - approximately \$190 million. Mr. Speaker, when we were developing that package and determining where our priorities should be for putting *State money in order to get Pennsylvania workers back on the job* again, not once was the convention center mentioned in that economic development package as being one of those areas that is going to generate the most number of jobs or create the type of environment that we need in Pennsylvania to get us into the 20th century.

Mr. Speaker, several previous speakers, including Representative Freind who just spoke, questioned the merits of the convention center itself. If a convention center is economically viable, then is Philadelphia the best place to put it? We have the Poconos in Pennsylvania in the northeast, which is very close to New York and Philadelphia, one of the most popular places in the country for tourists to go. Have any studies been done to see if any other market could be better served by a convention center? The location within Philadelphia itself has been questioned by many people in our caucus and outside the caucus.

Mr. Speaker, we talk about creating jobs. Whenever a State and city is going to spend \$500 million, we certainly are going to create jobs. But again, is a convention center the best way to create those jobs or should we put it into infrastructure? Should we put it into addressing our solid waste problem? Should we put it into rebuilding the highways in Philadelphia, rebuilding the ports, helping other communities in Pennsylvania that are attracting jobs develop industrial parks, taking care of our water problems? Mr. Speaker, I think we need economic development in Pennsylvania but I do not think the convention center should be the one project that is used to say, this is how we are going to address economic development.

Mr. Ryan has spoken, as well as other speakers, that the State will get its money back. We will get our \$185 million back through direct and indirect funding. The question is, will we make more money just putting that \$185 million in the bank and letting it sit there and getting the interest on it, because how much return are we going to get on that \$185 million? Given another choice, would we pick a convention center?

Finally, Mr. Speaker, on SB 655, this in itself is certainly an artfully crafted political compromise. The bill itself was drafted to include those political influences necessary to get the votes in order to get the convention center back on line. Private investors, as Mr. Richardson has already mentioned, dropped this project, and as Representative Lashinger said, the project itself got life and the life is creating itself. Now, therefore, we have to continue the life of that project, and SB 655 is the means of doing that. In the ensuing weeks since we last voted on this bill, there have been efforts, I understand, to try to get other political influencing factors involved in the project in order to get the 101 votes that are necessary.

Mr. Speaker, I do not believe that this is an anti-Philadelphia vote. Coming from the Lehigh Valley area, we are very

dependent on the economy of Philadelphia for our economy as well. We certainly would benefit from a convention center due to the increased tourism to the Lehigh Valley. However, Mr. Speaker, I think it strikes against the consciences of those of us who feel that Pennsylvania has to do projects in economic development but the convention center is not the best place to invest our money. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet.

Mr. SWEET. Thank you, Mr. Speaker.

I will try to be very brief. I know the debate has gone on a long time.

Number one, Mr. Speaker, I am in favor of SB 655 and I think we ought to support the Philadelphia Convention Center. I think at bottom line most people in southeastern Pennsylvania are probably tired of a lot of politicians jerking around with a major project like this center. I think, Mr. Speaker, it is a shame that we have come to link all kinds of other important issues to this particular important project.

I have a lot of sympathy for many of the comments that were made by some of my colleagues who are concerned about employment opportunities here, and as one member I would certainly be willing to work in whatever way I can to assure that all of the people of southeastern Pennsylvania are given an opportunity to benefit from this project. But I do not think, Mr. Speaker, that stopping the center and stopping the project is the way to guarantee employment for anybody in Pennsylvania.

I was glad, Mr. Speaker, that some of the gentlemen from the suburbs have squarely said that the issue for them is the Philadelphia wage tax. I think what they are really doing is stepping back from where many of us have gotten in this State, which is to try to work together to promote cooperation in Pennsylvania rather than divide us.

Mr. Speaker, there is some group named the Non-Resident Taxpayers Association out of Warminster, Pennsylvania. I am not sure who they are, Mr. Speaker, but they ran an ad, oddly enough, in the Washington, Pennsylvania, Observer-Reporter yesterday asking my constituents to call me and urge me to vote against the Philadelphia Convention Center. Now, the reason they paid for this ad, Mr. Speaker, has nothing to do with engineering fees, has nothing to do, unfortunately, with affirmative action. What it has to do with is they want their taxes cut. Now, I do not blame anybody for wanting their taxes cut, but to run an ad in a paper in southwestern Pennsylvania and talk about the Philadelphia Convention Center being a "white elephant" and a "boondoggle" I think is only a way to divide this State. It is only a way to make sure that we in southwestern Pennsylvania vote against you from the southeast and then in the future you do the same. It is not moving any of us forward, and all of this holding hostage of projects will only serve to continue Pennsylvania in the course of decline that we have been on in the last 8 years.

Mr. Speaker, let us put this behind us. Let us try to make sure that there are jobs for all Pennsylvanians. Let us try to make sure we have a first-class convention center, and let us

move ahead on tax reform, too, but let us not do it by dividing us. Let us do it by, first of all, supporting the convention center in Philadelphia, Mr. Speaker, that could probably host that Shriners convention that apparently Mr. Freind wants to bring there. Thank you.

The SPEAKER. The Chair recognizes the lady from Montgomery, Mrs. Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, as I sat here today, I have heard that we should not support the Philadelphia Convention Center because of the bidding procedures laid out in the conference committee report. I have heard that we should not support the Philadelphia Convention Center because there is not adequate assurance of an absolute number of minorities and women to be hired. I have heard that we should not support the Philadelphia Convention Center because the location is not perfect. I have heard that we should not support the Philadelphia Convention Center because the city wage tax issue has not been resolved.

Well, by not supporting the Philadelphia Convention Center, we are not going to solve the city wage tax. This will not move us one step forward in working with Philadelphia. We are certainly not going to assure more jobs for women and blacks by not having a Philadelphia Convention Center. In fact, there will be no jobs additionally created, and so there will be no jobs for blacks and women to get, let alone the 15-percent set-aside, as Representatives Richardson and Linton would urge us. We are not going to solve the problem of the location, because complex studies and traffic engineers concluded that this location was better than 30th Street, and we are not going to solve bidding problems in this conference report because there will be no authority to bid. So for all of you who think that your "no" vote will change these problems, it will not change anything. We simply will not have a Philadelphia Convention Center.

More important than all of these, I want to say to you today that it took Carmel Sirianni from Susquehanna County to remind me of why we should have a Philadelphia Convention Center. Carmel said to me, after the last vote, why are people not supporting this? Philadelphia is the birthplace of our Nation; it is a beautiful city and I love it. And we should love it. It is the birthplace of our Nation, and sure it has its problems and sure it is not perfect and sure we have an administration now that is in trouble, but we have a city that we should be proud of, that we should be bringing people to, that should be pivotal for the region, that should be providing jobs, and that should be moving forward economically. A "yes" vote on this bill is what is needed to do that. Thank you.

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

Mr. McCLATCHY. Mr. Speaker, I rise in support of the Philadelphia Convention Center. I am a suburban legislator.

Can we have a little quiet, Mr. Speaker?

The SPEAKER. We will try.

All right, Mr. McClatchy. Go ahead.

Mr. McCLATCHY. Mr. Speaker, I appreciate the courtesy of the House, and I think what I have to say is important. I feel very deeply about some of the things that have been said today.

I am a suburban legislator. I come from Montgomery County, Lower Merion Township. My district happens to abide right next to Steve Freind's, who has been very, very vocal on the Philadelphia wage tax. He wants to hold hostage the convention center for some movement in negotiation on the Philadelphia wage tax.

I do not think that is going to work. In fact, I know it is not going to work. We are going to either have the convention center with or without any movement in the Philadelphia wage tax. This House was in the majority under Republicans some years ago. The Senate was under Republican control, and we had the Republican Governor. Even then we could not get a change in the Philadelphia wage tax.

Mr. Speaker, I do not believe that, if you want to use the term, trying to "blackmail" Philadelphia over the convention center for a change in the wage tax is going to work. I will say, however, that I am committed, remain committed, and will fight to my dying day to get a change in the Philadelphia wage tax for our suburban wage earners. I think that fight will continue. I see movement in Philadelphia. I think Steve Freind and a committee this past year and a half were working toward somewhat of a solution. That solution broke down, but I can see that committee, that working, going on again.

I think someday we will have a resolution. I truly believe that the wage tax is bad for Philadelphia. I do think it drives business out of Philadelphia. I think it really is beneficial to the suburban counties, frankly. For that reason really alone, eventually I think we will see a change in the Philadelphia wage tax. But to hold hostage that issue for a convention center that is going to provide jobs, that is going to provide us an opportunity for a lot of new business coming into Pennsylvania through the convention center, I think is very short-sighted. I cannot, no matter how strongly I feel in favor of change in the Philadelphia wage tax, I cannot hold hostage this convention center, Mr. Speaker.

For that reason alone, I intend to vote for it. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. Thank you, Mr. Speaker.

I am sorry to have to get up, but my emotion runs high on this issue and it really speaks to what I would call dollars on demand without rhyme or reason. I hear all this rhetoric about guaranteed payback. The State is going to make money and everybody is going to make money but nobody is willing to put their name on the line, neither the city of Philadelphia nor anybody else, to a mortgage and indebtedness to the State or anybody who says, yes, you will get it back; we will pay you back; we will pay it over 20 years, 50 years, 100 years, or whatever. It is conjecture.

I would call to those people's attention from Union County and Lackawanna County and all those other counties that pay

the taxes in the Commonwealth of Pennsylvania, you are going to pay for this; you are going to pay for this center and any other project that any other big city dreams up and comes up here and wants on demand. Without rhyme or reason, without sales, without conviction, without whatever it is within reason, it says, yes, this is a viable instrument; this is a workable instrument; this is a device that is good for the Commonwealth, and it can be paid back, and here is the paper to prove it. I have yet to see any documentation, any presentation to this legislature or anybody else, except conjecture, that says this or any other of these projects are really going to make anybody any money or do that much good for this Commonwealth that we can afford, that we can afford the taxes to pay for it now, that we can pay for the taxes to support it in the future when it does not make money. I say hold it.

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, and that will conclude the people who have spoken for the first time. Then we will go to those who want to speak the second time. Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, I rise in support of the Philadelphia Convention Center for the reasons which Representative Hagarty and Representative McClatchy have given, in addition to a few others.

I think we should remember that we are in the Commonwealth of Pennsylvania and in the country of the United States of America, and we should not be playing Khaddafi politics by holding the convention center hostage because of our own wants. We should take care of the needs of our Commonwealth and our State, and it is about time we got with it and did what is right.

The SPEAKER. For the second time on the question, the Chair recognizes the gentleman from Philadelphia, Mr. Fattah.

Mr. FATTAH. Thank you, Mr. Speaker.

When I first came to this House of Representatives, the first bill that I introduced was about creating jobs. Before we left for the Easter recess, the last bill that passed this House with my name on it as the prime sponsor was a \$10-million jobs program for people on welfare here in the Commonwealth. In between that first bill and the last bill, whether it was the \$190-million bond issue for jobs or whether it was the "sunny day" fund, whenever there was an issue where we talked about putting our constituents to work, most of us stood tall and stood in favor of that, and I would ask today that we do likewise as we talk about a convention center in the city of Philadelphia.

Let me say this: I know there are some of my colleagues who have already spoken who, if we were talking about discovering a cure for cancer in Philadelphia, would vote against one penny. But all the rest of us have to have the ability to raise our vision above the count of pettiness and the parochial interests of some of our other colleagues.

We at this point need to vote this bill. We need to vote for a convention center. I have heard the last speaker who talked about money as if there was not a taxpayer in Philadelphia

who has paid State taxes, as if the \$185 million that we are going to vote, that no part of that has been paid by any one of the 1.6 million people who happen to reside in this State's largest city. That is not accurate. The dollars that we ask for to send to Philadelphia are part and parcel of the same dollars that our constituents back home have sent to the State, so we have a right to come and ask like any other municipality, like any other township.

I heard one of my colleagues refer to our mayor and to the administration in Philadelphia. The fact of the matter is, under the new administration we have reversed a 15-year decline in jobs, and that is 17,000 new jobs in the last year. There is some vision in Philadelphia as we bring major corporations like Cigna and others to the city of Philadelphia, as we move to rebuild our airport and our port.

