

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, MAY 19, 1980

Session of 1980

164th of the General Assembly

No. 36

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE RICHARD A. GEIST, member of the House of Representatives and guest chaplain, offered the following prayer:

Lord, as we gather here today in this House of Representatives, we petition You for heavenly guidance in making decisions that affect the 11,000,000-plus people of this state.

We as men have proven that this state was founded and guided by people with heavenly guidance and would ask that a large dose of that guidance be given each and every member of this House and the bureaucracy that governs our state.

At this time I would ask that you join me in a short moment of silent prayer, each and every one of us in his own way. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. The Journal of Tuesday, May 6, 1980, is now in print. Without objection, the Journal will stand approved. The Chair hears none.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Tuesday, May 13, 1980, will be postponed until printed.

MR. ANDERSON REQUESTED TO PRESIDE

The SPEAKER. The Chair has asked the gentleman from York, Mr. Anderson, to preside temporarily.

THE SPEAKER PRO TEMPORE (JOHN HOPE ANDERSON) IN THE CHAIR

HOUSE BILLS INTRODUCED AND REFERRED

No. 2547 By Representatives SIEMINSKI, DORR, L. E. SMITH, BENNETT, DOMBROWSKI, McCALL, KOLTER, COLE, GOODMAN, BRANDT, MOEHLMANN, WENGER, ARMSTRONG, E. H. SMITH, KOWALYSHYN, ZWIKL, PUCCIARELLI, McMONAGLE, REED, GRUPPO, W. W. FOSTER, MILLER AND DAVIES.

An Act amending the "Tourist Promotion Law," approved April 28, 1961 (P. L. 111, No. 50), increasing the amount of the grant determination and establishing a different payment schedule for such State grants.

Referred to Committee on BUSINESS AND COMMERCE, May 13, 1980.

No. 2548 By Representatives SIEMINSKI, DORR, L. E. SMITH, BENNETT, McCALL, KOLTER, GOODMAN, COLE, ARMSTRONG, BRANDT, HONAMAN, WENGER, MOEHLMANN, E. H. SMITH, KOWALYSHYN, ZWIKL, PUCCIARELLI, McMONAGLE, REED, GRUPPO, W. W. FOSTER, MILLER AND DAVIES.

An Act amending the "Second Class County Code," approved July 28, 1953 (P. L. 723, No. 230), increasing the amount of money the board of commissioners of counties of the second class A may appropriate for tourist promotion agencies.

Referred to Committee on URBAN AFFAIRS, May 13, 1980.

No. 2549 By Representatives SIEMINSKI, DORR, L. E. SMITH, BENNETT, DOMBROWSKI, McCALL, KOLTER, COLE, GOODMAN, ARMSTRONG, BRANDT, HONAMAN, MOEHLMANN, WENGER, E. H. SMITH, KOWALYSHYN, ZWIKL, PUCCIARELLI, McMONAGLE, REED, GRUPPO, W. W. FOSTER, MILLER AND DAVIES.

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), increasing the amount of money the

board of commissioners may appropriate for tourist promotion agencies.

Referred to Committee on LOCAL GOVERNMENT, May 13, 1980.

No. 2550 By Representatives LEHR, TRELLO, GALLEN, SEVENTY, HASAY, PRATT, A. K. HUTCHINSON, ZELLER, FREIND, CALTAGIRONE, WHITE, BENNETT, COCHRAN, D. M. O'BRIEN, SALVATORE, BURD, STUBAN, DOMBROWSKI, SCHEAFFER, GEESEY, NOYE, M. R. CLARK, MACKOWSKI, McVERRY, RICHARDSON, PETRARCA, KOWALYSHYN, ANDERSON, PERZEL, BOWSER, DeMEDIO, B. F. O'BRIEN, COLE, D. R. WRIGHT, MOEHLMANN, B. D. CLARK, CIMINI, GRIECO, MANMILLER, STREET, E. H. SMITH, HELFRICK, STAIRS, A. C. FOSTER, JR., KOLTER, CAPPABIANCA, M. H. GEORGE, RAPPAPORT, BROWN, DeWEESE, SCHWEDER, HOFFEL, KNIGHT, FISHER, AUSTIN, GAMBLE, DAWIDA, MILANOVICH, McCALL, DORR, YAHNER AND MICHLOVIC.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the conversion to self-service of a certain number of liquor stores.

Referred to Committee on LIQUOR CONTROL, May 13, 1980.

No. 2551 By Representatives BERSON AND SPENCER.

An Act providing for the registration of foreign limited partnerships; imposing additional powers and duties on the Department of State; limiting the legal remedies of foreign limited partnerships which are not registered and empowering the Attorney General to enforce the provisions of this act.

Referred to Committee on JUDICIARY, May 13, 1980.

No. 2552 By Representatives KNEPPER, ZORD, GRUPPO, MILLER, ARTY, BURD, FISHER, HOFFEL AND COCHRAN.

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), permitting school nurses, principals and teachers to give certain medications by injection to students.

Referred to Committee on HEALTH AND WELFARE, May 13, 1980.

No. 2553 By Representatives BERSON, O'DONNELL, RIEGER, WHITE, ROCKS AND SALVATORE.

An Act fixing the fees to be received by the prothonotary of Philadelphia County.

Referred to Committee on JUDICIARY, May 13, 1980.

No. 2554 By Representatives GEIST, E. G. JOHNSON AND S. E. HAYES, JR.

An Act making an appropriation to the Blair County Society for Crippled Children and Adults.

Referred to Committee on APPROPRIATIONS, May 13, 1980.

No. 2555 By Representatives ANDERSON, GEESEY, DORR, LEHR AND A. C. FOSTER, JR.

An Act authorizing the Pennsylvania Historical and Museum Commission on behalf of the Commonwealth to acquire the historic Continental Court House of York in the City of York, York County.

Referred to Committee on PROFESSIONAL LICENSURE, May 13, 1980.

No. 2556 By Representatives W. D. HUTCHINSON, HASAY, BELARDI, SERAFINI, B. F. O'BRIEN, COSLETT, SHUPNIK AND KLINGAMAN.

An Act amending "The Pennsylvania Workmen's Compensation Act," approved June 2, 1915 (P. L. 736, No. 338), further providing for counsel fees.

Referred to Committee on INSURANCE, May 13, 1980.

No. 2557 By Representatives HASAY, F. TAYLOR, CALTAGIRONE, PRATT, CAPPABIANCA AND LEHR.

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), removing certain restrictions involving outside employment of certain employees of the board.

Referred to Committee on LIQUOR CONTROL, May 13, 1980.

No. 2558 By Representatives PITTS, W. W. FOSTER, THOMAS, WENGER, KLINGAMAN, LEVI, PETERSON, YAHNER, LIVENGOOD AND D. R. WRIGHT.

An Act providing for the establishment of a program of voluntary farm labor by certain patient-residents of State institutions.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, May 13, 1980.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 230 By Representatives DeVERTER, E. R. LYNCH, E. H. SMITH, KANUCK, M. R. CLARK, TELEK, GRUPPO, J. L. WRIGHT, JR., SIEMINSKI, ZELLER, GEIST AND BURNS.

General Assembly memorialize Secretary of the United States Department of Commerce monitor exports of ferrous scrap.

Referred to Committee on FEDERAL-STATE RELATIONS, May 13, 1980.

SENATE MESSAGE**SENATE RESOLUTION FOR CONCURRENCE**

The clerk of the Senate presented the following resolution for concurrence:

SR 233

Referred to Committee on Federal-State Relations, May 15, 1980

SENATE MESSAGE**SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate presented the following bills for concurrence:

SB 419, PN 1785

Referred to Committee on Finance, May 15, 1980

SB 536, PN 1675

Referred to Committee on Local Government, May 15, 1980

SB 537, PN 1676

Referred to Committee on Local Government, May 15, 1980

SB 539, PN 1677

Referred to Committee on Local Government, May 15, 1980

SB 951, PN 1101

Referred to Committee on Local Government, May 15, 1980

SB 1083, PN 1299

Referred to Committee on Appropriations, May 15, 1980

COMMUNICATIONS FROM GOVERNOR**BILLS SIGNED BY GOVERNOR**

The Secretary to the Governor presented the following communications from His Excellency, the Governor:

APPROVAL OF HBs Nos. 373 and 2335.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

May 16, 1980

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 2335, Printer's No. 3229, entitled "An act amending the act of July 4, 1979 (P. L. 665, No. 10A), entitled 'An act appropriating the Federal Augmentation to the Executive and Judicial Departments of the Commonwealth and establishing restricted receipts accounts for the fiscal period July 1, 1979 to June 30, 1980 and for the payment of bills incurred and remaining unpaid at the close of the fiscal period ending June 30, 1979,' changing appropriations and adding appropriations."

DICK THORNBURGH
GOVERNOR

Commonwealth of Pennsylvania
Governor's Office, Harrisburg

May 17, 1980

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania

I have the honor to inform you that I have this day approved and signed House Bill 373, Printer's No. 2890, entitled "An Act amending the act of February 1, 1974 (P. L. 34, No. 15), entitled 'An act creating a Pennsylvania Municipal Retirement System for the payment of retirement allowances to officers, employes, firemen and police of political subdivisions and municipal authorities and of institutions supported and maintained by political subdivisions and municipal government associations and providing for the administration of the same by a board composed of the State Treasurer and others appointed by the Governor; imposing certain duties on the Pennsylvania Municipal Retirement Board and the actuary thereof; providing the procedure whereby political subdivisions and municipal authorities may join such system, and imposing certain liabilities and obligations on such political subdivisions and municipal authorities in connection therewith, and as to certain existing retirement and pension systems, and upon officers, employes, firemen and police of such political subdivisions, institutions supported and maintained by political subdivisions, and upon municipal authorities; providing for the continuation of certain municipal retirement systems now administered by the Commonwealth; providing certain exemptions from taxation, execution, attachment, levy and sale and providing for the repeal of certain related acts,' providing that a person receiving a retirement allowance be a member of the Pennsylvania Municipal Retirement Board and further providing for the actuarial soundness of the fund, for excess interest, for payment of administrative funds from excess interest earnings, for member's excess investment account, FOR EXCESS INVESTMENT EARNINGS, for joining the fund, for municipal liability, for credit for other governmental service, for contributions, for return to service and for computation of benefits".

DICK THORNBURGH
GOVERNOR

SENATE MESSAGE**HOUSE BILL CONCURRED IN BY SENATE**

The clerk of the Senate informed that the Senate has concurred in **HB 2137, PN 2718**.

SENATE MESSAGE**HOUSE AMENDED SENATE
BILLS CONCURRED IN**

The clerk of the Senate informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 841, PN 1671**; and **SB 1176, PN 1606**.

LEAVES OF ABSENCE GRANTED

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request a leave of absence for the gentleman from Bucks, Mr. WEIDNER, for the week, the gentleman from Philadelphia, Mr. SALVATORE, for the week, and the gentleman from Lancaster, Mr. WENGER, for today.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I have no requests for leaves of absence.

The SPEAKER pro tempore. Without objection, leaves are granted.

MASTER ROLL CALL RECORDED

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members will please report to the floor.

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The SPEAKER pro tempore. One hundred ninety-eight members having indicated their presence, a master roll is established.

HB 2135 REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Mr. Speaker, I would like at this time to make a motion to call up HB 2135, but first, I understand, it has to be removed from the table or whatever the parliamentary procedure is. But I make that motion that HB 2135 be removed from the table.

The SPEAKER pro tempore. The gentleman, Mr. Pievsky, moves that HB 2135 be removed from the table.

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

SUPPLEMENTAL CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2135, PN 2715**, entitled:

An Act amending the "Motor License Fund Supplement to the General Appropriation Act of 1979," approved July 4, 1979 (No. 11A), increasing the appropriation to the Pennsylvania State Police.

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

The SPEAKER pro tempore. 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?

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

Mr. PIEVSKY. Mr. Speaker, we have before us HB 2135, which is on the supplemental calendar, and it is somewhat of an emergency and crisis, you might say.

On Wednesday, May 14, I received a letter, along with the three other Appropriations Committee chairmen, from Robert C. Wilburn stating that he cannot meet the May 21 payroll for the State Police. He was able to muster up the funds for the May 7 payroll, but he needs legislation to get the \$18.3-million supplemental appropriation.

I would ask that this bill be acted upon today and that no amendments be introduced to this bill so that we can get it to the Senate today and they can pass it by Wednesday so that the State Police will not miss a pay. I would ask that both sides of the aisle support this bill, HB 2135. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I agree with the gentleman, Mr. Pievsky, that we should run this bill and this bill

should run without amendments so that the potential crisis—if missing a payroll is a crisis, and I suggest it is. The potential crisis—of the State Police not being paid can be met. I think it is wise of Mr. Pievsky to suggest that this bill be called up. I read Mr. Pievsky's response to Secretary Wilburn where he said that he wanted this to be a first order of business. We accommodated Mr. Pievsky by having a supplemental calendar prepared so that when he was ready to call it up, we were ready to roll it as a first order of business.

It is a shame we are doing it at this late hour with HB 2135, but, if the gentleman recalls, here a week or two ago when it was called up, I suggested then that it should be run without amendments, and I am glad to see that today we are in fact running it without controversial amendments so that this matter can be considered, taken care of, the law signed, and the State Police paid. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I concur. The problem is, from the information that I received, there has been static in the Senate. Do we have any assurance, Mr. Speaker, that this is going to sail through the Senate, because the problem I have heard is that some of the problems that were involved were involved in the Senate?

Mr. RYAN. Mr. Speaker, in response to the gentleman, we, of course, have no assurance as to what the other body will do. I think it is our responsibility to pass the measure over to them. I know of no other way to force compliance with our wishes. I feel very strongly, however, that the presence of the fact that salaries will not be met this week will be enough to induce the Senate to address this issue immediately and pass the bill on time. There is no reason why it cannot go to the Senate today. It is a rather simple bill, agreed to by all parties that it is necessary. It would seem to me there is no reason why they cannot accept the bill, bring it in and out of committee today, and vote it finally on Wednesday, which is the deadline for payroll purposes.

Mr. ZELLER. The reason why I mentioned it is that if every member here could get with their Senator and really ask for quick passage over there, this is important, because I heard the rumbling was over there. So I concur; I wholeheartedly support it.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Might I suggest to the Speaker that arrangements be made immediately to pass this bill over to the Senate?

I would like, if it is not out of order, Mr. Speaker, to ask if Mr. Pievsky has distributed to the press what appears to be a speech that was unread on the floor.

Mr. PIEVSKY. Mr. Speaker, yes. I had a press conference on Thursday.

Mr. RYAN. Mr. Speaker, if I may, I just had an opportunity to read that, and the gentleman, I am sure, through inadvertence, neglected at the time of his press conference

to point out that when we tabled this particular bill last week, I had, prior to moving that it be tabled, suggested to the minority whip, Mr. Manderino, and to the House as a whole that we would be very happy to take that bill up without amendments at that time. I note that the minority Appropriations Committee chairman, at the time of his press conference, was quick to point out the fact that the House Republican leader went on record as suggesting that the budget crisis could be taken care of in conference committee, and I am sure that either because a page is missing from your news report or through some other mistake, perhaps on the part of a typist, the minority Appropriations Committee chairman neglected to point out, which is apparent from the Journal, that we had offered at this same time to run HB 2135 without amendments. I am glad to see that we have all come around to finding the equitable solution to the whole problem. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

YEAS—189

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

Fisher Foster, W. W.	Letterman Levi	Reed Richardson	Speaker
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NAYS—0

NOT VOTING—9

Barber DeWeese Dumas	Harper Phillips	Rhodes Shadding	Street Williams
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EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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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.

The SPEAKER pro tempore. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I cannot let Mr. Ryan's comments on HB 2135 go without my comment.

Mr. Speaker, what we have done in the passage of HB 2135, in my opinion, is hardly equitable. We have denied several members of this Assembly from offering amendments to HB 2135 because it would be imprudent to perhaps get the State Police in a position that they would not be paid if amendments were offered to a bill that has been around this General Assembly since January.

In January we knew that a mistake had been made. In January this bill was formulated. What should have happened is this bill should have come to the floor and not been held 10 weeks or 8 weeks or 6 weeks because you were afraid of the Manderino amendment or the O'Donnell amendment or some other amendment. We should have faced the issue at that time. We should stop legislating around here by crisis. We should stop denying members their right to offer amendments because, if they offer amendments, it is going to delay the passage of a bill, the delay of which has all been caused by the majority leader who has refused to call the bill up since January.

CALENDAR

BILLS AGREED TO ON SECOND CONSIDERATION

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

SB 506, PN 526; HB 2507, PN 3290; and SB 1240, PN 1541.

The House proceeded to second consideration of **HB 281, PN 444**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, removing provisions relating to retention election system.

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

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 281 be recommitted to the Committee on Judiciary.

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

BILLS AGREED TO ON SECOND CONSIDERATION CONTINUED

SB 843, PN 1761; HB 2438, PN 3182; and SB 1003, PN 1180.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2383, PN 3081**, entitled:

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the use of the photo drivers' licenses for identification.

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

Mr. CALTAGIRONE offered the following amendments:

Amend Sec. 1, page 1, line 23, by inserting after "and" subsection

Amend Sec. 1 (Sec. 495), page 1, line 26, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 495), page 2, line 25, by striking out 'The photo drivers'" and inserting (a.1) The photo drivers'

Amend Sec. 1 (Sec. 495), page 2, line 27, by striking out "and"

Amend Sec. 1 (Sec. 495), page 2, by inserting between lines 28 and 29 (a.2) For the purposes of this section, the term identification card means a card which complies with either subsection (a) or (a.1).

Amend Bill, page 5, by inserting between lines 5 and 6 Section 2. Subsections (a) and (a.2) of section 495 shall remain in full force and effect until December 31, 1984 after which they shall have no legal effect and shall become null and void.

Amend Sec. 2, page 5, line 6, by striking out "2." and inserting 3.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, the purpose of this amendment is to afford for an orderly transition for the 4 years that the photo identification program will be instituted, and this will clarify and indicate exactly the time frame in which the transition period will take place for the LCB card to be replaced by the PennDOT photo ID.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I apologize to Mr. Caltagirone, who did stand at the microphone but there was considerable confusion and I am hearing a number of members behind me asking, what is the amendment? Would the Speaker please strike the vote and request Mr. Caltagirone to again explain the amendment?

The SPEAKER pro tempore. The clerk will strike the roll. Will the gentleman please explain his amendment once more?

Mr. CALTAGIRONE. Yes, sir, Mr. Speaker. The purpose of the amendment is to provide for a uniform transition period for the acceptance of the PennDOT photo ID card as a replacement for the LCB - Liquor Control Board - card that is presently issued. There was an error in the original bill in the time frame, which was that the bill would immediately go into effect, which would create problems because the LCB card would be phased out immediately and the PennDOT card would take at least a 4-year period until that program was completed.

