

Legislative Journal

WEDNESDAY, JUNE 6, 1979

Session of 1979

163rd of the General Assembly

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HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE TOM SWIFT, member of the House of Representatives and guest chaplain, offered the following prayer:

Let us pray. Dear Heavenly Father, we thank You for the privilege of coming to You in prayer as we go about the work of our state. We would also thank You for the way You have guided us in the past. Please give us Your true wisdom and knowledge as we go about the business before us so that it will be done in a pleasing way to You and suitable to our constituency. Father, help us remember that You have given us the privilege to lead the people of this state and that we may need to be the example for them to follow. Please help us live our lives in a manner pleasing to You, and continue to always guide us. Father, we thank You for the many blessings and believe You will hear our prayer, for we pray in the name of Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, June 5, 1979, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I request leaves of absence for Messrs. KUKOVICH and RHODES for today's session.

The SPEAKER. Without objection, leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Will the members please come to the floor? The members will proceed to vote. Have all the members present recorded their presence?

The following roll call was recorded:

YEAS—193

Alden	Foster, W.	Livengood	Ryan
Anderson	Freind	Lynch, E. R.	Salvatore
Armstrong	Fryer	Lynch, F.	Scheaffer
Arty	Gallagher	Mackowski	Schmitt
Austin	Gallen	Madigan	Schweder
Barber	Gamble	Manderino	Scirica
Belardi	Gannon	Manmiller	Serafini
Bennett	Gatski	McCall	Seventy
Berson	Geesey	McClatchy	Shupnik
Bittle	Geist	McKelvey	Sieminski
Borski	George, C.	McMonagle	Sirianni
Bowser	George, M.	McVerry	Smith, E.
Brandt	Giammarco	Michlovic	Smith, L.
Brown	Gladeck	Micozzie	Spencer
Brunner	Goebel	Milanovich	Spitz
Burd	Goodman	Miller	Stairs
Burns	Grabowski	Moehlmann	Steighner
Caitagirone	Gray	Mowery	Stewart
Cappabianca	Greenfield	Mrkonic	Stuban
Cessar	Grieco	Mullen, M. P.	Sweet
Chess	Gruppo	Murphy	Swift
Cianciulli	Halverson	Musto	Taddonio
Cimini	Harper	Nahill	Taylor, E.
Clark, B.	Hasay	Novak	Taylor, F.
Clark, R.	Hayes, D. S.	Noye	Telek
Cochran	Hayes, S. E.	O'Brien, B.	Thomas
Cohen	Hoeffel	O'Brien, D.	Trello
Cole	Honaman	O'Donnell	Vroon
Cornell	Hutchinson, A.	Oliver	Wachob
Coslett	Hutchinson, W.	Perzel	Wagner
Cowell	Irviss	Peterson	Wargo
Cunningham	Itkin	Petrarca	Wass
Davies	Johnson, E.	Piccola	Weidner
Dawida	Johnson, J.	Pievsky	Wenger
DeMedio	Jones	Pistella	White
DeVertter	Kanuck	Pitts	Wilson
DeWeese	Kernick	Polite	Wilt
DiCarlo	Klingaman	Pott	Wright, D.
Dietz	Knepper	Pratt	Wright, J. L.
Dininni	Knight	Pucciarelli	Yahner
Dombrowski	Kolter	Punt	Yohn
Dorr	Kowalyshyn	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Durham	Laughlin	Reed	Zord
Earley	Lehr	Richardson	Zwilk
Fee	Letterman	Rieger	
Fischer, R. R.	Levi	Ritter	Seltzer,
Fisher, D. M.	Levin	Rocks	Speaker
Foster, A.	Lewis	Rodgers	

NAYS—0

NOT VOTING—9

Donatucci	Kukovich	Rhodes	Street
Dumas	McIntyre	Shadding	Williams
Helfrick			

The SPEAKER. One hundred ninety-three members having indicated their presence, a master roll is established.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mrs. TAYLOR. Mr. Speaker, this morning several of us in the House are offering some legislation. I would like to make a statement on that legislation. I would like to also tell the members of the House that if any of you are interested in becoming cosponsors of the legislation, I will ask that it be held at the table for a short period of time so that you can sign it.

The purpose of the proposed legislation is to enable the Pennsylvania Higher Education Assistance Agency to sell revenue bonds so that the proceeds of the bond issue may be used to make loans to the banks and other lenders under a contractual arrangement which will assure that these lenders will make loans available in sufficient quantity and reasonable interest rates to handle the requirements of the Health Professions Assistance Loan Program, better known to those of you who are familiar with that as the HEAL Program, other graduate loan requirements and middle-income families in the undergraduate guaranteed student loan program. The bonding concept permits the agency to initiate a program without any cost to the Commonwealth.

Under the Health Education Assistance Loan Program, the private lenders will make loans to students enrolled in health professions to assure accessibility to loans bearing reasonable interest rate charges for these students. Such loans have not been available under the new Federal program to date. The plan will keep the private lenders as the maker of the loan and will take advantage of the Federal insurance provision and the Federal funding of loan forgiveness for practice in areas where medical services are in short supply. It will avoid state funding of payments to lenders, as was enacted in the State of New York.

The bond issue will not require pledging of faith and credit of the Commonwealth and could also be used to finance a program of consolidation of loans for students so that students with multiple loans could make timely repayment over a period of time by simply issuing a single monthly check. In case the private lenders would fail to make the necessary loans, the agency would be in a position to make direct loans from the bond revenues.

For those of you who do not understand the HEAL Program, let me give to you six benefits. I hope those of you who are interested can hear me anyhow. No state appropriation, it avoids state fundings of special allowance payments as enacted in New York; no state appropriation to administer the program, because private lenders will make loans with Federal insurance; loans 100 percent insured from Federal funds against loss by default; four, forgiveness authorized for practice in medical service shortage areas financed from Federal funds; no pledge of faith and credit of the Commonwealth; and, six, the high bond ratings would bring low interest charges. Again, Mr. Speaker, I will put this legislation on the desk for those of you who might be interested in becoming a cosponsor. Thank you very much.

FILMING PERMISSION GRANTED

The SPEAKER. The Chair has given permission to WIIC-TV, Pittsburgh, to film the floor of the House for 10 minutes.

STATEMENT ON RESOLUTION TO BE INTRODUCED

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Thank you, Mr. Speaker. I am submitting to the desk for additional signatures a resolution which addresses itself to a rule adoption which we made on May 7 relative to chronic absenteeism. This specifically addresses itself to the chronic absenteeism of one member, the Honorable T. Milton Street, and, of course, any members who would care to join me in the resolution, I will place it upon the table for its regular processing.

This, of course, is something I think is necessary in view of Mr. Street's memo to all members of the House—I believe it was dated May 31—in which Mr. Street, of course, placed first both his personal safety and his working conditions ahead of his consideration or his concerns for what I consider to be both his constitutional responsibility and carrying out his oath of office.

So I would submit this resolution for the table and any additional members who care to join me in the resolution.

Thank you, Mr. Speaker.

QUESTION OF PERSONAL PRIVILEGE

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

Mr. WHITE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE. It is my understanding, Mr. Speaker, that we should only use this particular matter where one's personal integrity or when the House itself has been offended by statements issued in the press, or in other such public forums. The statement which I just heard with respect to the resolution about to be offered is offensive in that it does not speak to the question of chronic absenteeism. It speaks to one individual member of this House. I personally find it offensive that we will single out one person when there are many others, far too many others, who have chosen not to attend these sessions and who have not even seen fit to offer a reasonable excuse as to why they are absent.

I would caution Mr. Davies and any other member of this House that not one person in the hall of the House of Representatives today is eligible to cast a vote for T. Milton Street. His constituents sent him here. His constituents elected him, fully aware of the positions he was going to take on pertinent issues.

I would just want to issue that strong warning now that what you do with respect to a resolution for one particular individual member of this House can happen to any one of these other members of this House if any of us object to the conduct or lack of conduct with respect to the House of Representatives.

Thank you, Mr. Speaker.

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1447 By Messrs. ROCKS, PERZEL, SALVATORE,
McKELVEY and D. M. O'BRIEN

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding certain senior citizen organizations from taxes on sales.

Referred to Committee on Finance.

No. 1448 By Mr. WAGNER

An Act amending the "Civil Service Act," approved August 5, 1941 (P. L. 752, No. 286), requiring one list for each class of positions.

Referred to Committee on State Government.

No. 1449 By Messrs. ZWIKL, RITTER, DiCARLO,
GALLEN, BROWN and ZITTERMAN

An Act amending the "Disposition of Abandoned and Unclaimed Property Act," approved August 9, 1971 (P. L. 286, No. 74), further providing for when property held by a political subdivision is presumed abandoned and unclaimed.

Referred to Committee on State Government.

No. 1450 By Messrs. HASAY, TAYLOR,
CALTAGIRONE and LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), requiring identification by the enforcement officer at the time of citing a violation and making an editorial correction.

Referred to Committee on Liquor Control.

No. 1451 By Messrs. HASAY, TAYLOR,
CALTAGIRONE and LEHR

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), further providing for notification of violations and making an editorial correction.

Referred to Committee on Liquor Control.

No. 1452 By Messrs. McKELVEY, PERZEL, D. M.
O'BRIEN, ROCKS, GLADECK, CESSAR,
McVERRY, GOEBEL, BORSKI, GRAY and
McMONAGLE

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing that licensee may conduct dart tournaments.

Referred to Committee on Liquor Control.

No. 1453 By Mr. ARMSTRONG

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), establishing minimum time periods for sick and vacation leave.

Referred to Committee on State Government.

No. 1454 By Mr. ARMSTRONG

An Act requiring minimum yields for certain water wells and water well supply stems, conferring certain powers and duties on the Department of Environmental Resources and providing a penalty.

Referred to Committee on Conservation.

No. 1455 By Messrs. WAGNER and HASAY

An Act amending "The Realty Transfer Tax Act," approved December 27, 1951 (P. L. 1742, No. 467), excluding transfers between grandparents and grandchildren or the spouse of such grandchild.

Referred to Committee on Finance.

No. 1456 By Messrs. J. L. WRIGHT and B. F. O'BRIEN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the right to cross the facilities of any other public utility.

Referred to Committee on Mines and Energy Management.

No. 1457 By Messrs. PRATT, TAYLOR and
CAPPABIANCA

An Act amending the "Pennsylvania Human Relations Act," approved October 27, 1955 (P. L. 744, No. 222), making it a discriminatory practice to discriminate between high school diplomas and general education development certificates.

Referred to Committee on Labor Relations.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 91

(Concurrent) By Messrs. DORR, FRYER, WEIDNER,
SCHWEDER and W. D. HUTCHINSON

The General Assembly of the Commonwealth of Pennsylvania directs the Joint State Government Commission to organize a task force to conduct an in-depth study in the present fee system for county row offices and determine whether or not the establishment of a uniform fee schedule for all county row offices would be more economical and practical.

Referred to Committee on Rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Senate presented the following bills for concurrence:

SB 540, PN 873.

Referred to Committee on Conservation.

SB 565, PN 872.

Referred to Committee on Mines and Energy Management.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. DAVIES. For what purpose does the gentleman rise?

Mr. DAVIES. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. DAVIES. In addressing the charge of the gentleman from Philadelphia, regardless of who it may be, and I would, of course, agree to what he is saying. This is specifically stating one particular member.

The next member, I just want to apprise the member, that I

am accepting the final roll call for every day and going over it. When there are 5 days of someone who, of course, is not asking to be excused, I am going over that and when those 5 days exist after there had been enough publicity and everyone here is apprised of the rule relative to chronic absenteeism, it is my intent that after those 5 days of continuous session or properly announced committee meetings, in which I am apprised from those rolls that there is any other member, I will also take out the same resolution against any other member who would be in violation of this rule. It is my intent and, of course, I will single out those individuals with the same sort of resolution.

So I may assure the gentleman, Mr. White, from Philadelphia, that regardless of who it may be, whether it be somebody from this side of the aisle or that side of the aisle or whether it be somebody with seniority or a freshman or whatever it be, that it is my intent to, of course, file those resolutions to those individuals who violate the rules of this House.

Thank you, Mr. Speaker.

STATEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have had several members from the other side of the aisle speak to me today with respect to the memorandum that was delivered to each of you in the past few days. There has evidently been some confusion with it. If I can, I am going to attempt to straighten it out.

I have here, if any of you are missing these letters, an extra set with me in alphabetical order for that side of the aisle. The Republican side of the aisle, I believe, all have a copy that affects their districts.

We are having trouble with numbers, Mr. Manderino and I, as was painfully obvious yesterday. I am going to try and straighten some of those numbers out, but that is a separate problem.

As to the memorandum that was distributed yesterday to each of you, or the day before, and how it affects your district, I would like to point this out. Now simply because Mr. Austin is first in line alphabetically, what this sheet shows, and in Mr. Austin's case, he represents a district that crosses two county lines. So the capital budget shows both the budget for all of Allegheny and all of Westmoreland Counties. That is broken down and that is considered a section (a).

Now the numbers that you find on this piece of paper are contingent—and let me emphasize that so there is no misunderstanding it, they are contingent—and based on the assumption that there would be additional revenues of \$200 million, which is what the Governor's tax program called for.

To the extent that less than that is raised or more than that would be raised—and I do not think that is going to happen—these numbers would vary. So I qualify the memorandum by saying, if an additional \$200 million is available, that is an additional \$200 million.

Now the top part of it is not that difficult to understand. It does not show, however, where the money is going, and this is the problem that Mr. Manderino and I were discussing yesterday, of course.

Part (b), and this is where the questions came up and this is really why I am taking the floor now, part (b) of this memorandum is titled: Extra municipal road funds for your legislative district.

Now in Mr. Austin's case, there are 11 municipalities mentioned and there is an amount of money next to each one of them. There is also a legend down below showing the district total. And in his case, it is \$137,820. Now that money is additional money that will go to those municipalities. At the present time, the 9 cents a gallon that is collected raises "X" dollars in taxes. The \$200 million equates to approximately 3 cents a gallon.

So right now, and I do not have these numbers in front of me, your municipalities are presently receiving an amount that is approximately equal to about three times the numbers that appear on this sheet because that is what 9 cents a gallon would generate.

Under the law—and this is not a discretionary thing, this is what I am trying to emphasize. Under the law—eighteen-plus percent of the money generated from the pennies per gallon is returned to the municipalities under a formula. That is a separate statutory provision so that the amounts that you see here that I have distributed to you represent the amounts that each of your municipalities would get in excess of what they received last year, if the \$200 million in additional revenue is raised.

Now one of the questions asked of me this morning was, can anyone fudge around with this? Can this be changed? Is there departmental discretion? The answer is, no. The only way it can be changed is if a separate bill is enacted that changes the whole distribution formula.

Now I have been up here for a long time and in the 17 years I have been here, to my recollection, there has only been one change. That is when it changed from a 60-40 basis to a 50-50 basis of population and roads. I do not expect that that change will take place again, perhaps, in my lifetime. But it is not the kind of a statute that we are changing constantly so that the amount your municipalities get changes constantly.

Now the changes that we do make in the law that affect this money is what you can use it for. Sometimes somebody wants to be able to use it for the drainage of a creek, to build up the banks of a creek. Somebody wants to do something different with bridges and they amend the law so that the local municipality can use this money for different reasons. But this money is money that is discretionary money given to your municipalities and they can use it as they see fit within the guidelines presently in the law. They can use it for resurfacing their roads; they can use it to fix the shoulders of their roads. I believe they can use it to fix some of their local bridges, although I am not sure of that one, and different things like this. But it goes to your local government's road fund to be used as they see fit. That is really the only announcement I had to make, but because there was some question about this, I wanted to explain today just what it was.

The other thing I am going to urge you to do or challenge you to do, I would challenge you to call—it seems that some of these numbers seem very insignificant. I am looking again and I am not trying to pick Mr. Austin out on purpose, at Sutersville. I

do not know where Sutersville is and I do not know even what county it is, but it is a rather insignificant amount I suppose, \$1,926, which indicates to me that they are probably now presently receiving about \$6,000 from the state or a little less than that. I dare say that if you call your local municipality and ask them, and I am challenging you to do it, what impact this rather insignificant amount will have on their local budget, I think you will be surprised. I really believe you will be surprised at just how important this amount is to your local government. I know when I did it, I was very surprised that a \$15,000 item meant a great deal to one of my local governments.

Here we are talking about a billion dollars and I am telling you there are people who are going to get a couple thousand or \$10,000 or \$15,000 out of it who consider it a windfall. It makes the difference perhaps in whether or not local taxes go up or not. Mr. Stuban addressed this question the other day, that it does represent a tax difference in some cases. But I challenge you to check these amounts with your local government before you make the decision as to what you are going to do on these particular bills.

I have no reason to believe the figures that I have given you are inaccurate. They are the result of a computer printout that I believe is accurate. I have distributed these over a period of a week or 2 weeks. To my knowledge, no one has called any inaccuracies to my attention. If there is something off, it is unintentional. I do not believe that they are inaccurate. They are worked off a \$200-million additional revenue item though, and it is in addition to what you are now receiving. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Columbia, Mr. Stuban.

Mr. STUBAN. Mr. Speaker, I would appreciate what you are trying to say here today and I am sure that the list you have sent me concerning Columbia and Montour Counties is of no concern to me because I know that it is a fixed formula; I know that amount of money is going to be there and, unless we tamper with the liquid fuels law, that does not create a problem of me voting for the budget.

My concern is where are you going to spend the state share money? That is the concern. Another concern of mine is possibly, maybe, we ought to change that formula a little bit on liquid fuels. We talk here about state taking over local roads. Maybe this 18-percent increase we are talking about should be a bonus or an enticement to local communities to take over more state roads. The increase of that amount of money that is going to come back in to some of my districts is only going to lay blacktop on good blacktop, because some of my communities really do not need that increase in money.

Mr. RYAN. I would like to correct the gentleman initially. The 18 percent is not an increase. The actual increase works out to 35 percent. Your local governments are getting a 35 percent, call it a third even, a one third, 35-percent increase in distribution. The 18 percent is the amount that is being distributed. In other words, there is \$200 million in new revenues, according to these sheets that I have passed out. Eighteen percent of that \$200 million is then distributed to local governments. That

amount represents approximately a 35-percent increase in the amount of money your local government is now receiving from the state under this program only.

I understand your other problem. You want to find out where we are spending the rest of the money, and I thought we had that pretty well in hand with the exception of \$30 millions of dollars out of a billion-plus budget, and we are continuing to work on that.

Mr. STUBAN. In response to that, I am not so concerned as far as local government is concerned. Personally, the roads in my district are well taken care of by my local government. As I stated the other day, I also have one township up there that has no real estate tax at all. I think that it is the only township in the State of Pennsylvania. Their roads are all good. The problem is the state roads that go through that township that we are concerned about.

Also, there were statements that you made about the Governor's budget the other day, and I can assure you that I have documented proof that in the Governor's budget there is money for the Berwick Bridge that says that money there is for planning and right-of-way. The planning is now 90 percent complete. The money that is quoted in the Governor's budget is already money that has been spent. I think that we have got to get this show together. Personally, I am not questioning him because this has been going on for years. I think that we need the integrity of PennDOT to be brought forward here. Personally, I guess I should rise today and be more violent against PennDOT than I ever have been. I sat on a select planning committee to pick the superintendent for the district.

In all my years, I have never been embarrassed in all my life as I have been embarrassed by the choice of the Governor of this state for the superintendent in my district. I looked in his doorway the other day, and he thumbed me out of his office. And they say there is not politics here. It shocked me to such an extent, I stuck around there a half hour or so and finally asked the secretary in the office was there some new protocol on how I approach this new man. All I wanted to do was welcome him into my county, sit down and discuss the problems with him, and what bothers me about this man is, he returned a call to me after he found out who I was. If he just would have done what my tape answering service said he should have done, just left his phone number and his name, but he had to give me an apology that is taped on my tape recorder at home, and he thumbed me out of his office. Violently, I think we got to bring the integrity of PennDOT here, and I want it to happen.