All we ask today is that we be given a fair share and a fair shake on this vote, because as I voted in the past for jobs for others, as we voted and have given Philadelphia votes to help all of the other surrounding suburbs and cities, we ask now for your vote and for your consideration on this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Gallen, for the first time on the bill.

Mr. GALLEN. Mr. Speaker, I rise in opposition to this bill. I think Mr. Wilson hit it on the head. I think each of us should ask ourselves whether or not the 58,000 people who live in your districts whom you represent want to pay \$6,400 per family to support this what could be a white elephant.

Mr. Speaker, last November the county commissioners of Berks County put on the ballot a question of whether or not there should be a civic center in the city of Reading. It would have raised the millage 2 mills or some such figure. The people of Berks County said no, 2 to 1. They did not want to raise their own taxes in order to have a civic center in the city of Reading.

Mr. Speaker, 35 minutes from Philadelphia, just west of Philadelphia in the tiny village of Morgantown, it is proposed that the largest resort convention center in the eastern United States will be erected within the next few years. Do you think that people are going to go into Philadelphia? Philadelphia has the Flyers and they are closing hotels. Philadelphia has the Eagles and hotels are closing down. They have a magnificent Academy of Music and hotels are closing down. They have one of the most beautiful art museums in the world and hotels are closing down. Mr. Speaker, I do not think putting something in the center of Philadelphia, causing more traffic problems, is an answer to the problems besetting Philadelphia.

One of the most pressing problems that Philadelphia has is their trash problem, and they are not coming here to ask you to help resolve the trash problem; they are saying, let us build a civic center and attract people to this city. I think that is poppycock, Mr. Speaker.

Miss Sirianni mentioned that the wage tax should not be involved in this. I totally agree with that, but I still totally oppose the spending of my taxpayers' dollars for this project down there in Philadelphia. I think it is wrong, and I think if

you took a poll in your district and asked your people, do you want to spend \$6,400 per family—who live in your district—for this convention center, you are going to get a resounding “no.” And I caution you—and you know every public project that has come up in the last number of years—if this thing is proposed to cost \$400 million, I suspect by the time it is finished it will nearly double that. Yes, there will be some jobs provided for the erection of it, but can they really attract people to the city of Philadelphia?

Other major convention centers throughout this country have failed, and I do not think I want to take the chance with my taxpayers’ money on this possibility. Thank you, Mr. Speaker.

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

Mr. G. M. SNYDER. Thank you, Mr. Speaker.

As a Pennsylvanian who is not from Philadelphia and is not from the area surrounding Philadelphia where the wage tax is certainly a burning issue, I feel that I would like to explain why some of us who are not in either of those positions may still oppose this convention center, even though many of us have much affection and respect for the city of Philadelphia itself.

In my own mind, I am not satisfied with the cost estimates that have been given by anybody in this debate or by anybody who is either for or against the Philadelphia Convention Center. Apparently, from what I can understand, there is no question of whether or not the Philadelphia Convention Center is going to make any money or be profitable or be self-sustaining. The only real question is, how much of a loss is it going to sustain and who is going to have to subsidize that loss?

Finally, I simply do not think that the plan for the convention center as it now exists makes a whole lot of sense. If it did, if it was economically feasible, if there was a chance that it would be profitable or at least self-sustaining, I cannot believe that there would not be private developers and private investors who would not be out there attempting to get the place built.

For those reasons, I intend to vote “no.” I urge my fellow State Representatives to vote “no” also. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. O’Brien.

Mr. O’BRIEN. Thank you, Mr. Speaker.

I rise today to support the convention center, and I want everybody in this House, maybe everybody in the Commonwealth, to know that my vote for this convention center in no way should be viewed as support of the administration in the city of Philadelphia.

I learned a valuable lesson over the years that I have been in politics, and that lesson is that sometimes you have to give up some of your parochial needs for the sake of the whole, and that is in essence what we are doing here today. As a northeast Philadelphian, I have problems with the city administration, but I know that this convention center overall is going to benefit all the residents of the city of Philadelphia and all the

residents of southeastern Pennsylvania, and in the end, all the residents of Pennsylvania.

There were two main issues that I was concerned with in the beginning of this project. One dealt with the authority. And many of my colleagues on the Republican side of the aisle are coming up to me and they are asking me why they should vote for a bill when people in Philadelphia are not voting for it, and frankly, Mr. Speaker, I do not have an answer for that.

It has also been said that Philadelphia is putting up 60 percent of the money and they should have 60 percent of the votes. Well, I think if Philadelphia had 60 percent of the votes, I probably would not vote for this convention center.

I think the authority that has taken many, many months to develop is probably the most nonpolitical authority and professional authority that we can come up with, given the political reality of Pennsylvania in the 1980’s.

As far as the affirmative action question is concerned, I support this bill because it has language in there that says everyone, regardless of race, color, or creed, will be given an equal opportunity for employment during the construction phase and after the construction phase, during the operation phase. I will not support a mathematical formula, but I would like to stress one point, and I think Lois Hagarty put it very well: If we do not have a convention center, we are not going to be talking about any jobs for the minorities or anybody else during the construction or operational phase. And I think there is one more important issue that people in Philadelphia should remember, and that is, when the Bellevue closed, I think approximately 70 percent of the employees were minority. The biggest growth industry in the city of Philadelphia today is the hospitality industry, and I think that will provide jobs for everybody.

I ask my colleagues on both sides of the aisle to try to look beyond the problems that the city of Philadelphia has as it relates to trash, as it relates to the wage tax, because I am not going to solve them either by a vote for or against the convention center. I would ask that you consider the reason that I am voting for it, and that is that I am making a sacrifice. I am giving up some of the things that are very important to me as a legislator in northeast Philadelphia to give another vote for the city of Philadelphia and, hopefully, for the economy of Pennsylvania. I ask for your support. Thank you.

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

Mr. LASHINGER. Mr. Speaker, very briefly.

It is unfortunate and probably unfair, and if the media ends up characterizing this as a debate—while it has been lengthy—as a debate for or against the Philadelphia Convention Center, then I think the media will be wrong if it is characterized that way.

As I look around the room and I think of Representative Richardson, Representative Linton’s speech, Representative Snyder, and others, no one said they were against the convention center. They said that they were against some of the specific aspects of this legislation that is in front of us today. I do not think I said I was against the Philadelphia Convention

Center—I know I did not say I was against the Philadelphia Convention Center. Instead what we said— And none of us disagreed that this would be spiritually uplifting for the city of Philadelphia. Nobody disagreed that it would create thousands and thousands of jobs. Representative Snyder said that if you spend \$500 million and cannot create thousands of jobs, you have got problems. I think you could build a garage in a cornfield and create jobs with \$500 million.

The problem becomes, there are major defects in the legislation. The record will show that when I attempted to ask serious questions about the Commonwealth expending \$185 million for this project and unknown sums in the future, no one on the majority side of the aisle stood to field those questions, Mr. Speaker. Those major questions exist.

Representative Manderino is correct—I say this respectfully because he was not aware—I did ask those questions of the proponents of the legislation. If you received the answers that I received from the proponents of the legislation, you would be standing here doing the same thing that I am doing today because you would not have been satisfied with the answers that you received from the proponents of the legislation. They were not answered.

I think the problem is easily resolved. Representative Richardson's issue is resolved. Representative Hagarty indicated that these problems would never be resolved. I disagree. We know what the concerns are of Representative Linton and Representative Richardson. We know that Representative Freind did not want a concession on the wage tax but at least wanted some serious semblance of negotiation on the wage tax. You know that a number of us were interested in capping the legislation so that the State's commitment was limited to \$185 million and no more. I promise you, Mr. Speaker, if we put the authority in effect the way it is drafted today in this legislation, come back and fund this authority, the last piece of legislation that we will be addressing will be some type of convention center foreclosure legislation, because that is where this Commonwealth will be. And I ask the question, I do not know how the Commonwealth forecloses on the convention center when there is a default on this \$185 million.

I say to the members again, there is a need for a switch of 33 votes as compared to the last debate on this legislation. I know of nothing that has been offered in debate today or in the questions that have been answered in the interim that changes SB 655 from anything that was disappointing before. It is equally disappointing. It would surprise me and it would be unfortunate if there was a switch of that magnitude, because nothing has changed, Mr. Speaker. Thank you.

The SPEAKER. For the second time, the Chair recognizes the gentleman from Philadelphia, Mr. Linton.

Mr. LINTON. Thank you, Mr. Speaker.

Mr. Speaker, after hearing my good friend, Lois Hagarty, a former resident of the city of Philadelphia who now lives in Montgomery County, talk about the major attributes of our city, I agree with her. I agree that I know we have some mutual friends in my district and outside my district who would like to benefit from the Philadelphia Convention

Center. And as Representative Lashinger said, yes, I want a Philadelphia Convention Center, but not at all costs, and I think that is the question.

In this House in the past when there have been conference committee reports that have been brought before us that have been rejected, the conferees have in fact gone back to the table and brought forth another product. So if we say that we reject the conference committee report, it does not mean that we are rejecting the Philadelphia Convention Center. So I want to make sure that that information is correct, that we are in fact in support of a Philadelphia Convention Center.

But as my colleague from Liberty City stated early on, he indicated that in fact if we had 60 percent of the dollars, we should in fact have 60 percent of the authority. That is all I am saying. And Representative Hagarty made reference to the fact that, well, the minority and women participation, if we have no center, there will be none. Well, I think we will have a center, and I think we can come back, the conferees could go back to the table. I also think that in fact there could be participation, because if you give the city equitable control of the authority, then we can in fact utilize our own policies in the city of Philadelphia to match the dollars that we are providing for the center.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, God bless Carmel Sirianni, because Carmel Sirianni makes a point when she tells Representative Hagarty that we ought to be for the convention center because we here in Pennsylvania, and especially in the city of Philadelphia, are rich; rich and richer than any area in the whole United States in the history of the United States of America. And with all that history there, Pennsylvania deserves to have a modern, up-to-date convention center that will attract the large conventions as the other cities of this Nation, the other large cities of this Nation, are already in the area of convention center complexes that we must compete with or we die as any convention center in Pennsylvania and in Philadelphia.

The parochial interests that have been expressed today should not have arisen. We should not be talking about what this particular achievement, if we ever get it achieved, is going to cost the taxpayers in Pittsburgh or in Westmoreland County. And by the way, Mr. Gallen, your figures are out in left field somewhere. If your figure of \$6,400 per family were correct, the people of Westmoreland County alone would be paying \$640 million, and this project is less than a quarter of that figure. You are way off.

The scare tactic I understand; the point that you were trying to make we all understand - that, yes, it is going to cost the people in every area of this State for a project that will essentially be in Philadelphia. But earlier in my remarks I talked about the Beaver Valley Expressway and I talked about the Mon Valley Expressway and I talked about the Greensburg Bypass. Every one of those projects will cost more to the Commonwealth of Pennsylvania than that convention center down in Philadelphia. Yet we had the temerity to come here

and ask everybody to support those projects, and I will do it again if I have to for a worthy project, and so will the people on the Blue Route and so will the people in the center part of the State here in Harrisburg when they need projects, and that is the way it should be. We ought to help each other and we ought not to look for excuses.

There is a dangerous game being played here today, and it is being played by those people who think that we ought to have a convention center and the State ought to build this convention center, at least contribute part of the moneys, but maybe if we hold out a little longer, we are going to get some kind of a commitment on the wage tax. Or maybe if we hold out a little longer, Mr. Freind might say, we might get it in a different location. Or maybe if we hold out a little longer, Mr. Linton, we may get more control for the city of Philadelphia on the authority board. Or maybe if we hold out a little longer, we are going to get a better deal on affirmative action. The dangerous game that is being played is maybe if we hold out a little longer, there will be no convention center, because many of us in other parts of the State are going to begin to lose interest in the squabbling that is going on in the south-eastern part of the State among the legislators that are there.

I urge you, all of you who have expressed those reservations about the convention center, and I urge you who have expressed reservations about architectural and engineering fees being without bid, to reexamine your position. Do we bid architect's and engineer's fees for highway work that the Commonwealth does for other buildings, et cetera? To the best of my knowledge, those professional services are not bid as we know competitive bidding. The board of the authority that has been constructed in this piece of legislation, as tightly as it can be constructed, with the veto power in the Secretary of the Budget of the Commonwealth of Pennsylvania, certainly is restriction enough, certainly is powerful enough in the way the legislation is written to stop any kinds of cost overruns or exorbitant consultant fees.