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

The following roll call was recorded:

YEAS—169

Alden	Foster, Jr., A.	Levi	Rieger
Anderson	Freind	Levin	Rocks
Armstrong	Fryer	Lewis	Rodgers
Arty	Gallagher	Livengood	Ryan
Belardi	Gallen	Lynch, E. R.	Scheaffer
Beloff	Gamble	McClatchy	Schmitt
Bennett	Gannon	McIntyre	Serafini
Berson	Gatski	McKelvey	Seventy
Bittle	Geesey	McMonagle	Shupnik
Borski	Geist	McVerry	Sieminski
Bowser	George, C.	Mackowski	Sirianni
Brandt	George, M. H.	Madigan	Smith, E. H.
Brown	Giammarco	Manmiller	Smith, L. E.
Burd	Gladeck	Michlovic	Spencer
Burns	Goodman	Micozzie	Spitz
Caltagirone	Gray	Miller	Stairs
Cessar	Greenfield	Moehlmann	Stewart
Cimini	Grieco	Mowery	Stuban
Civera	Gruppo	Mrkonic	Sweet
Clark, B. D.	Hagarty	Mullen	Swift
Clark, M. R.	Halverson	Murphy	Taddonio
Cohen	Hasay	Nahill	Taylor, E. Z.
Cole	Hayes, Jr., S.	Noye	Taylor, F.
Cornell	Helfrick	O'Brien, D. M.	Telek
Coslett	Hoefel	O'Donnell	Thomas
Cowell	Honaman	Oliver	Trello
Cunningham	Hutchinson, A.	Perzel	Vroon
DeMedio	Hutchinson, W.	Peterson	Wargo
DeVerter	Irvis	Petrarca	Wass
DiCarlo	Itkin	Phillips	White
Davies	Johnson, E. G.	Piccola	Wilson
Dawida	Johnson, J. J.	Pievsky	Wilt
Dietz	Jones	Pistella	Wright, Jr., J.
Dininni	Kanuck	Pitts	Yahner
Donatucci, R.	Klingaman	Polite	Yohn
Dorr	Knepper	Pott	Zeller
Duffy	Kolter	Pratt	Zitterman
Durham	Kowalshyn	Pucciarelli	Zord
Earley	Kukovich	Punt	Zwikl
Fee	Lashingner	Rappaport	
Fischer	Laughlin	Rasco	Seltzer,

Fisher Foster, W. W.	Lehr Lescovitz	Reed Richardson	Speaker
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NAYS—16

Cappabianca	Knight	Milanovich	Schweder
Cochran	Letterman	Novak	Steighner
Dombrowski	McCall	O'Brien, B. F.	Wachob
Grabowski	Manderino	Ritter	Wright, D. R.

NOT VOTING—13

Austin	Dumas	Maiale	Shadding
Barber	Goebel	Pyles	Street
Chess	Harper	Rhodes	Williams
DeWeese			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. 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?

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, I would like to alert the members of the House of Representatives what a vote for this bill may entail. What the bill says is that the photo driver's license identification card issued by PennDOT shall, for the purpose of this act, be accepted as an identification card. Now, you recall that we have had a rather fierce debate over the principle of using photo identification by the Liquor Board or by anybody else. There are many members on the floor of the House who believe philosophically that we ought not to be using photo identification; there are some who say photo identification is all right but the contract should be let to Pennsylvania firms. There are others who have said we do not really care whether we have it or not. But I rise to my feet, Mr. Speaker, to suggest to the members that before they cast their vote quickly on this rather innocuous-looking bill, they realize that a vote in favor of it, by implication, puts you on the list as being in favor of the use of photo identification. For that reason, because I personally am not convinced that we ought to go in that direction, I shall be voting "no" on the bill as amended. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, that would not be unlike one of us voting against the appropriation for mass transit and, because it passes, we take the position that we are not going to ride on the buses. I personally am in favor of the photo ID and one of the chief reasons I am in favor of it is because of its somewhat foolproof documentation of the bearer being, in fact, who he is supposed to be. I think for many years licensees in Pennsylvania have been nervous

about the age of certain of their customers; they have not been confident that the liquor card necessarily belongs to the bearer. I think this is true in the banking circles and in consumer-credit situations generally, and I think that this is a worthwhile adjunct to the Liquor Code, to permit the use of these photo ID's, the driver's license with the photograph on it. I think it is a sensible thing to permit a liquor licensee to accept this the same way he might accept a Liquor Control Board card.

Despite what Mr. Irvis says, I think we would be foolish not to take advantage of the presence of these cards—albeit in limited numbers throughout the Commonwealth—and to permit our licensees, who are small businessmen for the most part, to also take advantage of the presence of these cards in the hands of at least the minors or near-minors of Pennsylvania, so that they can properly police their premises. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Caltagirone.

Mr. CALTAGIRONE. Mr. Speaker, I have in my hands a letter from the Pennsylvania Tavern Association indicating that they are in favor of this bill. Since the PennDOT program has been established, it will not be an easy thing to have a picture match another person's name for identification purposes. The PennDOT card will also carry the vital statistics on the individual. The out-of-state people, such as students, could apply for a PennDOT ID even though they do not own a car or drive a car. The LCB will have considerable savings of amounts of money after the present system is phased out because of their costs involved in the issuing, handling, recordkeeping, and storage of the present LCB cards. They have indicated that they feel that there is no sense in Pennsylvania spending money to run a dual ID program when one card with an updated picture and vital statistics can be used, thus giving the liquor licensee more realistic control for determining proper age identification. Thank you, Mr. Speaker.

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

Mr. DAWIDA. Mr. Speaker, would the sponsor of the amendment stand for brief interrogation?

The SPEAKER pro tempore. He indicates that he shall.

Mr. DAWIDA. Mr. Speaker, what will happen to people who do not drive? What will be the process they will go through?

Mr. CALTAGIRONE. They will be able, Mr. Speaker, to purchase an ID from PennDOT.

Mr. DAWIDA. What will be the price?

Mr. CALTAGIRONE. I am told that it is \$5.

Mr. DAWIDA. What is the current price for getting an LCB card?

Mr. CALTAGIRONE. The current price for purchasing an LCB card to the state— Now this is the point that I want to make, because this was brought up earlier in our caucus. It is costing the state \$50,000 just on the card itself. I have been told by other people that it is costing them close to a quarter of a million dollars with all the labor,

and filing for this dual system. So what we are saying is, it may only cost \$5 from PennDOT for the card, and presently the LCB people claim that it is costing us nothing, but when you say "nothing"—and it does cost nothing at the present time for the individual—we as taxpayers and our people who buy any kind of liquor or pay any taxes in this state pay for it indirectly. You do not get anything for nothing in this state. Somebody is paying for it, and that quarter of a million dollars is being paid for out of the LCB moneys.

Mr. DAWIDA. May I ask how often the people who do not drive will have to renew their \$5 licenses?

Mr. CALTAGIRONE. I was told that it would be indefinitely; that once they paid that \$5 and as long as they did not apply for a driver's license, they could use that card ad infinitum.

Mr. DAWIDA. Thank you very much.

May I make a few brief remarks?

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

Mr. DAWIDA. For several reasons, one which Mr. Irvis earlier mentioned concerning my philosophical disagreement with the photo ID, and for the fact that there will be a \$5 charge put upon people who do not drive—and I believe that would be an unfair charge to them as opposed to people who do drive—I would have to be opposed to this bill and would urge everyone in this room to vote against the bill. Thank you.

On the question recurring,

Shall the bill pass finally?

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

YEAS—102

Alden	Dorr	Lynch, E. R.	Rocks
Anderson	Durham	McClatchy	Ryan
Armstrong	Earley	McKelvey	Scheaffer
Arty	Fisher	McVerry	Serafini
Belardi	Foster, W. W.	Mackowski	Sieminski
Bennett	Foster, Jr., A.	Madigan	Sirianni
Bittle	Freind	Manmiller	Smith, E. H.
Bowser	Gallen	Micozzie	Smith, L. E.
Brandt	Gannon	Miller	Spencer
Brown	Geesey	Moehlmann	Spitz
Burd	Geist	Mowery	Stewart
Burns	Gladeck	Murphy	Swift
Caltagirone	Grieco	Nahill	Taddonio
Cessar	Gruppo	Noye	Taylor, E. Z.
Cimini	Hagarty	Perzel	Taylor, F.
Civera	Hasay	Peterson	Thomas
Clark, M. R.	Hayes, Jr., S.	Phillips	Wass
Cochran	Helfrick	Piccola	Wilson
Cornell	Honaman	Pitts	Wright, Jr., J.
Coslett	Hutchinson, W.	Polite	Yohn
Cunningham	Johnson, E. G.	Pott	Zeller
DeVerter	Klingaman	Pratt	Zord
DiCarlo	Knepper	Punt	Zwinkl
Davies	Lehr	Rappaport	
Dietz	Levi	Rasco	Seltzer,
Dininni	Lewis	Ritter	Speaker

NAYS—86

Austin	George, M. H.	Levin	Richardson
Beloff	Giammarco	Livengood	Rieger
Berson	Goebel	McCall	Rodgers
Borski	Goodman	McIntyre	Schmitt

Cappabianca	Grabowski	McMonagle	Schweder
Chess	Gray	Manderino	Seventy
Clark, B. D.	Greenfield	Michlovic	Shupnik
Cole	Harper	Milanovich	Stairs
Cowell	Hoeffel	Mrkonic	Steighner
DeMedio	Irvic	Mullen	Stuban
DeWeese	Itkin	Novak	Sweet
Dawida	Johnson, J. J.	O'Brien, B. F.	Telek
Dombrowski	Jones	O'Brien, D. M.	Trello
Donatucci, R.	Kanuck	O'Donnell	Vroon
Duffy	Knight	Oliver	Wachob
Fee	Kolter	Petrarca	Wargo
Fischer	Kowalshyn	Pievsy	White
Fryer	Kukovich	Pistella	Wilt
Gallagher	Lashingier	Pucciarelli	Wright, D. R.
Gamble	Laughlin	Reed	Yahner
Gatski	Lescovitz	Rhodes	Zitterman
George, C.	Letterman		

NOT VOTING—10

Barber	Halverson	Pyles	Street
Cohen	Hutchinson, A.	Shadding	Williams
Dumas	Maiale		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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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.

BILL ON THIRD CONSIDERATION POSTPONED

Agreeable to order,

The bill having been called up from the postponed calendar by Mr. BURNS, the House resumed third consideration of **HB 1671, PN 2209**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding provisions relating to education in public and nonpublic schools and making repeals.

On the question recurring,

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

Mr. FREIND offered the following amendment:

Amend Sec. 1 (Sec. 5136), page 454, lines 9 through 11, by striking out "ESTABLISHED CONTRACTURAL AND" in line 9, all of lines 10 and 11 and inserting same salary as any other substitute employed by the school entity without regard to the furloughed employees previous status, service or seniority.

On the question,

Will the House agree to the amendment?

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

Mr. FREIND. This amendment attempts to clear up what right now is a source of confusion in the proposed code. The proposed code says that if there is a furloughed teacher within a particular school district who is certified in a particular area, he or she shall be the first one hired as a substitute. I do not have any problem with that whatsoever, Mr. Speaker, but the language of HB 1671 goes on further

to indicate how that individual will be paid. It is my reading and the reading of a number of other people that that substitute teacher will be paid on the basis of his original salary before he was furloughed.

What my amendment would do would be to make it clear that a furloughed teacher would be given first shot at being hired as a substitute, but when in fact he is hired as a substitute, he would be paid on the same basis that all other substitutes within that school district are paid. I think it is reasonable; I think it clears up the confusion in HB 1671 and I would ask for your support, Mr. Speaker. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, for everybody's information, this is on page 454 of HB 1671. What Mr. Freind wishes to do is to strike out all of said lines 3 to 11, which spell out the method of employment of furloughed employes to substitute. The proposal to the law indicates that "furloughed employees shall be employed by the furloughing school entity in lieu of substitute teachers in any area in which the furloughed professional employee is certificated when a regular employee in such area is absent for any reason. The furloughed professional employee employed to substitute shall be entitled to the established contractual and statutory salary attained pursuant to section 5144." What it basically does is, if a school district has furloughed teachers and has a furlough list of those who were furloughed and they are in need of a substitute, it would be apropos for that school entity to call back the furloughed people even as a substitute rather than to have them on the unemployment rolls or have them out on welfare if they should run through their unemployment time. I think it is apropos that they be called back first rather than use regular substitutes. This is a new concept, but if this year and in the years to come there are more teachers being furloughed, it would be more apropos that they be called back first, not just for vacancies but for substitutes. On the basis of just common sense logistically, it would be better to call back the furloughed certified teachers who are certificated for the position that is empty because of somebody being ill who might be ill for a day or ill for a month, and it would be better to call the furloughed teacher back first. On that basis I would urge the members to vote "no" on the amendment.

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

Mr. FREIND. Mr. Speaker, I do not think the gentleman, Mr. Gallagher, understands what this amendment does. I concur that you call back the furloughed teachers first as subs, but even though they get first bite at the apple, when they are called back as a substitute, they are paid as a substitute. They are not paid their original salary when in fact they were a permanent teacher. I think it is fair, and I think to do otherwise would be a tremendous inequity to all parties concerned including the school district. I think it is a good amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—75

Alden	Fryer	Lewis	Scheaffer
Anderson	Gallen	Livengood	Sieminski
Armstrong	Geesey	Lynch, E. R.	Smith, E. H.
Belardi	George, M. H.	McKelvey	Smith, L. E.
Bittle	Gladeck	Manmiller	Spencer
Bowser	Grieco	Miller	Spitz
Brandt	Gruppo	Mowery	Taddonio
Burns	Hagarty	Nahill	Taylor, E. Z.
Cessar	Halverson	Noye	Taylor, F.
Cimini	Hayes, Jr., S.	O'Brien, D. M.	Telek
Clark, M. R.	Helfrick	Perzel	Thomas
Cornell	Honaman	Peterson	Vroon
Cunningham	Hutchinson, A.	Phillips	Wass
DeVerter	Johnson, E. G.	Pitts	Wilson
Dawida	Kanuck	Polite	Wright, Jr., J.
Dietz	Klingaman	Pratt	Zeller
Dininni	Lashingner	Punt	
Dorr	Letterman	Rasco	Seltzer,
Foster, Jr., A.	Levi	Ryan	Speaker
Freind			

NAYS—109

Arty	Gamble	McCall	Richardson
Austin	Gannon	McIntyre	Rieger
Beloff	Gatski	McMonagle	Ritter
Bennett	Geist	McVerry	Rocks
Berson	George, C.	Mackowski	Rodgers
Borski	Giammarco	Madigan	Schmitt
Brown	Goebel	Manderino	Schweder
Burd	Goodman	Michlovic	Serafini
Caltagirone	Grabowski	Micozzie	Seventy
Cappabianca	Gray	Milanovich	Shupnik
Clark, B. D.	Greenfield	Moehlmann	Sirianni
Cochran	Harper	Mrkonic	Stairs
Cole	Hasay	Mullen	Steighner
Coslett	Hoeffel	Murphy	Stewart
Cowell	Hutchinson, W.	Novak	Stuban
DeMedio	Irvis	O'Brien, B. F.	Sweet
DeWeese	Itkin	O'Donnell	Swift
DiCarlo	Johnson, J. J.	Oliver	Trello
Davies	Jones	Petrarca	Wachob
Dombrowski	Knepper	Piccola	Wargo
Donatucci, R.	Knight	Pievsky	White
Duffy	Kowalyszyn	Pistella	Wilt
Durham	Kukovich	Pott	Wright, D. R.
Fee	Laughlin	Pucciarelli	Yahner
Fischer	Lehr	Rappaport	Zitterman
Fisher	Lescovitz	Reed	Zord
Foster, W. W.	Levin	Rhodes	Zwikl
Gallagher			

NOT VOTING—14

Barber	Dumas	Maiale	Street
Chess	Earley	Pyles	Williams
Civera	Kolter	Shadding	Yohn
Cohen	McClatchy		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the negative, and the amendment was not agreed to.

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

Mr. COWELL offered the following amendment:

Amend Sec. 1 (Sec. 5136), page 453, line 18 by removing the period after "furlough" and inserting , unless otherwise provided in a local collective bargaining agreement.

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

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

Mr. COWELL. Mr. Speaker, this is amendment 6420. It is part of a package which I began to introduce last week at the request of the Pittsburgh school board. It provides for an amendment on page 453 of the proposed bill.

That language that we seek to amend currently says, "Any professional employee or nontenured professional employee to be furloughed shall be given 60 days notice in writing before the effective date of the furlough." I do not wish to change that other than to add additional language that says, "unless otherwise provided in a local collective bargaining agreement." For instance, the city of Pittsburgh currently has a local collective bargaining agreement that provides otherwise. They wish not to be overridden by the 60-day language that we propose in this legislation.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cowell on his amendment and urge the members to vote "yes" on his amendment.

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

The following roll call was recorded:

YEAS—188

Alden	Freind	Levin	Rieger
Anderson	Fryer	Lewis	Ritter
Armstrong	Gallagher	Livengood	Rocks
Arty	Gallen	Lynch, E. R.	Rodgers
Austin	Gamble	McCall	Ryan
Belardi	Gannon	McClatchy	Scheaffer
Beloff	Gatski	McIntyre	Schmitt
Bennett	Geesey	McKelvey	Schweder
Berson	Geist	McMonagle	Serafini
Bittle	George, C.	McVerry	Seventy
Borski	George, M. H.	Mackowski	Shupnik
Bowser	Giammarco	Madigan	Sieminski
Brandt	Gladeck	Manderino	Sirianni
Brown	Goebel	Manmiller	Smith, E. H.
Burd	Goodman	Michlovic	Smith, L. E.
Burns	Grabowski	Micozzie	Spencer
Caltagirone	Gray	Milanovich	Spitz
Cappabianca	Greenfield	Miller	Stairs
Cessar	Grieco	Moehlmann	Steighner
Chess	Gruppo	Mowery	Stewart
Cimini	Hagarty	Mrkonic	Stuban
Civera	Halverson	Mullen	Sweet
Clark, B. D.	Harper	Murphy	Swift
Clark, M. R.	Hasay	Nahill	Taddonio
Cochran	Hayes, Jr., S.	Novak	Taylor, E. Z.
Cole	Helfrick	Noye	Taylor, F.
Cornell	Hoeffel	O'Brien, B. F.	Telek
Coslett	Honaman	O'Brien, D. M.	Thomas
Cowell	Hutchinson, A.	O'Donnell	Trello
Cunningham	Hutchinson, W.	Oliver	Vroon
DeMedio	Irvis	Perzel	Wachob
DeVerter	Itkin	Peterson	Wargo
DeWeese	Johnson, E. G.	Petrarca	Wass
DiCarlo	Johnson, J. J.	Phillips	White
Davies	Jones	Piccola	Wilson
Dawida	Kanuck	Pievsky	Wilt

Dietz	Klingaman	Pistella	Wright, D. R.
Dininni	Knepper	Pitts	Wright, Jr., J.
Dombrowski	Knight	Polite	Yahner
Donatucci, R.	Kolter	Pott	Yohn
Dorr	Kowalshyn	Pratt	Zeller
Duffy	Kukovich	Pucciarelli	Zitterman
Durham	Lashinger	Punt	Zord
Fee	Laughlin	Rappaport	Zwinkl
Fischer	Lehr	Reed	
Fisher	Lescovitz	Rhodes	Seltzer,
Foster, W. W.	Letterman	Richardson	Speaker
Foster, Jr., A.	Levi		

NAYS—1

Rasco

NOT VOTING—9

Barber	Earley	Pyles	Street
Cohen	Maiale	Shadding	Williams
Dumas			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. COWELL offered the following amendment:

Amend Sec. 1 (Sec. 5137), page 454, line 22, by striking out "60" and inserting 30

On the question,

Will the House agree to the amendment?

