

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

## No. 1127 Session of 1995

---

INTRODUCED BY GLADECK, BUNT, ZUG, MELIO, FICHTER, CHADWICK,  
FAIRCHILD, LEH, CIVERA, FLICK, CLARK, MCGILL, PICCOLA AND  
KENNEY, MARCH 13, 1995

---

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 1995

---

## A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth  
2 of Pennsylvania, further providing for prohibition of the  
3 delegation of certain powers.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby resolves as follows:

6 Section 1. The following amendment to the Constitution of  
7 Pennsylvania is proposed in accordance with Article XI:

8 That section 31 of Article III be amended to read:

9 § 31. Delegation of certain powers prohibited.

10 (a) The General Assembly shall not delegate to any special  
11 commission, private corporation or association, any power to  
12 make, supervise or interfere with any municipal improvement,  
13 money, property or effects, whether held in trust or otherwise,  
14 or to levy taxes or perform any municipal function whatever.

15 (b) Notwithstanding the [foregoing limitation] provisions of  
16 subsection (a) or any other provision of the Constitution, the  
17 General Assembly may enact laws which provide that the findings

1 of panels or commissions, selected and acting in accordance with  
2 law for the adjustment or settlement of grievances or disputes  
3 or for collective bargaining between policemen and firemen and  
4 their public employers shall be binding upon all parties and  
5 shall constitute a mandate to the head of the political  
6 subdivision which is the employer, or to the appropriate officer  
7 of the Commonwealth if the Commonwealth is the employer, with  
8 respect to matters which can be remedied by administrative  
9 action, and to the lawmaking body of such political subdivision  
10 or of the Commonwealth, with respect to matters which require  
11 legislative action, to take the action necessary to carry out  
12 such findings.

13 (c) Notwithstanding the provisions of subsection (a) or any  
14 other provision of the Constitution, the adjustment or  
15 settlement of grievances or disputes or collective bargaining  
16 agreements between teachers and their public employers shall be  
17 by binding arbitration. Arbitration shall be limited to those  
18 issues not agreed to in writing prior to the start of  
19 arbitration. The arbitration of collective bargaining agreements  
20 between teachers and their public employers shall be done by a  
21 single judge or by a panel of three judges of the court of  
22 common pleas of the judicial district having jurisdiction over  
23 the school district which is the public employer. The  
24 determination of the court with regard to the arbitration of a  
25 collective bargaining agreement shall be confined to a choice  
26 between the last contract offer of the public employer, taken as  
27 a whole, and the last contract offer of the employees or their  
28 representative, taken as a whole. The arbitration determination  
29 of the court shall be binding upon all parties and shall  
30 constitute a mandate to the head of the school which is the

1 employer, with respect to matters which can be remedied by  
2 administrative action, and to the school board of the school  
3 district, with respect to matters which require legislative  
4 action, to take the action necessary to carry out the findings.  
5 The arbitration of collective bargaining agreements shall begin  
6 not later than 60 days prior to the scheduled beginning of the  
7 school year and shall be concluded not later than seven days  
8 prior to the scheduled beginning of the school year. The  
9 arbitration determination of the court may be subject to a  
10 binding referendum of the voters of the school district if there  
11 is submitted to the appropriate election board within 30 days of  
12 the arbitration determination of the court a petition  
13 challenging the determination by 25% of the residents of the  
14 school district who voted in the last election. Upon  
15 certification of a valid petition, a referendum shall be  
16 scheduled; and the choices submitted before the court shall be  
17 placed on the ballot at the next scheduled election. The  
18 electorate shall be limited to the choices presented to the  
19 court. Any adjustment of economic or financial considerations  
20 required as a result of the referendum shall be prorated over  
21 the term of the collective bargaining agreement. No teacher may  
22 strike or participate in a strike or similar interruption of  
23 government service. Any strike or interruption of government  
24 service prohibited by this subsection shall constitute an  
25 actionable breach of duty to members of the public affected by  
26 the interruption, who shall have a right to remedy and redress  
27 in the courts. This subsection shall be self-executing. Nothing  
28 in this subsection shall prohibit the General Assembly from  
29 enacting laws not inconsistent with this section which provide  
30 that the findings of panels or commissions, acting in accordance

1 with law for the adjustment or settlement of grievances or  
2 disputes between teachers and their public employers, shall be  
3 binding upon all parties and shall constitute a mandate to the  
4 head of the political subdivision which is the employer, with  
5 respect to matters which can be remedied by administrative  
6 action, and to the lawmaking body of the political subdivision,  
7 with respect to matters which require legislative action, to  
8 take the action necessary to carry out the findings. In the  
9 absence of enabling legislation for the arbitration of  
10 grievances and disputes, such arbitration shall be done by a  
11 single judge or by a panel of three judges of the court of  
12 common pleas of the judicial district having jurisdiction over  
13 the school district which is the public employer.