Again, I urge an affirmative vote. We have to allow our major city to compete with the other convention cities if we want to stay in the 20th century. We have to put aside the parochialism that has arisen here today. You know, everyone—everyone—wants to go to heaven, but nobody wants to die. It takes a little bit of dying, a little bit of giving; it takes a little bit of compromise; it takes a little bit of putting the interests of this Commonwealth of total economic development ahead of parochial interests to achieve something. I ask that we achieve something this afternoon meaningful for the Commonwealth of Pennsylvania and place an affirmative vote when the vote is placed. Thank you, Mr. Speaker.

On the question recurring,

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

(Members proceeded to vote.)

The SPEAKER. Why does the gentleman from Montgomery, Mr. Gladeck, rise?

Mr. GLADECK. I just wanted you to remind the members that only those in their seats should be voting.

The SPEAKER. Only those in their seats should be voting, and if the leaders will challenge, the Chair will keep the board open.

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—90

Acosta	Duffy	McClatchy	Roebuck
Battisto	Evans	McHale	Ryan
Belardi	Fattah	McVerry	Rybak
Book	Fee	Mackowski	Saurman
Brandt	Flick	Maiale	Serafini
Broujos	Freeman	Manderino	Seventy
Bunt	Gamble	Markosek	Sirianni
Burd	Gruitza	Mayernik	Smith, L. E.
Cappabianca	Gruppo	Michlovic	Staback
Cessar	Hagarty	Miller	Steighner
Clark	Howlett	Moehlmann	Stewart
Cohen	Hutchinson	Mowery	Sweet
Colafella	Itkin	Nahill	Taylor, J.
Cole	Jackson	O'Brien	Trello
Cowell	Josephs	O'Donnell	Truman
Deluca	Kenney	Olasz	Van Horne
DeWeese	Kosinski	Petrarca	Veon
Daley	Kukovich	Petrone	Weston
Dawida	Langtry	Pievsky	Wogan
Deal	Laughlin	Pistella	Yandrisevits
Dininni	Lescovitz	Pressmann	
Dombrowski	Livengood	Preston	Irvis,
Donatucci	Lloyd	Rieger	Speaker

NAYS—108

Afflerbach	Coslett	Honaman	Richardson
Angstadt	Coy	Jarolin	Robbins
Argall	DeVerter	Johnson	Rudy
Arty	Davies	Kasunic	Saloom
Baldwin	Dietz	Kennedy	Scheetz
Barber	Distler	Lashingier	Schulder
Barley	Dorr	Letterman	Semmel
Belfanti	Durham	Levdnamy	Showers
Birmelin	Fargo	Linton	Smith, B.
Black	Fischer	Lucyk	Snyder, D. W.
Blaum	Foster	McCall	Snyder, G.
Bortner	Fox	Manmiller	Stairs
Bowley	Freind	Merry	Stevens
Bowser	Fryer	Micozzie	Stuban
Boyes	Gallen	Morris	Swift
Burns	Gannon	Mrkonic	Taylor, E. Z.
Bush	Geist	Murphy	Taylor, F.
Caltagirone	George	Noye	Telek
Carlson	Gladeck	Oliver	Tigue
Carn	Godshall	Phillips	Vroon
Cawley	Greenwood	Piccola	Wambach
Chadwick	Haluska	Pitts	Wass
Cimini	Harper	Pott	Wiggins
Civera	Hasay	Punt	Wilson
Clymer	Hayes	Raymond	Wozniak
Cordisco	Herman	Reber	Wright, J. L.
Cornell	Hershey	Reinard	Wright, R. C.

NOT VOTING—1

Wright, D. R.

EXCUSED—2

Gallagher Perzel

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.

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

Mr. PICCOLA. To make a motion, Mr. Speaker.

The SPEAKER. Mr. Piccola, I think if you will yield to the majority leader, your motion may not be necessary.

The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman wants to take up the unisex issue next?

The SPEAKER. Yes.

Mr. MANDERINO. Be my guest.

BILL VETOED BY THE GOVERNOR POSTPONED

Mr. PICCOLA called up from the postponed calendar the veto message on **HB 452, PN 2832**, entitled:

An Act amending the act of June 11, 1947 (P. L. 538, No. 246), entitled "The Casualty and Surety Rate Regulatory Act," further providing for ratemaking.

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I do promise to be brief on this. I believe all of the members are aware of the issue. They know that if the House does not override this veto, on June 1 of this year the Insurance Department will implement unisex rates which will result in the immediate increase in automobile insurance premiums for young women and all women in this Commonwealth.

Unisex is unfair; it is discriminatory against women, and I urge the House to cast an affirmative vote and override the veto of the Governor and to pass this bill on to the Senate for their consideration. Thank you.

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

Mr. O'DONNELL. Mr. Speaker, I would urge the members of the House to vote "no." The question before the House is whether or not we ought to reverse the current statutory law.

We have a law in Pennsylvania that precludes insurance rates that are unfairly discriminatory. As a test of that language as to what was unfairly discriminatory, a fellow named Philip Mattes, who was 26 years old, unmarried, male, with no record of suspension or revocation of his license or of any traffic violation for 10 years—he was 26 years old—he was paying substantially more per year for his automobile insurance than he would have paid had he been a woman. He went

to the Insurance Commission and said, this is unfairly discriminatory.

The Insurance Commissioner held a series of hearings and invited the Hartford Insurance Company to participate. The Hartford Insurance Company, in defending its rates, testified in front of the Commissioner, at which time the insurance company's own experts conceded at the hearing that there was no direct causal relationship between a person's sex and his or her accident record - no direct causal relationship in the testimony of the insurance company itself. Based on that testimony and the rest of the evidence that was offered, the Commissioner found that males, statistically as a group, drink and drive more than females; and men, as a group, drive more in rush hour. But the Commissioner questioned the fairness of men who abstain from alcohol subsidizing the males who drive under the influence, because they have nothing in common except the mere fact that they are male. The Commissioner goes on to say, why should risk not be spread equally in circumstances that actually reflect their experience?

In addressing this issue, the House is in danger of acting very naively. We ought to be using real information as a basis of determining what we should do on this bill. What information is available? The answer really is none. The only information that is available is available from the insurance companies. The rate filings before the Insurance Department on this and in other matters are not a standardized process. They can submit experience ratings that are based not on their own statistics but on the statistics of even other insurance companies.

Argument has been offered on the House floor that there is a statistical relationship between being female and having a lower accident rate and a lower probability of claim. I would like to point out another statistic to you, if I may. Some time ago on St. Patrick's Day—and I would like to call the minority leader's attention to this—on or about St. Patrick's Day, the Speaker offered Mr. Ryan an opportunity to speak on the floor in celebration of that traditional Irish holiday. He also at that time offered me the opportunity to speak. We had a little bit of fun with St. Patrick's Day. We kidded each other in terms of Irish stereotype. We talked about, specifically, drinking. Now, there is some research which has been recently developed which says that there may well be genetic vulnerabilities to alcoholism. Suppose it could be established statistically—and we may be on the verge of this—that there is a higher probability of alcoholism among the Irish. Yes. I think first of all we would have some fun with it, and I do not have any problem as long as we are just having fun, but the minute somebody would seriously consider setting automobile insurance rates based on your ethnicity, a couple things would happen.

One, it obviously does not work, because the statistics in the testimony of the insurance companies themselves do not bear out when you use that broad a group. Number two, I think we must extend some courtesy to the minority leader. Mr. Ryan does not drink. Should his insurance rates be raised along with the rest of the Irish, even though it is personally unfair? Even if it were not unfair to Mr. Ryan and the others

who fit into that group, is that an acceptable way of doing business in Pennsylvania?

We specifically in our statutes rule out the use of national origin, religion, and race. Even if they were statistically valid categories or if there was a statistical correlation, we rule out the use of race, we would rule out the use of religion, and we would rule out the use of national origin. Why? Not only do they not work as standards, but as public policy in Pennsylvania, we have decided that we will not make the laws based on race, and we decided we will not make the laws based on religion or national origin.

I want to point something else out to you. We have also decided in Pennsylvania that equality of rights under the law shall not be denied or abridged in this Commonwealth because of the sex of the individual.

Unisex rating does not work. It is not supported by adequate information. It is unfair to those people who do not fit within a statistical profile, and most importantly, we have made a determination in this legislature and at the ballot box that sex is an inappropriate basis for making the laws of Pennsylvania. Please vote "no."

The SPEAKER. Those who believe that HB 452 should be the law of the land, regardless of the Governor's veto, will vote "yes." Those who believe that it should not be the law of the land will vote "no."

On the question recurring,

Shall the bill become law, the objections of the Governor to the contrary notwithstanding?

The following roll call was recorded:

YEAS—144

Angstadt	Distler	Kosinski	Robbins
Argall	Dombrowski	Langtry	Rudy
Arty	Donatucci	Laughlin	Ryan
Baldwin	Dorr	Lescovitz	Saurman
Barley	Duffy	Levdansky	Scheetz
Birmelin	Durham	Livengood	Schuler
Black	Fargo	Lloyd	Semmel
Blaum	Fee	Lucyk	Serafini
Book	Fischer	McCall	Seventy
Bowser	Foster	McClatchy	Showers
Boyes	Fox	Mackowski	Sirianni
Brandt	Freind	Maiiale	Smith, B.
Broujos	Fryer	Manmiller	Smith, L. E.
Bunt	Gallen	Markosek	Snyder, G.
Burns	Gamble	Mayernik	Staback
Bush	Gannon	Merry	Stairs
Cappabianca	Geist	Micozzie	Steighner
Carlson	George	Miller	Stevens
Cawley	Gladeck	Moehlmann	Stuban
Cessar	Godshall	Morris	Swift
Chadwick	Greenwood	Mowery	Taylor, E. Z.
Cimini	Gruitza	Mrkonic	Taylor, F.
Civera	Gruppo	Nahill	Taylor, J.
Clark	Haluska	Noye	Telek
Clymer	Hasay	O'Brien	Tigue
Colafrilla	Hayes	Olasz	Trello
Cordisco	Herman	Petrarca	Vroon
Cornell	Hershey	Petrone	Wambach
Coslett	Honaman	Phillips	Wass
Coy	Howlett	Piccola	Weston
Deluca	Hutchinson	Pitts	Wiggins
DeVerter	Jackson	Punt	Wilson
Daley	Johnson	Raymond	Wogan
Davies	Kasunic	Reber	Wright, J. L.
Dietz	Kennedy	Reinard	Wright, R. C.

Dininni Kenney Rieger Yandrisevits

NAYS—50

Afflerbach	Deal	McHale	Rybak
Barber	Evans	McVerry	Saloom
Battisto	Fattah	Manderino	Snyder, D. W.
Belardi	Flick	Michlovic	Stewart
Bortner	Freeman	Murphy	Sweet
Bowley	Hagarty	O'Donnell	Truman
Caltagirone	Harper	Oliver	Van Horne
Carn	Itkin	Pievsky	Veon
Cohen	Jarolin	Pistella	Wozniak
Cole	Josephs	Pott	Wright, D. R.
Cowell	Kukovich	Pressmann	
DeWeese	Lashingner	Preston	Irvis,
Dawida	Letterman	Roebuck	Speaker

NOT VOTING—5

Acosta	Burd	Linton	Richardson
Belfanti			

EXCUSED—2

Gallagher	Perzel
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The SPEAKER. The "yeas" are 144; the "nays," 50. The required number under the Constitution being 134, the House has voted that HB 452 shall be the law of the land, the veto of the Governor notwithstanding.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2247, PN 3087

By Rep. FRYER

An Act amending the act of May 1, 1933 (P. L. 103, No. 69), known as "The Second Class Township Code," further providing for voting by township supervisors.

LOCAL GOVERNMENT.

MR. FRYER REQUESTED TO PRESIDE

The SPEAKER. Will the gentleman, Mr. Fryer, come to the podium for a few minutes?