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

Mr. COWELL. This is amendment 6427. It amends page 454 of the proposed school code. It deals with the resignation of a professional employe, recognizing that in some districts, because of contractual arrangements, a school district will have to give only 30 days' notice to an employe if they are to be furloughed. This would change the 60-day requirement for a professional employe to notify a school district of resignation to 30 days.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cowell and ask the members to support his amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—186

Alden	Freind	Lewis	Rieger
Anderson	Fryer	Livengood	Ritter
Armstrong	Gallagher	Lynch, E. R.	Rocks
Arty	Gallen	McCall	Rodgers
Belardi	Gamble	McClatchy	Ryan
Beloff	Gannon	McIntyre	Scheaffer
Bennett	Geesey	McKelvey	Schmitt
Berson	Geist	McMonagle	Schweder
Bittle	George, C.	McVerry	Serafini
Borski	George, M. H.	Mackowski	Seventy
Bowser	Giammarco	Madigan	Shupnik
Brandt	Gladeck	Manderino	Sieminski
Brown	Goebel	Manmiller	Sirianni

Burd	Goodman	Michlovic	Smith, E. H.
Burns	Grabowski	Micozzie	Smith, L. E.
Caltagirone	Gray	Milanovich	Spencer
Cappabianca	Grieco	Miller	Spitz
Cessar	Gruppo	Moehlmann	Stairs
Chess	Hagarty	Mowery	Steighner
Cimini	Halverson	Mrkonic	Stewart
Clark, B. D.	Harper	Murphy	Stuban
Clark, M. R.	Hasay	Nahill	Sweet
Cochran	Hayes, Jr., S.	Novak	Swift
Cohen	Helfrick	Noye	Taddonio
Cole	Hoefel	O'Brien, B. F.	Taylor, E. Z.
Cornell	Honaman	O'Brien, D. M.	Taylor, F.
Coslett	Hutchinson, A.	O'Donnell	Telek
Cowell	Hutchinson, W.	Oliver	Thomas
Cunningham	Irvic	Perzel	Trello
DeMedio	Itkin	Peterson	Vroon
DeVerter	Johnson, E. G.	Petrarca	Wachob
DeWeese	Johnson, J. J.	Phillips	Wargo
DiCarlo	Jones	Piccola	Wass
Davies	Kanuck	Pievsky	White
Dawida	Klingaman	Pistella	Wilson
Dietz	Knepper	Pitts	Wilt
Dininni	Knight	Polite	Wright, D. R.
Dombrowski	Kolter	Pott	Wright, Jr., J.
Donatucci, R.	Kowalshyn	Pratt	Yahner
Dorr	Kukovich	Pucciarelli	Yohn
Duffy	Lashinger	Punt	Zeller
Durham	Laughlin	Pyles	Zitterman
Fee	Lehr	Rappaport	Zord
Fischer	Lescovitz	Rasco	Zwinkl
Fisher	Letterman	Reed	
Foster, W. W.	Levi	Rhodes	Seltzer,
Foster, Jr., A.	Levin	Richardson	Speaker

NAYS—0

NOT VOTING—12

Austin	Dumas	Greenfield	Shadding
Barber	Earley	Maiale	Street
Civera	Gatski	Mullen	Williams

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Sec. 1 (Sec. 5139), page 456, line 3, by striking out "(1)"

Amend Sec. 1 (Sec. 5139), page 456, lines 10 through 14, by striking out all of said lines

Amend Sec. 1 (Sec. 5139), page 456, lines 16 through 19, by striking out "or if" in line 16, all of lines 17 and 18, and "of position," in line 19

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Mr. Speaker, in my opinion, for what it is worth, this is the most important amendment that I am going to be introducing. What the amendment will do is take this section of HB 1671 and bring it back to present law. In HB 1671 right now, teachers who are demoted or fired, given a reduction in pay or in duties, are entitled to

have a hearing, as well they should be. HB 1671, however, goes further and it says in those cases where a teacher is transferred or school employe is transferred and feels that such transfer is a demotion, totally subjective, that individual is entitled to a hearing.

I think, Mr. Speaker, this is going far too far. Where this will have a tremendous effect—and we have one school district in Delaware County that is right on point—is in those school districts which have been hit with desegregation orders. We have one school district in Delaware County right now that, because of a deseg order, has to transfer 100 teachers - same duties, same salaries; definitely not a demotion, just a transfer. If in fact the teachers, all 100 teachers, have a right to a formal hearing, that is going to bankrupt that school district, Mr. Speaker.

I think this is a reasonable amendment. It goes back to present law. You still have the right to a hearing for demotion, for being fired, for a cut in pay or duties, but not for a transfer. I think this is very necessary, and I would appreciate your support, Mr. Speaker. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, again I oppose Mr. Freind's amendment. What it does is take out of the proposed code the right of any professional employe to have a hearing before he is to be dismissed or suspended or demoted.

Mr. FREIND. Mr. Speaker, excuse me. That is not the case.

Mr. GALLAGHER. Not the case? I think your amendment 4812 says, "...page 456, line 3, by striking out '(1)'" and then on the same page, lines—

Mr. FREIND. The number "(1)" —

The SPEAKER pro tempore. Does the gentleman, Mr. Freind, wish to interrogate the gentleman from Bucks, Mr. Gallagher?

Mr. FREIND. No, Mr. Speaker. What I do not want though is an absolute misstatement of what the amendment does.

Mr. Speaker, it takes out the number "(1)" and leaves only one section. The section is intact with respect to demotions, being fired, and being suspended. All the amendment does, as you well know, is take out the issue with respect to transfers.

Mr. GALLAGHER. Mr. Speaker, it says in your amendment, "...page 456, lines 10 through 14, by striking out all of said lines," and lines 10 to 14, again, are subsection (2) of (b): "If a professional employee believes that a transfer constitutes a demotion, the employee may within ten days of being informed of the action request official notice."

I am sorry if the Representative felt that my prelude to the meat of his amendment was trying to mislead. I am not. I am not trained as you were, Mr. Speaker, as a lawyer. Maybe I should prestate the prelude rather than the question. If you will just bear with me, not being trained in the law like you are, you will understand where I am coming

from. I am just trying to show the members that subsection (1) provides that whenever a governing board intends to dismiss, suspend, or demote a professional employe, it gives them a hearing. What you are taking out is subsection (2), lines 10 through 14, which takes away that right for the same professional person because of a transfer which he feels or she feels is a demotion.

It is again a matter of whether they are going to have due process in this matter. It is a question of due process, in my mind. I think they are entitled to a hearing if they are going to be transferred and demoted. The transfer could be a demotion, and they have that right to decide whether it is a demotion or not. It is a question of whether they are going to give them their rights or not. We are trying to give them the full rights of due process, and on that basis I oppose Mr. Freind's amendment of striking out lines 10 through 14. Thank you, Mr. Speaker.

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

Mr. FREIND. Just to briefly restate it, Mr. Speaker, under my amendment school employes would still have a right to a hearing for demotions, for firings, for suspensions, for reductions in pay. The problem with the present law is, number one, it is subjective in someone's mind, which is totally unworkable if a school employe believes that a transfer is a demotion. Now, obviously, even with my amendment, if there is a transfer accompanied by a reduction in pay, accompanied by a reduction in status, that would be a demotion. But you cannot leave a section in that leaves it up to each individual's subjective state of mind.

Secondly, Mr. Speaker, how far do we go to protect people? They have collective-bargaining rights, they cannot be fired without cause, they cannot be suspended without cause. All this is saying is that with respect to a transfer—and anyone else in any other walk of life has to take a transfer—they do not have an automatic right to a hearing. If we leave it in, we are going to economically devastate a number of school districts, including one in Delaware County who have been hit with desegregation orders that are going to have to have formal hearings for all those teachers who are transferred. It is going to make lawyers rich, Mr. Speaker, but it is going to hurt the school districts. My amendment, I think, is a commonsense approach to this and I seriously ask the House for their support on this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, I would join with Mr. Freind in urging that the House adopt this amendment. This is not an amendment that is going to hurt the organized teachers in any material form. Mr. Freind is absolutely correct when he says that the only thing that the amendment does is delete the transfer as giving grounds for a right to a hearing, and there is nothing in the bill now that would relieve a school board when they must make transfers, and the inference that was made, or flat-out statement that was

made, that Mr. Freind's amendment would eliminate a hearing for a reduction in pay or for dismissal, is inaccurate. This would affect the transfer only.

I think that we have gone a long way towards tying the hands of school boards and school directors in the ability to administer their own programs. In an instance where they must make transfers, if we are going to permit an automatic right to a hearing because an individual teacher believes that that transfer is tantamount to whatever he wants it to be tantamount to—this new code would give him an automatic right to a hearing—I think that we are going too far and I think we ought to treat the issue that is before us, Should we add—and for the first time we are adding transfer to the new law in this code—transfer as a right to a hearing? I think we should not and I think we should adopt Mr. Freind's amendment.

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

Mr. BURNS. Mr. Speaker, the question here is whether or not the proposed school code should address those and allow those who are being transferred to have a right of appeal to the board. If that were something new, I might go along with Mr. Freind and say, hey, yes, I agree with him. The fact is it is not new. The courts have ruled in current law that the teachers do have that right whether or not we put it in the code. We simply took current law and put it in the code. Case after case after case law—if you will give me a minute to get to the research assistant who will give me the cases involved—will show you that we are not adding anything to the code. We are simply taking what the courts have said is a basic fundamental right and we are putting it in there.

Now whether it is in there or not, the courts are still going to rule that they have the right, and school districts are going to have to face that problem. That is all we are doing; we are not trying to give something new, something different. The courts have said that that is a basic fundamental right, and all we are doing is stating it in the code. Whether it is in there or whether it is not, the courts are still going to rule the same way. It will not affect it a bit, and the case law can be cited. So on that basis I would say to defeat this amendment and go along with what the actual situation is.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, if the gentleman from Bucks were correct, then there would be no reason to change the code and he would have nothing to fear from the Freind amendment. I would be happy to see the cases, but if he is correct, there is no reason to put it into the code. I think that we are absolutely adding in statutory law a change, and I have a school district that is subject to a desegregation order. They are going to have to transfer upwards of 30 or 40 or 50 teachers, and we will be in that one instance putting in statutory law an absolute right for them to request a hearing and to go through the machinations and to add the costs, for whatever reason we are changing the statute law, and there is no need to do it.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Burns.

Mr. BURNS. Mr. Speaker, if I could reply very quickly. I thought and it was my belief that the reason we are updating the code to begin with is to bring the code into compliance with what is current law. We could leave a lot of this stuff out. We would never have to pass the code and a lot of these things will be fact anyway. I have spoken to at least 15 or 20 school boards in the Commonwealth on this problem, and when you talk to them, one on one, they all agree that you are absolutely correct, and they are not against this provision. So all I am saying is the reason for the code, in the first place, is to clean it up, to put down there what presently is the law. Whether we agree with it or not we have to follow it, and if you want to have a document that reflects what the law is, then you ought to keep it the way it is. If you want to have court fights, it seems to me, when school districts would say, hey, we are not required to do this, then go to court and find out that they are, I think we are going to have more court fights going that way than we would if it was in there, because what is already in there is existing law.

The SPEAKER pro tempore. The Chair recognizes Mr. Freind.

Mr. FREIND. Very briefly, Mr. Speaker. I can think of no better reason to support this amendment than the argument expounded by the gentleman, Mr. Burns. I think one thing we all agree on. The legislature, not the executive branch and not the judicial branch, makes the laws. It is up to us to make the laws, and not the courts. If we pass this amendment, the legislative intent will be very clear. There have been some court cases that have ruled that a particular individual has a right to a hearing. That is because you have to take in the facts of the whole situation. If accompanying the transfer, there is a demotion in duties or in pay, of course they are entitled to a hearing. All we are saying is, on a straight transfer there is no automatic right to a hearing, and if we believe that that should be the case, we should not worry about the courts. We are elected to make the laws, and not the courts. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—88

Alden	Foster, Jr., A.	Laughlin	Rocks
Anderson	Freind	Lehr	Ryan
Armstrong	Fryer	Levi	Scheaffer
Arty	Gallen	Lewis	Sieminski
Belardi	Gannon	McClatchy	Sirianni
Bowser	Geesey	McKelvey	Smith, E. H.
Brandt	Geist	McVerry	Smith, L. E.
Burd	George, C.	Mackowski	Spencer
Cappabianca	George, M. H.	Madigan	Spitz
Cessar	Gladeck	Micozzie	Sweet
Cimini	Grieco	Mowery	Swift
Civera	Gruppo	Nahill	Taddonio
Clark, B. D.	Hagarty	Noye	Telek
Clark, M. R.	Halverson	O'Brien, D. M.	Thomas
Cornell	Hasay	Perzel	Vroon
Coslett	Hayes, Jr., S.	Peterson	Wass
Cunningham	Helfrick	Phillips	Yohn

DeVerter	Honaman	Polite	Zeller
Dietz	Hutchinson, W.	Punt	Zord
Dorr	Johnson, E. G.	Pyles	
Durham	Kanuck	Rappaport	Seltzer,
Fisher	Knepper	Rasco	Speaker
Foster, W. W.	Lashingier		

NAYS—100

Austin	Gallagher	McMonagle	Rieger
Barber	Gatski	Manderino	Ritter
Beloff	Giammarco	Manmiller	Schmitt
Bennett	Goebel	Michlovic	Schweder
Berson	Goodman	Milanovich	Serafini
Bittle	Grabowski	Miller	Seventy
Borski	Gray	Moehlmann	Shadding
Brown	Greenfield	Mrkonic	Shupnik
Burns	Harper	Mullen	Stairs
Caltagirone	Hoeffel	Murphy	Steighner
Cochran	Hutchinson, A.	Novak	Stewart
Cohen	Irvis	O'Brien, B. F.	Suban
Cole	Itkin	O'Donnell	Taylor, E. Z.
Cowell	Klingaman	Oliver	Taylor, F.
DeMedio	Knight	Petrarca	Trello
DeWeese	Kolter	Piccola	Wachob
DiCarlo	Kowalyszyn	Pievsky	Wargo
Davies	Kukovich	Pistella	White
Dawida	Lescovitz	Pitts	Wilson
Dininni	Letterman	Pott	Wilt
Dombrowski	Levin	Pratt	Wright, D. R.
Duffy	Livengood	Pucciarelli	Wright, Jr., J.
Dumas	Lynch, E. R.	Reed	Yahner
Fee	McCall	Rhodes	Zitterman
Fischer	McIntyre	Richardson	Zwilk

NOT VOTING—10

Chess	Gamble	Maiale	Street
Donatucci, R.	Johnson, J. J.	Rodgers	Williams
Earley	Jones		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the negative, and the amendments were not agreed to.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. Does the Chair understand that the gentleman, Mr. Letterman, with amendment 5237 is withdrawing his amendment?

The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I have not spoken with the gentleman, Mr. Letterman, but it seems to me that his amendment is not unlike the one we just considered, that being the one offered by Mr. Freind. So I guess he would be withdrawing his amendment. Thank you, Mr. Speaker.

On the question recurring,

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

Mr. CUNNINGHAM offered the following amendments:

Amend Sec. 1 (Sec. 5141), page 459, line 2, by striking out "Notice" and inserting Findings; notice

Amend Sec. 1 (Sec. 5141), page 459, line 2, by inserting after "decision.—" The governing board shall state in writing those findings of fact upon which the decision of the board is based.

On the question,

Will the House agree to the amendments?

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

Mr. CUNNINGHAM. Mr. Speaker, my amendment reads in total: "The governing board shall state in writing those findings of fact upon which the decision of the board is based."

The purpose of this amendment, Mr. Speaker, is simply to protect the rights of all parties to any decision being made by a local governing board toward the end that where an appeal has got to be taken, the appellate entity trying to decide the case will know precisely what has transpired before the board. I think it is important that the opinion be reduced to writing and I think it is important that the opinion be reduced to writing with some specificity so the appellate entity will have some certain knowledge of the thinking of the governing board in making the decision they made. So it is simply an effort to protect the rights of all parties to these kinds of hearings.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cunningham and urge the members to adopt his amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Freind	Livengood	Ritter
Anderson	Fryer	Lynch, E. R.	Rocks
Armstrong	Gallagher	McCall	Rodgers
Arty	Gallen	McClatchy	Ryan
Barber	Gamble	McIntyre	Scheaffer
Belardi	Gannon	McKelvey	Schmitt
Beloff	Gatski	McMonagle	Schweder
Bennett	Geesey	McVerry	Serafini
Berson	Geist	Mackowski	Seventy
Bittle	George, C.	Madigan	Shadding
Borski	George, M. H.	Manderino	Shupnik
Bowser	Giammarco	Manmiller	Sieminski
Brandt	Gladeck	Michlovic	Sirianni
Brown	Goebel	Micozzie	Smith, E. H.
Burd	Goodman	Milanovich	Smith, L. E.
Burns	Grabowski	Miller	Spencer
Caltagirone	Gray	Moehlmann	Spitz
Cappabianca	Greenfield	Mowery	Stairs
Cessar	Grieco	Mrkonic	Steighner
Chess	Gruppo	Mullen	Stewart
Cimini	Hagarty	Murphy	Suban
Civera	Halverson	Nahill	Sweet
Clark, B. D.	Harper	Novak	Swift
Clark, M. R.	Hasay	Noye	Taddonio
Cochran	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cole	Helfrick	O'Brien, D. M.	Taylor, F.
Cornell	Hoeffel	O'Donnell	Telek
Coslett	Honaman	Oliver	Thomas
Cowell	Hutchinson, A.	Perzel	Trello
Cunningham	Hutchinson, W.	Peterson	Vroon
DeMedio	Irvis	Petrarca	Wachob
DeVerter	Itkin	Phillips	Wargo
DeWeese	Johnson, E. G.	Piccola	Wass
DiCarlo	Kanuck	Pievsky	White
Davies	Klingaman	Pistella	Wilson
Dawida	Knepper	Pitts	Wilt
Dietz	Knight	Polite	Wright, D. R.
Dininni	Kolter	Pott	Wright, Jr., J.
Dombrowski	Kowalyszyn	Pratt	Yahner
Dorr	Kukovich	Pucciarelli	Yohn

Duffy	Lashinger	Punt	Zeller
Dumas	Laughlin	Pyles	Zitterman
Durham	Lehr	Rappaport	Zord
Fee	Lescovitz	Rasco	Zwinkl
Fischer	Letterman	Reed	
Fisher	Levi	Rhodes	Seltzer,
Foster, W. W.	Levin	Richardson	Speaker
Foster, Jr., A.	Lewis	Rieger	

NAYS—0

NOT VOTING—9

Austin	Earley	Jones	Street
Cohen	Johnson, J. J.	Maiale	Williams
Donatucci, R.			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. CUNNINGHAM offered the following amendment:

Amend Sec. 1 (Sec. 5142), page 460, lines 4 through 6, by striking out "an appropriate order as to him appears" in line 4, and all of lines 5 and 6, and inserting an order affirming the decision of the governing board unless it was determined that the employee's constitutional rights were violated, an error of law was committed, or any necessary finding of fact was not supported by substantial evidence. Notwithstanding the foregoing, if additional testimony was taken by the secretary pursuant to subsection (c), the secretary shall, within 60 days, enter an appropriate order as to him appears just and proper, either affirming or reversing the decision of the governing board, based upon the entire record and accepting all findings of fact determined by the local governing board which are supported by substantial evidence and which are unaffected by additional testimony taken by the secretary.