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

Mr. MULLEN. Just to make one brief statement. I have to ask unanimous consent, of course.

The SPEAKER. The gentleman from Philadelphia asks unanimous consent. The Chair hears no objections. The gentleman may proceed.

Mr. MULLEN. Mr. Speaker, to elaborate on what I said last night, the real problem we have here, and I think you realize it, you distributed those statements you were referring to. We

have not the slightest idea whether they are legitimate statements or not. What I would strongly suggest to you, number one, if you have the votes, vote the thing; stop talking, put it on the line and you are over with. If you do not have the votes, when you do not have the votes, let us get down to the brass tacks of what has to be done. We have to establish credibility here. The only way we are going to establish credibility is for your staff over there and our staff on this side to sit down with the Governor and come up with a set of facts which is going to be acceptable to both sides. Then at that particular point, if we have to compromise, compromise. But unless you have the votes, there is no way you are going to get them unless you do something like that. We have to have credibility.

Certainly common sense is going to tell us a Republican Governor is going to favor Republican members. I have no quarrel with that. And maybe that is all right. But we can work out adjustments. But if we are ever going to solve the problems, we have to do with common sense, and you are not going to do it by just saying that you accept what we give you as gospel truth. Maybe it is the gospel truth, but we do not know it. Why do you not get this staff to sit down? I do not think they have sat down yet once to discuss these issues like the Appropriations Committee does. This the only way you are going to solve the problem, but to keep us here day after day and talk day after day, we accomplish nothing. Please use common sense, Mr. Speaker, and you know that is the only way you are going to do it, unless you have the votes.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I heard Mr. Mullen make the same comments last night. I appreciate what he says and I believe to a great extent that he is absolutely correct.

The information that I passed out, however, I believe is along the lines of an absolutely honest printout and is information that was made available approximately a week ago. I raised the question today because the question had come to me as to exactly what did the information mean.

I spoke to Mr. Irvis this morning—and I am not betraying any confidences along the lines of what you are suggesting, Mr. Speaker—and I said to Leroy, What do you need? That I believe is about what I said. “What information do you need?” His response, and again I am paraphrasing, and I think he is right that there is total confusion as to what is going on.

I have made a request of PennDOT through one of the major Demos in the Governor’s Office and I have asked that we get all of the information that anyone has requested of me so far. I have said to Mr. Irvis and I say to you that the full moneys are not accountable by job description because it is work that is intended to be done next building season. I believe that between the budget documents that were provided many months ago and the information that was turned over to the Democrat leadership yesterday showing the distribution of some \$44 million in projects, that the bulk of this money is accounted for. There is what I consider an insignificant sum that has not been earmarked because it is earmarked for next building season.

Now I am not totally satisfied with the information that I am getting, not because I find it inaccurate, but because it is com-

ing in piecemeal and I have made a request that it all come out in one piece of paper or set of papers.

I happen to think, however, Mr. Speaker, that if people want an excuse to obstruct a bill, there is very little excuse needed. And I am fearful that that may be the case. I am very concerned that this has become a purely partisan issue; maybe not by design, but I see it going along partisan lines.

Now I take issue with one statement and I wish I did not have to, Mr. Speaker. The issue I have to take issue with, and I am sorry I have to do it, is with your statement that you understand there is a Republican Governor and Republican districts will be favored. If you walked into my caucus, I think you would find that the bulk of our members do not agree with that. And I call to your attention some of the counties surrounding your county and I ask you to compare what they are getting with what some other portions of the state are getting. I happen to believe, and I believe this sincerely, that mistakes may have been made; they have been made in good faith. I happen to believe that the bulk of this money is being spent in the western part of the state where the need is the greatest. Now Mr. Manderino challenges that. He does not seem to challenge the amount of money that is being spent but rather the number of roads, and I am hoping to get that information put together in one spot so that we can address that issue.

Mr. Speaker, I have no further comments. I do not know whether Mr. Mullen is going to respond.

The SPEAKER. The Chair does. We are going on with the order of the day.

Mr. RYAN. Good. Thank you.

UNCONTESTED CALENDAR

HB 1336 PLACED ON REGULAR CALENDAR

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Cohen, rise?

Mr. COHEN. Mr. Speaker, I would like to request that HB 1336 be removed from the uncontested calendar.

The SPEAKER. HB 1336 will be removed from the uncontested calendar and will be placed on the regular calendar tomorrow.

ALL BILLS ON UNCONTESTED CALENDAR PLACED ON REGULAR CALENDAR

The SPEAKER. For what purpose does the gentleman from Dauphin, Mr. Piccola, rise?

Mr. PICCOLA. In order to save time, I would like to object to all the bills on the uncontested calendar.

The SPEAKER. All the bills on the uncontested calendar have been objected to. They will be placed on the regular calendar for tomorrow.

The Chair has been asked by various members of the House to remind the entire membership that Rule 9A, the anti-smoking rule, is being flagrantly violated. The Chair brings the rule to the attention of the members of the House and asks that they observe their own rule.

CALENDAR BILLS AGREED TO
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:

SB 223, PN 856; HB 751, PN 1397; HB 101, PN 112; and HB 1108, PN 1245.

CALENDAR BILL ON THIRD CONSIDERATION

The House resumed third consideration of **HB 147, PN 159**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the causes and criteria for suspension, and providing for waiver of certification requirements in certain instances.

On the question recurring,

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

Mr. GANNON offered the following amendments:

Amend Title, page 1, line 6, by striking out "and"

Amend Title, page 1, line 7, by removing the period after "instances" and inserting and providing for proficiency testing.

Amend Bill, page 1, by inserting between lines 9 and 10

Section 1. Section 290.1, act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," added August 8, 1963 (P. L. 564, No. 299), is amended to read:

Section 290.1. [Educational Performance Standards.—To implement the purpose of this subdivision, the State Board of Education, as soon as possible and in any event no later than July 1, 1965, shall develop or cause to be developed an evaluation procedure designed to measure objectively the adequacy and efficiency of the educational programs offered by the public schools of the Commonwealth. The evaluation procedure to be developed shall include tests measuring the achievements and performance of students pursuing all of the various subjects and courses comprising the curricula. The evaluation procedure shall be so constructed and developed as to provide each school district with relevant comparative data to enable directors and administrators to more readily appraise the educational performance and to effectuate without delay the strengthening of the district's educational program. Tests developed under the authority of this section to be administered to pupils shall be used for the purpose of providing a uniform evaluation of each school district and the other purposes set forth in this subdivision. The State Board of Education shall device performance standards upon the completion of the evaluation procedure required by this section.]

Proficiency Testing.—(a) To ensure the effectiveness of school districts and schools in assisting pupils to master the fundamental educational skills toward which instruction is directed, there is hereby enacted a program of Statewide testing which shall provide the public, the legislature, and school districts evaluative information regarding the various levels of proficiency achieved by students. This program of Statewide testing shall identify the factors which appear to be responsible, so that appropriate action may be taken at the district and State-level to obtain the highest quality education for all public school pupils.

(b) The department shall within two years after the effective date of this amendatory act require a testing program to be conducted annually in all school districts and shall develop the test to evaluate student competencies in the basic skills. The

tests shall be equated to nationally normed tests so that the performance of Pennsylvania students may be compared to that of a National sample.

(c) The department shall determine whether students in a given school shall be administered the entire test or whether pupils shall be administered a portion of the test which will be representative of all of the test objectives, goals, or categories of items on the entire test.

(d) Children identified as exceptional pursuant to section 1371, shall be exempt from such tests and measurements.

(e) The tests shall obtain an accurate estimate of Statewide performance, school district performance, and the school performance of students in grades five, eight, and eleven in basic skills courses. Any student whose ability level is not measured at a level of at least equal to that prescribed for students in the next lowest grade level may be provided with remedial or tutorial services during the school day in the subject areas in which deficiencies are indicated by the test results.

(f) The department shall administer the testing program and require the governing board of each school district to submit all answer sheets for the test administered pursuant to this section on a per-school basis to the department for scoring. The department shall offer technical assistance to school districts to improve their performance and programs.

(g) No superintendent, principal, or teacher of any elementary or secondary school shall carry on any program or preparation of students within the district for the testing program or any particular test used in the program. Upon final determination of a violation of this provision, such violation shall be noted in the personnel file of the individual involved.

(h) The department shall report the district-wide results of the testing program and the results on a per-school basis to each school district. The results shall be reviewed by the governing board of the district at least once a year at a regularly scheduled meeting.

(i) The scores of individual students in the basic skills tests shall not be made public or become a part of the student's record, but shall be used to identify students needing remedial or tutorial work.

(j) The department shall submit an annual report to the legislature containing an analysis of the results and test scores of the basic skills. The report shall include an analysis of factors that have a significant relationship to or bearing on the results.

(k) For purposes of this section, the following word and phrase shall have the meaning given to them by this subsection:

"Basic skills courses" mean those subjects which involve, among other skills, memorization, and mastery of specific functions, including but not limited to reading, spelling, basic mathematics and effectiveness of written expression.

"Department" means the Department of Education.

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

Amend Sec. 1, page 1, lines 10 and 11, by striking out "act of March 10, 1949 (P. L. 30," in line 10 and "No. 14), known as the "Public School Code of 1949,"" in line 11 and inserting of the act

Amend Sec. 2, page 1, line 12, by striking out "2" and inserting 3

Amend Sec. 3, page 3, line 25, 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 Delaware, Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is indicated as prefatory language. It would afford the people of the Commonwealth an opportunity to understand or gauge or better evaluate the minimum competency of students receiving an education in the public schools in the Commonwealth of Pennsylvania and to better determine whether they are in fact getting the quality education which they are now paying for.

The present budget under consideration calls for in excess of \$1 billion to be appropriated to education in the Commonwealth, and the purpose of this bill is to give the people the yardstick by which to measure the quality of education students are receiving. I urge the members to vote in favor of this amendment.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Gannon's amendment.

Mr. Speaker, this amendment is very in-depth in determining the different methods that are being considered by the Education Committee and by the state board and by the Department of Education as to proficiency or competency tests. I think it is that important that it should be in a single bill rather than just as an amendment to a specific bill. It should be properly considered by a committee itself rather than automatically at the last minute an amendment offered to the floor to another bill which had been thoroughly discussed by a committee.

So, under these circumstances, I recommend that the members vote "no" on this amendment. It does not mean that we are not concerned with competency or the proficiency of our students and their methods in our school systems, but this is not the method of achieving what we are looking for. The committee is working in that vein, and we would prefer that the amendment be rejected and let the committee function properly.

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

Mr. BURNS. Mr. Speaker, I rise today to oppose this amendment. The reason for my opposition, in addition to the reasons that Mr. Gallagher has just brought to everyone's attention, is that there are certain things going on right now in the state that do exactly what this amendment is purporting to do.

For example: Right now the state does have the Equal Quality Assessment Project testing. Now we have had some early

problems with EQA. The department asked some questions on those EQA tests that many people found objectionable. Those particular tests have been revised and there is a program at the present time set up to do exactly the testing that Mr. Gannon's amendment would address itself to.

Also, we have Project 81 where the Department of Education has designated certain specific school districts in a pilot program, and Project 81 in itself is nothing but a competency-based approach to education.

The third thing that we see happening in the department is Secretary Scanlon's announced school improvement program. Secretary Scanlon, for those of you who do not know it, has initiated a program whereby he is planning to visit each and every school district in the Commonwealth, looking at the schools with the purpose of putting together some sort of evaluation team that will go in and evaluate specific schools.

This particular amendment is based on the California statute, and the problem with it is that some of the California language was removed, because there is no remedial training involved in this amendment. If a person fails, then he fails and that is it. At least in the California statute there was some remedial training developed. Finally, there is no requirement that a graduating senior has to be competent in anything.

At this point I would say this amendment is ill-advised, ill-conceived, and I really believe that it is a subject that the Education Committee has looked at and is continuing to look at, and with Mr. Davies' help, hopefully we will have something that will be acceptable from the committee this particular session. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we defeat this amendment. While I am very much in favor of greater accountability in terms of basic education, I do not think this is the approach for us to use today. First of all, Mr. Gannon proposes to take a very controversial and complex subject that deserves attention on its own merits and should stand alone and proposes to attach that to an already complex and controversial subject, the furlough bill. I do not think it is the best approach.

Secondly, there is no fiscal note prepared for this as far as I can determine, and we are talking about a costly program. I do not want to ask for a fiscal note at this point and cause further delay, but I think we ought to defeat the amendment simply because we all recognize that there are substantial dollars that will be involved.

Thirdly, I think we have to reinforce what Mr. Burns has already stated. There is really no meat to this particular amendment. The amendment as it is proposed right now does not provide for any standards which must be met if a student is to be graduated. It does not even say that a student must be offered the remedial training if the tests show deficiencies. Page 1 of the amendment says that the student may be provided with remedial or tutorial services.

So I think it is a weak amendment, even if you do look at the substance of it. I would urge for these various reasons that we defeat it at this time.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I, too, must rise in objecting to the amendment. I struggled for 5 years to develop a competency testing base for the Commonwealth. We tried to do it in HB 770. We were frustrated by the inability to get that piece of legislation through this House. I was frustrated another 2 years in HB 669 on the same thing. I negotiated for 2 full years with the Department of Education, trying to iron out our differences on the method of testing to improve the competencies, and we are continuing the struggle to try to bring that to fruition.

The problem with this amendment, in addition to what the gentlemen have offered, is also that it does not speak to the facts of learning disabilities which make up as high as 10 percent of our school population in the Commonwealth, and when it does not speak to that 10 percent of the student body, the bill is sadly lacking. In addition to this, there is an incomplete sentence in trying to tear apart those portions of the California bill to be reduced to scope in this bill. It has an incomplete sentence and says it identifies the factors which appear to be responsible, for what? It is an incomplete sentence and does not identify those responsibilities.

In addition to this, as far as what Mr. Burns said, it does not establish the national norms. We do not want to compare the Philadelphia School District to the school districts of the Nation. We want to compare the Philadelphia School District to the urban school districts of this Nation. We do not want to compare a school district such as, let us say, the Conrad Weiser School District, which is basically rural, to the Nation's school districts. We want to compare it to those where it is exactly the same. We want to get apples to apples and not the old apple-and-banana argument.

So, Mr. Speaker, although I know the intents of Mr. Gannon are both honorable and he wants to, of course, improve, I would ask him to join us in our deliberation in the House Basic Education Subcommittee in trying to bring to fruition the necessary and all of the aspects of this type of legislation. Therefore, I would have to speak against the Gannon amendment. Thank you, Mr. Speaker.

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

Mr. GANNON. Mr. Speaker, as far as costs are concerned, this bill repeals section 290.1, which is the EQA program. Therefore, the cost of the program, with what this amendment provides, would not be an additional cost, but the moneys used for the EQA would then be available for this testing program.

As far as the remedial service, the intent of this bill is not—as some amendments or bills submitted in the past have been—to provide that if a student did not reach a certain basic competency level he would not be permitted to graduate or to advance to another grade. It is not the purpose of this amendment to penalize students for failure to reach basic competency levels. It does have an optional remedial provision in it that if, as a result of this testing, there is a clear indication that remedial services are required, then the school district has an option to provide those remedial services.

As far as learning disabilities are concerned, addressing itself to that issue, I believe the amendment has sufficient latitude that the testing program which would be developed by the Department of Education could take into consideration those students who have reached basic competency levels but for one reason or another would have an inability to express that competency level in a standard form or usual form and could do so quite successfully in another testing format. I think the amendment has sufficient latitude to take that into consideration.

As far as the intent of this amendment and whether or not we would want to equate Philadelphia students to a national norm, as opposed to equating Philadelphia students to students in a city of like kind and quality in another area of the country, I believe the mere definition of a national norm takes into consideration those patterns across the country, and it would simply be a measure, if you will, as to whether or not, for example, Philadelphia students—since that was brought up—would meet these national norm requirements with all the variables taken into consideration. Thank you, Mr. Speaker.

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

Mr. GOEBEL. Thank you, Mr. Speaker.

Would the gentleman, Mr. Gannon, subject himself to interrogation?

The SPEAKER. The gentleman indicates that he will, and the gentleman from Allegheny may proceed.

Mr. GOEBEL. Thank you, Mr. Speaker.

I just have wondered if Mr. Gannon was aware of any successful program such as this in any other state that is presently being implemented.

Mr. GANNON. This amendment is different than any other program in any other state. I am not aware of any specific successes, but I do recall information where, I believe in one of the southern states, there was a testing program that prevented a student from graduating, and there was a general feeling that that program had dealt with a great deal of success in upgrading the basic competency of the students in that state. I do not recall the name of the district or the state, but it is just my recollection.

Mr. GOEBEL. So that was a competency test but not quite similar to what you are proposing here today.

Mr. GANNON. No; this amendment does not prevent a student from graduating if he does not have that competency level. In my opinion, this amendment is merely a first half step in the right direction. It does not purport to solve all of the problems that currently exist, but I believe it is a first half step in identifying the problems, if there are any problems.

Mr. GOEBEL. Under this proposal, who would actually then compose the test that would be given as a competency test?

Mr. GANNON. The Department of Education.

Mr. GOEBEL. I am not opposed to this concept at all. In fact, it may well be a very good concept to look at, but I think that perhaps, you know, we should not do it as an amendment. I heard some of the other speakers saying the same thing, and I think you should probably have a lot of input, maybe from school directors, from school administrators, teachers, and I

think you should have a broader input into something this important. Have you introduced a bill similar to this?

Mr. GANNON. No; I have not.

Mr. GOEBEL. Well, if this amendment would not pass, then I would hope that you would do that so that the Education Committee could pursue the idea, because I think it is important. A lot of people are interested in it. I myself do not oppose the idea, but I do oppose it as an amendment to HB 147. I cannot say that I am opposed to the concept of competency testing, but for the reason of it being an amendment, I would oppose it at this time.

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

Mr. ZELLER. Mr. Speaker, 2 years ago I was called by people in Montgomery County and part of Bucks. I went down into Sellersville and Perkasio and those areas in regard to the problems that they had in regard to EQA. Now I see an extension of this, and the problem they had down there was that even the parents could not get the results, and I contacted EQA over at the Department of Education. I think it is about time that we start giving control back to the school districts. I do not see in your amendment where that is going to happen.

My problem with this is that in this area—and I had talked to legislators down there, and even those people did, if anyone remembers the name of Nancy Baker and some of those who were raising heck in that area—they were giving tests which were even personal tests on their own sex life and were showing the Thursday's Child movie, which is the encouragement of the extension of your desires as far as homosexuality is concerned. They even showed those movies, and there was nothing wrong with it. These people were up in arms. This happened down there, because I was down there and saw it.

Now if this is an extension of this sort of thing from that department over here, which I have lost respect for in regard to the kinds of programs they have been putting out, then I think this is not getting anywhere and only extending what they are doing in California right now. As a matter of fact—and I will see that all members get a copy of it; I thought I had sent it out, but maybe my office did not, but you are going to get a copy of it—they have the same type of program going on in California, where they not only tell the youngsters that it is okay to masturbate but they have them give a demonstration in the classroom. Now this is that EQA bit and the parents are not allowed to even see the results. You cannot even get it from the school board or any teachers. If this is an extension of this thing, then I am sorry, I want no part of it.

So if you are getting a hold of it where you can really open this whole thing up and show it to the parents and everyone by the school district itself, then maybe we got something. As long as that Department of Education over here is going to be running the show they are, I think about the only thing on their mind over there is sex. That is about it. I do not think it goes much further.

So this is one of the problems that we have. So just challenge them sometime and they will let you know about it, because I saw some of the characters who are running the show over there and I am very disillusioned, and they have not been let go

yet. So if this is an extension of that sort of thing, then we are in a sorry mess.