THE SPEAKER PRO TEMPORE (LESTER K. FRYER) IN THE CHAIR PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. Mr. Speaker, I would like to ask a parliamentary question.

The SPEAKER pro tempore. The gentleman will state his parliamentary question.

Mr. RICHARDSON. Has there yet been filed a reconsideration motion on HB 452 on the veto override?

The SPEAKER pro tempore. No.

Mr. RICHARDSON. All right. Mr. Speaker, if there has not been, I would like to at this time submit a request for—Okay. It is my understanding now, Mr. Speaker, that there is one being submitted for the record, and I would like to make sure at the appropriate time that we have an opportunity to speak on the measure.

**BILL ON THIRD
CONSIDERATION POSTPONED**

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. PISTELLA offered the following amendments No. A1017:

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 collective bargaining by the authority with its employees and their representatives.

Amend Sec. 1 (Sec. 3.1), page 2, lines 6 through 30; page 3, line 1, by striking out all of said lines on said pages and inserting

Section 3.1. (a) The authority shall provide for the establishment and maintenance of a citizens advisory committee, to be known as the Allegheny County Transit Council.

(b) The members of the transit council shall, independent of the authority, adopt such bylaws, rules and regulations, and elect such officers as they deem appropriate for the conduct of the council's business.

(c) Although the transit council shall be only advisory, the board shall give careful and due consideration to the transit council's comments and recommendations.

Amend Bill, page 5, lines 11 through 30; page 6, lines 1 through 30; page 7, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 2. Section 13.2 of the act, added October 7, 1959 (P.L.1266, No.429), is amended to read:

Section 13.2. (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, working conditions and pension or retirement provisions.

(b) Collective bargaining shall commence at least ninety days prior to the expiration date of a collective bargaining agreement.

(c) If, upon the expiration of the thirty-day period, after commencement of collective bargaining under subsection (b), a dispute exists between the authority and the authorized representative, both parties shall immediately, in writing, call in the service of the Pennsylvania Bureau of Mediation.

(d) (1) If an agreement is not reached within fifteen days after mediation has commenced, the parties shall submit the dispute to fact-finding. If the parties have not agreed upon a neutral fact-finder, a neutral fact-finder shall be selected by the authority and the authorized representative by alternately striking names from a list of qualified persons maintained and made available at the request of either party by the Pennsylvania Labor Relations Board. Each party shall specify in writing the unresolved issues and its position on each issue to the fact-finder. The fact-finder shall issue his report not later than fifteen days prior to the expiration date of the collective bargaining agreement. The report shall make final recommendations as to all unresolved issues and shall set forth supporting factual findings.

(2) In making findings and recommendations for the resolution of the matter, the fact-finder shall take into consideration and give weight to the following factors in determining his recommendations: (i) the financial ability of the authority to pay wages and provide benefits and the authority's expenditure of public funds and revenues toward its obligation of maintaining levels of transit service sufficient to serve the service area; (ii) the amount, if any, of any fare increase and/or 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; (iii) 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 and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service area; (iv) 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 and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service area; (v) the cost of consumer goods and services within the metropolitan area; (vi) any stipulation entered between the authority and the authorized representative; (vii) the hazards of employment, physical and mental qualifications, including the stress and demands of the job, as well as the training and skills of the employes involved; (viii) the hazards of employment in relationship to whether any existing legislation or regulatory agency has any control over the occupational safety and health of the employes.

(3) The findings of fact and recommendations shall be sent by certified mail to the board and to both parties.

(4) Not later than seven days after the findings and recommendations shall have been sent, the authority, by a majority vote of its board, and in the case of the authorized representative, the membership employed by the authority by a majority of the members voting on the fact-finder's recommendations, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as a final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finder's recommendations, except as otherwise modified by the parties by mutual agreement. If either party rejects the recommendations, the fact-finder shall make public his findings of fact and recommendations for settlement of the labor dispute.

(e) 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] upon the expiration date of the existing collective bargaining agreement, the dispute shall be submitted 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. Each party shall pay one-half of the expenses of such arbitration.

(f) At the expiration date of the contract, the board of county commissioners shall be notified of the impasse and of the findings and recommendations of the fact-finder. At such time, the commissioners shall have the opportunity to attempt to resolve any remaining differences between the parties.

(g) The term "labor dispute" as used in this section shall be broadly construed and shall include any controversy involving the formulation of provisions of a collective bargaining agreement concerning wages, salaries, hours, working conditions or benefits, including, but not limited to, 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.] any other terms to be included in such collective bargaining agreement. Controversies which involve past practices or the interpretation or application of provisions of a collective bargaining agreement shall be resolved in accordance with grievance resolution procedures set forth in such collective bargaining agreement.

(h) All managerial rights and functions of the authority which are not otherwise restricted or modified through bargaining or interest arbitration with the employees' representatives, or by the provisions of any agreement or interest arbitration award binding upon both parties or past practice heretofore agreed upon, shall be retained and vested exclusively in the authority; except that any unwritten past practice in effect on the date of this enactment shall remain effective for a period not to exceed three years unless sooner restricted, modified or continued by the provisions of an agreement or arbitration award binding upon both parties. The term "interest arbitration" shall mean the formulation by an arbitration board of provisions governing wages, salaries, benefits, hours of work, and other terms and conditions of employment advanced by the authority and the authorized representative of the employees of the authority.

(i) Notwithstanding any provision of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act," there shall be no right to strike in regard to a labor dispute which must be submitted to arbitration under this section. Unless agreed otherwise by the parties, all contract conditions 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 to upset the arbitration award.

(j) In any binding interest arbitration between the authority and an authorized representative, the arbitrator shall consider and give weight to and describe in the award the impact of the following factors in determining the award:

(1) The financial ability of the authority to pay wages and provide benefits and the authority's expenditure of public funds and revenues toward its obligation of maintaining levels of transit service sufficient to serve the service area.

(2) The amount, if any, of any fare increase and/or 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.

(3) A comparison between the overall wage salary and fringe benefit levels of the authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform similar work and other transit systems in compara-

ble metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service area.

(4) A comparison of the hours and working conditions of the authority's represented employees and other workers in the public and private sectors of the metropolitan area who perform work requiring similar skills and other transit systems in comparable metropolitan areas and/or similar metropolitan transit systems with similar population, size and system and service areas.

(5) The cost of consumer goods and services within the metropolitan area.

(6) Any stipulation entered between the authority and the authorized representative.

(7) The hazards of employment, physical and mental qualifications, including the stress and demands of the job, as well as the training and skills of the employees involved.

(8) The hazards of employment in relation to whether any existing legislation or regulatory agency has any control over the occupational safety and health of the employees.

(k) If the authority acquires an existing transportation system, such of the employees 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 employees of the authority subject to all the rights and benefits of this act. These employees 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 employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The authority and the employees 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 employees through their representatives transferred to the trust fund to be established, maintained and administered jointly by the authority and the participating employees through their representatives.

(l) 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.

(m) 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 3. Nothing in the provisions of this amendatory act shall apply to any labor dispute between the authority and its employees over the terms to be included in a successor agreement replacing the agreements in effect until November 30, 1985, and April 30, 1986, which shall be governed by current laws.

Section 4. The provisions of section 2 of this amendatory act are not severable. If any provision of section 2 of this act or its application to any person or circumstance is held invalid, the invalidity shall render the entire enactment of that section null and void and the provisions of law amended by section 2 shall remain as heretofore written.

Section 5. This act shall take effect in 60 days.

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

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, as we last left the issue of the continuing saga of the Allegheny County Port Authority, amendment A1017 was before the members. Each of you should have received a memo dated April 7 in which I attempt to outline the eight major points that are contained within this amendment.

Very briefly, there seem to have been three or four major issues that both sides have attempted to frame in regard to the problems that face the port authority. One of them was the apparent inequity at which both management and labor achieve arbitration. The second was the guidelines that an arbitrator can follow in issuing a new contract award. The third thing was management rights and the past practices that exist in the operation of the port authority.

Very briefly, under the current practice, management must offer arbitration to the union. The union has the option of either accepting or rejecting it, thereby going on strike. What my amendment will do is allow both management and labor the opportunity to request binding arbitration.

The second is it provides for a series of guidelines to be followed by the arbitrator in awarding the contract.

The third element is it freezes all previously agreed-to written past practices and thereby allows all those previously agreed-to unwritten past practices to be negotiated on within a 3-year period or they then dissolve.

But the most important element of this amendment, and I want to emphasize this, is that it removes the union's right to strike, thereby guaranteeing uninterrupted service for urban mass transportation in Allegheny County.

I would appreciate your support for this amendment. Thank you.

CONSTITUTIONAL POINT OF ORDER

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, on October 29, 1985, last year, we voted on HB 1130, which was a constitutional amendment to require public employees to give up the right to strike and go to binding arbitration if we so made that decision. I do not know how Mr. Pistella can do that now in his amendment without a constitutional change. For that reason I would like to raise the issue of constitutionality of this amendment. Thank you.

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Murphy, has raised the question of the constitutionality of the amendment offered by Mr. Pistella. The members of the House, as usual, will determine that question. Those who believe that the Pistella amendment is constitutional will vote "aye"; those who do not believe it to be constitutional will vote "nay."

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

I am wondering if it would be appropriate—and correct me if I am wrong—if I remember the gentleman, Mr. Murphy's question of constitutionality, in that he questions Article III, section 31, which is a delegation of certain powers that are prohibited by the General Assembly. Is that correct, Mr. Speaker, in the area that he is challenging constitutionality?

The SPEAKER pro tempore. Would the gentleman repeat his question to the Chair?

Mr. PISTELLA. Yes. I was wondering if the Chair could please repeat for me the grounds upon which Mr. Murphy is challenging the constitutionality.

The SPEAKER pro tempore. The gentleman, Mr. Pistella, has raised the question to Mr. Murphy as to on what grounds he is stating his question on the subject of the constitutionality of the amendment.

Mr. MURPHY. Mr. Speaker, I raised the question on the fact that we have not been able to forbid the right to strike and require binding arbitration on any other public employee except for policemen and firemen unless we change the Constitution, and for that reason we passed HB 1130 late last year.

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

What the gentleman raises is a question, Mr. Speaker, under Article III, section 31, of the Pennsylvania Constitution, which is a delegation of certain powers prohibited. If you turn to the Constitution, Mr. Speaker, there are two paragraphs. The first paragraph, which is pre-1968 Constitutional Convention, states, "The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

In 1968 at the Constitutional Convention, a new paragraph was added. That is the paragraph to which Mr. Murphy makes reference. The gist of the argument that is being proposed is that we in the General Assembly cannot allow an existing municipal government or local government to abrogate its taxing responsibility in awarding a contract to a third party as an arbitrator.

Mr. Murphy's argument does not hold water except for one thing. The Allegheny County Port Authority is not in fact a municipal government or a local government. It is an authority. It does not have the ability to raise or lower or levy taxes in and of itself.

It is for that reason, Mr. Speaker, that I state that my amendment A1017 is in fact constitutional, and I would appreciate your support on the constitutionality vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

For the benefit of the members on this side of the aisle, I fully agree with the gentleman, Mr. Murphy, that the gentleman, Mr. Pistella's amendment is unconstitutional. We have checked that with our legal staff, and our Murphy agrees with their Murphy, and I would urge all members on this side of the aisle to vote that the amendment is unconstitutional.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. McVerry.

Mr. McVERRY. Would Mr. Pistella stand for brief interrogation with regard to this issue?

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. McVerry, is in order and may proceed.

Mr. McVERRY. Mr. Speaker, in order to clarify for my own mind whether or not the proposal is constitutional, I would like to query the procedure that is set forth in the proposed amendment with regard to submitting the issues to arbitration and the right to strike. Initially, as I read the amendment, collective bargaining should begin at least 90 days prior to contract expiration. Is that correct?

Mr. PISTELLA. It is correct, Mr. Speaker.

Mr. McVERRY. And if no agreement is reached after 30 days from the commencement of collective bargaining, the parties shall, that is to say they are mandated to, submit the issue to mediation. Is that correct?

Mr. PISTELLA. I am having a difficult time—I apologize, Mr. Speaker—hearing you.