On the question,

Will the House agree to the amendment?

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

Mr. CUNNINGHAM. Mr. Speaker, right now the Secretary has, in essence, a blank check to apply whatever criteria he wishes in his review of matters that have come before him on appeal. My amendment simply spells out the criteria he must apply so that all parties will know what that review criteria must be, so we will fix it with certainty in the law using standard, widely recognized principles of appellate review. I urge the adoption of the amendment.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cunningham and urge the members to support his amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—11

Austin	Cohen	Earley	Street
Barber	Donatucci, R.	Maiale	Williams
Berson	Dumas	Pievsky	

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. THOMAS offered the following amendments:

Amend Table of Contents, page 22, line 11, by striking out all of said line

Amend Table of Contents, page 22, line 12, by striking out "5145." and inserting 5144.

Amend Table of Contents, page 22, line 14, by striking out "5146." and inserting 5145.

Amend Table of Contents, page 22, line 15, by striking out "5147." and inserting 5146.

Amend Subchapter analyses, page 446, line 16, by striking out all of said line

Amend Subchapter analyses, page 446, line 17, by striking out "5145." and inserting 5144.

Amend Subchapter analyses, page 446, line 18, by striking out "5146." and inserting 5145.

Amend Subchapter analyses, page 446, line 19, by striking out "5147." and inserting 5146.

Amend Bill, page 460, lines 15, through 30; pages 461 through 464, lines 1 through 30; page 465, lines 1 through 18, by striking out all of said lines on said pages

Amend Sec. 1 (Sec. 5145), page 465, line 19, by striking out "5145." and inserting 5144.

Amend Sec. 1 (Sec. 5145), page 465, lines 22 through 25, by striking out "which provides for" in line 22, all of lines 23 and 24 and "increments) and shall establish a salary schedule" in line 25

Amend Sec. 1 (Sec. 5145), page 465, line 26, by inserting a period after "staff"

Amend Sec. 1 (Sec. 5145), page 465, line 27, by striking out all of said line

Amend Sec. 1 (Sec. 5146), page 467, line 17, by striking out "5146." and inserting 5145.

Amend Sec. 1 (Sec. 5146), page 467, line 26, by striking out "minimum salaries and increments" and inserting powers and duties of school entities concerning salaries

Amend Sec. 1 (Sec. 5147), page 468, line 3, by striking out "5147." and inserting 5146.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, this amendment removes the state minimum salary schedule provided for in the law today, from \$6,000 to \$9,600. It changes the language concerning the employes' salaries to state that school boards may establish salary schedules and increments for their own employes. The pay for substitutes may change depending on the circumstances in individual districts. If the district pays a per diem for a substitute based on the \$6,000 minimum salary, as it is in the bill now and in current law, this may change by my amendment, depending upon the minimum salary and the collective bargaining agreements. The effect of this provision will vary within the district, and I think this is as it should be. Not all districts should be paying on the same basis. A large number of districts pay substitutes today at a per diem based on the \$6,000 minimum salary, and by passing my amendment this would not necessarily be true. I urge adoption of the amendment.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I support the gentleman's amendment. The salary schedule, which is in the current School Code of 1949, is out of date. There are very, very few districts, if any at all, following this particular salary schedule. It harkens back to an earlier day when this General Assembly, in effect, set salary schedules for all the teachers of Pennsylvania. We are no longer at that point in

Pennsylvania. The local boards presently are setting the minimum salary schedules, and I believe the gentleman's amendment should be adopted. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes and urge the members to support this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—189

Alden	Foster, Jr., A.	Levin	Rieger
Anderson	Freind	Lewis	Ritter
Armstrong	Fryer	Livengood	Rocks
Arty	Gallagher	Lynch, E. R.	Rodgers
Barber	Gallen	McCall	Ryan
Belardi	Gamble	McClatchy	Scheaffer
Beloff	Gannon	McIntyre	Schweder
Bennett	Gatski	McKelvey	Serafini
Berson	Geesey	McMonagle	Seventy
Bittle	Geist	McVerry	Shadding
Borski	George, C.	Mackowski	Shupnik
Bowser	George, M. H.	Madigan	Sieminski
Brandt	Giammarco	Manderino	Sirianni
Brown	Gladeck	Manmiller	Smith, E. H.
Burd	Goebel	Michlovic	Smith, L. E.
Burns	Goodman	Micoozie	Spencer
Caltagirone	Grabowski	Milanovich	Spitz
Cappabianca	Gray	Miller	Stairs
Cessar	Greenfield	Moehlmann	Steighner
Chess	Grieco	Mrkonic	Stewart
Cimini	Gruppo	Mullen	Stuban
Civera	Hagarty	Murphy	Sweet
Clark, B. D.	Halverson	Nahill	Swift
Clark, M. R.	Harper	Novak	Taddonio
Cochran	Hasay	Noye	Taylor, E. Z.
Cohen	Hayes, Jr., S.	O'Brien, B. F.	Taylor, F.
Cole	Helfrick	O'Brien, D. M.	Telek
Cornell	Hoefel	O'Donnell	Thomas
Coslett	Honaman	Oliver	Trello
Cowell	Hutchinson, A.	Perzel	Vroon
Cunningham	Hutchinson, W.	Peterson	Wachob
DeMedio	Irvs	Petrarca	Wargo
DeVerter	Itkin	Phillips	Wass
DeWeese	Johnson, E. G.	Piccola	White
DiCarlo	Jones	Pievsy	Wilson
Davies	Kanuck	Pistella	Wilt
Dawida	Klingaman	Pitts	Wright, D. R.
Dietz	Knepper	Polite	Wright, Jr., J.
Dininni	Knight	Pott	Yahner
Donatucci, R.	Kolter	Pratt	Yohn
Dorr	Kowalshyn	Pucciarelli	Zeller
Duffy	Kukovich	Punt	Zitterman
Dumas	Lashingier	Pyles	Zord
Durham	Laughlin	Rappaport	Zwikl
Fee	Lehr	Rasco	
Fischer	Lescovitz	Reed	Seltzer,
Fisher	Letterman	Rhodes	Speaker
Foster, W. W.	Levi	Richardson	

NAYS—0

NOT VOTING—9

Austin	Johnson, J. J.	Mowery	Street
Dombrowski	Maiale	Schmitt	Williams
Earley			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Snyder, Mr. Thomas, for amendment 4752.

Mr. THOMAS. Mr. Speaker, now that the other amendment passed, there is no need for this one. We will go on to the next one.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

The Chair now recognizes the gentleman from Delaware, Mr. Freind, for amendment 4811.

Mr. FREIND. Mr. Speaker, with the passage of the Thomas amendment, this amendment is also unnecessary. I am withdrawing it.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

At this time the Chair recognizes the gentleman from Snyder, Mr. Thomas, for amendment 4751.

Mr. THOMAS. Mr. Speaker, I am informed that because of some other amendments that we passed, we no longer need this one, so I will withdraw it.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing amendment 4751.

On the question recurring,

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

Mr. THOMAS offered the following amendments:

Amend Table of Contents, page 22, line 15, by striking out all of said line

Amend Table of Contents, page 446, line 19, by striking out all of said line

Amend Bill, page 468, lines 3 through 30; page 469, lines 1 through 30; page 470, lines 1 through 7, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Thomas, for A4749.

Mr. THOMAS. This one is in line of thinking just the same as the other one was that we passed last. It removes the references to salaries for parttime employes, including the provisions which are now in current law, which leaves it entirely to the discretion of management and labor for part-time employes.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment is in concert with the one he previously offered and was adopted by this House of Representatives, and I urge its adoption. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes and urge the adoption of Mr. Thomas' amendment.

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

The following roll call was recorded:

YEAS—191

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

NAYS—0

NOT VOTING—7

Donatucci, R.	Fisher	Mowery	Williams
Earley	Maiale	Street	

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. COWELL offered the following amendment:

Amend Sec. 1 (Sec. 5152), page 472, line 23, by removing the period after "leave" and inserting as long as the sabbatical leave is used in accordance with section 5151(a) (relating to right to sabbatical leave).

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

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

Mr. COWELL. This is amendment 6422. It deals with page 472 of the bill, that section dealing with sabbatical leave. It would add an extra clause to the sentence that now provides, "The person on sabbatical leave of absence shall receive one-half of his regular salary...." while on sabbatical leave. The language I would add says, "as long as the sabbatical leave is used in accordance with section 5151(a) (relating to right of sabbatical leave)." In other words, it indicates that one will not receive their half salary if they are no longer eligible for sabbatical leave under the provisions of the code.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. The gentleman's amendment does tighten HB 1671 with regard to sabbatical leaves, and I would support the gentleman's amendment. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes and urge the adoption of Mr. Cowell's amendments.

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

Mr. DAVIES. Mr. Speaker, just one question, if the maker could just clarify one point on it for me.

The SPEAKER pro tempore. Does the gentleman wish to interrogate the sponsor of the amendment, Mr. Cowell?

Mr. DAVIES. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates that he will be receptive of that. The gentleman may proceed.

Mr. DAVIES. Mr. Speaker, if I would qualify for a sabbatical leave and take a sabbatical leave for the purpose of education and travel, being partway through that—let us say I would go through half of the half year, or let us say, a half of the year—and in that I would become ill. Would this then mean that I would not be able to receive the balance of the sabbatical leave because my reason then has changed from study and travel and it has then become illness? Would I then be disqualified for the balance of that sabbatical leave?

Mr. COWELL. Mr. Speaker, I do not know. I think that might be determined under the provisions of section 5155, that gives to the school board the responsibility to promulgate regulations governing sabbatical leave. I think that situation that you cite might be dependent upon the regulations promulgated by that local board.

Mr. DAVIES. All right. Then, Mr. Speaker, in this, would it be impossible in the same interim for me to use any of my accumulated sick leave for that said purpose of covering that illness at that time?

Mr. COWELL. Mr. Speaker, again, I am not sure, but I would suspect that if a board determined you had violated the provisions of the sabbatical leave and were no longer entitled to that sabbatical leave, you might still be able to fall back on the sick leave provisions that you cite. That would seem to be a reasonable interpretation.

Mr. DAVIES. Mr. Speaker, can you give me anything more than "might"? Can you give me any more guarantees than "might," that I would be able to use that accumulated sick leave? You put it in "might." You are not going to give me anything stronger than that as far as alleviating my concerns?

Mr. COWELL. Well, again, I think it is a reasonable interpretation of the law to presume that if you cannot use your sabbatical leave and you are entitled to sick leave, you would be permitted to use the sick leave. I think that is a reasonable interpretation of the law.

Mr. DAVIES. All right, thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—190

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

Foster, W. W.	Letterman	Rhodes	Speaker
NAYS—0			
NOT VOTING—8			
Donatucci, R.	Earley	Mowery	Thomas
Dumas	Maiale	Street	Williams
EXCUSED—4			
Hayes, D. S.	Salvatore	Weidner	Wenger

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

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

Mr. COWELL offered the following amendment:
Amend Sec. 1 (Sec. 5154), page 473, line 24, by inserting after "title." Forfeiture also will apply to persons violating the provisions of section 5155 (relating to regulations governing sabbatical leave).

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

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

Mr. COWELL. We are getting near the end of the pile, and I would like to thank the members for their patience. This is amendment 6421. It amends page 473.

That section that we are amending deals with the forfeiture of benefits and currently provides for the forfeiture of benefits if an employe fails to return to employment after sabbatical leave is completed and if the terms of their sabbatical leave required them to return.

We add an additional sentence that says, "Forfeiture also will apply to persons violating the provisions of section 5155 (relating to regulations governing sabbatical leave.)"

As I indicated earlier in the discussion with Mr. Davies, section 5155 gives to local school boards the responsibility of promulgating regulations governing sabbatical leave. In other words, with the amendment that we are adding, an employe who violates those regulations would also forfeit their benefits.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment follows the one which we just adopted. It further strengthens those provisions in HB 1671 with regard to sabbatical leave, and I urge its adoption.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cowell's amendment and urge the adoption of his amendment.

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

The following roll call was recorded:

YEAS—188			
Alden	Foster, Jr., A.	Lewis	Rieger
Anderson	Freind	Livengood	Ritter
Armstrong	Fryer	Lynch, E. R.	Rocks
Arty	Gallagher	McCall	Rodgers
Austin	Gallen	McClatchy	Ryan
Barber	Gamble	McIntyre	Scheaffer
Belardi	Gannon	McKelvey	Schmitt
Beloff	Gatski	McMonagle	Schweder
Bennett	Geesey	McVerry	Serafini
Berson	Geist	Mackowski	Seventy
Bittle	George, C.	Madigan	Shadding
Borski	George, M. H.	Manderino	Shupnik
Bowser	Giammarco	Manmiller	Sieminski
Brandt	Gladeck	Michlovic	Sirianni
Brown	Goebel	Micozzie	Smith, E. H.
Burd	Goodman	Milanovich	Smith, L. E.
Burns	Grabowski	Miller	Spencer
Caltagirone	Gray	Moehlmann	Spitz
Cappabianca	Greenfield	Mowery	Stairs
Chess	Grieco	Mrkonjic	Steighner
Cimini	Gruppo	Murphy	Stuban
Civera	Hagarty	Nahill	Sweet
Clark, B. D.	Halverson	Novak	Swift
Clark, M. R.	Harper	Noye	Taddonio
Cochran	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cole	Helfrick	O'Donnell	Telek
Cornell	Hoeffel	Oliver	Thomas
Coslett	Honaman	Perzel	Trello
Cowell	Hutchinson, A.	Peterson	Vroon
Cunningham	Hutchinson, W.	Petrarca	Wachob
DeMedio	Iris	Phillips	Wargo
DeVerter	Itkin	Piccola	Wass
DeWeese	Johnson, E. G.	Pievsky	White
DiCarlo	Kanuck	Pistella	Wilson
Davies	Klingaman	Pitts	Wilt
Dawida	Knepper	Polite	Wright, D. R.
Dietz	Knight	Pott	Wright, Jr., J.
Dininni	Kolter	Pratt	Yahner
Dombrowski	Kowalshyn	Pucciarelli	Yohn
Dorr	Kukovich	Punt	Zeller
Duffy	Lashinger	Pyles	Zitterman
Dumas	Laughlin	Rappaport	Zord
Durham	Lehr	Rasco	Zwikel
Fee	Lescovitz	Reed	
Fischer	Letterman	Rhodes	Seltzer,
Fisher	Levi	Richardson	Speaker
Foster, W. W.	Levin		

NAYS—1			
Cessar			
NOT VOTING—9			
Donatucci, R.	Jones	Mullen	Street
Earley	Maiale	Stewart	Williams
Johnson, J. J.			

EXCUSED—4			
Hayes, D. S.	Salvatore	Weidner	Wenger

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

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

Miss SIRIANNI offered the following amendment:
Amend Sec. 1 (Sec. 5158), page 475, lines 13 through 15, by striking out "Professional employees and commissioned officers employed" in line 13, all of lines 14 and 15

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

The SPEAKER pro tempore. The Chair recognizes the lady from Susquehanna, Miss Sirianni.

Miss SIRIANNI. Mr. Speaker, my amendment removes additional sick leave for 12-month employes. At the present time, all employes receive the same amount of sick leave, and HB 1671 provides a couple of additional days for the 12-month employes.

Since our school districts are not receiving more money and since the Federal Government is probably cutting some of the Federal funds, I do not think we should be placing the districts in a position to have to spend more money. I urge your support of this amendment.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Current law provides 1 day of sick leave for each month while employed with the school district. I am referring now to professional employes. HB 1671, in its present form, would recognize that some employes have 12-month contracts, such as superintendents of schools and building principals. But the lady's amendment is in concert with present law, that being, again, that an employe is entitled to 1 day of sick leave for each month of work up to a maximum of 10 a year. That is the current law. That is the lady's amendment, and I would favor its adoption.

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

Mr. GALLAGHER. Mr. Speaker, there is a difference of opinion; not opinion, of reality, right now. There are people who have 10-month contracts and 12-month contracts, and the bill before us, HB 1671, takes into consideration those people who have 12-month contracts. They are normally the professional commissioned officers who have the 12-month contract. They are the superintendents, assistant superintendents, et cetera. Certainly you would feel that they would be entitled to the 2 additional sick days, which is what it means, "for more than 10 months of any school year shall be entitled to 1 additional day of sick leave for each month." So all we are doing is giving a commissioned officer the entitlement of 1 additional sick leave day for the additional month that he or she is employed. So I urge the rejection of this amendment.

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

The following roll call was recorded:

YEAS—100

Alden	Foster, W. W.	Lewis	Scheaffer
Anderson	Foster, Jr., A.	Lynch, E. R.	Schweder
Armstrong	Freind	McClatchy	Serafini
Arty	Gallen	McVerry	Sieminski
Belardi	Gannon	Mackowski	Sirianni
Brandt	Geesey	Madigan	Smith, E. H.
Burd	Geist	Manmiller	Smith, L. E.
Cappabianca	George, C.	Michlovic	Spencer
Cessar	Gladeck	Miller	Spitz
Chess	Grieco	Moehlmann	Stairs
Cimini	Gruppo	Mowery	Swift
Civera	Hagarty	Murphy	Taddonio

Cornell	Halverson	Nahill	Taylor, E. Z.
Coslett	Hasay	Noye	Thomas
Cowell	Hayes, Jr., S.	Peterson	Vroon
Cunningham	Helfrick	Phillips	Wachob
DeVerter	Honaman	Piccola	Wass
Dawida	Hutchinson, W.	Pitts	Wilt
Dietz	Itkin	Polite	Yohn
Dininni	Johnson, F. G.	Pott	Zeller
Dorr	Kanuck	Punt	Zord
Duffy	Klingaman	Pyles	Zwick
Dumas	Knepper	Rasco	
Durham	Lashingier	Ritter	Seltzer,
Earley	Lehr	Ryan	Speaker
Fisher	Levi		

NAYS—93

Barber	Gallagher	Livengood	Richardson
Beloff	Gamble	McCall	Rieger
Bennett	Gatski	McIntyre	Rocks
Berson	George, M. H.	McKelvey	Rodgers
Bittle	Giammarco	McMonagle	Schmitt
Borski	Goodman	Manderino	Seventy
Bowser	Grabowski	Micozzie	Shadding
Brown	Gray	Milanovich	Shupnik
Burns	Greenfield	Mrkonc	Steighner
Caltagirone	Harper	Mullen	Stewart
Clark, B. D.	Hoeffel	Novak	Stuban
Clark, M. R.	Hutchinson, A.	O'Brien, B. F.	Sweet
Cochran	Irvis	O'Brien, D. M.	Taylor, F.
Cohen	Johnson, J. J.	O'Donnell	Telek
Cole	Jones	Oliver	Trello
DeMedio	Knight	Perzel	Wargo
DeWeese	Kolter	Petrarca	White
DiCarlo	Kowalshyn	Pievsky	Williams
Davies	Kukovich	Pistella	Wilson
Dombrowski	Laughlin	Pratt	Wright, D. R.
Donatucci, R.	Lescovitz	Pucciarelli	Wright, Jr., J.
Fee	Letterman	Rappaport	Yahner
Fischer	Levin	Reed	Zitterman
Fryer			

NOT VOTING—5

Austin	Maiale	Rhodes	Street
Goebel			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. FREIND offered the following amendments:

Amend Sec. 5158, page 475, lines 22 through 27, by striking out all of lines 22 through 26, and "(d)" in line 27, and inserting (c)

Amend Sec. 5158, page 476, line 2, by striking out "(E)" and inserting (d)

Amend Sec. 5158, page 476, line 10, by striking out "(F)" and inserting (e)

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. This is another technical amendment that I am sure the gentleman, Mr. Gallagher, will join me in supporting.