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

Mr. GANNON. Mr. Speaker, this bill is not an extension of that type of program as referred to by Mr. Zeller. The bill defines basic skills in the final section of the amendment. I am simply trying to limit it to basic competency and basic skills and not trying to make inquiries into the sex life of students and their families, or their social habits. It is not the intent of the bill and I do not read that into the bill.

As far as publishing the results, the amendment provides that the department issue an annual report containing an analysis of the results and test scores of the basic skills as well as an analysis of the factors having a significant relationship or bearing on the results.

What I am addressing myself to here is competency in basic skills, and not inquiries into other areas which are of no concern, quite frankly, to me. I believe no one is really that interested, except maybe some individuals, into inquiring into the sex habits of students or what is good and what is bad, as Mr. Zeller indicates. That is definitely not the intent of this amendment, and I do not read that into the amendment.

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

Mr. ZELLER. Mr. Speaker, I have high respect for Mr. Gannon. I am sure that is not his intent. But when they refer to basic skills, this is part of it. When you talk about a report that is already in the present law, that they have to give an annual report, try and get it. They will not give it to you. You try to get it over there, and they tell you that it is none of your business. That is what they tell you. Try to get the report once. You cannot get it.

Mr. GANNON. Maybe that is the case under the existing law.

Mr. ZELLER. That is and that is no different wording than you are putting in now. They have it in the law now that you have to have an annual report filed, and you try to get it. They say, we file an annual report, but we file the annual report for our own business. You try and get it, and I am serious about it. When you come to basic skills, they claim that sex education is a basic skill and how we teach sex education is our business.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—30

Alden	Gannon	Lewis	Serafini
Anderson	Gladeck	Lynch, F.	Sirianni
Arty	Halverson	Micozzie	Spencer
Borski	Kanuck	Pitts	Spitz
Durham	Kernick	Pyles	Sweet
Earley	Lashingier	Reed	Taylor, E.
Freind	Lehr	Ryan	Zord
Gamble	Letterman		

NAYS—162

Armstrong	Fischer, R. R.	Livengood	Ritter
Austin	Fisher, D. M.	Lynch, E. R.	Rocks

Barber	Foster, A.	Mackowski	Rodgers
Belardi	Foster, W.	Madigan	Salvatore
Bennett	Fryer	Manderino	Scheaffer
Berson	Gallagher	Manmiller	Schmitt
Bittle	Gallen	McCall	Schweder
Bowser	Gatski	McClatchy	Scirica
Brandt	Geesey	McKelvey	Seventy
Brown	Geist	McMonagle	Shupnik
Brunner	George, C.	McVerry	Smith, E.
Burd	George, M.	Michlovic	Smith, L.
Burns	Giammarco	Milanovich	Stairs
Caltagirone	Goebel	Miller	Steighner
Cappabianca	Goodman	Moehlmann	Stewart
Cessar	Grabowski	Mowery	Stuban
Chess	Gray	Mrkonic	Swift
Cianciulli	Greenfield	Mullen, M. P.	Taddonio
Cimini	Grieco	Murphy	Taylor, F.
Clark, B.	Gruppo	Musto	Telek
Clark, R.	Harper	Nahill	Trello
Cochran	Hasay	Novak	Vroon
Cohen	Hayes, D. S.	Noye	Wachob
Cole	Hayes, S. E.	O'Brien, B.	Wagner
Cornell	Hoeffel	O'Brien, D.	Wargo
Coslett	Honaman	O'Donnell	Wass
Cowell	Hutchinson, A.	Oliver	Weidner
Cunningham	Hutchinson, W.	Perzel	Wenger
Davies	Irviss	Peterson	White
Dawida	Itkin	Petrarca	Wilson
DeMedio	Johnson, E.	Piccola	Wilt
DeVerter	Johnson, J.	Pievsky	Wright, D.
DeWeese	Jones	Pistella	Wright, J. L.
DiCarlo	Klingaman	Polite	Yahner
Dietz	Knepper	Pott	Yohn
Dininni	Knight	Pratt	Zeller
Dombrowski	Kolter	Pucciarelli	Zitterman
Dorr	Kowalshyn	Punt	Zwinkl
Duffy	Laughlin	Rappaport	
Dumas	Levi	Richardson	Seltzer,
Fee	Levin	Rieger	Speaker

NOT VOTING—11

Beloff	Kukovich	Shadding	Thomas
Donatucci	McIntyre	Sieminski	Williams
Helfrick	Rhodes	Street	

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 as amended on third consideration?

Mr. W. D. HUTCHINSON offered the following amendment:

Amend Sec. 2 (Sec. 1214), page 3, by inserting between lines 18 and 19

(v) a statement that the employe has completed 12 semester credit hours in the area for which the waiver is requested.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I am sure that all of us are somewhat tired of hearing about HB 147 and the problems in connection with the way that teachers may be furloughed. It is an important bill and it will have great impact, I think, on the education of our children.

One of the major problems that exist in this bill, as I see it, is

the fact that we are using essentially a general type of seniority; what I would call a plant-wide seniority.

Now, under current law, and if this bill becomes law, a teacher could, through the superintendent of schools and the Secretary of Education, be granted a waiver of certification in a field that he or she has not taught, has no experience, no training in, and that waiver could last for 1 year. During that 1-year period, the person would be teaching a subject that perhaps they have had no acquaintance with whatsoever.

My amendment is a very simple one. All it does is ensure that the teacher who is granted the waiver will have at least a nodding acquaintance with the subject that he or she is required to teach and have some familiarity with it. It simply says that before the Secretary of Education can waive the certification requirement, for a teacher who has seniority to go in and teach a subject that he is not certified in, before they can do that, he must demonstrate that he has had at least 12 semester hours, credit hours, in the subject area for which waiver is requested. That just means that he has to have some acquaintance and some interest in the subject. He has essentially had to take four courses in college in that subject. Then he can get the waiver; then he can continue on the waiver for a year. During that year he can pursue the remaining requirements to get certified.

If you do not put this amendment in the bill, you are practically guaranteeing that you will have teachers teaching subjects for a year that they know nothing about. I think that is wrong. I think it is inappropriate and I think this amendment is much needed in the bill. Thank you very much.

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

Mr. GALLAGHER. Mr. Speaker, Mr. Burns was supposed to come first.

The SPEAKER. The Chair is trying to be fair and alternate between sides of the aisle.

Mr. GALLAGHER. All right, Mr. Speaker, since you are so fair, I will accept your fairness.

Mr. Speaker, I rise to oppose the amendment and I feel that it is inappropriate at this time to be offering an amendment again to this bill.

The waiver of certification is very clear that it cannot exceed 1 year. That is the reason for the waiver. It is not one where the district can run rampant by hiring people without certification. There are many other areas where this is done, not just with waivers, but, for example, in our vo-tech schools, we hire teachers to teach welding and they do not have 12 semester credit hours. That is another area. We hire teachers in our vo-tech schools who are carpenters and they do not go to the regular education teacher's course. They have to have maybe three credit hours for administration for educational classroom experience, but not the 12 semester credit hours. So that is another category.

What we are dealing with here are regular teachers in a regular school. The waiver is only for 1 year, no more than 1 year for a certified professional employe currently employed by or on suspension from a school entity when the school entity sub-

mits a written waiver request containing the following information. So it is very clear as to what it is about.

The amendment is not necessary and it is very inapropos to be adopted at this time. So I oppose the amendment, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I, too, would like to touch on the area of vocational education. I think this presents a real problem whereby a vocational education teacher, who may be and who will be covered under this particular bill, in order to take over another position if this amendment were to go in the bill, would then have to show some 13 hours or 12 hours, whatever it is, in that field of expertise or in that field in which he is planning to teach.

Now I just do not see how that can be done since we do not require our vocational education teacher to have those kinds of credits to begin with. I have with me the regulations for vocational education. They do have to get 18 semester hours in order to be approved as a vocational education teacher. After that, then all they have to do is have sufficient employment experience or have successfully completed an occupational competency examination.

So I really am concerned that if such an amendment went in and we had a seniority bumping system in a vocational school, how it might affect a given teacher.

In addition to that, I think what everybody has to realize is that no waiver can be granted to anyone unless two things happen: Number one, the chief educational officer of the school district, a commissioned state officer, has to apply and put his signature to that application and then forward it to the Department of Education. At that point the Department of Education has to agree. So it seems to me that there are several safeguards, and I cannot really see a district superintendent who would affix his signature to a request for a waiver for a person, a teacher in this case, who would know absolutely nothing in the field that they are going to teach. That would seem to me that the local board would question very carefully what that superintendent is doing. I do not think a local board would allow a superintendent to do such a thing.

On the other hand, if a person only had 10 hours or 11 hours in a particular subject and maybe was a self-made expert on the particular subject and the superintendent rightfully wanted to certify that person or at least ask for a waiver for that 1 year for that person, then he would be precluded from doing so.

So I think there are problems with the amendment and I would urge that my colleagues vote "no."

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I am disturbed about this bill and the debate that is going on on the bill and the attention that it is being paid by the House. This is important and serious legislation.

Now, Mr. Burns just presented the best argument that he could in favor of my amendment. He referred to the vo-tech teacher, and under this legislation, if my amendment does not go in, a vocational-technical teacher, a teacher who teaches

shop or whatever, if he has seniority, can be sent on by the superintendent to teach English, Latin, mathematics, any subject whatsoever, even though he has never had any courses in those subjects. He can continue to be teaching your children in that subject for 1 year.

Now, I am not asking that we do anything to the main part of the bill. I am simply saying that if a person is going to teach a subject, he should have a nodding acquaintance with that subject. To guarantee that he has that nodding acquaintance with the subject, I am setting a floor that says he has to have had four college-level courses. If he has not taken four college-level courses in that subject, then he should not be teaching it.

I think the vo-tech is the classic example, but it can occur in other areas. Let us suppose that a person is certified to teach French or Spanish and he has 15 years in the school system. Without this amendment to the bill, a person can be certified in French or Spanish or any particular foreign language and have taught nothing but that foreign language for 15 years. There can be a person in that school system who is teaching, because of the workload in that system, calculus, analytical geometry, geometry and algebra. That person teaching it is certified in mathematics and competent to teach those courses. That person has 14 years' experience.

The Spanish or French teacher has 15 years experience overall, has never taken a mathematics course in his life, knows no algebra, no geometry or calculus, has not had it beyond the high-school level, and has forgotten that, and yet, nevertheless, because of many reasons, because perhaps they are having a problem—and there usually are problems when there is a reduction in force—and perhaps because it is a difficult and a hot issue, that person can be sent on for a waiver of certification and he can be teaching your children for 1 year in the mathematics field when he does not know anything about it.

Now, the opponents of my amendment say that the superintendent will not do that, that that is the protection; give him some discretion. Well, let me suggest to you that if they really believe that, then they ought to take all the certification requirements out of the law and ought not to have a requirement for a certificate. They ought to just say, the superintendents will not deal with this.

Now there is another problem with the vo-tech teacher as far as the vo-tech coming into the system—and we are talking now about getting them out, not coming in. There are available such things, I believe, as an emergency certificate. The gist of this is that we should and we have a duty here in the General Assembly to guarantee that the teachers who teach the children of this Commonwealth will be at least acquainted with the subjects which they teach.

You are not fulfilling that responsibility if you pass this bill without inserting this amendment in it. Thank you, Mr. Speaker.

Mr. SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Schweder.

Mr. SCHWEDER. Mr. Speaker, will Mr. Burns stand for interrogation?

Mr. BURNS. Yes, sir.

The SPEAKER. The gentleman indicates that he will, and the

gentleman, Mr. Schweder, may proceed.

Mr. SCHWEDER. Mr. Speaker, I am just not clear on one statement that you made earlier debating this amendment.

You said that in order for the waiver to take place, there are two requirements that need to be accomplished before it can be granted. The first one you state is that there must be written authorization of this waiver by the superintendent of that school district.

What my question is, is there any recourse provided in this bill if the superintendent simply refuses to sign the waiver?

Mr. BURNS. It is my understanding—and I hope someone will correct me if I am wrong, but as I understand the bill—if the superintendent would not sign that request for a waiver, then that particular waiver could not be granted. That would have to go under his signature to the Department of Education.

Mr. SCHWEDER. Well, but does not the law as is currently written call for the waiver based on seniority, and the teacher involved could either go to court or have some other resource if the superintendent failed to sign?

Mr. BURNS. I suspect that the teacher involved could go to court if the superintendent did not sign it. I would suspect then that the superintendent would have to give reasons in court as to why he or she did not sign it.

The SPEAKER. Will the gentleman, Mr. Schweder, yield to the gentleman, Mr. Hutchinson.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson. For what purpose does the gentleman rise?

Mr. W. D. HUTCHINSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. W. D. HUTCHINSON. Does this have any relevance to my amendment which simply sets forth—Does this have relevance to the amendment or would it be more appropriate on the bill itself?

All my amendment does, Mr. Speaker, is insert a requirement that in order to get a waiver of certification there must be 12 credit hours. It does not do a thing to the power of the superintendent, the power of the Department of Education or anything else in connection with that portion of the bill. I question its relevancy on the amendment.

The SPEAKER. The gentleman is correct, and the Chair requests the gentleman, Mr. Schweder, to confine his interrogation to the amendments before us. The gentleman may proceed.

Mr. SCHWEDER. Mr. Speaker, I was trying to help Mr. Hutchinson. I guess he does not want it. I have no more interrogation. I would like to make a brief remark, Mr. Speaker.

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

Mr. SCHWEDER. What I was attempting to draw out—and I think it had relevancy to Mr. Hutchinson's amendment—is that without supporting his amendment, if there are circumstances that this waiver be granted even if the superintendent fails to do it and there are other recourses once this law is passed that it has to be granted through vehicles other than the signature of the superintendent, then I think it is very necessary for Mr. Hutchinson's amendment. I would ask for support of the amendment.

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

Mr. COWELL. Mr. Speaker, during my almost 5 years here in the legislature now, I guess one of my biggest disappointments has been that I have seen us too frequently pass so-called education legislation with too little regard for the impact that it was going to have on the children for whom the system is supposed to exist. During the past 45 minutes or so, I have heard, on several occasions, people say this waiver of certification will exist for only a year and no more than a year.

I strongly believe that somebody who is unprepared to teach a subject should not be in a classroom for a week let alone a year. I think like a lot of you who have children and grandchildren and maybe some younger brothers and sisters—I have got two small boys. They are just beginning their public education. They are going to spend the next 12 years in the public schools of this Commonwealth—I do not, for one, want to contribute to a system that will allow some teacher, who is unprepared, to go into one of their classrooms and literally waste 1 year of their educational lives. I think that without the Hutchinson amendment, that possibility very much exists. So I would hope that we would adopt the Hutchinson amendment today. Thank you.

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

Mr. BURNS. Mr. Speaker, the prior speaker, Mr. Hutchinson, pointed out that one of the good arguments for his amendment is the fact that I had pointed out that the vocational education teacher could, without any training, go into an English class or a math class or some other class. That is just absolutely untrue, because a vocational teacher would be teaching in a vocational school, and vocational schools give vocational work. They do not have courses in English, reading, writing, math and world history and world cultures and language and all of the other subjects that we associate with the traditional high school. The vocational teacher comes under special regulations and I submit to you that if this amendment goes in, then we are going to have a great deal of problems with the vocational teachers who are presently in the system.

The next thing that I would like to point out is that today, under our present system, a superintendent can request an emergency certificate for anybody, and the state then can grant an emergency certificate for anybody to go in and teach even though that particular teacher does not have any particular expertise in the subject.

Let me give you an example: Today a person who is trained in secondary education, who may come out with 48 credits in history and 48 credits in English and have on his or her certificate English or Social Studies, may apply for an elementary school position, may never have taken a day of elementary-school preparation, and the superintendent can hire that person under an emergency certificate whereby the person has "X" number of years to go back and get whatever certification he or she needs for elementary education and then get permanent certification in the subject while that person is teaching in the elementary schools. So that it is not a new concept. It is a concept that has been done in the past and it is a concept that the superintendent, who is a commissioned state officer, who is the

chief educational officer for the district, has to make a decision on: Is this person qualified? If not, then I am not going to ask for a particular waiver. If so, then I have the power to do so.

I think for those who talk about local control, this is one of the things that retains local control in the district. Thank you.

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

Mr. ZELLER. Mr. Speaker, we hear this business, local control, and all the time we play right into the hands of the powerful Pennsylvania State Education Association union.

Mr. Burns illustrated last week how important it was to have someone to know what they are doing and compared it with a specialist and one who merely works on boils, a practitioner. He plays right into the hands, rightly so, of what Mr. Hutchinson is saying, the need for Mr. Hutchinson's amendment.

If Mr. Burns and Mr. Gallagher, incorporated, who are the spokesmen for PSEA here on this floor, if they are concerned about the children or the teachers, then they have got to show their colors here, because this is to protect your children's education. As Mr. Cowell said, this is important.

To give you a little note: Mr. Burns says the problem with vocational teachers that they are going to have, if this goes through, well, we have the problems in the elementary and secondary schools, even without getting into the vocational areas. Several years ago we were told here on the floor of the House by an individual talking about a survey they had on the illiteracy of the children coming out of grade schools, that 37 percent cannot read, write or even figure math in the State of Pennsylvania. Now this is the gang here who would tell you that they are doing a great job.

I think some of you people, especially in the areas of the cities who have banned—And they say they can really bring out the facts. I do not know whether it is political or what it is, but they have been shortchanged in some of the areas, and especially in the ghetto areas, where you say, out of sight, out of mind. Let them go. I think they had better start thinking about this, because here again they can play politics with the PSEA and let that teacher come into a classroom because of seniority. They do not want to let them go or anything like that, or step down, but they want to allow them to teach something they do not know anything about. Your child is going to suffer. You had better start thinking it over. Your kid is going to suffer.

Now if you want to play politics and let PSEA be the boss around here, with a big contribution at election time, one of the highest in the State of Pennsylvania—and they do not support me, because I do not take their cash—I will tell you one thing, you are going to continue that rat race at the price of your children. Then keep playing politics. That is a dirty word as far as I am concerned, but keep doing it. I think it is disgraceful, absolutely disgraceful, what they have been doing.

Some of the people here come out and tell their public, oh, we have got to take care of our children; we want better education; and all the time they take the cash and vote the way PSEA tells them. Is that not beautiful? This is a condition existing in this House of Representatives. It is existing in the Senate and across this state.

Let us, for the sake of our children, stop this union-shop

movement controlling this House and start thinking about your kids. All they do is run back home and tell how great a job they are doing, and at the same time letting PSEA control them. I think it is about time we put a stop to it. They have not supported me, and I do not care for their support. I will tell them that to their face.

The SPEAKER. The gentleman will please confine his remarks?

The Chair recognizes the gentleman from Beaver, Mr. Laughlin.

Mr. LAUGHLIN. Mr. Speaker, would Mr. Burns please stand for interrogation for a moment?

The SPEAKER. The gentleman, Mr. Burns, indicates that he will. The gentleman from Beaver, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, would you please clarify something for me? Under a system that I was familiar with many years ago in education, it was necessary to secure a certificate in education in a particular subject and then go back to school and attain your permanent certification. What is the number of credits that are necessary in order to be certified in the specific subject?

Mr. BURNS. Well, if I recall correctly, and I am not current as maybe you would like, but at one time it was 18 hours of a particular subject, and then you could get that written on your college certificate. After you were hired—for example, years ago when I was hired, it was an additional six semester hours. I understand that has been raised to 24 hours. If it is beyond that—you know if there is a more recent ruling—I do not know; but as I understand it now, it is 24 hours.

Mr. LAUGHLIN. Mr. Speaker, along those same lines, the 12 credits that Mr. Hutchinson is mentioning is equal to sophomore or junior credits in college in a given subject?

Mr. BURNS. Would you say that again, Mr. Speaker?

Mr. LAUGHLIN. All right. Let us take a student who is taking a history major—and Mr. Hutchinson's amendment suggests that that person has completed 12 credits in that particular subject. Now my question is: Those 12 credits are equal to that student being a sophomore or a junior or portions of the senior year. What is your interpretation of that?