Mr. McVERRY. If no agreement is reached after 30 days, you must submit to mediation. It is correct, Mr. Speaker, is it not, that mediation mandatorily follows failure to agree within 30 days from the commencement of bargaining?

Mr. PISTELLA. At the end of 30 days after the bargaining has begun, 90 days prior to the expiration of the contract, they then go to mediation.

Mr. McVERRY. And if mediation is not successful within 15 days, you go to mandatory factfinding. Is that correct?

Mr. PISTELLA. That is correct, Mr. Speaker.

Mr. McVERRY. And the factfinder must issue a report 15 days prior to the expiration of the contract.

Mr. PISTELLA. Yes.

Mr. McVERRY. And if in fact neither side rejects those recommendations, they become the collective-bargaining agreement. Is that not correct?

Mr. PISTELLA. If they are mutually agreed to, it becomes a collective-bargaining agreement.

Mr. McVERRY. Well, I believe the wording of the amendment is that either party has the right to reject within 7 days, and if they fail to reject, if both parties fail to reject, then the recommendations become the contract. Is that not correct?

Mr. PISTELLA. No, Mr. Speaker. The language is that both parties must agree to the factfinder's recommendations or agree to negotiate those factfinder's recommendations that are previously unagreed to. They must mutually agree to

accept the factfinder's recommendations or mutually agree as to what they would like to change in the factfinder's recommendations.

Mr. McVERRY. Mr. Speaker, are we both dealing with amendment A1017?

Mr. PISTELLA. Yes.

Mr. McVERRY. I draw your attention to the top line of page 3 where that very issue is discussed in the words of the amendment. It refers to "...a majority of the members voting on the factfinder's recommendations, may reject the recommendations...."

Mr. PISTELLA. Mr. Speaker, you are looking at "the membership employed by the authority by a majority of the members voting on the factfinder's recommendations." That is the—

Mr. McVERRY. Well, read the previous line then and you will see that it refers to both the bargaining unit and the authority. I want to get to the issue of how it gets to arbitration.

Mr. PISTELLA. Well, I am trying to answer the questions, Mr. Speaker, as best I can.

The section you are talking about is:

Not later than seven days after the findings and recommendations shall have been sent, the authority, by a majority vote of its board, and in the case of the authorized representative, the membership employed by the authority by a majority of the members voting on the factfinder's recommendations, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as a final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the factfinder's recommendations, except as otherwise modified by the parties by mutual agreement.

I think that is the section you are making reference to, Mr. Speaker.

Mr. McVERRY. No. The section I am making reference to is the clear wording that if either party does not reject the recommendations, they become the contract.

Mr. PISTELLA. No. I just explained it to you, Mr. Speaker. What I am saying is a majority of the board of the port authority must accept the recommendations on the contract, recommendations from the factfinder, or a majority of the voting membership of the union. If either one of them rejects it, the procedure falls apart. They can accept the recommendations and mutually agree to change a portion of it by mutual consent.

Mr. McVERRY. Well, I invite the members to read the wording, and the wording is—

Mr. HUTCHINSON. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman from Westmoreland, Mr. Hutchinson, rise?

Mr. HUTCHINSON. On the question of constitutionality and unconstitutionality, what does this have to do with it?

The SPEAKER pro tempore. I imagine both sides are trying to convince the other that their course of action is the only one.

Mr. HUTCHINSON. But is it debatable?

The SPEAKER pro tempore. It is a rather delaying tactic.

Are you suggesting, Mr. Hutchinson, that you feel the members of the House are ready to vote the question? I do not think that will be lost on the participants.

Now, who was speaking?

Mr. PISTELLA. Mr. Speaker, I believe Representative McVerry wanted to interrogate me on the constitutionality. I agreed to answer the questions.

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

Mr. McVERRY. Mr. Speaker, is it not correct that if either party rejects the recommendations, the factfinder's report is made public and the parties shall go to arbitration. Is that not correct?

Mr. PISTELLA. No. Only if the contract expires at the end of the expiration date. They still have not reached the end of the expiration date, Mr. Speaker.

Mr. McVERRY. If upon the reaching of the expiration date either party has rejected the recommendations, does the case not go to arbitration?

Mr. PISTELLA. Yes.

Mr. McVERRY. A final and binding arbitration?

Mr. PISTELLA. Yes.

Mr. McVERRY. Over which neither party has a choice. They are required to go unless they reject the recommendations. Is that correct?

Mr. PISTELLA. That is correct.

Mr. McVERRY. And during the period of that time from the beginning of the arbitration on, there shall be no strike. Is that correct?

Mr. PISTELLA. That is correct.

Mr. McVERRY. So the effect of this legislation is to order binding arbitration, if agreement cannot be achieved—

Mr. PISTELLA. That is correct.

Mr. McVERRY. —and prohibits the right to strike.

Mr. PISTELLA. That is exactly correct.

Mr. McVERRY. Mr. Speaker, may I make a comment?

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

Mr. McVERRY. I submit to you that Mr. Murphy's motion as to this legislation being unconstitutional is accurate and on point, and I submit to you that his reference to the bill having been passed last year to amend the Constitution to allow final and binding arbitration with regard to public employees is apropos and on point, for the reason that I believe the constitutional issue goes to the status of the people who are involved and that is public employees.

The reason that the Constitution was amended, I believe, in 1967 was to permit the enactment of Act 111 in 1968, which said police and firefighters cannot go on strike and must go to compulsory arbitration. It required a constitutional amendment to do that. They are public employees; so are teachers and other people in the public sector, including port authority employees. I submit to you, Mr. Speaker, that what this legislation does is take away their right to strike and order them to

binding arbitration, and that cannot be done to public employees without an amendment to the Pennsylvania Constitution, except in the cases of policemen and firemen. I believe the issue does not necessarily go to the taxing authority's ability to extend authority but rather what is the status of the people with whom we are dealing and are they being paid for by tax dollars. They are in this instance being paid for by tax dollars, port authority employees, and they cannot be forced to compulsory arbitration and have the right to strike removed without a constitutional amendment.

I urge your adoption for finding that this particular legislation is unconstitutional.

The SPEAKER pro tempore. The question before the House is the amendment offered by Mr. Pistella in regards to the constitutionality of the amendment. Those who believe the amendment is constitutional will vote "aye." Those who believe that the amendment is not constitutional will vote "nay."

The Chair recognizes the gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman, Mr. Murphy, stand for interrogation?

The SPEAKER pro tempore. The gentleman indicates he will. The gentleman, Mr. Preston, is in order and may proceed.

Mr. PRESTON. Thank you.

Mr. Speaker, I am very concerned here that we may be getting into a very touchy subject when we denote who is a public employee, and you are asking as far as relationship to the port authority. In my opinion, I think that the port authority in a sense falls under Act 195. Can you show me in Act 195 where it denotes that the port authority is in fact public employees?

Mr. MURPHY. Mr. Speaker, I did not hear your question. I am sorry.

Mr. PRESTON. Can you show me anywhere where the port authority employees for Allegheny County are in fact public employees?

Mr. MURPHY. The Port Authority of Allegheny County is an institution created by public law.

Mr. PRESTON. No. That is not my question, because I am very concerned that we may get into a precedent here where we may say that every employee within the Commonwealth of Pennsylvania is in fact a public employee which may be governed under different law. I am very concerned that if we set this precedent and we start putting them under different contracts and we are going to say as far as unconstitutionality— In my opinion, I do not feel that the port authority employees of Allegheny County are per se under the act, that they fall under "public employees." Can you show me any place where they are listed to be public employees?

Mr. MURPHY. Mr. Speaker, the employees of the Port Authority of Allegheny County are covered by both Act 62 and by Act 195. It seems to me that being covered by both of those acts, they become public employees.

Mr. PRESTON. So you are saying then that those people who are members of the authority are public employees. Am I correct?

Mr. MURPHY. I would think so, Mr. Speaker. Every other individual who is covered by those acts would be considered a public employee. Teachers are obviously considered public employees. They are under Act 195. It seems to me they would be public employees.

Mr. PRESTON. If we say that this amendment is unconstitutional and that we also say therefore now that every employee of any authority within the State of Pennsylvania becomes a public employee, would they or would they not from now on fall under this decision as far as the constitutionality of this amendment?

Mr. MURPHY. Mr. Speaker, I do not think we are saying that. We are just simply saying that we have said in the past that you cannot forbid public employees from striking nor can you require them to go to binding arbitration. Why we could do it in this one specific instance and not be able to do it in others and pass HB 1130 4 months ago in this House to be able to do that and then come along and say we can do that is beyond me. I do not understand how it can be constitutional.

Mr. PRESTON. Let me ask you this then, because, again, I am very concerned about the words "public employees." If this is ruled, per se, that it is constitutional, are we saying from now on, according to your argument, that every public employee of every authority could possibly be considered to be part of the decision of the amendment that would fall under any other authority act?

Mr. MURPHY. Mr. Speaker, it seems to me that if we deny the right to strike to the port authority employees of Allegheny County and require them to do binding arbitration, that we would then be able to extend that to every other public employee in this State; yes.

Mr. PRESTON. Thank you, Mr. Speaker.

May I speak on the amendment as far as constitutionality?

The SPEAKER pro tempore. The gentleman may only speak in regards to the constitutionality of the question.

Mr. PRESTON. Thank you.

I want the members to think about what they just heard and what you will be deciding if you are going to say that this is unconstitutional. What you will be saying from the words that you just heard from Mr. Murphy on his challenge is that every single employee, whether it is a park authority, whether it is the sanitary authority, whether it is any other transportation authority, any other housing authority, or any other sewage authority, or any authority that we have authorized in the Commonwealth of Pennsylvania, can be forced to say under this decision that they no longer have the right to strike at all. We will be setting a precedent here as far as this unconstitutionality which I think you need to really think yourself, that will have an enormous impact on the collective-bargaining rights that an awful lot of authorities have. They have their own pension plan, their own separate bargaining units that deal with the local township and borough people whom you have, and we would be taking that right away from them possibly by this decision.

I think that this amendment is constitutional. I think it should be debated, and we should think again very seriously, because according to my recollection, it does not state that any authority and these employees of the port authority are per se public employees under Act 195, and I say that we need to think very seriously before we make this decision. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Mr. Speaker, I would like to yield. I believe Representative Trello would like to speak for the first time on this.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Trello.

Mr. TRELLO. Mr. Speaker, I would like to interrogate Representative McVerry.

The SPEAKER pro tempore. The gentleman indicates he will stand for a period of interrogation. The gentleman, Mr. Trello, is in order and may proceed.

Mr. TRELLO. Mr. Speaker, if management and labor sat at the bargaining table and labor indicated to management that we would like to give up our right to strike for a 10-cent-an-hour raise, would they be allowed to do that?

Mr. McVERRY. I suppose they could do that, Mr. Speaker, for purposes of that contract negotiation, but I do not believe that they could do it insofar as changing the law that permits them to strike.

Mr. TRELLO. Well, I do not understand. If it is unconstitutional for us to do it, why would it be constitutional for them to do it? I mean, they are public employees. Of course, there is a question on that, but you indicate they are public employees, and why would it be constitutional if they did it and unconstitutional if we did it?

Mr. McVERRY. I do not know that there is an issue of constitutionality between what the unit and the authority can bargain in their contract at this juncture.

Mr. TRELLO. Thank you, Mr. Speaker.

I would like to make a brief statement.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. TRELLO. Mr. Speaker, I think we ought to get down to basics. We indicated here today from the opposition of this amendment that it would be unconstitutional to take away their right to strike. I think many members of this House would like to see the right to strike taken away from many in many areas. But for the life of me I cannot understand constitutionality when we cannot do it here but they can do it on their own at a bargaining table.

I ask you to defeat the constitutional question and vote against it and also vote for the Pistella amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

Prior to the vote being taken, to avoid any confusion on the issue of constitutionality, I fully agree with the gentleman, Mr. Murphy, and the gentleman, Mr. McVerry. The amend-

ment is unconstitutional, and I would urge the members to vote in the negative and affirm that it is unconstitutional.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York, Mr. Bortner.