This amendment returns the proposed code to present law. In HB 1671 right now there is a section that says a school employe who is injured while moonlighting, while performing remunerative work not related to school business, is entitled to full sick pay. That is not the case in present law. All I would do is delete that section and bring it back to present law, that if in fact you are working a second job you are receiving pay for and you are injured on that second job, you do not cost the taxpayers money by receiving sick pay from your school employe job.

I think it is a commonsense amendment. I will find out how wrong I am in a couple seconds, Mr. Speaker, but I would appreciate your support anyway.

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

Mr. BURNS. Mr. Speaker, this is probably one of the most misunderstood parts of the code, and I am sure Mr. Freind does not understand it either or else he would not have offered this amendment, because if you think about it a minute and follow the scenario that I am going to give you, Mr. Speaker, I think you will agree with me when we finish.

First of all, just let me preface the story by saying that it really does not make any difference if you catch a cold in your back yard on a Saturday afternoon picking up leaves or if you catch a cold working for a lumber company; it is still a cold and who knows where you got it and whether or not you should be entitled to a sick day or not. But take the case of a person who has another job; he is moonlighting; and after the bell rings at 3 o'clock, that particular person goes down to Murphy's Bar & Grill and he happens to be employed there as a bartender. Now, in the course of being a bartender there, he is not violating any rules of the school district. They do not care what he does after 3 o'clock. There are no rules and regulations, so he is perfectly legal to go down and moonlight and now he is a bartender at Murphy's Bar & Grill. About 11 o'clock that particular evening, the half that is on tap runs out and this particular employe has to go back into the back and change the keg and, in the course of tapping this keg, he drops it on his toe, breaks the toe and is taken to the hospital and has the toe set. The next morning at 7 o'clock he calls in to the school district and he says to the school district, to his principal, sir, last night I broke my toe and, as a result of breaking my toe, I am going to be out of school for 5 weeks and I just want to let you know. The response of the principal will be, gee, I feel awfully bad for you that you broke your toe. You know that after 5 days our regulations are that you must come in and present a doctor's note, and at the end of the time that it takes for your toe to heal, would you please give us 2 or 3 days' notice so that we can let the substitute know that you will be back in? That is the end of it at that point. Now, what this particular individual does under present law is, walk down to Murphy's Bar & Grill and say to Murphy, you know, last night at 11 o'clock I broke my toe changing the tap, the keg. I am now applying for workmen's compensa-

tion because I am going to be out of work. Now the school district does not know that he is getting workmen's compensation and the school district goes ahead and continues to pay him full salary under his sick leave provisions and he then goes and collects workmen's compensation as well.

All we are doing now with this type of amendment is, if a person collects workmen's compensation, the school district can deduct that amount of money from the money that would be paid under sick leave benefits. So, in effect, we are saving school districts money. Now, just in that particular scenario you can see the problems with not paying people. You are making a liar out of the person, number one, if he has to be, because there are no requirements for him to say, in any school district, that he is working another job. So you are making him, if he is asked what happened, into a liar. And even if you do not make him into a liar, under the present law you are letting him go ahead and collect moneys that he would not be entitled to if we had the change that is presently in HB 1671. If that were left alone, school districts are going to save money. It is not going to cost them any more. So, for that reason, and if you, hopefully, followed that argument, I would suggest that you vote against the Freind amendment.

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

Mr. ZELLER. Mr. Speaker, I think we have some other scenarios too to talk about, and with all respect to Mr. Burns, I think after we are through maybe he will agree to this. And a cold is a cold, and I am sure it is; and a broken leg is a broken leg no matter where you get it. But the Federal Government does not allow it, because they saw where there was abuse. For example, my brother worked for the postal department for many years and he broke his leg just outside the property. He was giving an example as to what happened to one of the individuals there. That person broke his leg outside the property, and they said, well, had you dragged yourself back in on the parking lot, we would have taken care of you. Just drag yourself back in. The thing I am getting at is that the Federal Government or any agency does not allow any individual who is injured working somewhere else to collect, and this individual was not even working anywhere else; he was off the government property when it happened and he could not collect. And here is a case now where Mr. Burns is saying that a person who works somewhere else and gets hurt, and of course what they are trying to say is, they cannot double-dip. We are going back to the original law and we are saying that teachers, of all people, would not lie. I do not think we are encouraging liars, naturally. But we are trying to say that if they are working somewhere else, that that is where they have to go to get their compensation; not get it from the school, from the taxpayers. I think that is what Mr. Freind is getting at, and if I am wrong, correct me. But if we go back to present law and say that you cannot go out there and lie, you cannot, in other words, collect from the taxpayers of that school

district. You must go to the individual who is employing you. If that is where you are hurt, that is where you get your compensation. I think that is what you are getting at. If I am incorrect, please correct me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, would the gentleman from Bucks, Mr. Burns, stand for one question?

The SPEAKER pro tempore. Will the gentleman stand for interrogation?

Mr. BURNS. I certainly will.

The SPEAKER pro tempore. He indicates that he will. The gentleman may proceed.

Mr. SPITZ. Mr. Speaker, would the gentleman please tell me if this amendment does not go in, if the code in its present form and HB 1671 becomes law, in the area we are talking about - sick leave - will it merely be a recodification of the state of the law that we have today or whether it will change the law?

Mr. BURNS. In my opinion, Mr. Speaker, just in my opinion, I think it is going to change the law slightly. And the way it is going to change—

Mr. SPITZ. Thank you. I mean you certainly may explain it.

Mr. BURNS. Okay. I think it is going to change it for the school district's benefit.

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

Mr. FREIND. I very much enjoyed the war story by my good friend, Mr. Burns, but I have to tell him that unlike Saul on the road to Damascus, I have not been converted. If you want to boil Mr. Burns' argument down to one sentence, it says: Because teachers are going to lie, defeat the Freind amendment. And I do not think that is the reason for defeating the amendment.

Now, if this section is important and if it is important to school employes, believe it or not, about 10 years ago we passed a law called Act 195. Let them bargain for that. We are not the bargaining agents for school employes. And you know you can point to many nice things that would be nice to do for people, but the problem is, when we do it in law, we are doing it at the taxpayers' expense. I think this is a commonsense amendment which, once again, all it does is keep the law the way it presently is, and I think it should be supported, Mr. Speaker. Thank you.

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

Mr. GOEBEL. I wonder if the gentleman, Mr. Freind, would tell be how that would affect this case I heard about. A teacher was laid off, but the school board said if he wanted to, he could help some masonry workers who were building a chimney on a roof. So he did. And they were all done with the chimney and he was bringing the bricks down off the roof and he loaded all the extra bricks onto a pallet up there, and he got down below and pulled the rope and swung it out over the roof, and the thing was too heavy and it started coming down. He was going up and halfway

in the middle there, the pallet of bricks smacked him and did a lot of damage, and then he got to the top and jammed his fingers into the pulley, and then the pallet of bricks hit the ground and broke open, and then he was heavier and he came back down and the pallet smacked him in the middle again and he landed on the bricks, and then he let go of the rope and it came down and hit him on the head. And I wonder how would that affect that?

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

Mr. FREIND. I think the moral of that story is, unlike other things, never lay bricks.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Gallen.

Mr. GALLEN. Mr. Speaker, I know that Mr. Burns has somewhat of a penchant for exaggeration, but 5 weeks off for a broken toe, I was wondering if this teacher taught place-kicking.

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

The following roll call was recorded:

YEAS—98

Alden	Fryer	Letterman	Ritter
Anderson	Gallen	Levi	Ryan
Armstrong	Gamble	Lewis	Scheaffer
Arty	Gannon	Livengood	Schweder
Belardi	Geesey	Lynch, E. R.	Serafini
Bittle	Geist	McClatchy	Sirianni
Bowser	George, C.	McVerry	Smith, E. H.
Brandt	George, M. H.	Mackowski	Smith, L. E.
Cappabianca	Gladeck	Madigan	Spencer
Cessar	Grieco	Manmiller	Spitz
Cimini	Gruppo	Miller	Stuban
Clark, B. D.	Hagarty	Moehlmann	Swift
Clark, M. R.	Halverson	Murphy	Taddonio
Cornell	Hasay	Nahill	Taylor, E. Z.
Coslett	Hayes, Jr., S.	Noye	Thomas
DeVerter	Helfrick	O'Brien, D. M.	Vroon
Dietz	Honaman	Peterson	Wass
Dininni	Hutchinson, A.	Phillips	Wilson
Dorr	Hutchinson, W.	Piccola	Yohn
Durham	Itkin	Pitts	Zeller
Earley	Kanuck	Polite	Zord
Fisher	Klingaman	Pott	Zwilk
Foster, W. W.	Knepper	Punt	
Foster, Jr., A.	Lashinger	Pyles	Seltzer,
Freind	Lehr	Rasco	Speaker

NAYS—96

Barber	Dumas	McCall	Richardson
Beloff	Fee	McIntyre	Rieger
Bennett	Fischer	McKelvey	Rocks
Berson	Gallagher	McMonagle	Rodgers
Borski	Gatski	Maiale	Schmitt
Brown	Giammarco	Manderino	Seventy
Burd	Goebel	Michlovic	Shadding
Burns	Goodman	Micozzie	Shupnik
Caltagirone	Grabowski	Milanovich	Sieminski
Chess	Gray	Mowery	Stairs
Civera	Greenfield	Mrkonic	Steighner
Cochran	Harper	Mullen	Stewart
Cohen	Hoeffel	Novak	Sweet
Cole	Irvis	O'Brien, B. F.	Taylor, F.
Cowell	Johnson, E. G.	O'Donnell	Telek
Cunningham	Johnson, J. J.	Oliver	Trello
DeMedio	Jones	Perzel	Wachob
DeWeese	Knight	Petrarca	Wargo
DiCarlo	Kolter	Pievsky	White
Davies	Kowalyshyn	Pistella	Wilt

Dawida	Kukovich	Pratt	Wright, D. R.
Dombrowski	Laughlin	Pucciarelli	Wright, Jr., J.
Donatucci, R.	Lescovitz	Rappaport	Yahner
Duffy	Levin	Reed	Zitterman

NOT VOTING—4

Austin	Rhodes	Street	Williams
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EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr Speaker, as I looked over the amendments submitted for chapter 51, I found that Mr. Freind, Mr. Thomas, Mr. Letterman and Mr. Cunningham all had amendments prepared with regard to sick leave for substitute teachers. They are all alike in substance. The research analyst prepared one amendment which all four gentleman are cosponsoring as A6511.

On the question recurring,

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

Mr. ARMSTRONG offered the following amendments:

Amend Sec. 1 (Sec. 5160), page 477, line 11 by striking out "All compensation required to" and inserting (1) Except as provided in paragraph (2), all compensation required to

Amend Sec. 1 (Sec. 5160), page 477, by inserting between lines 15 and 16 (2) No employee receiving worker's compensation wage loss indemnity payments shall be paid any amount of compensation which, if combined with the worker's compensation, would be in excess of his or her salary, as calculated on a weekly or other periodic basis.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Armstrong.

Mr. ARMSTRONG. What this amendment would do would be to limit the amount of pay that a school employe would receive, to the contract. In other words, let us say you are receiving, just for an example, \$300 a week, and you hurt your back while at school working. Well, you can be home and be off and collecting full 100-percent sick pay, and on top of that you would also receive workmen's compensation. So you may actually be receiving 150 percent of your normal salary. From what the school administrators told me, it is very difficult to get some of the employes back to work when they are receiving 150 percent of their salary for doing nothing. So what this would do is that if someone was hurt on the job, they could stay at home but they would receive no more than their actual sick pay. If they receive workmen's comp for two-thirds of it, the sick pay would pay for the other third. So I think it is a good amendment and I think it will save the taxpayers and the school districts a lot of money.

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

Mr. BURNS. Mr. Speaker, I see no objection to this amendment. The problem with it is it is not going to work because of what we did in the last amendment, and that is what I tried to explain, that school districts, because they make people lie, do not know that the person is receiving workmen's compensation. They have no idea that that other person had a job, so the other person can receive the compensation by simply lying and saying, instead of injuring the toe in Murphy's Bar, that his wife dropped a coffee table on it the night before and that is how he did it, when they were moving furniture. I agree with what you are saying, but it is never going to happen because the other amendment failed, and that is what I tried to point out. Had the other amendment gone in—pardon me, had the other amendment failed; it did go in—had the other amendment failed, people would not have had to lie in order to get their money. Now they are going to lie, and it is the simplest thing in the world to lie, because there is no requirement by any school district anywhere in the Commonwealth to report a second job or to be against moonlighting. No school boards have done this, although they have the power to do it, and even though I agree with your amendment, that they should not be able to collect more as a result of an injury than they made originally, it is just not going to work.

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Armstrong.

Mr. ARMSTRONG. All right, I will have to take the other amendment into light here. When I put the amendment in, I did not know this amendment would come in. Let me take a look at it again and see if it is something that can be redrafted with the previous amendment that would effectively do the same thing.

The SPEAKER pro tempore. Do I understand the gentleman is withdrawing his amendment?

Mr. ARMSTRONG. Yes, sir.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. KOLTER offered the following amendment:

Amend Sec. 1 (Sec. 5160), page 476, line 29, by inserting after "leave" for three consecutive days or more

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, my amendment deals with that section dealing with the regulations governing sick leave. Under present law and under the code here this afternoon, the language reads the same in that the governing body may require the professional employe on sick leave to furnish a certificate from a physician. My amendment reads

that the governing body may require the professional employe on sick leave, after 3 consecutive days or more, to furnish a certificate from a physician.

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

Mr. GALLAGHER. Mr. Speaker, I rise to concur in Mr. Kolter's amendment and urge the adoption of his amendment.

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

Mr. VROON. Mr. Speaker, I rise to oppose this amendment. This amendment very definitely loosens up the requirements for reporting of sick leave. You can get any combination of 1, 2 and 3 days without any certificate, and you are just going to multiply the number of days that are going to be taken off as sick leave, and this is definitely going to cost money to the school districts. This is an expensive amendment, as I see it, and I do not see any reason why, if a person is genuinely sick, they should not prove the fact that they were out sick by submitting a doctor's certificate to that effect. I think this is a bad amendment and I very strongly oppose it.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kolter.

Mr. KOLTER. Mr. Speaker, I feel that, contrary to what the previous speaker spoke, this will save money. The way it is handled today, most of the school districts ask for a certificate from a doctor after 5 days' illness. Today some school districts say that you must bring in a certificate after 3 days' illness. However, in my school district, the school district in my hometown, they insist that after 1 day's illness you come in. I think that is an injustice. I think we should be more definitive and state that after 3 days—three seems to be the common denominator here since most of the schools are using either 3 or 5 days now—let us be more definitive and say that after 3 days of consecutive illness, you should come in with a certificate.

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

The following roll call was recorded:

YEAS—181

Anderson	Fisher	Lewis	Ritter
Armstrong	Foster, W. W.	Livengood	Rocks
Arty	Foster, Jr., A.	Lynch, E. R.	Rodgers
Austin	Freind	McCall	Ryan
Barber	Fryer	McClatchy	Scheaffer
Belardi	Gallagher	McIntyre	Schmitt
Beloff	Gallen	McKelvey	Schweder
Bennett	Gannon	McMonagle	Serafini
Berson	Gatski	McVerry	Seventy
Bittle	Geesey	Mackowski	Shadding
Borski	Geist	Madigan	Shupnik
Brandt	George, C.	Manderino	Sieminski
Brown	George, M. H.	Manmiller	Sirianni
Burd	Giammarco	Michlovic	Smith, E. H.
Burns	Gladeck	Micozzie	Smith, L. E.
Caltagirone	Goodman	Milanovich	Spencer
Cappabianca	Gray	Miller	Spitz
Cessar	Greenfield	Moehlmann	Stairs
Chess	Grieco	Mowery	Steighner
Cimini	Gruppo	Mrkonic	Stewart
Civera	Hagarty	Mullen	Stuban

Clark, B. D.	Halverson	Murphy	Sweet
Clark, M. R.	Harper	Novak	Swift
Cochran	Hasay	Noye	Taddonio
Cohen	Hayes, Jr., S.	O'Brien, B. F.	Taylor, E. Z.
Cole	Helfrick	O'Brien, D. M.	Taylor, F.
Coslett	Hoeffel	O'Donnell	Telek
Cowell	Honaman	Perzel	Thomas
Cunningham	Hutchinson, A.	Peterson	Trello
DeMedio	Hutchinson, W.	Petrarca	Wachob
DeVerter	Irvis	Phillips	Wargo
DeWeese	Itkin	Piccola	Wass
DiCarlo	Johnson, E. G.	Pievsky	White
Davies	Klingaman	Pistella	Wilson
Dawida	Knepper	Pitts	Wilt
Dietz	Knight	Polite	Wright, D. R.
Dininni	Kolter	Pott	Wright, Jr., J.
Dombrowski	Kowalshyn	Pratt	Yahner
Donatucci, R.	Kukovich	Pucciarelli	Yohn
Dorr	Lashinger	Punt	Zitterman
Duffy	Laughlin	Pyles	Zord
Dumas	Lehr	Rappaport	Zwikl
Durham	Lescovitz	Rasco	
Earley	Letterman	Reed	Seltzer,
Fee	Levi	Richardson	Speaker
Fischer	Levin	Rieger	

NAYS—8

Alden	Cornell	Kanuck	Vroon
Bowser	Gamble	Nahill	Zeller

NOT VOTING—9

Goebel	Jones	Oliver	Street
Grabowski	Maiale	Rhodes	Williams
Johnson, J. J.			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Armstrong, and I have conferred. The gentleman at this time would like to return to his amendment for the purpose of having it considered, and I wonder if the Speaker would do that, please?

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

Mr. ARMSTRONG offered the following amendments:

Amend Sec. 1 (Sec. 5160), page 477, line 11 by striking out "All compensation required to" and inserting (1) Except as provided in paragraph (2), all compensation required to

Amend Sec. 1 (Sec. 5160), page 477, by inserting between lines 15 and 16 (2) No employee receiving worker's compensation wage loss indemnity payments shall be paid any amount of compensation which, if combined with the worker's compensation, would be in excess of his or her salary, as calculated on a weekly or other periodic basis.

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

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Lancaster, Mr. Armstrong, on amendment 6448.

Mr. ARMSTRONG. After checking out Mr. Freind's amendment, I cannot see where the conflict is. I mean this can affect someone on the job or off the job. What it just does is that someone cannot collect more than their average daily salary. So it has an upper limit, and I think it is a good amendment. I cannot see the conflict here with Mr. Freind's amendment.

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

Mr. BURNS. I am sorry if I gave Mr. Armstrong the impression that I was against the amendment or opposed to the amendment or there was a conflict. I think it is a good safeguard. My only question was that I do not think it is going to be that meaningful now, but it is a good safeguard and I think it ought to go in the bill.