Mr. BURNS. I would think you would be correct.

You know the institution of higher learning can make the requirements and do make the requirements. For example, a particular institution—I am just going to say Gettysburg College, and I have no reason for saying that other than a name that comes quickly to mind—Gettysburg College could, I believe, if they wish, say, hey, a major in history in our institution constitutes 12 semester hours. So you could have people coming out after 4 years, depending on what the institution says, with 12 semester hours and they would constitute that a major. Some other institution may say 48 hours and 12, then you have to figure out where you would be in relation to the institution.

Mr. LAUGHLIN. Mr. Speaker, I thank you for your interpretation.

Mr. Hutchinson, would you please stand for interrogation?

The SPEAKER. The gentleman, Mr. Hutchinson, indicates that he will. The gentleman, Mr. Laughlin, may proceed.

Mr. LAUGHLIN. Mr. Speaker, could I hear your interpretation on what was just asked of Mr. Burns?

Mr. W. D. HUTCHINSON. It is my understanding—and I am not absolutely certain of this, but it is my understanding—that first of all the certification as to proficiency in a subject is done by the institution, an accredited institution from which the teacher graduates, and they certify his proficiency.

It is my understanding that a person who has an education major, in order to qualify in a subject and to be certified by most of the institutions in the Commonwealth, the ones that I am familiar with, must have had 24 semester hours in that subject before they will certify his proficiency and ability to teach it. This is exactly half of that.

Mr. LAUGHLIN. In other words, Mr. Speaker, what we are really suggesting here is that a person be permitted to teach in any given high school in this state and have the equivalent of a sophomore's credits in college?

Mr. W. D. HUTCHINSON. Yes, Mr. Speaker, that is correct. As a matter of fact, I am not happy about that.

There was an amendment offered by Mrs. Durham, I believe, a day or two ago on this bill that would have required certification before you would be permitted to teach that subject. I voted for that amendment; it unfortunately failed. Frankly, I think it was a disaster that it failed. I am trying to hear to get at least, as I say, a nodding acquaintance with the subject. And you are exactly right; the person teaching your children could be a person who has the equivalent of a sophomore in college education in the particular field.

Mr. LAUGHLIN. Thank you, Mr. Speaker.

Mr. Speaker, would I be permitted to make a few remarks on the amendment?

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

Mr. LAUGHLIN. Mr. Speaker, I am very much concerned about Mr. Hutchinson's amendments requiring only 12 credit hours to be certified as I am about the bill that makes no qualification whatsoever about the number of hours that a teacher would have to have for certification on a waiver. As Mr. Hutchinson indicated, I had also introduced an amendment to wipe out the provision of a waiver and had substituted it with advanced vacancies being made knowledgeable to the professional staff in order for them to qualify before they would teach in a class. That was voted down.

Mr. Speaker, I do not believe the Hutchinson amendment is the answer to what our problem is. We want teachers in the classrooms who are certified in the subject that is necessary to be taught. We do not want sophomores, juniors or anything else in the way of a college education. We want competent teachers. Those in education who have always stood for excellence seem to be bending their rules today. I would suggest that we vote the amendment down on that basis, Mr. Speaker.

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

Mrs. TAYLOR. Mr. Speaker, I would just like to say to the House that, really, Mr. Laughlin's analogy to sophomores I think is not a good one, because what Mr. Hutchinson is talking about here is credits in the major field. A sophomore or a fresh-

man has a lot of general education courses, a lot of other courses. So, really, the analogy between someone who is taking credits in a major field and a sophomore or a freshman in college, I do not believe to be a valid one.

I think the best remarks that I have heard on the floor concerning HB 147 were reemphasized this morning by Mr. Cowell. Mr. Cowell reminded us again, and I would reemphasize, that every piece of legislation that comes before this House, that comes before the Education Committee, should be viewed with one goal in mind—and I spoke to this point the other day—and that goal is the best quality education, the best possible educative process that we could give to the children of Pennsylvania, and it is with this hope in mind that I would urge an affirmative vote on the Hutchinson amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, not to belabor the point—and I have to be brief—I do not think that this is the vehicle by which we are going to resolve all of the problems as far as quality of education. It is similar to an amendment which I tried to place to the bill originally in committee, and I also share Mr. Burns' concern about the vocational-technical aspect of it. But I would be willing to accept Mr. Hutchinson's speaking to the matter of trying to address it with emergency certification for the balance of the year. I would, however, ask Mr. Hutchinson that he do pursue it further and try then to get additional amendatory language ready for consideration of the Basic Education Committee to try to resolve the problem that we do have in the vocational-technical area, if a problem does exist as Mr. Burns expressed. However, I must say that this is somewhat of an interim step and, since it does not specify what level of graduate work or other—it just says merely semester hours—I think that some preparation is better than nothing and I would have to support his offer at this time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Bucks, Mrs. George.

Mrs. GEORGE. Yes, Mr. Speaker. Could I please interrogate Mr. Hutchinson?

The SPEAKER. The gentleman, Mr. Hutchinson, indicates he will stand for interrogation. The lady may proceed.

Mrs. GEORGE. Mr. Speaker, I sympathize with this amendment and am in pretty much agreement with it. Although I think that Mr. Burns and Mr. Gallagher and just again the previous speaker brought up this vocational-education problem. I am sorry, I think I must have missed your answer because this is a real concern of mine that some of these teachers that we know in vocational education would not necessarily have these 12 credit hours. I missed your answer. Did you have an answer on that one?

Mr. W. D. HUTCHINSON. Yes, Mr. Speaker. If I understand the lady's concern, the lady is concerned that a vocational-technical person, who is going to teach, let us say, a machine shop course or auto body work or something like that in vo-tech, may not have the necessary semester hours. Now is the lady concerned about whether he has to have those semester hours in

order to be hired in the first instance?

Mrs. GEORGE. No. Let us say in a vocational-technical school they would want to move somebody into masonry from another field of the building trade. Would this be permissible under your amendment?

Mr. W. D. HUTCHINSON. I am sorry, I did not hear the example that the lady gave. Move some person—

Mrs. GEORGE—from one building trade to another area of the building trade, a related subject, but obviously not having 12 credit hours.

Mr. W. D. HUTCHINSON. Mr. Speaker, I cannot answer that question. Definitively, I can say though that it would be my opinion that if it was a related course, that the 12 semester hours would not be required and that the decision on that would ultimately be a question which would be made by the department when it promulgates regulations. In the vo-tech field, I think a move could be made to another area in which that person had proficiency. Now I will also say this: There is a provision in the statute—and I do not entirely agree with Mr. Burns' explanation of it. There are provisions in our law—for emergency certificates. Those emergency certificates are available, however, as I understand the practice and the regulations of the department, only where you cannot get anybody who is certified or qualified in the area. There is a restriction on that.

I do not know whether I have answered the lady's question or not to her satisfaction.

Mrs. GEORGE. You have answered what you think would happen. I am just not quite sure from the wording of your amendment that that is what would happen. It is certainly in the field of vocational education.

Mr. W. D. HUTCHINSON. I cannot be sure and, it seems to me, in drafting any statutory piece of legislation, you cannot specify all the problems. I would be glad to consider such legislation. It would be my intention that a vo-tech person who had proficiency in a related area would be able to move over without the necessity of the 12 hours.

Mrs. GEORGE. Thank you.

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

The following roll call was recorded:

YEAS—132

Alden	Fisher, D. M.	Lynch, F.	Scirica
Anderson	Foster, A.	Mackowski	Serafini
Armstrong	Foster, W.	Madigan	Seventy
Arty	Freind	Manmiller	Shupnik
Austin	Fryer	McCall	Sirianni
Belardi	Gallen	McClatchy	Smith, E.
Bennett	Gamble	McKelvey	Smith, L.
Brandt	Gannon	McVerry	Spencer
Brown	Geesey	Michlovic	Spitz
Brunner	Geist	Micozzie	Steighner
Burd	George, C.	Miller	Swift
Caltagirone	George, M.	Moehlmann	Swift
Cappabianca	Gladeck	Mowery	Taddonio
Cessar	Goodman	Mullen, M. P.	Taylor, E.
Chess	Grabowski	Murphy	Taylor, F.
Cimini	Grieco	Nahill	Telek
Clark, R.	Gruppo	Novak	Thomas
Cochran	Harper	Noye	Trello
Cohen	Hayes, S. E.	O'Brien, B.	Vroon

Cornell	Hoeffel	O'Brien, D.	Wagner
Coslett	Honaman	Perzel	Wargo
Cowell	Hutchinson, W.	Peterson	Weidner
Cunningham	Itkin	Piccola	Wenger
Davies	Kanuck	Pistella	Wilson
Dawida	Kernick	Pitts	Wilt
DeVertter	Klingaman	Pott	Wright, D.
DeWeese	Knepper	Pratt	Yahner
DiCarlo	Knight	Pyles	Zeller
Dietz	Lashinger	Reed	Zitterman
Dininni	Lehr	Ritter	Zwinkl
Dorr	Letterman	Ryan	
Duffy	Levi	Scheaffer	Seltzer,
Durham	Lewis	Schweder	Speaker
Earley	Lynch, E. R.		

NAYS—60

Barber	Gatski	Levin	Richardson
Berson	Giammarco	Livengood	Rieger
Bittle	Goebel	Manderino	Rocks
Borski	Gray	McMonagle	Rodgers
Bowser	Greenfield	Milanovich	Salvatore
Burns	Halverson	Mrkonic	Schmitt
Ciacciulli	Hasay	Musto	Stairs
Clark, B.	Hayes, D. S.	O'Donnell	Stuban
Cole	Irvis	Oliver	Sweet
DeMedio	Johnson, E.	Petrarca	Wachob
Dombrowski	Johnson, J.	Pievsky	Wass
Dumas	Jones	Polite	White
Fee	Kolter	Pucciarelli	Wright, J. L.
Fischer, R. R.	Kowalyszyn	Punt	Yohn
Gallagher	Laughlin	Rappaport	Zord

NOT VOTING—11

Beloff	Hutchinson, A.	Rhodes	Street
Donatucci	Kukovich	Shadding	Williams
Helfrick	McIntyre	Sieminski	

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

LOCAL GOVERNMENT COMMITTEE MEETING

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

Mr. WEIDNER. I would like to make an announcement of special interest to the members of the Local Government Committee. The meeting of the Local Government Committee will be held at 9:30 tomorrow morning, which is the correct information that came out of my office. The notice that came out of the Chief Clerk's office for the weekly list of meetings showed the meeting for June 17, in error. It will be tomorrow morning, June 7, at 9:30.

REPUBLICAN CAUCUS

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

Mr. NOYE. There will be a very important caucus immediately following the announcement of the recess, and then following that we will give the members time for lunch. Please come to the caucus room immediately.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I would recommend that we return to the floor for action at 3 o'clock. That will give the

members time to have their short caucus and also a lunch period.

The SPEAKER. For the information of the members of the House, there are two additional amendments to be considered on HB 147 after we return from the recess.

NO DEMOCRATIC CAUCUS

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

Mr. GREENFIELD. Mr. Speaker, there will be no need for a Democratic caucus at this time. If there arises a need, we will notify the members.

RECESS

The SPEAKER. Without objection, this House will now stand in recess until 3 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED TO COMMITTEES

No. 1458 By Messrs. DOMBROWSKI, DeMEDIO,
DiCARLO and CAPPABIANCA

An Act amending "The Administrative Code of 1929," approved April 9, 1929 (P. L. 177, No. 175), maintaining the fee levels at the Veterans' homes and hospitals.

Referred to Committee on Military and Veterans Affairs.

No. 1459 By Messrs. CIANCIULLI, BELOFF,
McMONAGLE, GRAY, POTT,
J. J. JOHNSON, JONES, GIAMMARCO,
GLADECK, OLIVER and KNEPPER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, by further defining the term "superannuation age."

Referred to Committee on State Government.

No. 1460 By Messrs. J. L. WRIGHT and DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, extending exceptions to prohibition on interception and disclosure of communications to the Pennsylvania Emergency Management Agency.

Referred to Committee on Mines and Energy Management.

No. 1461 By Messrs. THOMAS, HELFRICK and
WAGNER

An Act authorizing and directing the Department of General Services, with the Department of Environmental Resources and the Governor, to convey to Lewis Township, 4,108 acres of land situate in Lewis Township, Union County, Pennsylvania.

Referred to Committee on State Government.

No. 1462 By Messrs. THOMAS, HELFRICK and
WAGNER

An Act authorizing and directing the Department of General Services, with the Department of Environmental Resources and the Governor, to convey to Hartley Township, 1,308 acres of land situate in Hartley Township, Union County, Pennsylvania.

Referred to Committee on State Government.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 92 By Messrs. DAVIES, BURD, GEIST,
GEESEY, Mrs. TAYLOR, Messrs. L. E.
SMITH, SPENCER, LEHR, BOWSER and
MOWERY

This House of Representatives hold Honorable T. Milton Street in public censure for his unwillingness to fulfill his constitutional duties and for his willful and blatant disregard for the Rules of this House of Representatives.

Referred to Committee on Rules.

No. 93
(Concurrent) By Messrs. RITTER, SELTZER, IRVIS and
D. S. HAYES

The General Assembly of the Commonwealth of Pennsylvania respectfully memorializes the President and the Congress of the United States to undertake such actions as may be necessary to ensure that the Federal Government reimburses each state for all costs incurred with respect to implementing new programs or providing increased levels of service under existing programs pursuant to any law enacted by the United States Congress after January 1, 1980, or any executive order or regulation issued by the President of the United States after January 1, 1980.

Referred to Committee on Federal-State Relations.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND REREFERRED TO RULES COMMITTEE

HB 55, PN 1685 (Amended) By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, by providing for the transportation of juries in certain criminal cases.

Judiciary.

HB 225, PN 1686 (Amended) By Mr. SPENCER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for a program of pretrial diversion.

Judiciary.

HB 1066, PN 1687 (Amended) By Mr. SPENCER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding provisions relating to district constables.

Judiciary.

HB 1067, PN 1688 (Amended) By Mr. SPENCER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the surrender of licenses, registration plates and cards.

Judiciary.

HB 1423, PN 1689 (Amended)

By Mr. F. J. LYNCH

An Act amending the "Tax Reform Code of 1971," approved March 4, 1971 (P. L. 6, No. 2), excluding from the sales and use tax horses delivered outside the Commonwealth.

Finance.

SELECT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wright. For what purpose does the gentleman rise?

Mr. J. L. WRIGHT. To make a brief announcement, please.

The SPEAKER. The gentleman may proceed.

Mr. J. L. WRIGHT. I wish to remind the Select Committee on Three Mile Island there will be a meeting in Goldsboro tonight at 7 o'clock, and 10 o'clock tomorrow morning in the minority caucus room. Seven o'clock tonight in Goldsboro.

CALENDAR BILL ON THIRD CONSIDERATION

The House resumed third consideration of **HB 147, PN 159**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), further providing for the causes and criteria for suspension, and providing for waiver of certification requirements in certain instances.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

On the question recurring,

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

Mr. VROON offered the following amendment:

Amend Sec. 1, page 1, line 11, by striking out "is repealed." and inserting amended August 10, 1951 (P. L. 1157, No. 259), August 8, 1963 (P. L. 564, No. 299), and January 14, 1970 (1969 P. L. 468, No. 192), is amended to read:

Section 1125. Suspensions and Reinstatements; How Made.—(a) Whenever a board of school directors decreases the size of the staff of professional employes, the suspensions to be made shall be determined by the district superintendent on the basis of efficiency rank determined by ratings made in accordance with standards and regulations, determined by rating cards prepared by the Department of Public Instruction, as required by section one thousand one hundred twenty-three of this act. It shall be the duty of boards of school directors to cause to be established a permanent record system, containing ratings for each professional employe employed within the district. Copies of all ratings for the year shall be transmitted to the professional employe upon his or her request, or, if any rating during the year is unsatisfactory, a copy of same shall be transmitted to the professional employe concerned. No professional employe shall be dismissed under this act unless such rating records have been kept on file by the board of school directors.

(b) In cases in which suspensions are to be made, professional employes shall be retained on the basis of seniority rights, acquired within the school district of current employment, where no differences in rating are found. Seniority rights shall also prevail where there is no substantial difference in rating. In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating cards. Where there is a merger, jointure or union district formed or when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this

act, all professional employes shall retain the seniority rights they had at the time of such merger, jointure, union or reorganization of school districts.

(c) No suspended employe shall be prevented from engaging in other occupation during the period of such suspension. Suspended professional employes shall be reinstated in the inverse order of their suspension. No new appointment shall be made while there are suspended professional employes available, who are properly certified to fill such vacancies.

(d) If a school district fails to make the ratings required in subsection (a) within two (2) years from the effective date of this amendatory act, the provisions of section 1125.1 relating to persons to be suspended shall apply. Notwithstanding any other provision of this act, suspension and reinstatement of professional employes may be a subject of negotiations.

On the question,

Will the House agree to the amendment?

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

Mr. VROON. Mr. Speaker, my colleague, Mrs. Taylor, and myself are offering this amendment as what we consider to be a very fair alternative to this seniority question. We both share school districts which have excellent teacher-rating systems. They have worked well throughout the years. They have been well developed; they have been well received by the Department of Education. We do not see why any bill should be passed in this Assembly which would take away our rights to continue rating our teachers and to continue maintaining local control over our schools. Therefore, we offer this amendment as a viable alternative.

The amendment would reinstate the contents of the current School Code into this bill, which would reinstate, of course, the rating systems, but, in addition to the current contents of the code on this subject, we would add the following, making a provision that if any school district has not used their rating system for 2 years, the school district would automatically have to revert to laying off teachers on a seniority-only basis. Then it goes on to say that in either event you may resort to the bargaining process to get seniority if you want it. So this approach then says as follows: If seniority is what you want, you can have seniority, but if you have a good system, you should be able to retain the good system.

Now I know that there are a lot of people in the Commonwealth who have said the only fair system is seniority, and I do not agree with that at all. The only fair system, in my thinking, is the system which the people out there want, and I think the people out there have demonstrated over and over again that they want to retain local control of their school systems. They also want good education for their children. They do not want to be subjected to an arbitrary rule that tells them who may teach their children and who may not. They want their school board to be the determining party in this very important matter.

Now here are some of the things that are already in the code which are certainly a trend in favor of the seniority system. Just listen to this: "In cases in which suspensions are to be made, professional employes shall be retained on the basis of seniority rights, acquired within the school district of current

employment, where no differences in rating are found." Now that is number one. Where there are no differences in the ratings, seniority prevails. That is already one point in favor of seniority.

Then it goes on to say this: "Seniority rights shall also prevail where there is no substantial difference in rating." That is item number two in favor of seniority already in the code. I think we are already bending over backwards to recognize seniority as a very substantial factor in the laying off of teachers. Then it goes down to number three and says: "In cases where there are substantial differences in rating of those under consideration for suspension, seniority shall be given consideration in accordance with principles and standards of weighting incorporated in the rating . . ." system. That is item number three in favor of seniority. So, you see, we are already very heavily weighted in the code in favor of seniority, and I cannot see any good, valid reason why we should have to wipe that all out and say now seniority is going to be the only factor. You and I have heard a lot of controversy, a lot of debate this afternoon as to what can happen under various different situations, and we had different amendments which addressed those differences, but I think this all comes about because there cannot be a completely arbitrary system of layoffs tolerated in our school system. We have 505 school districts in this Commonwealth. Out of those 505 districts, 150 school districts already laid off solely on the basis of seniority, having either elected voluntarily to do this or having agreed in a bargaining session to do this. Three hundred and fifty-five school districts still maintain a rating system, and under this amendment which I am offering this afternoon, we are saying, any of you people who are fooling around and trying to hide behind a rating system, you better get off it, because in 2 years' time if you do not use that rating system right, you are automatically covered by the seniority system. I do not see that there is anything but a good result for all concerned. I do not see how anybody can object very vigorously to this amendment. Let us face it once and for all, we are battling in this Commonwealth to retain local control, local control of our schools, local control of the quality of our education. When it is all said and done, why should we not be content to let the local school districts decide this, and why can we not be content to let our bargaining people bargain this issue where it belongs, at the bargaining table?