Mr. BORTNER. Mr. Speaker, I would like to address myself to Mr. Trello's question just briefly regarding the constitutionality. He is correct. School districts and other public employees can agree by contract or even during their negotiations they can agree to submit disputes to binding arbitration and there is no prohibition in the Constitution regarding that. However, the section that Mr. Murphy has drawn attention to under the Constitution deals with powers of the legislature and specifically forbids the legislature to impose binding arbitration other than for police and fire. That is very simply the question. If this legislation imposes binding arbitration on public employees that do not qualify as police and fire, it is unconstitutional. If they choose to do that through their own negotiation process or choose during negotiations to submit their grievances to binding arbitration, that is permitted. It cannot be imposed by the legislature however.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, very briefly, the second paragraph of subsection 31 of Article III of the Constitution has absolutely nothing to do with the right to strike. What it says is that no political subdivision can in and of itself give the right to a third party to agree to a contract that has been negotiated that they must raise revenue to pay for except in the case of police and firefighters. That is it. It does not take away their right to strike.

I respect my learned colleagues who are both legislators and attorneys, but the fact of the matter is that it has been misrepresented to you as to what they are attempting to deal with. It is not the employees and their right to strike; it is the employer's ability to raise revenue to pay for something that was agreed to by a third party that has absolutely no stake in what was going on in the arbitration. The Constitution says you can only do it for police and firefighters, no one else.

The case that I am trying to make with you today is that the Allegheny County Port Authority does not have the responsibility or the legal ability to raise taxes to pay for any agreement that is reached by an arbitrator. They are not a free-standing political subdivision. That is why I believe this amendment is constitutional, and I would appreciate your support for constitutionality. Thank you.

The SPEAKER pro tempore. The question before the House is the constitutionality of the amendment offered by Mr. Pistella. Those who believe the Pistella amendment to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—96

Afflerbach	Durham	Livengood	Serafini
Angstadt	Evans	Lloyd	Seventy
Arty	Fattah	Lucyk	Staback
Baldwin	Fee	McCall	Stairs
Battisto	Freeman	McHale	Steighner
Belardi	Gallen	Maiale	Stewart
Belfanti	Gannon	Manderino	Stuban
Blaum	Geist	Mayernik	Sweet
Burns	George	Miller	Taylor, F.
Caltagirone	Gruitzza	Morris	Taylor, J.
Cappabianca	Gruppo	O'Donnell	Telek
Carn	Haluska	Olasz	Tigue
Cawley	Harper	Oliver	Trello
Cessar	Howlett	Petrarca	Truman
Clark	Hutchinson	Petrone	Veon
Cohen	Itkin	Pievsky	Wambach
Colafella	Jarolin	Pistella	Wass
Cole	Josephs	Pressmann	Weston
Cowell	Kasunic	Preston	Wiggins
DeLuca	Kosinski	Reber	Wozniak
DeWeese	Kukovich	Richardson	Wright, D. R.
Daley	Laughlin	Rieger	
Deal	Lescovitz	Rybak	Irvis,
Dombrowski	Letterman	Saloom	Speaker
Donatucci	Linton		

NAYS—101

Acosta	Dawida	Kennedy	Raymond
Argall	Dietz	Kenney	Reinard
Barber	Dininni	Langtry	Robbins
Barley	Distler	Lashingier	Rudy
Birmelin	Dorr	Levdansky	Ryan
Black	Duffy	McClatchy	Saurman
Book	Fargo	McVerry	Scheetz
Bortner	Fischer	Mackowski	Schuler
Bowley	Flick	Manmiller	Semmel
Bowser	Foster	Markosek	Showers
Boyes	Fox	Merry	Sirianni
Brandt	Freind	Michlovic	Smith, B.
Broujos	Fryer	Micozzie	Smith, L. E.
Bunt	Gamble	Moehlmann	Snyder, D. W.
Burd	Gladeck	Mowery	Snyder, G.
Bush	Godshall	Mrkonic	Stevens
Carlson	Greenwood	Murphy	Swift
Chadwick	Hagarty	Nahill	Taylor, E. Z.
Cimini	Hasay	Noye	Van Horne
Civera	Hayes	O'Brien	Vroon
Clymer	Herman	Phillips	Wilson
Cornell	Hershey	Piccola	Wogan
Coslett	Honaman	Pitts	Wright, J. L.
Coy	Jackson	Pott	Wright, R. C.
DeVerter	Johnson	Punt	Yandrisevits
Davies			

NOT VOTING—2

Cordisco	Roebuck
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EXCUSED—2

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

The SPEAKER pro tempore. The motion is defeated, and the Pistella amendment is declared unconstitutional by this body.

**THE SPEAKER (K. LEROY IRVIS)
IN THE CHAIR**

The SPEAKER. The Chair thanks the gentleman, his friend from Berks, Mr. Fryer, for presiding.

CONSIDERATION OF HB 1876 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The Murphy amendment was reconsidered by Mr. Murphy yesterday and the Murphy amendment is now currently before the House.

On the question recurring,

Will the House agree to the amendments?

The clerk read 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 recurring,

Will the House agree to the amendments?

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

Mr. MURPHY. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to go into all the details and the debate that we did last time. Very simply, this amendment attempts to achieve a balance that has not existed in the port authority for 22 years in Allegheny County. It attempts to achieve a balance between management and labor so that we can get control of the financial situation at the port authority. Because of Federal subsidies over the last 22 years and a generous State subsidy, the problems of the port authority and the way they negotiate their contract has been masked. But because of cuts in Federal programs and because of past arbitration awards, the port authority no longer has the luxury of continuing to operate as they have.

For this reason my amendment changes State law to require that the Port Authority of Allegheny County eliminate the right of unilateral arbitration and go to bilateral arbitration, as most other public employees in the State presently have. To suggest that this destroys the port authority union or is anti-labor is like saying that the present Act 195 is antilabor, because this, in almost every way with a couple of small exceptions, tracks Act 195. In the question of arbitration, it stays with Act 195 in requiring bilateral arbitration and not unilateral arbitration.

For the sake of an efficient mass transit system in Allegheny County, I urge your support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the Murphy amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I rise to oppose the Murphy amendment. This is the Murphy amendment that we

defeated once before. It is the Murphy amendment that I labeled as antilabor. It is the Murphy amendment that takes all those rights away from labor in the port authority transit union that they have gained over many years. It is the amendment that recognizes and rewards the inefficiency, the politics, the inability to manage that has existed in the port authority management for over 20 years. It takes all that mismanagement, it takes all that poor management and it decides to make up for it by a grossly antilabor amendment embodied in what is called the Murphy amendment.

There were some 80 members on the other side of the aisle who would not let us consider a decent amendment, the Pistella amendment. They somehow found that our Constitution in Pennsylvania does not allow the General Assembly to take away the right to strike. That is unusual philosophy coming from the Republican side of the aisle. But if this anti-labor amendment is going to pass today, let it pass with those same 80 votes from the other side of the aisle or let it not pass at all.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I strongly urge the members of this House to support the bipartisan approach of the Murphy amendment. We have spent over a year in very intense work on this proposal. It is a result of numerous hearings throughout the State and bipartisan work between the sponsors of the amendment, and I strongly urge its support.

It is necessary because at the present time the port authority union has rights that no other public employee union has. We are simply trying to put them back in the same context as the other public employees. We are trying to assert genuine managerial rights.

For those of us on this side of the aisle, I would certainly remind us that this is not purely an Allegheny issue. This affects us all because of the amount of money that flows into the port authority. If we do not get a firm grip on the port authority, if we do not check the poor management that existed because of the practices that the old Port Authority Act allowed, we are going to be pumping more money into it. So I would submit to anyone on this side of the aisle, do not be misled that this does not affect your district.

Once again, I would like to applaud the bipartisan effort of the members who subscribed to the Murphy amendment, and I wish we could see more of this bipartisanship in this House. I would strongly urge an affirmative vote on the Murphy-Foster amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I marvel at the word "bipartisan," especially when we saw so much bipartisanship on the last vote of constitutionality. I cannot imagine that we could be any less bipartisan on a question of constitutionality. But now when we have an antilabor amendment, you want bipartisanship; I say pass it yourselves over there. Pass it with the same 80 votes that you voted for the unconstitutionality of the amendment that was bipartisanly sponsored that Mr. Pistella had put up.

I ask the members on this side of the aisle, do not help them with their antilabor amendment here. Do not help them. Let them put up their 80 votes.

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

Mr. GAMBLE. Mr. Speaker, I rise in favor of the Murphy-Foster amendment. It is a day to put the port authority on an even keel, and the way to do that is to give the taxpayers an even break. There has been a gross misrepresentation by a speaker on this side, because this is not antilabor. This is fair, this is right, and this needs to be changed today. We would appreciate your support.

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

The following roll call was recorded:

YEAS—105

Argall	Dininni	Kennedy	Reinard
Barber	Distler	Kenney	Robbins
Barley	Dorr	Langtry	Rudy
Birmelin	Duffy	Lashinger	Ryan
Black	Fargo	Levdansky	Saurman
Book	Fischer	Linton	Scheetz
Bortner	Flick	McClatchy	Schuler
Bowley	Foster	McVerry	Semmel
Bowser	Fox	Mackowski	Serafini
Boyes	Freind	Markosek	Showers
Brandt	Fryer	Mayernik	Sirianni
Bunt	Gamble	Merry	Smith, B.
Burd	George	Michlovic	Smith, L. E.
Bush	Gladeck	Micozzie	Snyder, D. W.
Carlson	Godshall	Moehlmann	Snyder, G.
Cessar	Greenwood	Mowery	Stairs
Chadwick	Gruppo	Mrkonjic	Stevens
Cimini	Hagarty	Murphy	Swift
Civera	Hasay	Nahill	Taylor, E. Z.
Clymer	Hayes	Noye	Van Horne
Cornell	Herman	O'Brien	Vroon
Cowell	Hershey	Phillips	Wiggins
Coy	Honaman	Pitts	Wilson
DeVerter	Itkin	Pott	Wogan
Davies	Jackson	Punt	Wright, J. L.
Dawida	Johnson	Raymond	Yandrisevits
Dietz			

NAYS—90

Acosta	Deal	Letterman	Rybak
Afflerbach	Dombrowski	Livengood	Saloom
Angstadt	Donatucci	Lloyd	Seventy
Arty	Durham	Lucyk	Staback
Baldwin	Evans	McCall	Steighner
Battisto	Fattah	McHale	Stewart
Belardi	Fee	Maiale	Stuban
Belfanti	Freeman	Manderino	Sweet
Blaum	Gallen	Manmiller	Taylor, F.
Broujos	Gannon	Miller	Taylor, J.
Burns	Geist	Morris	Telek
Caltagirone	Gruitza	Olasz	Tiguc
Cappabianca	Haluska	Petrarca	Trello
Carn	Harper	Petrone	Veon
Cawley	Howlett	Piccola	Wambach
Clark	Hutchinson	Pievsky	Wass
Cohen	Jarolin	Pistella	Weston
Colafella	Josephs	Pressmann	Wozniak
Cole	Kasunic	Preston	Wright, D. R.
Coslett	Kosinski	Reber	Wright, R. C.
Deluca	Kukovich	Richardson	
DeWeese	Laughlin	Rieger	Irvis,
Daley	Lescovitz	Roebuck	Speaker

NOT VOTING—4

Cordisco O'Donnell Oliver Truman

EXCUSED—2

Gallagher Perzel

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. LEVDANSKY offered the following amendments No. A0966:

Amend Bill, page 6, by inserting after line 30

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

Section 13.2A. Notwithstanding any provision of law to the contrary, either party to a collective bargaining agreement between the board and its employees shall respond in writing to any written offer of the other party within fifteen days of receipt of the written offer.

Amend Sec. 3, page 7, line 1, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendments?