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

The following roll call was recorded:

YEAS—188

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

NAYS—0

NOT VOTING—10

Austin	McKelvey	Rhodes	White
Hutchinson, W.	Maiiale	Street	Williams
Johnson, J. J.	Phillips		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

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

Mr. FREIND offered the following amendment:

Amend Sec. 1 (Sec. 5158), page 476, lines 10 through 14, by striking out all of said lines

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

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

Mr. FREIND. There were four identical amendments introduced. They had been consolidated in one amendment and sponsored by myself, Mr. Thomas, Mr. Letterman and Mr. Cunningham. Once again, this amendment would restore a section of HB 1671 to present law. We do that by deleting the section in the bill right now which says that a substitute teacher who is employed as a "sub" for 20 consecutive days within a district, for each 20 consecutive days he is so employed, he is entitled to 1 sick day.

This amendment would totally eliminate that provision. The first thing is, Mr. Speaker, once again, that ought to be a collective bargaining agreement or an agreement agreed upon between the substitute teacher and the school district.

Secondly, how are you going to implement it? Most substitute teachers are hired on a per diem basis. They are called in the morning and told where to go, where the vacancy is, and they go that day and teach the class. What, in fact, we are saying is this: If a particular school district calls up the same teacher for 20 days and he agrees and he comes in and teaches, and on the 21st day they call him and say, we want you again, and he says, no, I am sick, he is then entitled to 1 paid sick day for basically contract per diem work. This is absolutely ludicrous, Mr. Speaker. It is going to cause games being played between the substitute and between the school districts. It should be a method to be determined by the school district and the substitute. Again, it has no place in law; we are not the collective bargaining agent for substitute teachers, and I would appreciate the support for this amendment.

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

Mr. GALLAGHER. Mr. Speaker, Mrs. Taylor's amendment strikes out all of lines 14 through 30 on page 479.

Mr. FREIND. Mr. Speaker, this is the Freind amendment 6511, pertaining to sick leave for substitutes.

Mr. GALLAGHER. I am sorry, Mr. Speaker, I thought we were on the Taylor amendment.

Mr. Speaker, it is apparent that Mr. Freind feels that substitutes should not be able to accumulate any sick leave, any sick days, and he feels that they are not entitled to anything but to be a substitute, and I hope he feels that they will teach while they are there. We do not pay them too much when they are a substitute.

Basically all he wants to do is take away some of their very minimal fringe benefits that they would have. It is difficult at times to get substitutes, and when you get them, it is not too bad to have them as with a sick leave if they happen to become ill. I would urge the members to think very clearly, and you are not giving much away when you give them a sick leave for the days. The section prohibits them to accumulate more than from school year to school year, so it is not something you can pyramid into and it is just for a sick leave once a person becomes ill. I would urge the members to vote "no" on the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Snyder, Mr. Thomas.

Mr. THOMAS. I have this same amendment, as Mr. Freind told you, Mr. Speaker. I think it is absolutely ridiculous that we as a body of legislators at the state level would put something like this into law. There is nothing at all that says labor and management, again, cannot contract for sick leave time for substitute teachers. But when we start mandating right here, a body of our integrity, for 20 days of substitute teaching for some local school districts, I think that is wrong. I would hope that you would support the amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer.

Mr. FRYER. Mr. Speaker, the gentleman, Mr. Gallagher, has referred to the low pay of substitute teachers. Could he inform the members of the House what that low pay actually is?

The SPEAKER pro tempore. Does the gentleman, Mr. Gallagher, wish to respond to the question?

Mr. GALLAGHER. Yes, Mr. Speaker. It just varies from district to district. It might be \$28 to \$30 a day. It depends on the district. Most of the substitutes are not necessarily locked into a union contract. Most of them are not. Other members are talking about their being locked in and the district has to pay them a certain wage. They only pay them what they decide. And all we are trying to do is give them a minimal amount of sick leave. That is all.

Mr. FRYER. Mr. Speaker, did we not, on the state level, pass legislation which stated the amount of pay that a substitute teacher should receive?

Mr. GALLAGHER. No, we did not. There was in the present code a minimum salary schedule, which you might be referring to, which we just took out of this proposed bill. We took out the minimum salary.

Mr. FRYER. Then the salary portion was removed?

Mr. GALLAGHER. That is right.

Mr. FRYER. Was it that low that we were—

Mr. GALLAGHER. That minimum salary was \$3,500 a year to start.

Mr. FRYER. I am talking about and the subject is substitute teachers, sir.

Mr. GALLAGHER. Well, that was comparable to the yearly pay, \$3,200.

Mr. FRYER. Mr. Speaker, I thank the gentleman. He has come forth with a multitude of answers. In fact, I am intrigued with his fancy footwork, but I think this amendment is atrocious. It is terrible and I think it should be defeated. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, so everybody will understand what the issue is here, in the proposed code we say that a substitute teacher who is employed for more than 20 days per year should be entitled to sick leave on the basis of 1 day for every 20 days they are employed.

First of all, if a district did not want to pay sick leave or did not want to cover that person under sick leave, all they would have to do is lay that person off after the 19th day; let them sit for 1 day and then hire them back, and they would never have to pay sick leave. That is number one. But if a district had contracted with a long-term substitute and that long-term substitute was substituting for a person who was out for a heart attack or out for a leave of absence for, let us say, a full year, and that long-term substitute was actually performing the duties of that teacher, and if that long-term substitute was employed for a period over 20 consecutive days, that long-term substitute then would be entitled to 1 day sick leave for every 20 days consecutively that he or she worked. Now if you want to say that that should be something that is left to bargaining, that would be fine.

The problem is that substitute teachers do not belong to any bargaining unit, and the great majority of them, I would say 99 percent of them, do not belong to any professional association that would represent them. So not only do they have no bargaining unit—and, if they did, I am sure they would not be getting paid \$30 a day—but they have no Blue Cross, Blue Shield, none of the other benefits that the ordinary classroom teachers get. They really have nobody to bargain with them or nobody to bargain for them, and all we are saying is that if a school district does employ them for 20 or more consecutive days, then at the end of that 20th consecutive day, the school district would owe them 1 day sick leave. Most of them would not take it unless they were sick to begin with. But if the school district did not want to pay that, if the school district thought that was an extra cost, all the school district would have to do would be to lay them off after the 19th day and hire a person on the 20th, and then hire them again on the 21st, and continue to do that and never give them a day.

So it is not going to cost the school districts money. The school districts can play this. They have the biggest loophole that was ever given, and it simply, in my opinion,

takes care of somebody who is in a long-term situation and somebody who the school board might want to take care of but, under the present law, cannot.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks, Mr. Fryer, who wishes to clarify his former statement.

Mr. FRYER. I do, Mr. Speaker. Thank you.

Mr. Speaker, Mr. Burns has just made the most effective argument for the amendment. He stated that if you have this, on the 19th day there is a possibility that the district could turn for services to another teacher. Now we should not permit that to go on. That is why I say he has made a most effective argument in support of the amendment.

To clarify my position, Mr. Speaker, I was completely amazed with Mr. Gallagher's skillful remarks that I was trying to get my way through the maze that I stated that I opposed the amendment. I oppose the amendment as they propose it in the School Code. However, on the amendment that is before us, it has my complete support. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, if I may, up to this point I think we are getting close to 20 amendments a day and there are something like 80 to 100 amendments so far to this point in time. Really, the vast majority of them have been actually teachers amendments, and possibly we should do something about changing this to the teachers code rather than the School Code. Now, the point I am getting at is this: I personally believe that the amendments that have been put in in committee—I am not insulting the committee or anything—unfortunately have been amendments that should have been dealt with in Act 195. Act 195 should have been before the body and they should have amended Act 195 if they wanted to deal with these subjects, because, in effect, most of them have been, I feel, not germane to the School Code because they have been dealing with Act 195. So, in effect, what we are doing is trying to restore this code back to a school code and not to a teachers code, and that is why we need these amendments, and that is why it is very important that this amendment go through, because let them bargain. Mr. Burns says that the substitutes have no one to bargain for them. More reason why they should sit down with the teachers and the school board and work something out there, and the teachers need substitutes to help them under times of illness or whatever. If they need substitutes, then they should try to work them into their collective bargaining units. But there is no way that it should be in the School Code, and that is why, in effect, what we are doing is we are saying—I am anyway—that what they have done in the code is not germane, and what we are saying is we are going to take that out. That is what we are saying.

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

Mr. CUNNINGHAM. Mr. Speaker, the misstatements of fact that are going back and forth here have to be clarified

if we are going to consider this amendment objectively. There are two distinct categories of substitutes that are being mixed. There is the temporary, short-term substitute teacher who teaches sporadically. Then there is the long-term substitute who is brought in, for instance, for a teacher who is on an extended sabbatical, be that sabbatical for illness or for academic study or for whatever the purpose, and it is the latter category of substitute who has consistently been found by the Labor Relations Board to fall into the category of a person with a community of interest with the bargaining unit. Now, the significance of that is that that substitute has all of the rights pursuant to the collective bargaining agreement. That substitute will be found to have the rights delineated in the contract that binds the rights and responsibilities of all the teachers in that district with the district. The only substitute teachers about whom we are speaking when we discuss this amendment are the near-term, short-term substitutes, those who teach for 2 days this week, for a day next month, for 5 days the following week. And the issue here, in my judgment, is, how far can we go in incrementally expanding benefits, expanding benefits, expanding benefits, when no reasonable person would disagree that it would be nice to provide a virtually unlimited range of benefits for everybody, but in point of fact in the economic climate in which we have got to function, given the fiscal restraints with which we have got to come to grips, we cannot continue to expand benefits without regard to our ability to fund those levels of spending. All this amendment does is return HB 1671's provisions as regards sick leave for substitute teachers to current law. It takes an expansion and it brings it back to current law, and it does so without regard to the rights and responsibilities of long-term substitutes who are found by law to have their rights defined by the collective bargaining agreement of that district. Despite the fact that they are not parties in fact to the collective bargaining agreement, they are deemed to be functionally parties to the collective bargaining agreement.

So I would urge the adoption of this amendment and I would ask the members to bear in mind that the purported facts that have been alleged here as regards long-term substitutes are simply misstatements of fact, although I am sure they were made inadvertently.

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

Mr. GOEBEL. I would ask the gentleman, Mr. Freind, to consent to interrogation.

Mr. Speaker, I would like to know if this amendment was offered during the period of time that the committee was formulating this bill and the amendments in the committee?

The SPEAKER pro tempore. The gentleman, Mr. Freind, indicates that he will respond.

Mr. FREIND. I do not remember, Mr. Speaker. I do know the one thing we did with this is we watered down the effect, because the original language wanted it to be 20 consecutive days, even if you are talking three or four

different school districts. That would have been really fun to have to prorate the percentage of sick days that that teacher gets. I do not know if we tried, because we have run a lot of amendments, to gut the entire thing. I believe we did and I believe we lost by a vote or two, but I am not sure.

Mr. GOEBEL. Thank you, Mr. Speaker.

I find it difficult to believe that some of these members on the Education Committee—and I was on the committee when we were discussing this bill—now keep wanting to offer amendments on the floor of the House. I think all these amendments by the Education Committee members should have been satisfied in committee. I can see other members wanting to offer amendments, but the people who are on the committee, I do not see why they would want to keep offering amendments on the floor when they should have done this job in committee so that this bill was ready to move smoothly through the House once it was ready to roll. The majority of the members in committee were satisfied that the bill was in position to roll, and now we have all these hundreds of amendments that are bogging the bill down and probably going to kill the School Code when it should have been dealt with in committee by the members of the Education Committee. So as far as I am concerned, if a member of this House is a member of the Education Committee, we ought to just defeat his amendment because he already had his chance.

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

Mrs. TAYLOR. Mr. Speaker, I respectfully think that Mr. Goebel may have a short memory. The members of the House Education Committee worked for at least 2 solid weeks in trying to prepare this bill for the House. Now, granted, not every member of that committee was there in full attendance; granted, there were amendments offered and amendments defeated; and granted, that no matter how hard that Education Committee had worked to bring a bill to this House, the members would still have wanted to offer their amendments. I see nothing wrong with the progress that we are doing, and I take it, you know, as rather demeaning to those members of the Education Committee who did commit time and effort to bring a bill to this House for discussion. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Goebel, for the second time.

Mr. GOEBEL. I do not see where any statements were demeaning. I was on that committee, if you remember, unless your memory is a little short, and I was there, I think, almost every day and I offered a lot of amendments. Some of them went in; most of them did not. You have not seen me offer one single amendment to this bill, and I am not going to either, because I had my chance in committee, and my amendments that made any sense were adopted by the committee and the ones that did not were rejected. I think it would be a little bit wrong for me to come back now with a whole fistful of amendments and start taking up everybody's time here when I had my chance in committee,

and I say the same for Mr. Freind. Probably we have had about 50 Freind amendments, when he had his chance, and the Freind amendments that were good were adopted and the ones that were not were rejected, and I do not think he should be wasting everybody's time here.

The SPEAKER pro tempore. I think we are straying far afield from the amendment. Does the lady, Mrs. Taylor, have a remark to make on the amendment?

Mrs. TAYLOR. I just thought that maybe Mr. Goebel had not offered any amendments because he did not have time to speak before his new caucus concerning them. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. We are making very good progress. We have almost completed our work on chapter 51, which is one of the most difficult chapters. Any member of this House, regardless of his or her membership on a particular standing committee, has the right to offer an amendment here, and I suggest that we forge ahead on Mr. Freind's amendment 6511.

On the amendment I would just like to offer one comment, not a comment for or against the amendment, but we have had a lot of dialogue here concerning what type of substitute we are talking about. Now we are talking about a substitute, according to HB 1671 in its present form, who is a substitute teacher in a particular school district for 20 consecutive days. We are not talking about a substitute who substitute teaches for 1 day, and then 2 or 3 weeks later is called as a substitute for 2 or 3 days. We are not talking about an accumulation of 1 or 2 days every now and then. The bill in its present form, regardless of how one may view the Freind amendment, should know that we are talking about 1 day of sick leave for every 20 consecutive days of teaching in a particular school district, not in two or three school districts; and that provision then would be in close proximity to the provision for other professional employes, 1 day per month up to a total of 10 accumulated days. We handled an amendment about an hour ago dealing with other professional employes.

Again, I am not debating for or against the gentleman's amendment, but I do believe that the House should know the facts as they really are. The provision in the bill relates to a substitute who has been a substitute for 20 consecutive school days, which is the equivalent of one calendar month. Thank you, Mr. Speaker.

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

Mr. FREIND. I quite agree with Mr. Hayes. We are making good progress, and I want to say that I for one am not the least bit upset or insulted in any way by Mr. Goebel's comments. They were unnecessary. I have known long before his statements that I was an SOB, my wife has been telling me that for about 12 years, but be that as it may, this amendment relates to both types of substitutes, temporary and long-term.

There are many substitutes in a district who are called every day who may in fact be going to different schools and different classes. A substitute may be called one day and go to one particular school and teach first grade; be called the next day and go to a different school and teach the fourth grade. So it relates to both.

What we are saying in fact by this amendment is that we should return to present law. If we keep the section in the code right now the way it is, consider this, a teacher gets sick, as a teacher has a right to do; the teacher is out of work and gets paid for that time that he or she is out of work. It is necessary to hire a substitute. You, therefore, are paying the sick teacher and the substitute at taxpayers' expense. At the end of 20 days, that substitute is also entitled to a sick day. Now you are paying three salaries - the original sick teacher, the first substitute, and the second substitute - all at taxpayers' expense. I submit, Mr. Speaker, this is ludicrous, and it has no place in the School Code. I think the amendment is very necessary and I would ask for its support. Thank you.

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

The following roll call was recorded:

YEAS—117

Alden	Fryer	Levin	Ritter
Anderson	Gallen	Lewis	Rocks
Armstrong	Gamble	Livengood	Ryan
Belardi	Gannon	Lynch, E. R.	Scheaffer
Beloff	Gatski	McClatchy	Serafini
Borski	Geesey	McMonagle	Sirianni
Bowser	Geist	McVerry	Smith, E. H.
Brandt	George, M. H.	Mackowski	Smith, L. E.
Burd	Giammarco	Madigan	Spencer
Cappabianca	Gladeck	Manmiller	Spitz
Cessar	Gray	Miller	Stairs
Cimini	Grieco	Moehlmann	Sweet
Civera	Gruppo	Mowery	Swift
Clark, B. D.	Hagarty	Nahill	Taddonio
Clark, M. R.	Halverson	Noye	Taylor, E. Z.
Cornell	Hasay	O'Brien, D. M.	Taylor, F.
Coslett	Hayes, Jr., S.	Perzel	Telek
Cunningham	Helfrick	Peterson	Thomas
DeVerter	Honaman	Phillips	Vroon
DiCarlo	Hutchinson, A.	Piccola	Wilt
Dietz	Hutchinson, W.	Pistella	Yahner
Dininni	Johnson, E. G.	Pitts	Yohn
Donatucci, R.	Kanuck	Polite	Zeller
Dorr	Klingaman	Pott	Zitterman
Durham	Knepper	Pucciarelli	Zord
Earley	Kowalshyn	Punt	Zwikl
Fisher	Lashinger	Pyles	
Foster, W. W.	Lehr	Rappaport	Seltzer,
Foster, Jr., A.	Letterman	Rasco	Speaker
Freind	Levi	Reed	

NAYS—63

Arty	Duffy	Laughlin	Richardson
Austin	Dumas	Lescovitz	Rodgers
Barber	Fee	McCall	Schmitt
Bennett	Fischer	Manderino	Seventy
Berson	Gallagher	Michlovic	Shupnik
Bittle	George, C.	Micozzie	Sieminski
Brown	Goebel	Milanovich	Steighner
Burns	Goodman	Mrkonic	Stewart
Caltagirone	Grabowski	Mullen	Trello
Cochran	Greenfield	Murphy	Wachob
Cole	Hoeffel	Novak	Wargo
Cowell	Irvic	O'Brien, B. F.	Wass

DeMedio	Itkin	O'Donnell	Wilson
Davies	Knight	Petrarca	Wright, D. R.
Dawida	Kolter	Pievsky	Wright, Jr., J.
Dombrowski	Kukovich	Pratt	

NOT VOTING—18

Chess	Jones	Rhodes	Street
Cohen	McIntyre	Rieger	Stuban
DeWeese	McKelvey	Schweder	White
Harper	Maiale	Shadding	Williams
Johnson, J. J.	Oliver		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

The SPEAKER pro tempore. It is the understanding of the Chair that this amendment covered the Freind amendment 4806, the Thomas amendment 4750, the Cunningham amendment 6395, and the Letterman amendment 5235. Is that correct?

Mr. S. E. HAYES. That is correct, Mr. Speaker.

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

Mrs. TAYLOR offered the following amendment:

Amend Sec. 1 (Sec. 5163), page 479, lines 14 through 30; page 480, lines 1 through 5 by striking out all of lines 14 through 30 on page 479; all of lines 1 through 4 and "(d)" in line 5 on page 480 and inserting (c)

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

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

Mrs. TAYLOR. Mr. Speaker, this amendment simply removes from HB 1671, section (c), which deals with leave for legislative service.

Once before, earlier, in this House I believe we did address this question as it concerned only county commissioners. The language of this bill covers any person who is elected to public office as a Representative or Senator in either Congress of the United States or the General Assembly of this Commonwealth.

If you read the language on page 479, continued in the first 5 lines of page 480, you will see that that employe is granted a leave of absence as long as he or she is in legislative service. It does not say a term of 2 years; it does not say a term of 4 years, but as long as that individual is in service. It also says that upon leaving the service of government that you can, after 1 year, return to the school entity. All this time the individual is building seniority, and, I suppose, all this time is moving up as far as the salary scale is concerned. So I recommend to this House that that language in the bill on page 479 (c) and continued on the first 5 lines of page 480 be stricken from the bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair, Mr. Hayes.