I strongly urge a "yes" vote for this amendment to retain local control of our schools.

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

Mr. BURNS. Mr. Speaker, thank you.

It seems like I have been at this microphone more in the past 2 days than I have been in the past 7 years. But I do so because I have spent almost a quarter of a century in public-school service and I think I know what I am talking about.

The proposition that the local people do it sounds very good, but the real facts are that the local people are not going to do anything. The local administrators are going to decide, not the local people. The local board is going to take the advice of the local administrators. So what you have is not the local people of

any given community deciding anything; you have the local administrators of the school system deciding.

Mr. Vroon says that he can think of no one good reason why anybody would want to change the present system. Well, the rating system, itself, is one good reason.

Mr. Speaker, there are some good reasons why the rating system cannot work and does not work. If there were some sort of a computer that you could take into a classroom and you could then feed that computer all of the information, and the information would be all of the things that a good teacher would be, then I would agree with Mr. Vroon. I would agree that—and I am just handed a computer here—this would be the way to go and I would have no reason to stand here and oppose this amendment or advocate the bill. The problem is, there is not any such computer. There is not any such method.

I just spoke in the last several days to several superintendents in the Bucks County area. They told me point-blank that there is absolutely no way that they can go into any court and defend a rating system as it is presently devised, any rating system that they have seen other than seniority, because, as I mentioned before in this debate, at some point you have the human factor entering into the rating system. That human factor does not allow for any mistakes. That is why a rating system cannot work. It does not work. In the few districts that use them, I have been told by superintendents, not by teachers, not by board members or anyone else, but by superintendents, the people who are charged with the running of the school system, that the system is indefensible because of the human differences built into the rater.

For that reason, I suggest that Mr. Vroon's amendment does nothing more than what we have now. And the reason that we have this bill in front of us is because there are problems out there now. For that reason, I would say that this amendment should be defeated.

Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I, too, rise to join Mr. Burns to oppose this amendment. Mr. Burns set forth the reasons why the amendment should be defeated. I do not think it is necessary for me to follow the same words of Mr. Burns as he put it very clearly and very succinctly. It is running very late in the day and I do not think you want to hear a lot of rhetoric.

The amendment is not necessary. It is not applicable. I would suggest we reject the amendment.

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

Mr. ZELLER. Mr. Speaker, a couple items that have to be squared away in the statements that Mr. Burns made, and I would like to give them in rotation.

In answer to Mr. Vroon, he said that the local control is the issue, and that is not correct. He said, because since the local public will not really control the issue, it will be the administration telling the school board directors what to do.

And then in his next breath, he tells us here that he goes through the local administrators and they tell him something

else. So evidently he is depending upon these so-called local administrators, but he does not want the school board directors to and he does not want the public to.

You and I know very well that if you want local control, the school board directors are elected by the local people and, therefore, they are working with the administrators. But evidently Mr. Burns and Mr. Gallagher do not agree with this procedure in our so-called representative government. They feel that the public back home has got to listen to the Representatives here in Harrisburg, and the Representatives here in Harrisburg have got to listen to the Pennsylvania State Education Association. See what I mean? There is a difference here. You are not supposed to listen to the folks back home because those cagey administrators are going to control those school board directors elected by the people.

Then in his next breath, he is listening to these administrators who said they cannot work it out in court because of that human problem. We have got a real human problem down here all right, and we know where the human problem is. The tail is wagging the dog. And it is about time we get the government back to the people instead of letting political contributions and other things control our thinking. Thank you.

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

Mr. VROON. May I interrogate Mr. Burns, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman may proceed.

Mr. VROON. Mr. Speaker, you say that it has been proven, and on the basis, in your case, of a couple of superintendents who have said so to you, that the rating system that currently prevails is totally ineffective. And yet, pray tell, why do we have 350 school districts which still abide by that? If it is so poor, why do we still have 355 school districts using it?

Mr. BURNS. Mr. Speaker, I do not think we have 355 school districts using it. The only number that I ever heard of—and I may be wrong, but the only number I ever heard—was 155 out of 505.

Why are they using it? Because I think, at this point in time, they are stuck. They have been let to go their own ways and they have decided to do what they possibly think is right. Even though they use it, it does not mean that they think it is good or do they think it is perfect or even the best system they could use. But because of various pressures that may come from one group or another, they may use it. I have no idea why.

I can tell you that some very enlightened superintendents whom I have spoken to said it is indefensible. I can tell you that several lawyers whom I have spoken to, whose opinions I respect, have said that it is indefensible in court. I do not know why they are using it, but I do not think as many as you indicated are using it.

Mr. VROON. Would you say that you have made a valid sampling of all of these districts where they are still using the rating system? And can you honestly say that the consensus of opinion there is that it is impractical and not usable?

Mr. BURNS. Well, I do not know what you would consider a valid sample, but I think I have traveled this Commonwealth

from Pittsburgh to Philadelphia and from Erie to the southern border of West Virginia and I have seen a number of school districts, and that issue has been brought up in a number of those school districts, and I would say that where it was brought up, it was almost universally agreed—sometimes in private and not for public consumption, but sometimes in private—that it was indefensible, yes.

Mr. VROON. Then, Mr. Speaker, how do you account for the fact that if what you say is true, Mr. Speaker, how come all of these school districts have not changed to a seniority system voluntarily by this time? How come the unions in those particular situations did not make this an item for bargaining?

Mr. BURNS. I think in many situations they have made it an item for bargaining. I believe, and I may stand corrected if I am wrong, but I believe, for example, in the Philadelphia school system it is a bargaining item. I believe maybe in Pittsburgh it is a bargaining item. I believe maybe, in Scranton it has been bargained.

Why they have it and why they are doing what they are doing, I cannot really say. I can say that the chief school officer of those districts, many of those districts, have told me, both privately and publicly, and other members of the Education Committee—and I was not there alone; I did not have them in a back room talking to them alone—and they agreed that the present system of rating was indefensible.

Mr. VROON. Now, do you not agree, Mr. Speaker, that under this amendment that I am offering here today they would have a choice, that they can continue on and use a valid rating system or they can voluntarily go to a seniority basis? Now do you not think that is eminently fair and do you not think that if this were such a good system, they would not already have done this a long time ago?

Mr. BURNS. Now let me tell you why I do not think it is a good system.

Mr. VROON. That is not the question, Mr. Speaker.

Mr. BURNS. You asked me do I not think that is a good idea to—

Mr. VROON. No, I said, if this is such a good system, do you not think they would already have elected a long time ago to go to it? That is what I said.

Mr. BURNS. I cannot tell you the reasons why they have not gone to it in the few districts, and I think it is a few. About one-fifth of the districts are the only districts using it. But let me tell you why I think the choice is not a good choice.

I think it is not a good choice because you have a system that may be grossly unfair to certain people in certain districts. They are all in the same profession, but because of whatever circumstances—and I do not know what they would be; it may be a board president who does not want the superintendent to do anything different; it may be a host of circumstances—whatever those circumstances may be, I do not think it is fair for a teacher in district A to be held under one standard that is completely different from teachers in districts B, C, D, E, F, and G.

Mr. VROON. One final question, Mr. Speaker. Do you not agree that it is eminently unfair to us who have good rating systems to force us to abandon those rating systems in favor of this seniority system?

Mr. BURNS. Well, you are asking my opinion, and I have got to tell it to you. I do not think there is a good rating system, so, therefore, I do not think it is unfair.

Mr. VROON. That was rather a qualified answer, I am sure.

Mr. Speaker, I am through with my interrogation. I would just like to make a brief statement.

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

Mr. VROON. As it developed in the course of this interrogation, we find it is very clear that people who want to go to seniority can go to seniority. If seniority is the only way to go, they would have been there a long time ago. Yet from my figures—and I dispute Mr. Burns' figures—350 — some districts are still using the rating system, and I do not have any valid proof to the contrary at this point.

Now I have to ask every one of you, if you had your choice, would you not rather elect whichever works best for you and whichever fits best into your particular category and satisfies your local people? If you are concerned about quality education in your district, would you not rather have the choice in your district of going to seniority or protecting the quality of teaching in your district?

I strongly submit to you that this offers an alternative which gives everybody whichever they want. The other alternative as presented in HB 147 completely wipes us out who want to control our own schools and lay off our teachers in a valid and sensible and intelligent manner.

I strongly urge the support of the membership for this very good amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—76

Alden	Foster, A.	Lewis	Sirianni
Anderson	Freind	Lynch, E. R.	Smith, E.
Armstrong	Fryer	Lynch, F.	Spitz
Arty	Gallen	McClatchy	Swift
Austin	Gamble	McVerry	Taddonio
Bowser	Gannon	Micozzie	Taylor, E.
Brandt	Geesey	Miller	Taylor, F.
Cessar	Geist	Moehlmann	Vroon
Chess	George, C.	Murphy	Weidner
Clark, B.	George, M.	Nahill	Wenger
Cowell	Gladeck	Pitts	Wilt
Cunningham	Grabowski	Pott	Wright, J. L.
Dawida	Hayes, S. E.	Pratt	Yohn
DeWeese	Honaman	Pyles	Zeller
Dietz	Kanuck	Rappaport	Zitterman
Dorr	Kernick	Ryan	Zord
Duffy	Klingaman	Schweder	
Durham	Knepper	Scirica	Seltzer,
Earley	Lashingier	Sieminski	Speaker
Fisher, D. M.	Lehr		

NAYS—117

Barber	Gallagher	Mackowski	Richardson
Belardi	Gatski	Madigan	Rieger
Bennett	Giammarco	Manderino	Ritter
Berson	Goebel	Manmiller	Rocks
Bittle	Goodman	McCall	Rodgers
Borski	Gray	McKelvey	Salvatore
Brown	Greenfield	McMonagle	Scheaffer

Brunner	Grieco	Michlovic	Schmitt
Burd	Gruppo	Milanovich	Serafini
Burns	Halverson	Mowery	Seventy
Caltagirone	Harper	Mrkonic	Shupnik
Cappabianca	Hasay	Mullen, M. P.	Smith, L.
Cianciulli	Hayes, D. S.	Musto	Spencer
Cimini	Hoeffel	Novak	Stairs
Clark, R.	Hutchinson, A.	Noye	Steighner
Cochran	Hutchinson, W.	O'Brien, B.	Stewart
Cohen	Irvic	O'Brien, D.	Stuban
Cole	Itkin	O'Donnell	Sweet
Cornell	Johnson, E.	Oliver	Telek
Coslett	Johnson, J.	Perzel	Trello
Davies	Jones	Peterson	Wachob
DeMedio	Knight	Petrarca	Wagner
DeVerter	Kolter	Piccola	Wargo
DiCarlo	Kowalysbyn	Pievsky	Wass
Diminni	Laughlin	Pistella	White
Dombrowski	Letterman	Polite	Wilson
Dumas	Levi	Pucciarelli	Wright, D.
Fee	Levin	Punt	Yahner
Fischer, R. R.	Livengood	Reed	Zwick
Foster, W.			

NOT VOTING—10

Beloff	Kukovich	Shadding	Thomas
Donatucci	McIntyre	Street	Williams
Helfrick	Rhodes		

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

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 147

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I move that the vote by which amendment A817, referred to as the Freind amendment, passed on the 4th day of June be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, I second the motion.

The SPEAKER. It has been moved by the gentleman from Schuylkill, Mr. Hutchinson, and seconded by the gentleman from Berks, Mr. Davies, that the vote by which amendment A817, referred to as the Freind amendment, passed on the 4th day of June be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—173

Alden	Freind	Lynch, F.	Scheaffer
Anderson	Fryer	Mackowski	Schmitt
Armstrong	Gallagher	Madigan	Schweder
Arty	Gallen	Manderino	Scirica
Belardi	Gamble	Manmiller	Serafini
Bennett	Gannon	McCall	Seventy
Berson	Gatski	McClatchy	Shupnik
Bittle	Geesey	McKelvey	Sieminski
Borski	Geist	McMonagle	Sirianni
Brandt	George, C.	McVerry	Smith, E.
Brown	George, M.	Michlovic	Smith, L.
Brunner	Giammarco	Micozzie	Spencer
Burns	Gladeck	Milanovich	Spitz

Caltagirone	Goebel	Miller	Stairs
Cappabianca	Goodman	Moehlmann	Steighner
Cessar	Grabowski	Mowery	Stuban
Chess	Gray	Mullen, M. P.	Sweet
Cianciulli	Grieco	Murphy	Swift
Clark, B.	Gruppo	Musto	Taddonio
Clark, R.	Harper	Nahill	Taylor, F.
Cochran	Hasay	Noye	Telek
Cohen	Hayes, D. S.	O'Brien, B.	Trello
Cornell	Hayes, S. E.	O'Brien, D.	Vroon
Coslett	Hoeffel	Oliver	Wachob
Cowell	Honaman	Peterson	Wagner
Cunningham	Hutchinson, A.	Petrarca	Wargo
Davies	Hutchinson, W.	Piccola	Wass
Dawida	Irviss	Pievsky	Weidner
DeMedio	Itkin	Pistella	Wenger
DeVerter	Johnson, E.	Pitts	White
DeWeese	Johnson, J.	Pott	Wilson
DiCarlo	Jones	Pratt	Wilt
Dietz	Kernick	Pucciarelli	Wright, D.
Dininni	Klingaman	Punt	Wright, J. L.
Dombrowski	Knepper	Pyles	Yahner
Dorr	Kolter	Rappaport	Yohn
Duffy	Kowalyszyn	Reed	Zeller
Durham	Lashinger	Richardson	Zitterman
Earley	Lehr	Rieger	Zord
Fee	Letterman	Ritter	Zwinkl
Fischer, R. R.	Levi	Rocks	
Fisher, D. M.	Levin	Rodgers	Seltzer,
Foster, A.	Livengood	Ryan	Speaker
Foster, W.	Lynch, E. R.	Salvatore	

NAYS—17

Austin	Dumas	Knight	O'Donnell
Barber	Greenfield	Laughlin	Perzel
Bowser	Halverson	Mrkonic	Polite
Burd	Kanuck	Novak	Stewart
Cimini			

NOT VOTING—13

Beloff	Kukovich	Rhodes	Taylor, E.
Cole	Lewis	Shadding	Thomas
Donatucci	McIntyre	Street	Williams
Helfrick			

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

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Title, page 1, line 7, by removing the period after "instances" and inserting and further providing for the certification of hazardous routes.

Amend Sec. 3, page 3, line 25, by striking out all of said line and inserting

Section 3. Sections 1362 and 2541 of the act, amended December 29, 1972 (P. L. 1726, No. 372) and subsection (d) of section 2541 added June 26, 1974 (P. L. 370, No. 125), are amended to read:

Section 1362. Kinds of Transportation; Liability Insurance.—The free transportation of pupils, as required or authorized by this act, or any other act, may be furnished by using either school conveyances, private conveyances, or electric railways, or other common carriers, when the total distance which any pupil must travel by the public highway to or from school, in addition to such transportation, does not exceed one and one-half (1½) miles, and when stations or other proper shelters are provided for the use of such pupils where needed, and when the highway, road, or traffic conditions are not such that walking [on the shoulder of the road where there are no sidewalks]

constitutes a hazard to the safety of the child, as so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. All private motor vehicles employed in transporting pupils for hire shall be adequately covered by public liability insurance in such amount as the board of school directors shall require.

Section 2541. Payments on Account of Pupil Transportation.—(a) School districts shall be paid by the Commonwealth for every school year on account of pupil transportation which, and the means and contracts providing for which, have been approved by the Department of Education, in the cases hereinafter enumerated, an amount to be determined by multiplying the cost of approved reimbursable pupil transportation incurred by the district by the district's aid ratio. In addition thereto, the Commonwealth shall pay to each district qualifying a payment for excessive cost of transportation, said amount to be determined by subtracting from the cost of the approved reimbursable transportation the sum of the Commonwealth transportation payment immediately above, plus the product of one-half mill (0.0005) times the latest market value of the district as determined by the State Tax Equalization Board, provided such amount is not negative. In addition thereto, the Commonwealth shall pay to school districts which own their own vehicles, an annual depreciation charge of ten per centum (10%), to be calculated on the basis of the approved cost at which the district acquired the vehicle for which depreciation is claimed. With respect to vehicles purchased prior to January 1, 1956, the number of depreciation payments shall be limited to ten such payments. With respect to vehicles purchased on or after January 1, 1956, the annual depreciation charge shall not exceed seven hundred dollars (\$700) for such vehicles. The number of annual depreciation charges shall be limited, so that the total amount of such payments shall not exceed the cost of the vehicle as approved by the Department of Education at the time of the purchase. In no case shall the Commonwealth pay, in depreciation charges, more than ten thousand five hundred dollars (\$10,500) for any one vehicle.

(b) Such payments for pupil transportation shall be made in the following cases:

(1) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of elementary school pupils residing within any part of the district last served by any elementary school closed since the first Monday of July, one thousand nine hundred seven, or within a district all of whose schools have been closed, or who are assigned to a training school of a State college, and in each case who reside one and one-half (1½) miles or more from the school to which they are assigned or who reside in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety in the Department of Transportation. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its de-

termination as to whether or not walking constitutes a hazard to pupils.

(2) To school districts of the fourth class and districts of the third class which are located wholly within the boundary lines of a township, or within the boundary lines of a borough which has a population of less than five hundred (500) inhabitants to the square mile, to merged or union school districts in which one or more of the component districts were heretofore eligible for reimbursement on account of transportation to new school districts composed of two or more former school districts established as a result of reorganization of school districts pursuant to Article II., subdivision (i) of this act and to school districts which were eligible heretofore for reimbursement on account of transportation, for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest school in session, or any child who resides in an area where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety, and to districts of the third class operating schools jointly with districts of the fourth class or with other districts of the third class entitled to payment on account of transportation for the transportation of any child living more than two (2) miles by the nearest public highway from the nearest jointly operated school in session offering the proper grades including pupils who are attending area technical schools or any child who resides in an area where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(3) To all school districts, for the transportation of physically or mentally handicapped children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(4) To all third and fourth class school districts, for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half miles or more from the school of attendance or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved by the Secretary of Education as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of money, methods and means of transportation and the contracts providing therefore, constitute approved consolidated schools or approved joint consolidated schools.

(5) To all school districts, for pupils transported to and from schools used for the purpose of better gradation.

(6) To all school districts for pupils transported to and from area technical schools.

(7) To all school districts, for the transportation of non-resident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or a children's home or other institution for the care and training of orphans or other children, and who attend the public schools, and who

live two miles or more from the nearest school with the proper grades or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

(c) Payments for pupil transportation on account of the school year [1972-1973] 1979-1980 and every school year thereafter shall be made only in the following cases:

(1) To all school districts for the transportation to and from school of elementary school pupils, including kindergarten pupils, residing one and one-half (1½) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Such elementary school pupils shall include nonresident children who are placed in the home of a resident, or who are residents of an orphanage, or home or children's home or other institution for the care and training of orphans or other children.

(2) To all school districts for the transportation to and from school of secondary school pupils residing two (2) miles or more by the nearest public highway from the school in which the pupils are enrolled and to which transportation is authorized under section 1361 of this act or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils. Such secondary school pupils shall include nonresident children who are placed in the home of a resident, or who are inmates of an orphan asylum or home or children's home or other institution for the care and training of orphans or other children.

(3) To all school districts for pupils transported to and from approved consolidated schools or approved joint consolidated schools living one and one-half (1½) miles or more from the school of attendance or residing in areas where [there are no sidewalks and] the road or traffic conditions are such that walking [on the shoulder of the road] constitutes a hazard to the safety of the child when so certified by the Bureau of Traffic Safety. The Bureau of Traffic Safety shall take into account the presence of sidewalks along the highway, but such presence or lack thereof shall not be controlling and the bureau shall consider all relevant safety factors in making its determination as to whether or not walking constitutes a hazard to pupils.