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

Mr. LEVDANSKY. Mr. Speaker, this amendment is designed to enhance and encourage serious collective-bargaining negotiations at the port authority. Simply put, it would require that within 15 days of a written offer, the other party would have to respond to that offer in writing, and this amendment applies to both labor and management offers. It would require that the other party respond within 15 days. It would encourage timely collective bargaining and enhance negotiations rather than cut off on the forestalling and the other stalling techniques that are often employed by both sides at the bargaining table. I would ask for your support.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—172

Afflerbach	Distler	Lescovitz	Reinard
Angstadt	Dombrowski	Letterman	Richardson
Argall	Donatucci	Levdansky	Rieger
Baldwin	Dorr	Linton	Robbins
Barber	Duffy	Livengood	Rudy
Barley	Durham	Lloyd	Ryan
Battisto	Fargo	Lucyk	Saloom
Belardi	Fattah	McCall	Saurman
Belfanti	Fischer	McClatchy	Scheetz
Birmelin	Flick	McVerry	Schuler
Black	Foster	Mackowski	Semmel
Book	Fox	Maiale	Serafini
Bortner	Freeman	Manderino	Seventy
Bowley	Freind	Manmiller	Showers
Bowser	Fryer	Markosek	Sirianni
Boyes	Gallen	Mayernik	Smith, B.
Brandt	Gamble	Merry	Smith, L. E.
Broujos	Geist	Michlovic	Snyder, D. W.
Bunt	George	Micozzie	Snyder, G.
Burd	Gladeck	Miller	Stairs

Bush	Godshall	Moehlmann	Steighner
Carn	Greenwood	Morris	Stevens
Cawley	Gruitza	Mowery	Stuban
Cessar	Gruppo	Mrkonic	Sweet
Chadwick	Hagarty	Murphy	Swift
Cimini	Haluska	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, F.
Clark	Hayes	O'Brien	Telek
Clymer	Herman	O'Donnell	Tigue
Cohen	Hershey	Olasz	Van Horne
Colafella	Honaman	Oliver	Veon
Cole	Howlett	Petrarca	Vroon
Cornell	Hutchinson	Petrone	Weston
Cowell	Itkin	Phillips	Wiggins
Coy	Jackson	Piccola	Wilson
Deluca	Jarolin	Pievsky	Wogan
DeVerter	Johnson	Pitts	Wright, D. R.
DeWeese	Josephs	Pott	Wright, J. L.
Daley	Kasunic	Pressmann	Wright, R. C.
Davies	Kennedy	Preston	Yandrisevits
Dawida	Kenney	Punt	
Deal	Kukovich	Raymond	Irvis,
Dietz	Langtry	Reber	Speaker
Dininni	Lashing		

NAYS—17

Acosta	Fee	Pistella	Trello
Burns	Kosinski	Rybak	Wambach
Carlson	Laughlin	Stewart	Wass
Coslett	McHale	Taylor, J.	Wozniak
Evans			

NOT VOTING—10

Arty	Cappabianca	Harper	Staback
Blaum	Cordisco	Roebuck	Truman
Caltagirone	Gannon		

EXCUSED—2

Gallagher	Perzel
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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. LEVDANSKY offered the following amendments No. A0967:

Amend Bill, page 6, by inserting after line 30

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

Section 13.2A. Notwithstanding any provision of law to the contrary, the board shall not have the power to hire or employ replacement workers in the event of work stoppages based on unfair labor practices or economic conditions.

Amend Sec. 3, page 7, line 1, 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 Allegheny, Mr. Levdansky, on the question.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Again, this amendment is designed essentially that in the case of a work stoppage at the port authority, the port authority management would be forbidden from hiring replacement strikebreakers during the course of a work stoppage by the union. Essentially the union has some concern that if they

must in fact strike to get what they want at the bargaining table, that they not have their union members replaced by nonunion personnel.

I would ask for your support of this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—183

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

NAYS—12

Broujos	Flick	Hershey	Langtry
Chadwick	Fox	Kennedy	Mowery
Fargo	Geist	Kenney	Smith, L. E.

NOT VOTING—4

Cordisco	Howlett	Maiale	Truman
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EXCUSED—2

Gallagher	Perzel
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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. MICHLOVIC offered the following amendments No. A0965:

Amend Bill, page 6, by inserting after line 30

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

Section 13.2A. Notwithstanding any provision of law to the contrary, first level supervision employes of the board shall have the opportunity to select whether they will remain affiliated with the existing collective bargaining unit to which they belong or affiliate with another collective bargaining unit or remain outside of any collective bargaining unit.

Amend Sec. 3, page 7, line 1, 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 Allegheny, Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, although I was supportive of the Murphy-Foster amendment, one provision in that amendment gave me some trouble; I had some reservations about it. I agreed with the group supporting the amendment that rather than attempt to— They had agreed not to take it out; they had refused to take it out; I had agreed to offer this separately to counter that particular provision.

What my amendment does is, in the Murphy amendment, first-level supervisory employees are taken out of the bargaining unit. Under that amendment they may decide for themselves if they wish to set up a separate bargaining unit. I am told by labor friends of mine in other unions that having first-line supervisory employees is not all that uncommon even in their unions. So I offer this amendment which essentially gives those employees, if this bill were passed and became law, the right to decide whether they stay in that bargaining unit or set up their own bargaining unit or choose not to go into any bargaining unit. That is essentially what amendment A0965 does. I would appreciate your support.

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

Mr. GAMBLE. Mr. Speaker, I regretfully rise to oppose the amendment of my good friend and colleague, but this will not take the 100 management people out of the same bargaining unit that they are presently in because obviously they would not opt out of it.

Representative Mayernik has an amendment which will be up in a couple of minutes which addresses this more fairly and will achieve what we are trying to achieve, and that is fairness. I ask that you oppose this amendment.

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

Mr. FOSTER. Thank you, Mr. Speaker.

I concur with my colleague, Mr. Gamble, that this amendment is inappropriate.

Other public employee unions do in fact have separate bargaining units for first-line supervisors, and there are good reasons for doing so, so that these people who are truly managerial are not placed in this ambiguous no man's land.

I would strongly urge the members to reject this amendment so that we can preserve the reform that we have just built into the bill.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—91

Acosta	Donatucci	Lucyk	Rybak
Afflerbach	Evans	McCall	Saloom
Angstadt	Fattah	McHale	Serafini
Baldwin	Fee	Manderino	Seventy
Barber	Freeman	Markosek	Staback
Belardi	Gallen	Mayernik	Steighner
Belfanti	George	Michlovic	Stewart
Blaum	Gruitza	Morris	Sweet
Broujos	Haluska	Mrkonic	Taylor, F.
Burns	Harper	Murphy	Taylor, J.
Caltagirone	Hutchinson	O'Donnell	Telek
Cappabianca	Itkin	Olasz	Tigue
Carn	Jarolin	Oliver	Trello
Cawley	Josephs	Petrarca	Van Horne
Clark	Kasunic	Petrone	Veon
Cohen	Kosinski	Pievsky	Wass
Colafella	Kukovich	Pistella	Wiggins
Cole	Lescovitz	Pressmann	Wozniak
Coslett	Letterman	Preston	Wright, D. R.
Cowell	Levdansky	Reber	Yandrisevits
DeWeese	Linton	Rieger	
Daley	Livengood	Roebuck	Irvis,
Dawida	Lloyd	Rudy	Speaker
Dombrowski			

NAYS—101

Argall	Dininni	Jackson	Reinard
Arty	Distler	Johnson	Richardson
Barley	Dorr	Kennedy	Robbins
Battisto	Duffy	Kenney	Ryan
Birmelin	Durham	Langtry	Saurman
Black	Fargo	Lashinger	Scheetz
Book	Fischer	Laughlin	Schuler
Bortner	Flick	McClatchy	Semmel
Bowser	Foster	McVerry	Sirianni
Boyes	Fox	Mackowski	Smith, B.
Brandt	Freind	Manmiller	Smith, L. E.
Bunt	Fryer	Merry	Snyder, D. W.
Burd	Gamble	Micozzie	Snyder, G.
Bush	Gannon	Miller	Stairs
Carlson	Geist	Moehlmann	Stevens
Cessar	Gladeck	Mowery	Stuban
Chadwick	Godshall	Nahill	Swift
Cimini	Greenwood	Noye	Taylor, E. Z.
Civera	Gruppo	O'Brien	Vroon
Clymer	Hagarty	Phillips	Wambach
Cornell	Hasay	Piccola	Weston
Coy	Hayes	Pitts	Wilson
Deluca	Herman	Pott	Wogan
DeVerter	Hershey	Punt	Wright, J. L.
Davies	Honaman	Raymond	Wright, R. C.
Dietz			

NOT VOTING—7

Bowley	Deal	Maiale	Truman
Cordisco	Howlett	Showers	

EXCUSED—2

Gallagher Perzel

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

On the question recurring,

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

Mr. FOSTER offered the following amendments No. A0617:

Amend Sec. 1 (Sec. 3.1), page 2, lines 9 through 12, by striking out all of lines 9 through 11, and "(c)" in line 12, and inserting

(b)

Amend Sec. 1 (Sec. 3.1), page 2, line 16, by striking out "(d)" and inserting

(c)

Amend Sec. 1 (Sec. 3.1), page 2, line 28, by striking out "(e)" and inserting

(d)

Amend Sec. 1 (Sec. 3.3), page 4, line 7, by striking out "and"

Amend Sec. 1 (Sec. 3.3), page 4, by inserting between lines 7 and 8

(6) the accessibility of the authority's services to elderly and handicapped individuals; and

Amend Sec. 1 (Sec. 3.3), page 4, line 8, by striking out "(6)" and inserting

(7)

Amend Sec. 3, page 7, line 2, by striking out "1987" and inserting

1988

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 amendment, I believe, is agreed to, and it deals with a portion of the bill not touched by the Murphy amendment. It takes out some language specifying the selection of transit council members. It requires consideration of handicapped and elderly service standards, and it changes the date for the reduction of the board to January 1, 1985. It is technical in nature, and I believe it is agreed to.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—192

Acosta	Deal	Langtry	Robbins
Afflerbach	Dietz	Lashinger	Roebuck
Angstadt	Dininni	Laughlin	Rudy
Argall	Distler	Lescovitz	Ryan
Arty	Dombrowski	Letterman	Rybak
Baldwin	Donatucci	Levdansky	Saloom
Barber	Dorr	Linton	Saurman
Barley	Duffy	Ljvengood	Scheetz
Battisto	Durham	Lloyd	Schuler
Belardi	Evans	Lucyk	Semmel
Belfanti	Fargo	McCall	Serafini
Birmelin	Fattah	McClatchy	Seventy
Black	Fee	McHale	Showers
Blaum	Fischer	McVerry	Sirianni
Book	Flick	Mackowski	Smith, B.

Bortner	Foster	Maiale	Smith, L. E.
Bowley	Fox	Manderino	Snyder, D. W.
Bowser	Freeman	Manmiller	Snyder, G.
Boyes	Freind	Markosek	Staback
Brandt	Fryer	Mayernik	Stairs
Broujos	Gallen	Merry	Steighner
Bunt	Gamble	Michlovic	Stevens
Burd	Gannon	Micozzie	Stewart
Burns	Geist	Miller	Stuban
Bush	George	Moehlmann	Sweet
Caltagirone	Gladeck	Morris	Swift
Cappabianca	Godshall	Mowery	Taylor, E. Z.
Carlson	Greenwood	Mrkoncic	Taylor, F.
Carn	Gruitza	Murphy	Taylor, J.
Cawley	Gruppo	Nahill	Telek
Cessar	Hagarty	Noye	Tigue
Chadwick	Haluska	O'Donnell	Trello
Cimini	Harper	Olasz	Van Horne
Civera	Hasay	Oliver	Veon
Clark	Hayes	Petrone	Vron
Clymer	Herman	Phillips	Wambach
Cohen	Hershey	Piccola	Wass
Colafella	Honaman	Pievsky	Weston
Cole	Howlett	Pistella	Wiggins
Cornell	Itkin	Pitts	Wilson
Coslett	Jackson	Pott	Wozniak
Cowell	Jarolin	Pressmann	Wright, D. R.
Coy	Johnson	Preston	Wright, J. L.
Deluca	Josephs	Punt	Wright, R. C.
DeVerter	Kasunic	Raymond	Yandrisevits
DeWeese	Kennedy	Reber	
Daley	Kenney	Reinard	Irvis,
Davies	Kosinski	Rieger	Speaker
Dawida	Kukovich		

NAYS—3

Hutchinson Petrarca Richardson

NOT VOTING—4

Cordisco O'Brien Truman Wogan

EXCUSED—2

Gallagher Perzel

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

STATEMENT BY MR. DAVIES

The SPEAKER. Mr. Mayernik's amendment is still in duplication. During the hiatus, while we wait for the amendment to be passed out, the Chair recognizes, under unanimous consent, the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I was able to capture you and finally frame you. I have done the same thing for the Speaker pro tempore.