Mr. S. E. HAYES. Subsequent to the House Committee on Education reporting HB 1671, the House of Representatives and the Senate adopted a Conference Report on HB 173. You will recall that we did that very early in this calendar year. The lady, Mrs. Taylor, in her remarks made reference to that action which we took just a few legislative weeks ago.

Specifically, the Conference Report on HB 173 became Act 2 of 1980, and what that new statute provides, among other things, is that a person elected to county elective government would be entitled to a leave of absence from his or her public position without pay so he or she can fulfill the obligations and responsibilities of that elective office, such as county treasurer, county commissioner, register, or recorder.

When HB 173 came back to us from the Senate with amendments, it contained language like that currently found in this printer's number of HB 1671. Since the House and the Senate have both adopted that earlier conference report—it is now Act 2—I suggest that we take the lady's amendment, remove the broader language, recognizing the will of the House and the will of the Senate, and when we add technical amendments to HB 1671 and provide for all those statutes which have become law during this term of consideration of HB 1671, that we add Act 2 to it at that time.

I believe we can take the lady's amendment at this time, knowing that we will have to come back later and add to HB 1671, Act 2 of 1980. I support the lady's amendment, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, the only reason I oppose the lady's amendment is that we have a double standard in the Commonwealth right now. We have a situation where local school boards may, if they wish, give people leaves of absence for all of the legislative or other kind of service they wish to give. Other districts do not do it.

The reason HB 1671 was written as it is is to make all districts and to give everybody an equal break so that the district that wants to give it now, can give it, and some do give it. It just seems discriminatory to have some people who can get it and some people who cannot. That is why we reported the bill out with this provision in it. So in order to keep equality in the Commonwealth, I would say that we should defeat this particular amendment.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I appreciate the gentleman's concern, but, if he will recall, during my remarks I just said that I thought on this day we should be in concert with what this House and our colleagues in the Senate did just a few weeks ago, and that is, adopt what became Act 2 of 1980. And instead of the broad language, which came to us originally from committee in August of 1979 in the form of HB 1671, narrow the language to conform with what the House and Senate did.

I would also add, as a footnote, school districts still may grant leaves of absence under whatever conditions they deem necessary and appropriate. So there is no language in the lady's amendment which would restrict a board of school directors from granting a leave of absence.

I know what the gentleman says. He has stated correctly that there will be differences between the 505 districts, but at the same time, when necessary and proper, a school board can grant a leave of absence for legislative service. They will not be restricted to just the provisions contained in Act 2 of 1980. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I find it very difficult to support Mrs. Taylor's amendment. There are many members of this House whom I have seen in the last 22 years who have been teachers, and they have had difficulties at times to get a leave from their school districts. Some of the older members are still here. There is one who is still here. Twenty years ago he could not get a leave from his district; he had to pay for a substitute. He came up here and he voted and went back home and filled in his classroom side. In the meantime he was paying for the substitute himself out of a salary of \$3,000 and \$3,000 expenses, \$6,000 total. That is what we are faced with from trying to get all kinds of people of the Commonwealth to be in the General Assembly. And it seems very difficult to wonder why you would want to preclude teachers from being members of the General Assembly or being members of the United States Congress, and that is what this section deals with - a Representative, a Senator, either in Congress of the United States or in the General Assembly of the Commonwealth. I think that it is part of democracy that we give them that opportunity.

Industry, basically, 90 percent of the time gives their employe a leave of absence. When you are going into the military, you are given a leave of absence, so that when you come back, you can pick up your job with no increments, but just at least your job is going to be there.

This section that Mrs. Taylor wishes to remove makes it very clear that any employe of the school district who shall be elected shall be entitled to a leave. But to make sure there is no double-dipping, no pyramiding of anything, the last paragraph says, "No employe on legislative leave shall be eligible for retirement credit or for purchase of retirement credit at any future date for time spent on legislative leave. No legislative leave shall be granted unless the employe agrees in writing to return to similar employment in the school entity for a period of not less than one school year upon termination of the legislative service leave." They make it very clear that they are going to be able to give them a leave. They will not be able to add their retirement or anything else on top of what they earn here, but they in writing have to agree to come back to the school district to the position they held before for 1 year, and I think that is being very fair and aboveboard. I think it is important as part of our democracy to allow anybody and not to

preclude teachers because their school board does not want them to be here or be in the Senate or be in the United States Congress as a Congressman or a Senator. I think it is rather indicative of Pennsylvania, which is supposedly supposed to be the keystone of democracy and of this Nation, that we should preclude teachers from taking leaves of absence to serve here in this chamber or in the other chamber. For those reasons, Mr. Speaker, I oppose Mrs. Taylor's amendment.

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

Mrs. TAYLOR. Mr. Speaker, in response to Mr. Gallagher, I do not think this amendment precludes teachers from serving in the General Assembly. Rather, I think, it just permits them to make a commitment to legislative service without at the same time protecting their position. As to the part of the language that is now in HB 1671 which talks about retirement, yes, they would not be getting retirement from the state employees' retirement system, but, yes, they would be collecting retirement as a legislator in the state retirement system, and then, upon returning to their school entity, they would then be able to have a dual coverage. I do not see this amendment as one that precludes teachers from serving in this Assembly.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—110

Alden	Foster, Jr., A.	McClatchy	Ryan
Anderson	Freind	McVerry	Scheaffer
Armstrong	Gallen	Mackowski	Schweder
Arty	Gannon	Madigan	Sieminski
Austin	Geesey	Manmiller	Sirianni
Belardi	Geist	Michlovic	Smith, E. H.
Bowser	George, M. H.	Milanovich	Smith, L. E.
Brandt	Gladeck	Miller	Spencer
Brown	Grieco	Moehlmann	Spitz
Burd	Gruppo	Mowery	Stairs
Caltagirone	Hagarty	Mrkonic	Steighner
Cappabianca	Halverson	Murphy	Stuban
Cessar	Hasay	Nahill	Swift
Cimini	Hayes, Jr., S.	Noye	Taddonio
Clark, M. R.	Helfrick	O'Brien, D. M.	Taylor, E. Z.
Cornell	Hoeffel	Perzel	Taylor, F.
Coslett	Honaman	Peterson	Telek
Cunningham	Hutchinson, W.	Phillips	Thomas
DeVerter	Itkin	Piccola	Trello
Dietz	Kanuck	Pitts	Vroon
Dininni	Klingaman	Polite	Wilt
Dorr	Knepper	Pott	Yohn
Duffy	Kowalyszyn	Pratt	Zeller
Durham	Lashinger	Pyles	Zord
Earley	Lehr	Rasco	Zwikl
Fischer	Levi	Reed	
Fisher	Lewis	Ritter	Seltzer,
Foster, W. W.	Lynch, E. R.	Rocks	Speaker

NAYS—73

Beloff	Fee	Kukovich	Punt
Bennett	Fryer	Laughlin	Richardson
Berson	Gallagher	Lescovitz	Rodgers
Bittle	Gamble	Letterman	Schmitt
Borski	Gatski	Levin	Serafini
Burns	George, C.	Livengood	Seventy
Chess	Giammarco	McCall	Shadding
Civera	Goebel	McMonagle	Shupnik
Clark, B. D.	Goodman	Manderino	Stewart

Cochran	Grabowski	Micozzie	Sweet
Cole	Gray	Mullen	Wachob
Cowell	Greenfield	Novak	Wargo
DeMedio	Harper	O'Brien, B. F.	Wass
DeWeese	Hutchinson, A.	O'Donnell	Wilson
DiCarlo	Irvic	Petrarca	Wright, D. R.
Davies	Johnson, E. G.	Pievsky	Wright, Jr., J.
Dawida	Knight	Pistella	Yahner
Dombrowski	Kolter	Pucciarelli	Zitterman
Donatucci, R.			

NOT VOTING—15

Barber	Jones	Oliver	Street
Cohen	McIntyre	Rappaport	White
Dumas	McKelvey	Rhodes	Williams
Johnson, J. J.	Maiale	Rieger	

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendment was agreed to.

On the question recurring,

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

Mr. COWELL offered the following amendments:

Amend Sec. 1 (Sec. 5176), page 483, line 27, by inserting after "directors" of intermediate units

Amend Sec. 1 (Sec. 5176), page 483, line 28, by inserting after "directors" of intermediate units

On the question,

Will the House agree to the amendments?

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

Mr. COWELL. This is amendment 6423. It deals with page 483 of the bill. It seeks to clarify a section of language about which there really is no lack of agreement. We think it does need clarified though. It talks about the commissioning of personnel. I want to make clear that where the language speaks about executive directors and assistant executive directors, we are talking about those employes of intermediate units.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Cowell and urge the adoption of his amendment.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I support the gentleman's amendment and urge its adoption.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—179

Alden	Foster, W. W.	Letterman	Reed
Anderson	Foster, Jr., A.	Levi	Rhodes
Armstrong	Freind	Levin	Richardson
Arty	Fryer	Lewis	Ritter
Austin	Gallagher	Livengood	Rocks
Belardi	Gamble	Lynch, E. R.	Rodgers
Beloff	Gannon	McCall	Ryan
Bennett	Gatski	McClatchy	Scheaffer
Berson	Geesey	McMonagle	Schweder

Bittle	Geist	McVerry	Serafini
Bowser	George, C.	Mackowski	Seventy
Brandt	George, M. H.	Madigan	Shupnik
Brown	Giammarco	Manderino	Sieminski
Burd	Gladeck	Manmiller	Sirianni
Burns	Goebel	Michlovic	Smith, E. H.
Caltagirone	Goodman	Micozzie	Smith, L. E.
Cappabianca	Grabowski	Milanovich	Spencer
Cessar	Gray	Miller	Spitz
Chess	Greenfield	Moehlmann	Stairs
Cimini	Grieco	Mowery	Steighner
Civera	Gruppo	Mrkonic	Stewart
Clark, B. D.	Hagarty	Mullen	Stuban
Clark, M. R.	Halverson	Murphy	Sweet
Cochran	Harper	Nahill	Swift
Cole	Hasay	Novak	Taddonio
Cornell	Hayes, Jr., S.	Noye	Taylor, E. Z.
Coslett	Helfrick	O'Brien, B. F.	Taylor, F.
Cowell	Hoeffel	O'Brien, D. M.	Telek
Cunningham	Honaman	O'Donnell	Thomas
DeMedio	Hutchinson, A.	Perzel	Trello
DeVerter	Hutchinson, W.	Peterson	Vroon
DeWeese	Irvic	Petrarca	Wachob
DiCarlo	Itkin	Phillips	Wargo
Davies	Johnson, E. G.	Piccola	Wass
Dawida	Kanuck	Pievsky	Wilson
Dietz	Klingaman	Pistella	Wilt
Dininni	Knepper	Pitts	Wright, D. R.
Dombrowski	Knight	Polite	Wright, Jr., J.
Dorr	Kolter	Pott	Yahner
Duffy	Kowalshyn	Pratt	Yohn
Durham	Kukovich	Pucciarelli	Zeller
Earley	Lashinger	Punt	Zitterman
Fee	Laughlin	Pyles	Zord
Fischer	Lehr	Rappaport	Zwikl
Fisher	Lescovitz	Rasco	

NAYS—0

NOT VOTING—19

Barber	Johnson, J. J.	Oliver	White
Borski	Jones	Rieger	Williams
Cohen	McIntyre	Schmitt	
Donatucci, R.	McKelvey	Shadding	Seltzer,
Dumas	Maiale	Street	Speaker
Gallen			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mr. CUNNINGHAM offered the following amendments:

Amend Sec. 1 (Sec. 5191), page 485, line 25, by striking out "shall" and inserting may

Amend Sec. 1 (Sec. 5191), page 486, line 8, by inserting a period after "buildings"

Amend Sec. 1 (Sec. 5191), page 486, lines 8 through 11, by striking out "EXCEPT AS PROVIDED FOR IN COLLECTIVE" in line 8, all of lines 9 through 11

On the question,

Will the House agree to the amendments?

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

Mr. CUNNINGHAM. I will read the amendment because it is very short. I am amending section 1 (section 5191),

page 485, line 25, by striking out "shall" and inserting "may". I am amending section 1 (section 5191), page 486, line 8, by inserting a period after "buildings". And going down to section 1 (section 5191), page 486, I am amending lines 8 through 11 by striking out "EXCEPT AS PROVIDED FOR IN COLLECTIVE" in line 8 and all of lines 9 through 11.

Mr. Speaker, basically, what I am attempting to do again is return to current law. HB 1671 as drafted would impose on school districts an obligation that they do not currently have to hire a fully qualified principal for each and every building in the district. A fair reading of HB 1671 can bring one very logically to that conclusion. That is not current practice. Many school districts that have clusters of small buildings will have a senior teacher functioning as the administrative head of that building with a principal who will have the principal administrative responsibilities for those two or three buildings, for that multiple-building cluster of small buildings. It would impose a needless redundant financial burden on local school districts to require them to have a fully qualified principal for each building in their district. That is not current law. HB 1671 expands current law by heaping this obligation on them, and I think the obligation is an unreasonable one.

The second part of the amendment is extremely significant because section 703 of Act 195 says that a collective bargaining agreement must be subject to the School Code, and where there is an inconsistency between the School Code provisions and the provisions of the collective bargaining agreement, those collective bargaining agreement provisions are a nullity and the statutory law controls. What HB 1671 will do with the language that is in it right now is take away the ability of the General Assembly to confer power on principals to manage their school districts and will make statutory law subordinate to the collective bargaining agreement, will elevate the collective bargaining agreement to a position of primacy relative to statutory law. This is not only inconsistent with Act 195, but it is not something that I believe as a matter of policy we want to do.

As a consequence of that, I urge the adoption of my amendment, which will simply return HB 1671 to present law where statutory law has a position of primacy vis-a-vis collective bargaining agreements and where school districts may apportion their principals on a building-by-building basis as the exigencies of that local school district dictate. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, for the past several days I have been hearing arguments from the one side that said, let the teachers association bargain with the local district in collective bargaining and do something, and whatever they do then, it should be between them, and that is fine.

If we were to adopt the Cunningham amendment, one of the things it does is eliminate language in the present code that says that when a district has bargained with a group

and comes to an agreement with that particular group and it is now part of the bargaining contract, under Mr. Cunningham's amendment that would be pulled out. In other words, something that has been bargained to, agreed to by both sides, would be eliminated, and I just think that is silly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Centre, Mr. Cunningham. Does the gentleman wish to interrogate the gentleman from Bucks, Mr. Burns?

Mr. CUNNINGHAM. Mr. Speaker, I do not. I see virtually no inconsistency between any argument that I have made at any time on the floor of the House and the amendment that is being offered here, which simply returns us to present law.

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

Mr. BURNS. Once again, there are some people in this Assembly who are saying, on the one hand, make it a collective bargaining agreement. When we make it a collective bargaining agreement, then we have other people coming up saying strip it out and return to present law. That is inconsistent. It just seems to me that the members had better understand that there are many collective bargaining agreements out there that have been bargained to in good faith and, if we were to do what Mr. Cunningham wants us to do, this would strip those collective bargaining agreements and put us back to ground zero and, especially in the big cities, cause a lot of problems. So I am just saying that the people better realize that we are stripping language out that says what has been agreed to by collective bargaining agreements.

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

Mr. COWELL. Mr. Speaker, would Mr. Cunningham consent to interrogation, please?

The SPEAKER pro tempore. He indicates that he would. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, I am sorry, I could not hear all of your explanation. A brief question: The first part of your amendment would insert the word "may" for "shall" in line 25 of page 485. You may have explained this; I am sorry if I did not hear it. Why are you doing that? Why do you propose to do that?

Mr. CUNNINGHAM. Mr. Speaker, in response to the gentleman's question, under current law and given current practice, there are school districts which, rather than hiring a fully qualified principal to function as chief administrator for every building in that district, have situations which involve a cluster of small buildings, one or two or three buildings, for which there is one principal who has the administrative responsibilities. Within each of those buildings, there may be a person designated as a senior teacher, or a term to that effect, who discharges the administrative responsibilities of that building, but the chief administrative responsibilities go to the principal. A fair reading of HB 1671, as it is before us, would require that every school

district hire a fully qualified principal to function as chief administrator for every one of these buildings in the district, regardless of the size of the building, regardless of the need of that particular school district. And, as a result of that, I am trying to return to current law which allows a board of school directors to decide under what circumstances they need to retain the services of a fully qualified principal and under what circumstances they wish to use the services of a fully qualified principal for two or more buildings.

Mr. COWELL. Mr. Speaker, we look at the language on page 486, paragraph B, line 8 in particular, where it says "the building or buildings...." Does that language not seem to suggest that it would still be possible for one principal to be responsible for more than one building?

Mr. CUNNINGHAM. Mr. Speaker, it would be possible to argue that that interpretation is a reasonable one, but I think a more compelling and a more logical interpretation of this provision as currently drafted would require the hiring of a principal for every building. I think that that is the more logical reading, and if it is our intent to mandate a fully qualified principal for every little country schoolhouse across the Commonwealth, then I think we should say that. But if it is our intent to allow the discretionary responsibility for the decisions as regards to qualifications of the administrators on a building-by-building basis to remain with local school districts, then we should take out the "shall" provision and insert a "may" provision and return to current law and allow boards of school directors to make these decisions.

Mr. COWELL. Mr. Speaker, may I make some remarks, please?

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

Mr. COWELL. Mr. Speaker, I have no quarrel with the gentleman's intention of avoiding a situation where a principal would be required for each and every building. I am fearful, though, that his amendment does not in the most effective way address that question. First of all, I think that the language that we currently have does provide for a principal to be employed for the management of one or more buildings. On page 485, it speaks to the issue, on line 28, of "school or schools," and again on page 486, it suggests that the principal might be responsible, on line 8, for "the building or buildings." I think it is rather clear that the principal could have responsibilities for more than one building. I am concerned that if we simply adopt the Cunningham language as is suggested by eliminating the word "shall" and replacing it with the word "may," we could have a teacher who does not hold a valid administrative certificate employed to supervise one or more buildings. I am afraid that the impact of the language of the Cunningham amendment might be something dramatically different from what he intends. I would ask that if his intentions are simply to somehow or other make it more clear that a principal can have responsibilities for more than one building, that question be addressed in a different way

rather than allowing a school district to perhaps hire a school principal who does not hold a valid administrative degree or certificate. Mr. Speaker, I would urge at this time that we not adopt the Cunningham amendment.

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

Mr. ZELLER. Mr. Speaker, if the members would hear this, what Mr. Cunningham is saying is he wants to go back to present law. I have an example, and you may have plenty of examples in large townships, for a borough as large as Emmaus, we have three elementary schools and we have one principal, one principal who cares for those three schools and can drive to them at any moment of the day. He can drive to any three of them and take care of the administrative problems, and one of them he uses for his office and does a tremendous job. I know the fellow personally because we work together, and he is a very qualified, certified individual.