Consolidated schools or joint consolidated schools shall so long as they are approved as to organization, control, location, equipment, courses of study, qualifications of teachers, methods of instruction, condition of admission, expenditures of

money, methods and means of transportation and the contracts providing therefor, constitute approved consolidated schools or approved joint consolidated schools.

(4) To all school districts for the transportation of exceptional children regularly enrolled in special classes approved by the Department of Education or enrolled in a regular class in which approved educational provisions are made for them.

(5) To all school districts for pupils transported to and from area technical schools.

(d) The Commonwealth shall reimburse the school districts for the school year 1973-1974 and for each year thereafter for the approved reimbursable costs incurred in providing transportation under section 1361 for nonpublic school pupils and under section 1362 for hazardous conditions: Provided, however, That no district shall receive less than fifty percent (50%) of such approved reimbursable costs.

Section 4. This act shall take effect immediately and shall be applicable to the 1979-1980 school year and each year thereafter.

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

First and most important, a special announcement: Anybody who wants to get Mister Rogers' autograph, he is over in the Governor's reception room right now.

Mr. Speaker, this amendment is the same one that we passed yesterday by a substantial margin. It is the amendment that deals with hazardous routes. I appreciated the House's support yesterday. I would appreciate it again today.

Particularly the suburban and the metropolitan areas deal with a very critical problem right now because of the definition of "hazardous route." One of two things is happening: In many cases students are being forced to walk along routes that are absolutely hazardous and which are dangerous because of this situation and because of the definition in the law, or the school districts are providing transportation for these students and receiving no reimbursement from the state.

I think it is important to remember that all of this amendment would do would be change the definition and make the presence of sidewalks just one factor to consider when PennDOT determines whether or not a route is hazardous. It is important to remember, too, that the school district must petition PennDOT for an investigation as to whether or not a route is hazardous. So in a particular school district, it would be up to local option of those elected school board members whether or not to petition PennDOT.

Now there is no question whatsoever this amendment is going to cost some money. It is almost impossible to say how much money because of the indefinite nature of it. The estimates from PennDOT, with which I disagree because I think they are heavy, are between \$8 million and \$19 million.

You know, Mr. Speaker, each of you received a memo from me a couple days ago explaining my somewhat controversial position on special education for the mentally gifted. Whereas I am in favor of that education, you look at a situation like this and we are having to battle for some additional money for something that is not just laudable and worthwhile but is absolutely essential. I do not want to sound hackneyed or trite, but

it involves the health and the life and the safety of students who are walking along these routes.

I repeat again, Mr. Speaker, it is only a "may" provision. It would permit PennDOT to take into consideration these sidewalks. It is a matter of the highest importance to many, many school districts, and they would very much appreciate your consideration and your support the same as you gave your support to this amendment yesterday. Thank you, Mr. Speaker.

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

Mr. LETTERMAN. May I interrogate Mr. Freind, please?

The SPEAKER. The gentleman, Mr. Freind, indicates he will stand for interrogation. The gentleman from Centre may proceed.

Mr. LETTERMAN. Mr. Speaker, are you referring to the hazardous bus bill that was put in in 1975?

Mr. FREIND. I do not know when it was put in. It is not a hazardous bus bill. It is a part of the School Code dealing with transportation, Mr. Speaker.

Mr. LETTERMAN. Are you referring to where the school districts are obligated to furnish transportation for any child to any kind of school who has to pass along a road without a sidewalk?

Mr. FREIND. Number one, Mr. Speaker, no school in any school district in the state is obligated to provide any transportation to any student.

School districts which provide transportation to students in kindergarten through sixth grade, who reside more than a mile and a half from school, will receive some reimbursement from the state according to their aid ratio. Seven through twelve grades, who reside more than 2 miles, will receive reimbursement through their aid ratio. In addition, regardless of the distance involved, even if it is only 500 feet, if a route is declared hazardous by Pennsylvania Department of Transportation, and the local district opts to provide transportation along this hazardous route, they will receive reimbursement from the state. If their aid ratio is less than 50 percent, they will receive 50 percent of the reimbursable costs, which is less than 50 percent of the cost. If their aid ratio is more than 50 percent, they will receive the percentage of their aid ratio. It is not a mandate; it is a reimbursement situation.

Mr. LETTERMAN. Is this part of your amendment? I do not have your amendment and that is why I am a little lost right now.

Mr. FREIND. Okay. All the amendment does is this: The present law regarding hazardous routes says that regardless of any other traffic circumstances, safety circumstances whatsoever, PennDOT cannot designate a route is hazardous as long as there is a sidewalk present, regardless of any other circumstances.

All my amendment would do is to say that the mere fact that a sidewalk is present does not, in and of itself, make a route nonhazardous. The presence of that sidewalk will be one of many factors for PennDOT to weigh in determining whether or not a route is hazardous.

Mr. LETTERMAN. The hazardous bus law was my bill, and I

am trying to understand exactly what you are adding. If I gather it right now, all you are saying is that because there are sidewalks, they still could say and designate that as a hazardous route. Is that correct?

Mr. FREIND. Yes. Depending on the other circumstances. That is right, Mr. Speaker.

Mr. LETTERMAN. Since a law was passed, I run into that same situation where the sidewalks were very narrow and the roads were very close to those sidewalks and it was a very hazardous condition, and I would certainly agree with your bill and would ask for the support of this House for that piece of legislation.

I think it has been what I would consider very controversial, because a lot of school districts refuse to even look at it until one of us get into it and decide to call PennDOT to have that decision made. I think that we have probably saved a tremendous amount of injury to a lot of our children in the state and I think we should continue to support this type of legislation. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, as the chairman of the Subcommittee on Transportation Safety, I can hardly disagree with the illustrious attorney's piece of legislation, amendment. Talented, as well. However, again I insist that the \$9 million to \$18 million may well be the cost factor for the first year. I go back to the same thing, and it is not that I want the legislation to come to my committee or any such motivation. The thing that concerns me is that we are going to take this amendment and we are going to consider it in the first year. How this thing is going to snowball—we will take my district rather than Roosevelt Boulevard or U. S. 1 or City Line Avenue, but we will take Ben Franklin Highway and it is going to go—like a domino thing, believe me. No matter where we go, there is a hold on it as far as petitioning of school districts because, spending the amount of time that I did in public education, I have those concerns at home. I have some situations that are real hairy situations, but as soon as school district A, which is next to the city, gets a ruling or gets a consideration that it is going to transport its youngsters over and around and under the Ben Franklin Highway, we are going to get the same thing no matter what the proximity is, nor what the crossover is, the situation there, or what the light situation is or how many guards we put out. We are going to get it in the next district out; we are going to get it from West Reading, Wyomissing; then we are going to get it in the Wilson School District; then we are going to get it in the Conrad Weiser district and we are going to get it in the Tulpehocken district and we are going to go right down the line.

Now it may not be 1 year, but what we are going to end up with is basically saying that, under the matter of appeal, we are going to get every one of these districts going to this route and going the hazardous route, because it is no longer going to be taken under those norms or standards. We are going to get this concern, and the cost, I can see in about 2 years' or 3 years' time, just like under Act 372 when they estimated the cost on

that thing, and what has happened is they better than quadrupled, not even including the inflationary spiral.

This is not the answer to our problems as far as bus transportation or pupil transportation in this Commonwealth. What we need is a realistic system which is going to grid this Commonwealth and make sure that it addresses itself to every one of your concerns and your constituents' concerns, not by taking it this particular way and saying that it has to be done on this narrow scope as to disqualifying it but addresses itself to the entire issue. I am willing to do that.

I am willing to sit down because I have those same concerns, but I cannot see that this is going to be the answer. When we address ourselves to it like this, all I can see is it snowballing from the \$9 million to \$18 million to a figure that may well quadruple, and not take into account the additional costs, and this is the only reason that I oppose it; not on principle because you have a genuine concern. You have a right to have a concern. Those people who appeared in front of the public hearings that you conducted on it also have a right to have the crossovers and the various driveways and everything else, because I do not think that we ought to put a kindergarten kid or a first-grade kid in that situation either to cross over either City Line Avenue or the Ben Franklin Highway. But I fail to see this as far as that, and I would like to sit down with it under the Transportation and Safety Committee and really look at the entire thing, as well as address ourselves to a revamping and revitalizing of the transportation system that is not meeting the needs of the students in this Commonwealth. That is where our real problem is. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I will be brief because the hour is late.

I would first echo Mr. Davies comments that this matter does need study. I support the principles for which Mr. Freind is arguing, but you know we are sitting over here again and you have budgets and you are talking about appropriations and you are talking about school funds, and it is all the easiest thing in the world to stand here or to sit here and flick that switch "yes" for this amendment and say, okay, fellows, now we have done something for those kids. But at the same time what you are doing is mandating an expenditure of unknown proportions, and I suspect that Mr. Davies is right that the \$9-million to \$18-million figure is way conservative over a period of 3 or 4 years at a time when you have not made any provisions anywhere in the situation for funding this kind of a thing.

What do we all hear from back home? What is the problem? You mandate programs for us and you do not fund them. You vote for this, and that is what you are going to do. I am willing to study it. I am willing to get accurate cost estimates and I am willing to vote for a bill that is properly funded in this area, but I am not willing to stand here, when we are having enough problems with real property taxes back home, and pass this without really knowing how much it is going to cost and what it is going to do to the tax rates back home. Thank you.

The SPEAKER. The Chair recognizes the gentleman from

Delaware, Mr. Freind.

Mr. FREIND. Mr. Speaker, two brief points: Number one, the estimate of \$8 million to \$19 million is not a first-year estimate. For that to trigger, what has to happen is, A, many, many school districts petition PennDOT, B, PennDOT has to go through the entire investigation, has to designate the route as hazardous and the transportation has to begin. That takes a long period of time and that estimated cost is not for the first year.

Secondly, there is a built-in safeguard against school districts willy-nilly coming in and requesting hazardous routes. It would be different if the state was picking up the whole tab, but when these school districts request a hazardous route, they know full well that if they get it, they are going to be picking up more than half of the tab themselves. They have an interest in being reasonable and only making a request where it is absolutely necessary.

Mr. Speaker, I know we have a problem with the budget and I know that we have a problem with expenditures and I am never one big for creating new programs with new money, but in a situation like this, when we are dealing with the safety of the students, I think it is merited.

As far as further study, we had the Education Committee study this for over 8 months. We had hearings around the state; we considered it last year, and the Education Committee reported this bill out of committee. It has had the proper study; it has had the proper background, and I think the time to approve it is now and I would ask for your support. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, very briefly, I would just wish to let everybody know that we had supported Mr. Freind's amendment the first time and we would like to support it again. It is very important. It is a "may" bill. It is up to the school district to make that determination, but every school district should have that opportunity to make that decision and we should give it to them today, and I ask you to support Mr. Freind's amendment.

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

Mr. LETTERMAN. Mr. Speaker, just one point that I would like to make: In reviewing the school-bus situation in Pennsylvania, there are very few school buses that have the full allotment that they ever carry, due to the fact that so many of the young people drive to school today and there are empty spots on these buses at most any location, and that is another factor that we should take into consideration.

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

The following roll call was recorded:
YEAS—118

Alden	Earley	Letterman	Reed
Anderson	Fee	Levin	Richardson
Armstrong	Fischer, R. R.	Lynch, F.	Rieger

Arty	Freind	Manderino	Rocks
Austin	Gallagher	Manmiller	Rodgers
Belardi	Gamble	McKelvey	Ryan
Bennett	Gannon	McMonagle	Salvatore
Berson	Gatski	McVerry	Schweder
Borski	Geist	Michlovic	Scirica
Brandt	George, M.	Micozzie	Serafini
Brown	Giammarco	Milanovich	Shupnik
Brunner	Gladeck	Miller	Sirianni
Burns	Goebel	Mrkonic	Spitz
Caltagirone	Gray	Mullen, M. P.	Steighner
Cappabianca	Greenfield	Musto	Stewart
Chess	Grieco	Nahill	Sweet
Cianciulli	Gruppo	Novak	Taddonio
Cimini	Halverson	O'Brien, B.	Taylor, F.
Clark, R.	Harper	O'Brien, D.	Telek
Cochran	Hayes, D. S.	O'Donnell	Trello
Cohen	Hoeffel	Oliver	Weidner
Cornell	Honaman	Perzel	White
Cowell	Irvis	Petrarca	Wilson
Cunningham	Itkin	Piccola	Wright, J. L.
DeMedio	Johnson, J.	Pievsky	Yahner
Dininni	Jones	Pistella	Zeller
Dombrowski	Knight	Polite	Zitterman
Duffy	Kolter	Pratt	
Dumas	Laughlin	Pucciarelli	Seltzer,
Durham	Lehr	Rappaport	Speaker

NAYS—75

Barber	Geesey	Mackowski	Smith, L.
Bittle	George, C.	Madigan	Spencer
Bowser	Goodman	McCall	Stairs
Burd	Grabowski	McClatchy	Stuban
Cessar	Hasay	Moehlmann	Swift
Clark, B.	Hayes, S. E.	Mowery	Taylor, E.
Cole	Hutchinson, A.	Murphy	Thomas
Coslett	Hutchinson, W.	Noye	Vroon
Davies	Johnson, E.	Peterson	Wachob
Dawida	Kanuck	Pitts	Wagner
DeVerter	Kernick	Pott	Wargo
DeWeese	Klingaman	Punt	Wass
Dietz	Knepper	Pyles	Wenger
Dorr	Kowalyszyn	Ritter	Wilt
Fisher, D. M.	Lashinger	Scheaffer	Wright, D.
Foster, A.	Levi	Schmitt	Yohn
Foster, W.	Lewis	Seventy	Zord
Fryer	Livengood	Sieminski	Zwick
Gallen	Lynch, E. R.	Smith, E.	

NOT VOTING—10

Beloff	Helfrick	Rhodes	Street
DiCarlo	Kukovich	Shadding	Williams
Donatucci	McIntyre		

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. DiCarlo. For what purpose does the gentleman rise?

Mr. DiCARLO. Mr. Speaker, my switch was locked on the Freind amendment. I would like to have my vote recorded in the affirmative.

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

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

consideration?

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?

MOTION TO RECOMMIT HB 147

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

Mr. VROON. Mr. Speaker, we have gone through a considerable amount of debate on this bill. I think we have said just about everything that needs to be said. The question now remains, what are you going to choose? Are you going to choose to retain local control or are you going to give it all away?

Here we have a bargaining item for a union, pure and simple. This union should bargain at the bargaining table where it belongs. Are you going to give it as a gift? Then you are going to be faced with other bargaining items, Mr. Speaker, which are going to cost you more money. Think it over carefully.

Mr. Speaker, in addition to everything else that has been said about this, I think that it is very evident, from all of the debate that has occurred here today, that this is a controversial bill. There are items that came up in a debate of amendments and approach and loopholes and what have you that demonstrate to me that all of the considerations that must be given to a bill of this kind have now been given.

I, therefore, move, Mr. Speaker, that this bill be recommitted to the Committee on Education.

The SPEAKER. It has been moved by the gentleman from Chester, Mr. Vroon, that HB 147 and the amendments be recommitted to the Committee on Education. The question is on the motion.

The Chair recognizes the gentleman, Mr. Vroon, and reminds the gentleman that debate is permitted only on the reasons for recommitment. The gentleman may proceed.

Mr. VROON. Mr. Speaker, the reason I request recommitment on this is that it is quite evident that a lot of facts have not been clearly established. There are some mistaken assumptions here, and number one is as to how many school districts are actually using the old system and how many are using the seniority system. This must be established. Then there has been a lot of controversy on this item that our Representative, Mr. Hutchinson, amended, and I think that there are loopholes in this thing here which have not been properly covered.

I think that it is necessary to reconsider this to give better consideration to every ramification of this subject. I do not think that proper attention has been given to the school districts that would like very much to retain their valid rating systems. So I strongly urge a vote in favor of recommitment.

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

Mr. BURNS. Mr. Speaker, very simply, I oppose the motion to recommit. The Education Committee has studied this bill at length, and we feel that it was in proper shape when we reported it out and, therefore, I oppose the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from

Clarion, Mr. Wright.

Mr. D. R. WRIGHT. I apologize, Mr. Speaker, but I cannot resist saying that I applaud Mr. Vroon's intention here. I do oppose recommitment, but I guess a person is better converted sooner than late.

I do not think that I have ever seen as many amendments offered which, it seemed to me at least, to be subverting the committee process. I am glad that we have demonstrated some faith in the committee process and that we have brought these amendments out. We have considered them in the House and let us act on the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—60

Alden	Fisher, D. M.	Lashinger	Ryan
Anderson	Foster, A.	Lehr	Scheaffer
Arty	Freind	Lewis	Seventy
Austin	Fryer	Lynch, E. R.	Sieminski
Bowser	Gallen	McClatchy	Sirianni
Burd	Gamble	McVerry	Smith, E.
Cappabianca	Gannon	Micozzie	Spencer
Chess	Geesey	Miller	Spitz
Clark, B.	Geist	Mrkonic	Swift
Cowell	George, M.	Murphy	Taddonio
Cunningham	Gladeck	Nahill	Taylor, E.
DeWeese	Grabowski	Pitts	Vroon
Dorr	Kanuck	Pratt	Weidner
Durham	Kernick	Pyles	Zeller
Earley	Knepper	Rappaport	Zord

NAYS—132

Armstrong	Gatski	Madigan	Salvatore
Barber	George, C.	Manderino	Schmitt
Belardi	Giammarco	Manmiller	Schweder
Bennett	Goebel	McCall	Scirca
Berson	Goodman	McKelvey	Serafini
Bittle	Gray	McMonagle	Shupnik
Borski	Greenfield	Michlovic	Smith, L.
Brandt	Grieco	Milanovich	Stairs
Brown	Gruppo	Moehlmann	Steighner
Brunner	Halverson	Mowery	Stewart
Burns	Harper	Mullen, M. P.	Stuban
Caltagirone	Hasay	Musto	Sweet
Cessar	Hayes, D. S.	Novak	Taylor, F.
Cianciulli	Hayes, S. E.	Noye	Telek
Cimini	Hoeffel	O'Brien, B.	Thomas
Clark, R.	Honaman	O'Brien, D.	Trello
Cochran	Hutchinson, A.	O'Donnell	Wachob
Cohen	Hutchinson, W.	Oliver	Wagner
Cole	Irvis	Perzel	Wargo
Cornell	Itkin	Peterson	Wass
Coslett	Johnson, E.	Petrarca	Wenger
Davies	Johnson, J.	Piccola	White
Dawida	Jones	Pievsky	Wilson
DeMedio	Klingaman	Pistella	Wilt
DeVerter	Knight	Polite	Wright, D.
DiCarlo	Kolter	Pott	Wright, J. L.
Dietz	Kowalyszyn	Pucciarelli	Yahner
Dininni	Laughlin	Punt	Yohn
Dombrowski	Letterman	Reed	Zitterman
Duffy	Levi	Rieger	Zwikl
Fee	Levin	Ritter	
Fischer, R. R.	Livengood	Rocks	Seltzer,
Foster, W.	Lynch, F.	Rodgers	Speaker
Gallagher	Mackowski		

NOT VOTING—11

Beloff	Helfrick	Rhodes	Street
Donatucci	Kukovich	Richardson	Williams
Dumas	McIntyre	Shadding	

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

On the question recurring,
Shall the bill pass finally?

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

Mr. CUNNINGHAM. I rise reluctantly to speak to this bill, because I rather imagine anything that I have to say is going to be an exercise in futility, but I think that there are some very important points that have got to be made that I have not heard made and, as a consequence, I am going to make them.