Now, I do not expect to get in the last word at all, but the only consolation I have is I was able to get, in the drawing itself, the last line.

The SPEAKER. Is Mr. Fryer on the floor of the House?

Let us exhibit it. The Chair thinks that we have a very fine artist in residence on the floor of the House. The Speaker has advised the artist that the sketch that the artist made of the Speaker is now hanging in the Speaker's home.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Saloom. For what purpose do you rise, sir?

Mr. SALOOM. Mr. Speaker, when the vote was taken on the veto override of HB 452, I inadvertently voted in the negative. I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Adams, Mr. Cole.

Mr. COLE. Mr. Speaker, I inadvertently voted "no" on the veto override of HB 452. I would like to be recorded as "yes."

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

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

Mr. PICCOLA. Mr. Speaker, it is my understanding that a reconsideration motion has been filed on the unisex override, and I was wondering if, during this hiatus, that motion could be brought to a vote right now.

The SPEAKER. We are going to finish the hiatus period because we want to get back to Mr. Mayernik, but the motion will be read by the clerk before we leave the floor.

Mr. PICCOLA. Okay. I would also like to indicate to the Chair that it will be my intention to have that bill immediately reconsidered, since I believe under the rules the bill will immediately be before the House. So I would also ask the members to remain in their seats so that they will have an opportunity to vote on that bill if the motion to reconsider is successful.

The SPEAKER. Very well. The Chair will guard against any surprises on your part.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Coslett. Why do you rise?

Mr. COSLETT. Mr. Speaker, on HB 1876, amendment A0966, I would like to be recorded in the affirmative.

The SPEAKER. All right.

Mr. COSLETT. Thank you, Mr. Speaker.

CONSIDERATION OF HB 1876 CONTINUED

On the question recurring,

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

Mr. MAYERNIK offered the following amendment No. A1422:

Amend Amendments, page 3, line 32, by inserting after "judgment."

In the event that an employe in a position defined as a "first level supervisor" is removed from his or her position due to a layoff or other reduction in force, such employe may elect to return to the position he or she held immediately prior to becoming a "first

level supervisor." In all cases, such job placement will be made in accordance with full seniority.

On the question,

Will the House agree to the amendment?

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

Mr. MAYERNIK. Thank you, Mr. Speaker.

By the adoption of Mr. Murphy's amendment, what we have done is taken approximately 120 to 150 members of the union and placed them as first-line supervisors and taken them out of the union. What my amendment would do is permit these individuals to maintain their seniority if there would be layoffs. If we do not adopt an amendment like this, what will happen is we will not have any first-line supervisors, because these 150 men will not take the risk of leaving their union and security and their seniority to take a supervisory position. So this amendment— I have spoken to Mr. Murphy and he agrees to it. I have spoken to the management and they have agreed to it. I have also spoken to the union and they have agreed to it. It seems very odd on this bill that we have an agreement, but in this case we do. I ask for an affirmative vote on this amendment, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

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

Coslett	Johnson	Pitts	Wogan
Cowell	Josephs	Pott	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.
Deluca	Kennedy	Punt	Wright, J. L.
DeVerter	Kenney	Raymond	Wright, R. C.
DeWeese	Kosinski	Reber	Yandrisevits
Daley	Kukovich	Reinard	
Dawida	Langtry	Rieger	Irvis,
Deal	Lashingier	Robbins	Speaker

NAYS—6

Clark	Dietz	Preston	Richardson
Davies	Hutchinson		

NOT VOTING—3

Cordisco	Howlett	Sweet
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EXCUSED—2

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

On final passage, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, for all of the reasons that I opposed the Murphy-Foster amendment, I ask for a negative vote on the bill this afternoon.

Mr. Speaker, the fact that the amendment has gone into the bill and some amendments were made to the amendment does not detract from the fact that the bill as it stands now is a piece of antilabor legislation. I would ask for a negative vote, Mr. Speaker, and further, I would ask that no member cast a vote unless he be in the chamber.

The SPEAKER. The Chair thanks the gentleman.

On final passage, the Chair recognizes the gentleman from York, Mr. Foster.

Mr. FOSTER. Thank you, Mr. Speaker.

I would like to thank all of those members who have shown such patience and forbearance on one of the most volatile, difficult issues that we have been involved in in this session. Now that we have reached consensus on the amendments, I would strongly urge an affirmative vote on the bill so that we can indeed put this most difficult matter behind us. I urge an affirmative vote.

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

Mr. MURPHY. Thank you, Mr. Speaker.

I rise in support of the legislation and just simply to say, it is easy to call names, but it is difficult to solve a problem. By voting for this bill today you will be solving a problem in Allegheny County and the people of Allegheny County will overwhelmingly be grateful for giving them the ability to solve that problem without having to come to this legislature for more money in the near future. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—102

Argall	Dawida	Kenney	Raymond
Barber	Dietz	Langtry	Reinard
Barley	Dininni	Lashingier	Robbins
Battisto	Distler	Levdansky	Rudy
Birmelin	Duffy	McClatchy	Ryan
Black	Fargo	McVerry	Saurman
Book	Fischer	Mackowski	Scheetz
Bortner	Flick	Manmiller	Schuler
Bowley	Foster	Markosek	Semmel
Bowser	Fox	Mayernik	Serafini
Boyes	Freind	Merry	Showers
Brandt	Fryer	Michlovic	Sirianni
Bunt	Gamble	Micozzie	Smith, B.
Burd	Gladeck	Moehlmann	Smith, L. E.
Bush	Godshall	Mowery	Snyder, D. W.
Carlson	Greenwood	Mrkonic	Snyder, G.
Cessar	Gruppo	Murphy	Stairs
Chadwick	Hagarty	Nahill	Stevens
Cimini	Hayes	Noye	Swift
Civera	Herman	O'Brien	Taylor, E. Z.
Clymer	Hershey	Phillips	Van Horne
Cornell	Honaman	Piccola	Vroon
Cowell	Itkin	Pitts	Wilson
Coy	Jackson	Pott	Wogan
DeVerter	Johnson	Punt	Yandrisevits
Davies	Kennedy		

NAYS—89

Afflerbach	Durham	Livengood	Seventy
Angstadt	Evans	Lloyd	Staback
Arty	Fattah	Lucyk	Steighner
Baldwin	Fee	McCall	Stewart
Belardi	Freeman	McHale	Stuban
Belfanti	Gallen	Maiale	Sweet
Blaum	Gannon	Manderino	Taylor, F.
Broujos	Geist	Miller	Taylor, J.
Burns	George	Morris	Telek
Caltagirone	Gruitza	Olasz	Tigue
Cappabianca	Haluska	Oliver	Trello
Cawley	Harper	Petrarca	Veon
Clark	Hasay	Petrone	Wambach
Cohen	Howlett	Pievsky	Wass
Colafella	Hutchinson	Pistella	Weston
Cole	Jarolin	Pressmann	Wiggins
Coslett	Josephs	Preston	Wozniak
Deluca	Kasunic	Reber	Wright, D. R.
DeWeese	Kosinski	Richardson	Wright, R. C.
Daley	Kukovich	Rieger	
Deal	Laughlin	Roebuck	Irvis,
Dombrowski	Lescovitz	Rybak	Speaker
Donatucci	Linton	Saloom	

NOT VOTING—8

Acosta	Cordisco	Letterman	Truman
Carn	Dorr	O'Donnell	Wright, J. L.

EXCUSED—2

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

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

BILLS SIGNED BY SPEAKER

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

HB 583, PN 3127

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, increasing the term of a firearms license and the fee therefor; and further providing for revocations.

HB 1549, PN 3038

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," providing for special provisions for exchange of hotel liquor licenses.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, has the regular calendar been completed?

The SPEAKER. That is correct. We have nothing else on the calendar.

Mr. MANDERINO. Mr. Speaker, I have filed a reconsideration motion on the Governor's veto message of, I guess it is HB 452.

The SPEAKER. HB 452 is correct.

Mr. MANDERINO. And I have filed a reconsideration motion also, Mr. Speaker, on the Conference Committee Report on SB 655. I would like to withdraw both motions, Mr. Speaker, and move that this House adjourn for the day and return tomorrow.

PARLIAMENTARY INQUIRY

Mr. PICCOLA. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. What is the gentleman's point?

Mr. PICCOLA. Did I hear the gentleman to say that both motions for reconsideration were withdrawn?

The SPEAKER. Were withdrawn and he moved to adjourn.

Mr. PICCOLA. Does that mean that the veto override will then be forwarded to the Senate, Mr. Speaker?

The SPEAKER. No, it does not mean that. Under rule 40 the Chair has the prerogative of holding that until 1 legislative day, I believe.

Mr. PICCOLA. Well, in that event, Mr. Speaker, I would like to urge that the House just very briefly defeat the motion to adjourn—

Mr. MANDERINO. Mr. Speaker, point of order.

The SPEAKER. I am sorry. There can be no argument on the adjournment motion. I just want to make sure I gave you the right ruling, but you may not argue that motion.

The rule is the next legislative day of the Senate which follows the fifth legislative day after which the House has acted on the bill, under rule 40.

You cannot argue the motion to adjourn. You may vote "no" or "yes," but that is all you may do.

The question is on the motion to adjourn until Wednesday, April 9, 1986, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

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

The following roll call was recorded:

YEAS—98

Acosta	Dawida	Laughlin	Preston
Afflerbach	Deal	Lescovitz	Rieger
Arty	Dininni	Letterman	Roebuck
Baldwin	Dombrowski	Levdansky	Rudy
Battisto	Donatucci	Linton	Rybak
Belardi	Duffy	Livengood	Saloom
Belfanti	Evans	Lucyk	Seventy
Blaum	Fattah	McCall	Showers
Bortner	Fec	Maiale	Staback
Bowley	Freeman	Manderino	Steighner
Broujos	Fryer	Markosek	Stewart
Burd	Gannon	Mayernik	Stuban
Caltagirone	George	Michlovic	Taylor, F.
Cappabianca	Gruitza	Morris	Tigue
Carn	Haluska	Mrkonic	Trello
Cawley	Harper	Murphy	Truman
Clark	Howlett	O'Donnell	Van Horne
Cohen	Hutchinson	Olasz	Veon
Colafella	Itkin	Oliver	Wiggins
Cole	Jarolin	Petrarca	Wozniak
Cowell	Josephs	Petrone	Wright, D. R.
Coy	Kasunic	Pievsky	Yandrisevits
Deluca	Kosinski	Pistella	
DeWeese	Kukovich	Pott	Irvis,
Daley	Langtry	Pressmann	Speaker

NAYS—96

Angstadt	Dorr	Lashinger	Ryan
Argall	Durham	Lloyd	Saurman
Barley	Fargo	McClatchy	Scheetz
Birmelin	Fischer	McHale	Schuler
Black	Flick	McVerry	Semmel
Book	Foster	Mackowski	Serafini
Bowser	Fox	Manmiller	Sirianni
Boyes	Freind	Merry	Smith, B.
Brandt	Gallen	Micozzie	Smith, L. E.
Bunt	Geist	Miller	Snyder, D. W.
Burns	Gladeck	Moehlmann	Snyder, G.
Bush	Godshall	Mowery	Stairs
Carlson	Greenwood	Nahill	Stevens
Cessar	Gruppo	Noye	Swift
Chadwick	Hagarty	O'Brien	Taylor, E. Z.
Cimini	Hasay	Phillips	Taylor, J.
Civera	Hayes	Piccola	Telek
Clymer	Herman	Pitts	Vroon
Cornell	Hershey	Punt	Wambach
Coslett	Honaman	Raymond	Wass
DeVerter	Jackson	Reber	Weston
Davies	Johnson	Reinard	Wogan
Dietz	Kennedy	Richardson	Wright, J. L.
Distler	Kenney	Robbins	Wright, R. C.

NOT VOTING—5

Barber Gamble Sweet Wilson
Cordisco

EXCUSED—2

Gallagher Perzel

The question was determined in the affirmative and the motion was agreed to, and at 5:05 p.m., e.s.t., the House adjourned.