The concept of furloughing employes based on seniority only is a concept that has developed in labor situations in which employes are unskilled and there is virtually no way to distinguish the relative level of expertise of one employe from that of another employe. In situations such as those, furloughing based on seniority makes sense because questions of merit are totally irrelevant. That is clearly not the situation as regards the school system.

I believe that this bill is demeaning to the teaching profession to the extent that it suggests that there is no disparity in levels of expertise among teachers. There are no employes anywhere who relish the prospects of being evaluated by their employers. Most employes find the process somewhat demeaning, and many employers, on the other hand, find the process of having to rank order of employes hierarchically, based on their levels of expertise, a very distasteful process because it tends to antagonize and alienate employes.

It has been suggested today that there are no evaluation systems that are infallible and I agree that that is absolutely correct, but to suggest that, because there are no evaluation systems that are infallible, we should eliminate the process of evaluating teachers is, to me, a rather curious proposition, and I would like to suggest for you a parallel that I think makes a great deal of sense, and if I could have the attention of the majority of the members of the House, I would like to do that.

In the 1960's in this country, there arose, educationally, an outcry from students who are suggesting that the process by which they were being evaluated academically was an arbitrary process, it was a capricious process, it was a process into which personalities entered, it was a process into which problems arose as a consequence of there being teachers who graded on a very severe standard and there were, conversely, teachers who graded on a very lenient standard, and the students argued, at both the high school level and the college level, and in professional schools and graduate schools, that their rights were being prejudiced by virtue of their being given grades which compromised their ability to get into college or get into law school or medical school or graduate school, and an enormous outcry arose in favor of pass-fail grades. So educators acquiesced in this and they went to the concept of pass-fail grad-

ing, which is really no grading at all, because that was easier. Pass-fail grades took teachers off the hook. Teachers did not have to concern themselves with antagonizing students, and, for the first time in American history, our public schools have produced a generation of students who have learned less than their parents, and the parents in my district are angry about this and they are angry about this with justification.

Our public schools are not doing the job that they were doing 10 years ago or that they were doing 15 years ago or 20 years ago. I am not prepared to lay the blame for this at the door of public-school teachers. I do not think that that is entirely accurate and I do not think it is entirely equitable, but I think it is totally unrealistic to assume that furloughing teachers in situations in which reductions in force are necessary, based exclusively on the issue of how long a given teacher has been in a school system without regard to the ability of those teachers to teach, is the answer.

Anybody in this chamber who honestly believes that our children will benefit educationally from a school system whose teachers are retained or furloughed on the basis of seniority, on the basis of how long they have been in the system, as opposed to their expertise as educators, to me is possessed of a very curious notion.

I have sat silently for days now and I have not said a word, just listening to the arguments of the proponents of this bill, and I think every member in this House knows in his heart of hearts what the motivation for the introduction and the promotion of this bill is.

I would like to say one final thing, Mr. Speaker, because I think that this cuts to the heart of our whole system of government. During my brief time in this House of Representatives, I have repeatedly heard members of this House bitterly—and I say bitterly—lament the fact that the Federal Government consistently usurps our prerogatives as state legislators.

The Federal Government, in a very arrogant and high-handed way, usurps not only our legislative prerogatives but tells us what we can and cannot do as state legislators and impinges on the entire state legislative process in a way that really undermines our Federal system of government.

I think it is not only inconsistent, but I am going to use a very harsh word. I think it is hypocritical for this General Assembly, for this House of Representatives to, in one breath, chastise Congress for usurping our legislative prerogatives and then to have us turn right around in the very next breath and usurp the legislative prerogatives of local government, and that is exactly what we are doing today if we pass this bill.

I urge every member in this House of Representatives to poll their consciences and vote accordingly on this bill. Thank you, Mr. Speaker.

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

Mr. GAMBLE. Mr. Speaker, would one of the sponsors stand for a brief interrogation?

The SPEAKER. The gentleman from Bucks, Mr. Burns, indicates that he will stand for interrogation. The gentleman, Mr. Gamble, may proceed.

Mr. GAMBLE. Professor Burns—

Mr. BURNS. That is the nicest thing that has been said in a long time.

Mr. GAMBLE. —other than those school districts that already have seniority negotiated into their contracts, is it fair to say that the school directors presently have the right to hire and fire the educators of that particular district?

Mr. BURNS. Yes. I guess it is fair to say that. They usually do that on the superintendent's recommendation.

Mr. GAMBLE. Is it fair to assume that the passage of this bill would strengthen the teacher's position with the school board?

Mr. BURNS. I do not know what you mean by strengthen the teacher's position with the school board. I think the passage of this bill would simply give school districts a direction to go when they have to furlough teachers.

Mr. GAMBLE. Mr. Speaker, would it not eliminate the local school district's right to fire an inferior teacher?

Mr. BURNS. No. Not at all, not at all. A school district can, at any time, under the present law and under the law if this becomes law, give a teacher an unsatisfactory rating and get rid of that teacher.

Mr. GAMBLE. If a teacher is given an unsatisfactory rating, then you are saying the seniority rule plays no part?

Mr. BURNS. No. No. If you are teaching in a building you might be the oldest person in terms of seniority in that particular building and if your building principal gives you an unsatisfactory rating, under the present laws, if he does everything under the present laws, then he has certainly a right to fire you, and that happens all the time and there will not be any difference under this bill.

Mr. GAMBLE. All right. What difference, then, does this bill create in the firing or termination of teachers?

Mr. BURNS. This bill has absolutely nothing to do when it comes to the situation where a teacher is going to be fired for incompetence. This does not protect him or her in any way. This only protects a person when, because of dropping enrollments, there is a "rif" in the teachers of that particular district. Then it gives some guidance to the district as to how to handle that particular situation, who should go first in that case. We are speaking now about a case where, hopefully, all of the teachers in that particular district have been adjudged competent by the superintendent and the school board and now you have to get rid of one or two or three or a good number because of dropping pupils. All we are saying by this bill is that you will do it by seniority. It does not speak to the competency of any teacher.

Mr. GAMBLE. However, a teacher who has not taught Latin or whatever for years could be transferred to teach that subject for the period of 1 year.

Mr. BURNS. A teacher could be hired by a district, who has not taught Latin for a period of a number of years, to teach Latin in that particular district if he is so certified in it, and by the amendment that went into this bill, that person who would be retained would have to have at least 12 college semester hours in that particular subject matter.

Mr. GAMBLE. Mr. Speaker, would you say that this bill totally benefits the educators and not the children of the Com-

monwealth?

Mr. BURNS. No, not at all. In many cases it will benefit the children because under the present system, if we allow the present system to continue, here is exactly what can happen.

A very budgeted-minded, very economic-minded school board can look around and, at the time of a "rif", say to themselves, hey, we have to get rid of X number of teachers. Let us suppose for our example that the number is five. Let us take the five at the highest salary scale and get rid of them. Under the present system, it makes no difference whether they are the absolute best teachers available or just the average teacher. Those five, for our example, could be the very best teachers available and because of economic considerations, and only economic considerations, a school board, under the present system, can rig the system so that they can get rid of those top five people.

Mr. Gamble. The opening line of the letter from the Pennsylvania State Education Association says, "This bill is extremely important to public school educators."

Mr. Speaker, I would like to make a statement.

Mr. BURNS. Can I respond to that opening line for a minute?

Mr. GAMBLE. Yes.

Mr. BURNS. I do not know what that opening line says. I have not seen the communicate, but I can say this that I said in the very beginning: I think teachers are very, very concerned that they are going to be laid off simply on the basis of saving a buck, not on the basis of whether they are good, not on the basis of whether they are needed and have done a good service, but under the present system they can be laid off just to save a buck, and I think that that is unfair.

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

Mr. GAMBLE. Mr. Speaker, I stand here in support of a different special interest today, the one group that was given little or no consideration here today, the children, the students of Pennsylvania.

I ask that the rest of you support them and vote "no" to another staggering blow to education. Vote "no" on HB 147.

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

Mr. GOEBEL. I would like to speak in support of HB 147.

I can say that the rating system does not work, personally. The 5 years that I spent on the North Hills School Board, I have seen things happen where the principals had a personal problem with some of the teachers or one teacher and would bring excellent ratings, highest ratings possible to score, down, cut in half, within a year's time. I have seen them want to transfer teachers out and get rid of them altogether, due to nothing but personal problems. I think it is really unfair to the school district, to the children, to the people, to the teachers, for somebody who is in a position of power, to abuse it.

Somebody made reference, I believe it was Mr. Cunningham, about seniority systems and unskilled workers, and I can say from experience of 22 years in the construction industry as a sheet metal worker—and I think that this is true of the construction industry as a whole—there is no seniority, and let me tell you what happens. It is tough work. You are working out-

side, you are working maybe 50 stories up on a building, and you are an iron worker or sheet metal worker putting on siding and decking; it is 10 above 0; the wind is blowing up your tail and it is pretty tough work. Guess who the contractor lays off, the first lay-off. The guy who is 55 years old, the guy who is 62 years old, because he cannot quite hack it anymore, and I do not think it is quite fair in those instances. They like the guys who are runners, the guys who are 25 years old who can really hump and really get the work out, but yet the guy who worked for them all of the years, who has all the experience, the knowledge, who does not make any mistakes, he is the first one to be laid off because of his age, because he cannot run as fast as he used to.

The only fair way that you can do this is through the seniority system. I think that you have to look at teachers who are there on the job 15 and 20 years. These people have teaching experience behind them that you cannot get in college in 4 years, or 5 years or 6 years. They have teaching techniques that they learned on the job. That is what makes these people worth more money.

I have sat in school board meetings as a director where one of the school board members had said, let us build a case on this principal or this administrator. Let us start getting some bad ratings on them. I have seen these things happen with my own eyes and my own ears. These are not just allegations. They do happen in school districts across the state. It is just a human thing that you cannot control, and I think when we are contributing from 40 to 60 percent of the money to our local school districts, we have every right to mandate some of the things uniformly across the state. I think this is one of them.

The arguments against local home rule, let the local people do it, they know best, this does not quite get it when we are paying 40 to 50 to 60 percent of the tab. When we are asked to provide more money for the subsidies and for the payments back to the district, I think that they should not object whenever we come out with uniform mandates. This mandate does not cost—I do not think that it costs—money. This is a mandate on the philosophy of how we are going to reduce staff if it is necessary, and I think this is a very legitimate subject for us to be mandating statewide uniformly.

In our local district the morale was deteriorated over 3 or 4 years to a point where the district was in shambles. Since then we have negotiated this concept into our district. It is working fine. Everybody is happy. Everybody understands how it works. When they are hired, they know that they are the low man on the totem pole. When somebody else comes into their department, they know that they are second to get bumped if they have to reduce the teaching staff. Everybody understands this. There is no problem.

They do not understand it whenever somebody with 10 or 15 years' experience was bumped by somebody who has 1 or 2 years' experience because all of a sudden their ratings went down, they have a personality problem. These classroom evaluations are such a phony it is ridiculous. They come in once a semester and they evaluate you on classroom observation, and I will tell you what, when that door is closed, only the kids really know what is going on in there. You can go and sit in there to

your heart's content; that is not really what goes on when you leave. The students are the only ones who really know what is going on inside a classroom and how good that teacher is.

Let me say I do not think that we are reducing control of the school boards over the teachers by this act. They have every control in the world. We do not hire the teachers here. The school board hires the teachers. They have a personnel manager who screens them, preliminary screening. The board, if they want to, can interview them themselves. Usually they do not. Usually they do not, believe it or not. You would think that the school board would want to interview that teacher themselves. They do not bother to do it.

What happens is that your personnel manager screens the teacher and he comes out with a recommendation. You get a folder. You get a little packet. You look at it, you see the teacher's background, their resume, what they did in college, if they had any previous employment.

So that we are not lessening the authority over the teachers by the school board. They still have the power for hiring; they have the power of tenure. I think it can only help the districts, every district, to do it. It is the only fair way to do it. Thank you for your attention.

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

Mr. ZELLER. Mr. Speaker, in comment, I think that you forget Tuna Fish McGinnis, my good buddy.

The issue, in regard to what Mr. Goebel brought out, was using the construction issue, and this has nothing to do with the firing and layoffs and so forth. It has to do with the qualifications of teachers in bumping, and I do not know where he is drawing the equality of this because I, too, have been moving most of my life and, when we hire somebody on a job, they are all specialized, especially in my trade, with the International Brotherhood of Electrical Workers.

I cannot have a fellow in the control room who is nothing but a pipe man. It just does not work because we are not going to meet the contracts; we are not going to make any money. We cannot have somebody in there with two left hands. They have to be able to do the work and, if Mr. Goebel is in that business, he ought to know that.

We have a referral system and when a person is laid off, they go back to the referral we call Listings and when I call in for a man—looking at the board up there—Mr. Alden would be top on the list, not alphabetically but as they were laid off. I call for a specialist in the control business. Mr. Alden is a pipe man. If he takes that job and comes out and the job does not qualify, he goes to the bottom of the list, way over there by Zord and starts right through the list again. If he refuses it and says that I will stay on the list to let the next guy have it, he stands a chance of getting the job that he wants. That is called Referral, because we want quality people out on that job to meet the contract. The bottom line is profit, naturally. It is the free enterprise system.

When we are talking about doctors—we heard Mr. Burns talk about the boil business and specialization and all of that and that was very important to him. It was very important to him

to have a proper lung specialist and a proper heart specialist and all of this and that, and someone knew about boils. But when it comes to our children, that is different, because now we are dealing with his trade. Now we are dealing with his people. Now his ox is being gored. Now all of a sudden we can throw all of this specialty business out the window, and whoever takes that job does not have to have any knowledge in the area of biology. You can become a biology teacher. He does not have to have any knowledge in mathematics. He can be a mathematics teacher. Who suffers? The children.

Mr. Goebel says that that is all right because the school boards are not supposed to do that. Concerning the one that he comes from, with all respect, and I say this, Mr. Goebel, with respect to you, I did not know that you came from a district that had those kinds of problems. I know that there are a few in the state, I am sure, but if that school district is that bad that they are out there wheeling and dealing to get rid of somebody, then the people back in that district are letting it happen.

It is the sorry end of it when we allow a large organization in this state who has the best of four worlds, and let me list those four worlds for you: Taxpayers pay their bill; they have tenure; now they want seniority and do anything that they want, and they have that powerful political control of being one of the largest in the state to take care of you at election time. Is that not beautiful? They have all of that power, and you want to protect them yet. I cannot believe it. So, evidently, again we get back to the bottom line. Dollars speak more than the value of our children's education, and I say, let us vote this darn thing down.

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

Mr. CUNNINGHAM. Mr. Speaker, I had no intention of speaking twice. I am going to make a second remark because I think that it is important to dispel some misconceptions that are developing here.

I have heard a great deal of misinformation bandied about here, I am sure inadvertently, but I would like to make the point that as an attorney I have represented teachers before my local school board when those teachers have felt that their rights, by the school system, had been violated in some way. I can tell you that where there is injustice, where teachers' rights are violated, there are legal remedies available to those teachers and those remedies are available administratively and they are available judicially, as well, where administrative remedies are exhausted.

Arguing that we should strip the ability, we should strip away the ability of school boards to furlough based on merit in terms of teaching ability simply by holding up isolated examples of situations in which teachers have been unfairly dealt with by school boards is tantamount to arguing that school boards should be stripped of the ability to furlough teachers based on their teaching ability because there have been situations in which a handful of teachers have been dealt with unfairly and is tantamount to arguing that because there are school students who have not received the grades that they should have received from teachers who were subjective or ca-

pricious, we should eliminate the entire grading system. The two arguments parallel one another very closely, and I would suggest to you that a teacher who has been unfairly rated has many, many more remedies than a student who has been unfairly graded. I do not think very many people today, in 1979, would argue that we should eliminate the grading system for students, and I think the parallels are close and useful and I would urge members of this House to bear in mind that any time a teacher's rights are violated by a school board, that teacher has administrative and judicial protections for those rights. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—129

Arty	Gannon	Manmiller	Serafini
Barber	Gatski	McCall	Seventy
Belardi	George, C.	McKelvey	Shupnik
Bennett	Goebel	McMonagle	Smith, L.
Berson	Goodman	Milanovich	Spencer
Bittle	Grabowski	Mrkonic	Stairs
Borski	Gray	Mullen, M. P.	Steighner
Brown	Greenfield	Musto	Stewart
Brunner	Grieco	Novak	Stuban
Burns	Gruppo	Noye	Sweet
Caltagirone	Halverson	O'Brien, B.	Swift
Cessar	Harper	O'Brien, D.	Taylor, F.
Cianciulli	Hasay	O'Donnell	Telek
Cimini	Hayes, D. S.	Oliver	Thomas
Clark, R.	Hayes, S. E.	Perzel	Trello
Cochran	Hoeffel	Peterson	Wachob
Cohen	Hutchinson, A.	Petrarca	Wagner
Cole	Hutchinson, W.	Piccola	Wargo
Cornell	Irvis	Pievsky	Wass
Coslett	Itkin	Pistella	Weidner
Davies	Johnson, E.	Polite	Wilson
DeMedio	Johnson, J.	Pratt	Wilt
DeVerter	Klingaman	Punt	Wright, D.
DiCarlo	Knight	Rappaport	Wright, J. L.
Dietz	Kolter	Reed	Yahner
Dininni	Kowalyszyn	Rieger	Yohn
Dombrowski	Letterman	Ritter	Zitterman
Duffy	Levi	Rocks	Zord
Durham	Levin	Rodgers	Zwinkl
Fee	Livengood	Ryan	
Fischer, R. R.	Lynch, F.	Salvatore	Seltzer,
Fryer	Madigan	Schmitt	Speaker
Gallagher	Manderino	Schweder	

NAYS—59

Alden	Earley	Knepper	Nahill
Anderson	Fisher, D. M.	Lashingier	Pitts
Armstrong	Foster, A.	Laughlin	Pott
Austin	Foster, W.	Lehr	Pyles
Bowser	Freind	Lewis	Scheaffer
Brandt	Gallen	Lynch, E. R.	Scirica
Burd	Gamble	Mackowski	Sieminski
Cappabianca	Geesey	McClatchy	Sirianni
Chess	Geist	McVerry	Smith, E.
Clark, B.	George, M.	Michlovic	Spitz
Cowell	Gladeck	Micozzie	Taylor, E.
Cunningham	Honaman	Miller	Vroon
Dawida	Jones	Moehlmann	Wenger
DeWeese	Kanuck	Mowery	Zeller
Dorr	Kernick	Murphy	

NOT VOTING—15

Beloff	Helfrick	Rhodes	Taddonio
Donatucci	Kukovich	Richardson	White
Dumas	McIntyre	Shadding	Williams
Giammarco	Pucciarelli	Street	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

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

RESOLUTION ADOPTED

Mr. LASHINGER called upon **HR 78, PN 1533**, entitled:

House urge Health Systems Agency approve application of Sacred Heart Hospital, Montgomery County.

On the question,
Will the House adopt the resolution?

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

Mr. LASHINGER. I beg the members' indulgence at this late hour, but there is a sense of urgency that surrounds this resolution as it pertains to central Montgomery County.

As I examine the resolution, it is probably a good example of what the gentleman from Allegheny County, Mr. Irvis, talked about yesterday, an example of those parochial duties that the members often carry out here in Harrisburg.

It is more important than that, Mr. Speaker, because it is an issue that we will be facing more and more in the months to come with the growth of the Health Systems Agency in the Commonwealth and with the onset of the certificate-of-need process in the Commonwealth.

If the members will remember, just a few weeks ago this Chamber voted to petition the Health Systems Agency in the southwestern region to at least offer or at least ask them for some consideration in keeping the Southside Hospital in Allegheny County open. We, in Montgomery County, have a similar problem, but it pertains to a piece of health-care equipment, and it is a serious need, Mr. Speaker.

Back in June of 1976, Sacred Heart Hospital applied for what is known in the industry as a CAT scan. The acronym CAT stands for computerized tomography. This is the whole body system that is very much needed in the treatment of the cancer patient. The equipment is used to identify the extent of the disease. It is used to examine or diagnose the rapidity that the disease is increasing with. It is an important piece of equipment, Mr. Speaker.

Because of this and because of the need, I ask the members to vote to approve that the Health Systems Agency be petitioned to grant approval to Sacred Heart Hospital.

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

Mr. MURPHY. Mr. Speaker, I would like to interrogate Mr. Lashinger.

The SPEAKER. The gentleman, Mr. Lashinger, indicates he

will permit himself to be interrogated. The gentleman, Mr. Murphy, may proceed.

Mr. MURPHY. Mr. Speaker, I am aware of CAT scanners, and their cost range to upwards of \$500,000 for a CAT scanner.

I am wondering if there are other hospitals in Montgomery County that now presently have CAT scanners?

Mr. LASHINGER. Yes, Mr. Speaker.

The subarea council of the Health Systems Agency has unanimously approved the CAT scan for Sacred Heart Hospital. The problem has been with the board. There is an existing CAT scan at Abington Memorial Hospital. The problem is that 55 percent of the population in central Montgomery County lives over 30 minutes from the nearest CAT scan.

The hospital, Sacred Heart Hospital, in their application, has proven a possible net savings of \$400,000 if we sold the implementation of the CAT scan in central Montgomery County.

The problem has been with transportation of serious patients to surrounding hospitals, over a 30-minute trip, and the payment of \$120 for the ambulance ride there. Those are the kinds of costs.

Aside from its value in treating the cancer patient at Sacred Heart Hospital, there is also a cost-saving factor here that we think that the HSA board should be considering.

Mr. MURPHY. Did you say the HSA did approve this unanimously?

Mr. LASHINGER. No, I apologize. The subarea council has recommended it to the board. This application has been in existence since 1976. The subarea council made approval in 1978, and the board has still failed to act on it.

Mr. MURPHY. Did you say the nearest CAT scanner is 30 minutes away?

Mr. LASHINGER. In excess of 30 minutes.

My statement was that 55 percent of the population in central Montgomery County lived over 30 minutes from the nearest CAT scan.

Mr. MURPHY. How many other CAT scanners are in the Montgomery County area?

Mr. LASHINGER. One in Montgomery, one in Chester, and the major share is in Philadelphia County.

Mr. MURPHY. Okay. Thank you.

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

Mr. HOEFFEL. I rise in opposition to this resolution, Mr. Speaker. I am sorry to do so. I also voted against the resolution Mr. Seventy offered a few weeks ago concerning an HSA in the Pittsburgh area.

I rise in opposition only because I think it is inappropriate for the House of Representatives to be expressing its views on a matter that is being considered by the Health Systems Agency.

I am sympathetic to the concerns of Mr. Lashinger and I am glad that he is fighting for the people in his area, but I just do not think it is appropriate for this General Assembly to be taking stands in this kind of a matter.

If an individual member wants to urge a local HSA or the state board to approve or disapprove a particular application, I think that is fine, but I do not think the House of Representa-

tives should be imposing its views in this process. Thank you.

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

Mr. VROON. Mr. Speaker, I think this is a valid request. This is only a request that the Health Services Agency be urged to approve a scanner. This is not all there is to getting a scanner.

After that approval is obtained, if it is obtained, it also goes through our own state Department of Health. It goes through a very rigid examination before that department approves the scanner. So I would say this is a very valid beginning.

Mr. Speaker, I want to bring one very important fact to your attention. In this day and age, with the growing population in our area—and this includes Mr. Lashinger's area and my own—there is more and more of a movement out of the city and into the suburbs, and our need for really good health systems is growing by leaps and bounds. This is a growth area. This is a heavy area of population.

The cost of the scanner is not that great that we should object to it. These are good things which will save lives. I would much rather have an extra scanner here or there than to miss 100 or 1,000 people who have to die for the lack of it. Thank you.

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

Mr. ZELLER. Mr. Speaker, would Mr. Lashinger consent to a brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Zeller, may proceed.

Mr. ZELLER. Mr. Speaker, has this gone through the Health System Agency of the local area?

Mr. LASHINGER. Yes, Mr. Speaker, it has been approved by the subarea council.

Mr. ZELLER. It was approved by the subarea council?

Well, then I would not have a problem, because I would be getting back to what Mr. Vroon and all of us have been—

Oh, it was disapproved?

Mr. LASHINGER. Was it disapproved by the subarea council?

Mr. ZELLER. Was it disapproved or approved?

Mr. LASHINGER. It was approved.

Mr. ZELLER. Oh, it was approved by the local area?

Mr. LASHINGER. And the board has still failed to act.

Mr. ZELLER. Pardon?

Mr. LASHINGER. And the full board has still failed to act.

Mr. ZELLER. The School Board?

Mr. LASHINGER. The full—the full board.

Mr. ZELLER. The full board, but the Health Systems Agency, made up of people from the community, has approved it?

Mr. LASHINGER. That is correct.

Mr. ZELLER. Okay. Well, that is a little different situation.

I am not interfering in that as long as the local people have stated they wanted it and have gone through that system. But the full board, now that would be coming to Harrisburg? That would be a group over here at the department?

Mr. LASHINGER. Right.

Mr. ZELLER. Okay, that is a little different. I thought the

local board had disapproved it. Then I felt that local people had gotten involved and they did not want it and who are we here to circumvent that.

So if the local people have approved it, they are waiting for approval over here. Then I have no problem with it. Thank you.

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

Mr. RAPPAPORT. Mr. Speaker, I have no idea what the problems are with CAT scanners in Montgomery County, and that is the precise reason that I do not think this House should consider a resolution of this type.

I do sit on the board of the health maintenance organization in Philadelphia, the only consumer-controlled one in the United States. I know that the problem of health cost is caused by the drive of every hospital to have every piece of fancy equipment, of which a CAT scanner is the fanciest and to date probably the most expensive.

We are not in a position to judge whether another CAT scanner is needed in the Delaware Valley. It is not something we should be involved in. This is something that should be done by the experts and committees that we have created, to wit, the hospital survey agencies. Thank you, Mr. Speaker. Therefore, I think it would be inappropriate for us to pass this resolution.

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

Mr. ZELLER. In our interrogation, I would like to continue it.

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

Mr. ZELLER. Now, I do not want to be led down the primrose path. I was told that the Health Systems Agency, which is comprised of all the people in the area who belong to it, approves this, and I find that that is not true. I want the answer from you, Mr. Speaker. If this was only a very small council, or was this the full agency in that area, not over here at the Department of Health? I am talking about in your area, did the full body approve it?

Mr. LASHINGER. Mr. Speaker, your question to me was: Had the local group approved it? Yes, the subarea council had approved it.

Mr. ZELLER. The subarea council?

Mr. LASHINGER. That is what I said the first time, Mr. Speaker.

Mr. ZELLER. That is a little different.

Okay. Then I could agree with Mr. Rappaport.

The problem is that could be a subcommittee made up of powerful people from the hospital. I am talking about the overall group in that area has not yet approved it.

There, again, we are tampering with local control. That is what the Health Systems Agency was set up for, for input from everybody in that area to eliminate duplications. We had the same problem in our own area. We went through that. It was approved, if I understand it right, in our area and was not approved down here. That is where I thought you were having your problems, down here.

So, therefore, I disagree then with Mr. Lashinger, and I feel that they have got to let the system work locally because that is

what it was set up for, and if that system approves it locally and this bunch down here does not approve it, then we will go to work on it. That is a little different, but your whole system locally has not worked yet, and I think it is about time you let it work.

Now we passed one for Allegheny County, I believe, and I do not know what the system was there, but evidently we were wrong in doing that. So, therefore, I feel that we should vote this down, because you have not let the local system work yet.

The SPEAKER. The Chair recognizes the lady from Delaware, Mrs. Arty.

Mrs. ARTY. Mr. Speaker, and I rise just briefly and endorse Mr. Lashinger's request for passage of this resolution. I think the bottom line of all health care—and we are concerned about costs—is good patient care, and if the people in the area of Norristown and the Sacred Heart Hospital know that they need this equipment in that area for their residents to get good patient care, it is incumbent upon us to vote affirmatively on this resolution.

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

Mr. SALVATORE. Mr. Speaker, I rise in support of this resolution. When you are talking about the HSA and the same HSA that governs eastern Pennsylvania, on that board there are many members who have vested interests in other hospitals, and I know what Mr. Lashinger is going through, because we have the same situation in northeast Philadelphia. We have 600,000 people in northeast Philadelphia and lower Bucks County who are without a CAT scanner, but in central Philadelphia, in center city Philadelphia, they have approximately 14 scanners within 4 miles of each other. I think when they are asking someone from Norristown or from the northeast to be brought by ambulance to some hospital miles away to save a life, I think it is wrong.

Many, many times, lives can be saved if the scanning equipment is there in the hospital. Also, it would cut down on hospital costs. Mr. Speaker, this is very important. It is important because each and every one of you pays hospital costs, and when they have to bring someone from one hospital to another hospital to have this done to them, it costs you money. I think that this is a worthwhile resolution for a much-needed piece of equipment for a hospital in his area, and we are going to do the same thing, introduce a resolution for the northeast part of Philadelphia.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—146

Alden	Earley	Laughlin	Rieger
Anderson	Fee	Lehr	Rocks
Armstrong	Fischer, R. R.	Levi	Rodgers
Arty	Fisher, D. M.	Levin	Ryan
Austin	Foster, A.	Lewis	Salvatore
Barber	Freind	Lynch, F.	Scheaffner
Belardi	Gallagher	Mackowski	Schmitt
Bennett	Gallen	Madigan	Scirica

Berson	Gamble	Manderino	Serafini
Bittle	Gannon	Manmiller	Seventy
Borski	Gatski	McCall	Shupnik
Bowser	Geesey	McClatchy	Sirianni
Brandt	Geist	McKelvey	Smith, L.
Brown	George, C.	McMonagle	Spencer
Brunner	Giammarco	McVerry	Spitz
Burd	Gladeck	Michlovic	Stairs
Burns	Goebel	Micozzie	Stewart
Caltagirone	Gray	Miller	Swift
Cappabianca	Greenfield	Mowery	Taddonio
Cessar	Grieco	Mrkoncic	Taylor, E.
Cianciulli	Harper	Mullen, M. P.	Taylor, F.
Cimini	Hasay	Nahill	Telek
Clark, R.	Hayes, D. S.	Novak	Thomas
Cochran	Hayes, S. E.	Noye	Trello
Cornell	Honaman	O'Brien, D.	Vroon
Coslett	Hutchinson, W.	Oliver	Wachob
Cunningham	Irvis	Perzel	Wargo
Davies	Johnson, E.	Peterson	Wass
Dawida	Johnson, J.	Petrarca	Weidner
DeVerter	Jones	Piccola	Wilson
DiCarlo	Kanuck	Pievsky	Wilt
Dietz	Kernick	Polite	Wright, J. L.
Dininni	Klingaman	Pott	Yohn
Dombrowski	Knepper	Pucciarelli	Zord
Dorr	Knight	Punt	
Duffy	Kolter	Pyles	Seltzer,
Durham	Lashinger	Richardson	Speaker

NAYS—40

Chess	Goodman	Moehlmann	Sieminski
Clark, B.	Grabowski	Murphy	Steighner
Cohen	Gruppo	O'Brien, B.	Stuban
Cole	Hoeffel	O'Donnell	Wagner
Cowell	Hutchinson, A.	Pistella	Wenger
DeMedio	Itkin	Pratt	Wright, D.
DeWeese	Kowalyszyn	Rappaport	Yahner
Foster, W.	Letterman	Reed	Zeller
Fryer	Livengood	Ritter	Zitterman
George, M.	Milanovich	Schweder	Zwilk

NOT VOTING—17

Beloff	Kukovich	Pitts	Street
Donatucci	Lynch, E. R.	Rhodes	Sweet
Dumas	McIntyre	Shadding	White
Halverson	Musto	Smith, E.	Williams
Helfrick			

The question was determined in the affirmative, and the resolution was adopted.

CONDOLENCE RESOLUTION ADOPTED

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

Mr. LEVIN. Mr. Speaker, I offer the following privileged condolence resolution concerning the death of a former chief sergeant at arms of this House who died last evening. This is for the immediate consideration of the House.

The SPEAKER. The clerk will read the resolution.

The following resolution was read:

House of Representatives
Harrisburg, Pa.
Office of the Chief Clerk

Resolution

WHEREAS, Bernard Spangler was a faithful and dedicated

employee of the House of Representatives as a Sergeant-at-Arms from January 16, 1975 until his death on June 6, 1979; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania pauses in its deliberations to mourn the passing of this devoted and gentle man who will be sadly missed by his friends and associates as well as his family; expresses its appreciation for his years of dedicated and loyal service and extends its heartfelt condolences to his wife, Beatrice and family; and be it further

RESOLVED, That a copy of this resolution be delivered to Mrs. Bernard Spangler, 2403 Bryn Mawr Avenue, Philadelphia, Pennsylvania 19131.

We hereby certify that this is an exact copy of a resolution introduced in the House of Representatives by the Honorable K. Leroy Irvis and Stephen Levin, and adopted by the House of Representatives on the 6th day of June 1979.

H. JACK SELTZER
Speaker

ATTEST:

CHARLES F. MEBUS
Chief Clerk

(Members stood in silence.)

The SPEAKER. The resolution is unanimously adopted.

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have no further business. I am sorry, Mr. Hutchinson has a resolution that I think should be taken up. Is that correct, Mr. Speaker?

Mr. W. D. HUTCHINSON. Yes, sir.

Mr. RYAN. Mr. Speaker, I think that is marked on the calendar for action, the Hutchinson resolution. I believe it is the last resolution on the calendar.

RESOLUTION ADOPTED

Mr. W. D. HUTCHINSON called up **HR 89, PN 1647**, entitled:

General Assembly directs Speaker and President pro tempore appoint legal counsel relating to Petition for Review, pursuant to SR 204.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Hutchinson.

Mr. W. D. HUTCHINSON. Mr. Speaker, I think this is an important resolution. The members may recall that we had a Compensation Commission report before us early in this session, and at that time, by SR 204, we rejected the report of the Compensation Commission. Now I was one of those who favored an increase in compensation for our judiciary and I recorded that with my vote over here, but when the matter came over, the Senate had seen otherwise and the report went down. Thereafter, an action was started in the Commonwealth Court of this state by several individual judges with the endorsement or approval of the State Conference of Trial Judges. That action said that, one, the resolution which the House and Senate of this Commonwealth passed rejecting the compensation report was improperly passed and not done in accordance with our rules, because we had a personal interest in it; and, two, that it was unconstitutional for us to deny them a pay raise because in-

flation was eating at their salaries, and the Constitution of this Commonwealth says that their compensation cannot be decreased while in office.

Now I started out by saying I supported the judges in their position that additional money was needed, but when the lawsuit was filed, I believe a very important issue was presented. It is the ultimate issue, it seems to me, with respect to the division of powers and the prerogatives of this House, and so I prepared a resolution which is cosponsored by the Speaker of this House, the minority leader of this House, the chairman of the Judiciary Committee, and the minority chairman of the Judiciary Committee.

The resolution authorizes the appointment of counsel, with the concurrence of the Senate—it is a concurrent resolution—to respectfully appear before the Commonwealth Court of this state, and not to participate in any long debate or run up any big legal fees, but to simply present this resolution which expresses the sense of this General Assembly that the honorable court should dismiss the petition of the trial judges as beyond its jurisdiction and an improper incursion into the affairs of the coordinate legislative branch of the government. I believe it is important that we very formally, properly, and respectfully send our idea on this problem, and our position, to that third branch of government. I urge support of the resolution.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—181

Alden	Foster, W.	Livengood	Rodgers
Anderson	Freind	Lynch, E. R.	Ryan
Armstrong	Fryer	Lynch, F.	Salvatore
Arty	Gallagher	Mackowski	Scheaffer
Austin	Gallen	Madigan	Schmitt
Barber	Gamble	Manderino	Schweder
Belardi	Gannon	Manmiller	Serafini
Bennett	Gatski	McCall	Seventy
Berscn	Geesey	McClatchy	Shupnik
Borski	Geist	McKelvey	Sieminski
Brandt	George, C.	McMonagle	Sirianni
Brown	George, M.	McVerry	Smith, E.
Brunner	Giammarco	Michlovic	Smith, L.
Burd	Gladeck	Micozic	Spencer
Burns	Goebel	Milanovich	Stairs
Caltagirone	Goodman	Miller	Steighner
Cappabianca	Grabowski	Moehlmann	Stewart
Cessar	Gray	Mowery	Sweet
Chess	Greenfield	Mrkonic	Swift
Cianciulli	Grieco	Mullen, M. P.	Taddonio
Cimini	Gruppo	Murphy	Taylor, E.
Clark, B.	Hasay	Musto	Taylor, F.
Clark, R.	Hayes, D. S.	Nahill	Telek
Cochran	Hayes, S. E.	Novak	Thomas
Cohen	Hoeffel	Noye	Trello
Cole	Honaman	O'Brien, B.	Vroon
Cornell	Hutchinson, A.	O'Brien, D.	Wachob
Coslett	Hutchinson, W.	O'Donnell	Wargo
Cowell	Irvis	Oliver	Wass
Cunningham	Itkin	Perzel	Weidner
Davies	Johnson, E.	Peterson	Wenger
Dawida	Johnson, J.	Petrarca	White
DeMedio	Jones	Piccola	Wilson
DeVerter	Kernick	Pievsky	Wilt
DeWeese	Klingaman	Pistella	Wright, D.
DiCarlo	Knepper	Pitts	Wright, J. L.

Dietz	Knight	Polite	Yahner
Dininni	Kolter	Pott	Yohn
Dombrowski	Kowalyshyn	Pratt	Zeller
Dorr	Lashingner	Pucciarelli	Zitterman
Duffy	Laughlin	Punt	Zord
Durham	Lehr	Pyles	Zwinkl
Fee	Letterman	Reed	
Fischer, R. R.	Levi	Richardson	Seltzer,
Fisher, D. M.	Levin	Ritter	Speaker
Foster, A.	Lewis	Rocks	

NAYS—5

Bowser	Kanuck	Spitz	Stuban
Earley			

NOT VOTING—17

Beloff	Harper	Rappaport	Shadding
Bittle	Helfrick	Rhodes	Street
Donatucci	Kukovich	Rieger	Wagner
Dumas	McIntyre	Scirica	Williams
Halverson			

The question was determined in the affirmative, and the resolution was adopted.

BILLS PASSED OVER

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

WELCOMES

The SPEAKER. The Chair welcomes to the hall of the House a former member of this House in 1953-54, the Honorable Clair Peifly.

The Chair also welcomes to the floor of the House Mr. Frank Nemeth and Mr. Ed Avery of Northampton County, who are the guests of Mr. Gruppo.

The Chair welcomes to the House Mr. Bob McKendrick, Miss Mary Jane Zeigler, Mr. Fred Dillinger, and a group representing the Alternative Rehabilitation Center of Harrisburg and York, who are the guests of the gentleman from Mercer, Mr. Bennett.

The Chair welcomes a group of students from Beaver Area Junior High School with their sponsors, Mr. Bill Huber, Miss Helen Hill, and Miss Marsha Jagodish, who are the guests of Mr. Fred Milanovich of Beaver County.

The Chair welcomes to the hall of the House a 9-year-old student from Herbert Hoover Elementary School, Dauphin County, by the name of Seth Mendelsohn, who is the guest of the gentleman from Dauphin, Mr. Piccola.

The Chair welcomes to the hall of the House a former distinguished member of this House, Patrick J. "Poptarts" McGinnis. He is the guest of the gentleman from Philadelphia, Mr. Salvatore.

ADJOURNMENT

Mr. GLADECK moved that this House of Representatives do now adjourn until Monday, June 11, 1979, at 1 p.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:48 p.m., e.d.t., the House adjourned.