So what is wrong with allowing us to go back to the present code and operate that way and let the school board decide that, because they are trying to hold down costs, instead of saying you have to have one for every building? We have three elementary schools in that school district, East Penn, in the borough. We have many elementary schools in the East Penn School District, but in that one large borough we have three elementary schools. Now, why should that one principal not be allowed to take care of those three buildings instead of having three of them, in other words, each one taking care of a building. It is not necessary. And they are all elementary grade schools. So it is a tremendous move to get back to what we have been doing, and here now they want to set up—evidently it is—a job deal. It will allow us to move some teacher now into a principal position, again so we can move a teacher into the slot, and here you are trying to create jobs again. Let the school board make that decision. That is why they are hired; that is what they are elected for; and that is what they are there for, and let them make that decision. Here, again, we are on the job deal; another PSEA amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, I apologize to the gentleman, Mr. Cowell. I apparently did not communicate my intent clearly enough. My intent is not merely to establish that principals may have responsibility for more than one building. My intent is also to establish that it is not necessary to hire a principal—it is not mandatory that a school district hire a principal—for each and every building. Those are two separate and distinct propositions, and the gentleman's concern would be accurate if my intent were only to address the first element that I just mentioned, but given my concern over our obligation to make it absolutely clear that each building need not necessarily have a principal makes the language that I have required, I think, very important.

As a result of that, I would urge the adoption of the amendment and I would add, as regards the gentleman's,

Mr. Burns, remarks, there are specific issues which are more properly the purview of a collective bargaining agreement than they are the subject for statutory provision. What we are talking about in this particular statutory provision is not merely some distinct element of a right or a responsibility as regards a teaching position. What we are talking about is virtually every significant responsibility that a principal has to manage his school district. To run those two concepts together and to confuse them, I think, is to misunderstand the intent of the amendment, and I would consequently urge the adoption of the amendment to return to current law.

AMENDMENTS DIVIDED

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

Mr. COWELL. Mr. Speaker, is it possible to divide this amendment, specifically to divide it after the word "may" in line 3 of the amendment?

The SPEAKER pro tempore. It is the ruling of the Chair that the amendment may be divided.

Mr. COWELL. I would ask that the amendment be divided, then, Mr. Speaker.

On the question,

Will the House agree to Part I of the amendments?

The SPEAKER pro tempore. The part of the amendment that is being voted on will consist of the first three lines: Amend section I, page 485, line 25 by striking out "shall" and inserting "may".

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

Mr. ZELLER. Mr. Speaker, I would like to interrogate Mr. Cunningham, please.

The SPEAKER pro tempore. Mr. Cunningham indicates that he will consent to be interrogated. The gentleman may proceed.

Mr. ZELLER. I wanted to ask Mr. Cunningham, has he consulted with individuals on this, and his feelings on it, because I am not aware of the impact that we will have in dividing this amendment.

Mr. CUNNINGHAM. Mr. Speaker, I would prefer that the amendment not be divided. I think that it is important that the amendment be considered in its totality and, when I drafted it, I drafted it that way for that reason. So it has been and would continue to be my hope that the amendment would be considered as it is drafted. I think it is coherent. I think the two provisions relate inextricably to one another, and I think it is imperative that we adopt both of them simultaneously and would, of course, urge that.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh, Mr. Zeller. The gentleman is in order and may proceed.

Mr. ZELLER. While I am at the mike and I have my second chance on this issue—I did not want to sit down and possibly not have the chance—I want to comment that the reason why I feel we should not divide is the point that Mr.

Cunningham brought up, because earlier—and I do not want anybody to misunderstand it—I did not mean that this amendment was a teachers' amendment. What I meant was the amendment that was put into HB 1671 was that type of amendment, and what we are trying to do is take it out and bring it back to present law, and that would make it so that the school boards will make the decisions on whether or not they want to have a principal taking care of three buildings or whatever and *not have one principal in each building*. In other words, it is an economy move, and for that reason we should not divide; we should go with the whole amendment. That is the point I wanted to bring out, and I thank you very much for that chance.

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

Mr. COWELL. Mr. Speaker, I would like to speak against this section of the Cunningham amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COWELL. I would suggest that this section of the Cunningham amendment does not do what the sponsor of the amendment suggests it does. He has indicated that he wants to insure that a principal may have responsibility for more than one school. I agree with that intent, but that is not what this amendment does. Right now, *without the Cunningham amendment*, the language says that "The board of school directors shall employ school principals who shall hold valid administrative certificates and who shall organize and supervise the operation and management of the school or schools...." It very clearly suggests that a principal may have responsibilities for more than one school. However, if we adopt the Cunningham language, what it will say is "The board of school directors may employ school principals who shall hold valid administrative certificates," et cetera, et cetera. If we only say that they may employ such principals, we also open the door so that a school district may employ somebody who holds less than a valid principal's certificate. I do not think that is the real intent of the Cunningham amendment. Unfortunately, that would be the real effect of the Cunningham amendment. I therefore urge that we defeat the first half of the Cunningham amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, I would like to respond to the gentleman, Mr. Cowell's remark, but first I would like to ask, technically, has the Chair ruled to split the amendment or are we still debating both provisions of the amendment concurrently?

The SPEAKER pro tempore. Any member may call for a division of a question by the House if it comprehends positions so distinct and separate that one being taken away, the other will stand as a complete proposition for the decision of the House.

The Chair has ruled that the amendment may be divided.

Mr. CUNNINGHAM. Has the amendment in fact been divided?

The SPEAKER pro tempore. That is correct.

Mr. CUNNINGHAM. Mr. Speaker, may I ask which amendment we are debating at this time?

The SPEAKER pro tempore. We are debating the first part, as was read formerly by the Speaker, of amendment 6385.

Mr. CUNNINGHAM. Thank you, Mr. Speaker. I would like to respond to the gentleman's remarks on that provision, if I may.

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

Mr. CUNNINGHAM. Mr. Speaker, the gentleman is still confusing two distinct elements to my intent. He continually refers to the need to establish the responsibility of a principal for more than one building. That is clear in the bill. He calls attention to that. He is absolutely right, but that is not my intent. My intent is not merely to establish that a principal may have responsibility for more than one building; my intent is to establish that each and every school district need not of necessity and cannot be compelled to hire a principal for every building in that district, and without the language that I have proposed, that is what the provision of HB 1671 we are debating clearly indicates.

The gentleman is calling attention to a provision here which unequivocally, indisputably says that a principal may have responsibility for more than one building, and he is right. But, in fact, what the provision does say the way it is drafted is that a school district must hire a fully qualified principal for every building in that district. The language I have proposed makes it clear that we are not imposing that new requirement on a school district, but, in fact, the school district may use its own discretion with regard to whether it has a fully certified, fully qualified principal in every building or a senior teacher in a smaller building. So I would urge the adoption of this amendment, because without it, it can very forcefully be argued and, in fact, I think the only reasonable way the provision can be interpreted is that the school district must hire a principal for each building, and I would urge the adoption of the amendment.

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

Mr. COWELL. Mr. Speaker, I would like to question Mr. Cunningham, please.

The SPEAKER pro tempore. He indicates that he will stand for interrogation. The gentleman may proceed.

Mr. COWELL. Mr. Speaker, we may be doing a good job of confusing each other. You have agreed that the current language provides that a principal may be hired and have responsibility for more than one building. Is that correct?

Mr. CUNNINGHAM. That is correct, Mr. Speaker.

Mr. COWELL. At the same time you are concerned that, in addition to a school district assigning teacher A responsibility for building 1 and building 2, somebody might read this language and interpret it to mean that in addition to

that the school district still has to hire another principal for building 2?

Mr. CUNNINGHAM. Mr. Speaker, I have reason to believe that there are interests in this Commonwealth who intend to use the provision of this act and in fact would be fully justified in using this provision of this act to assert the obligation on a school district that each district has a responsibility to hire a fully qualified principal for each building in the district, and my amendment would make it very clear that we are not adding that brand new responsibility, that costly obligation, to local school districts.

Mr. COWELL. So, Mr. Speaker, you are suggesting then that whoever these other interests might be, in addition to having a situation where a principal might have responsibility for buildings 1 and 2, those other interests might demand that that school district hire another principal for that second building, so that, in effect, there would be two principals for that building?

Mr. CUNNINGHAM. Mr. Speaker, there are multiple tiers of administrative responsibility, and a variety of arrangements could be worked out that could justify something that approximates the kind of arrangement the gentleman has described. All I am attempting to do, and what my amendment clearly does, is establish that school districts need not hire a fully qualified principal for every building in their district. It does not go to the issue of whether principals may have responsibility for more than one building. That is a separate issue that is addressed very clearly on the face of the bill, and I do not have any problem with that. My concern goes to the obligation of the school district to hire a principal, fully qualified, for every building, and I think my amendment unequivocally retreats from that position.

Mr. COWELL. Mr. Speaker, a brief comment then, please.

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

Mr. COWELL. Mr. Speaker, I would suggest to my colleagues in the House that the possible concern that has been expressed by Mr. Cunningham is not very real. I just cannot imagine that we are going to have a school district forced, if you will, by these so-called interests, whoever they might be, into hiring a second principal for a particular building. That is not very real, and, again, there are no examples, real examples, that have been cited to demonstrate that that is a real concern. The greater concern ought to be that with the Cunningham language, we might in fact have school buildings for which there is not a competent principal assigned. I am less concerned whether that principal has an assignment of one or two or three buildings, but I want somebody to be in charge, because I have had the unfortunate situation on a couple of occasions with my own youngsters to call a building when one has been injured and not be able to find anybody who was in charge, not be able to find somebody who could answer my questions or the questions of a doctor. I think it is absolutely essential that somebody be in charge. That ought to be a

principal, a fully qualified principal, and if that principal happens to have responsibility for one or more buildings, so be it. But there ought to be one so in charge. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to Part I of the amendments?

The following roll call was recorded:

YEAS—32

Alden	Halverson	McClatchy	Rasco
Cunningham	Hutchinson, A.	Miller	Reed
Dawida	Kanuck	Moehlmann	Schweder
Freind	Knepper	Nahill	Spitz
George, M. H.	Kowalyszyn	Peterson	Taddonio
Gladeck	Lashinger	Pitts	Taylor, F.
Gray	Letterman	Polite	Vroon
Hagarty	Lewis	Pyles	Zeller

NAYS—145

Anderson	Durham	Lehr	Rodgers
Armstrong	Earley	Lescovitz	Ryan
Arty	Fee	Levi	Scheaffer
Austin	Fischer	Levin	Schmitt
Belardi	Fisher	Livengood	Serafini
Beloff	Foster, W. W.	Lynch, E. R.	Seventy
Bennett	Foster, Jr., A.	McCall	Shupnik
Berson	Fryer	McMonagle	Sieminski
Bittle	Gallagher	McVerry	Sirianni
Bowser	Gallen	Mackowski	Smith, E. H.
Brandt	Gamble	Madigan	Smith, L. E.
Brown	Gatski	Manderino	Spencer
Burns	Geesey	Manmiller	Stairs
Caltagirone	Geist	Michlovic	Steighner
Cappabianca	George, C.	Micozzie	Stewart
Cessar	Giammarco	Milanovich	Stuban
Chess	Goebel	Mowery	Sweet
Cimini	Goodman	Mrkonc	Swift
Civera	Grabowski	Mullen	Taylor, E. Z.
Clark, B. D.	Greenfield	Murphy	Telek
Clark, M. R.	Grieco	Novak	Thomas
Cochran	Gruppo	Noye	Trello
Cohen	Harper	O'Brien, B. F.	Wachob
Cole	Hasay	O'Brien, D. M.	Wargo
Cornell	Hayes, Jr., S.	O'Donnell	Wass
Coslett	Helfrick	Perzel	Wilson
Cowell	Hoeffel	Petrarca	Wilt
DeMedio	Honaman	Phillips	Wright, D. R.
DeVerter	Hutchinson, W.	Piccola	Wright, Jr., J.
DeWeese	Irvic	Pievsky	Yohn
DiCarlo	Itkin	Pistella	Zitterman
Davies	Johnson, E. G.	Pott	Zord
Dietz	Klingaman	Punt	Zwinkl
Dininni	Knight	Rappaport	
Dombrowski	Kolter	Richardson	Seltzer,
Dorr	Kukovich	Ritter	Speaker
Duffy	Laughlin	Rocks	

NOT VOTING—21

Barber	Johnson, J. J.	Oliver	Shadding
Borski	Jones	Pratt	Street
Burd	McIntyre	Pucciarelli	White
Donatucci, R.	McKelvey	Rhodes	Williams
Dumas	Maiale	Rieger	Yahner
Gannon			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the negative, and Part I of the amendments was not agreed to.

The SPEAKER pro tempore. At this time we will take up the second part of the amendment.

The Chair recognizes the gentleman, Mr. Cunningham.

Mr. CUNNINGHAM. Mr. Speaker, I could be wrong on this and I am not trying to delay this vote, but I have had a number of members remark to me just now that there was a great deal of confusion on that vote as to whether we were voting on a division or whether we were voting on the first part of the amendment as well. I would ask that the vote be stricken and that we revote, with the understanding that there be no debate.

The SPEAKER pro tempore. I think that answers the question.

Mr. CUNNINGHAM. Mr. Speaker, if that was a referendum on understanding, I think there is no doubt that there was understanding, and I will withdraw my remarks.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to Part II of the amendments?

The SPEAKER pro tempore. Do you wish to vote on the second part of the amendment?

Mr. CUNNINGHAM. Are you asking if I wish to make a remark?

The SPEAKER pro tempore. If the gentleman wishes to make a brief remark, he may. He is in order. Go ahead.

Mr. CUNNINGHAM. Mr. Speaker, very briefly, all the second portion of the amendment does is remove the conflict with section 703 of Act 195, and that conflict is that any portion of a collective bargaining agreement which is in conflict with statutory law is declared to be a nullity, and my amendment simply returns us to present law in that regard and says that, in effect, statutory law as regards the powers of principals to conduct the administrative affairs of their districts will be paramount to a collective bargaining agreement in general, except where we have specifically said that a specific arrangement will be subject to collective bargaining, and I would urge the adoption of the amendment.

On the question recurring,

Will the House agree to Part II of the amendments?

The following roll call was recorded:

YEAS—30

Alden	Halverson	Moehlmann	Rasco
Cunningham	Kanuck	Mowery	Reed
Dawida	Knepper	Nahill	Richardson
Fisher	Kowalyszyn	Peterson	Scheaffer
Foster, W. W.	Lashingner	Pitts	Schweder
George, M. H.	Lewis	Polite	Taddonio
Gladeck	McClatchy	Pyles	Zeller
Hagarty	Miller		

NAYS—146

Anderson	Duffy	Lehr	Schmitt
Armstrong	Durham	Lescovitz	Serafini
Arty	Earley	Letterman	Seventy
Austin	Fee	Levi	Shupnik
Belardi	Fischer	Levin	Sieminski
Beloff	Foster, Jr., A.	Livengood	Sirianni
Bennett	Fryer	Lynch, E. R.	Smith, E. H.
Berson	Gallagher	McCall	Smith, L. E.

Bittle	Gallen	McMonagle	Spencer
Bowser	Gamble	McVerry	Spitz
Brandt	Gatski	Mackowski	Stairs
Brown	Geesey	Madigan	Steighner
Burd	Geist	Manderino	Stewart
Burns	George, C.	Manmiller	Stuban
Caltagirone	Giammarco	Michlovic	Sweet
Cappabianca	Goebel	Micozzie	Swift
Cessar	Goodman	Milanovich	Taylor, E. Z.
Chess	Grabowski	Mrkonc	Taylor, F.
Cimini	Greenfield	Murphy	Telek
Civera	Grieco	Novak	Thomas
Clark, B. D.	Gruppo	Noye	Trello
Clark, M. R.	Harper	O'Brien, B. F.	Vroon
Cochran	Hasay	O'Donnell	Wachob
Cohen	Hayes, Jr., S.	Perzel	Wargo
Cole	Helfrick	Petrarca	Wass
Cornell	Hoeffel	Phillips	Wilson
Coslett	Honaman	Piccola	Wilt
Cowell	Hutchinson, A.	Pievsky	Wright, D. R.
DeMedio	Hutchinson, W.	Pistella	Wright, Jr., J.
DeVerter	Irvis	Pott	Yahner
DeWeese	Itkin	Pucciarelli	Yohn
DiCarlo	Johnson, E. G.	Punt	Zitterman
Davies	Klingaman	Rappaport	Zord
Dietz	Knight	Ritter	Zwilk
Dininni	Kolter	Rocks	
Dombrowski	Kukovich	Rodgers	Seltzer,
Dorr	Laughlin	Ryan	Speaker

NOT VOTING—22

Barber	Gray	Mullen	Rieger
Borski	Johnson, J. J.	O'Brien, D. M.	Shadding
Donatucci, R.	Jones	Oliver	Street
Dumas	McIntyre	Pratt	White
Freind	McKelvey	Rhodes	Williams
Gannon	Maiale		

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the negative, and Part II of the amendments were not agreed to.

The SPEAKER pro tempore. It is the understanding of the Chair that the gentleman, Mr. Letterman, has withdrawn amendment 5238. Apparently it has been withdrawn.

RECONSIDERATION OF VOTE ON AMENDMENTS TO HB 1671

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

Mr. FREIND. Mr. Speaker, I move that the vote by which amendment 4812 was defeated on May 19 be reconsidered.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—161

Anderson	Foster, Jr., A.	Lescovitz	Rodgers
Armstrong	Freind	Letterman	Ryan
Arty	Fryer	Levi	Scheaffer
Austin	Gallen	Levin	Schweder
Belardi	Gamble	Lewis	Serafini
Beloff	Gannon	Livengood	Seventy
Bennett	Gatski	Lynch, E. R.	Shupnik

Berson	Geesey	McCall	Sieminski
Bittle	Geist	McClatchy	Sirianni
Bowser	George, M. H.	McMonagle	Smith, E. H.
Brandt	Giammarco	McVerry	Smith, L. E.
Brown	Gladeck	Mackowski	Spencer
Burd	Goebel	Madigan	Spitz
Caltagirone	Goodman	Manderino	Stairs
Cappabianca	Grabowski	Manmiller	Steighner
Cessar	Gray	Micozzie	Stewart
Chess	Greenfield	Miller	Stuban
Cimini	Grieco	Moehlmann	Sweet
Civera	Gruppo	Mowery	Swift
Clark, M. R.	Hagarty	Mrkonic	Taddonio
Cochran	Halverson	Murphy	Taylor, E. Z.
Cohen	Harper	Nahill	Taylor, F.
Cole	Hasay	Novak	Telek
Cornell	Hayes, Jr., S.	O'Brien, D. M.	Thomas
Coslett	Helfrick	O'Donnell	Trello
Cowell	Hoeffel	Perzel	Vroon
Cunningham	Honaman	Peterson	Wachob
DeVerter	Hutchinson, A.	Phillips	Wargo
DeWeese	Hutchinson, W.	Piccola	Wass
DiCarlo	Iris	Pievsky	Wilt
Davies	Itkin	Pistella	Wright, Jr., J.
Dawida	Johnson, E. G.	Pitts	Yahner
Dietz	Kanuck	Polite	Yohn
Dininni	Klingaman	Pott	Zeller
Dombrowski	Knepper	Punt	Zitterman
Dorr	Knight	Pyles	Zord
Duffy	Kolter	Rappaport	Zwikl
Durham	Kowalshyn	Rasco	
Earley	Lashingier	Reed	Seltzer,
Fisher	Laughlin	Ritter	Speaker
Foster, W. W.	Lehr	Rocks	

NAYS—9

Burns	Fee	George, C.	Michlovic
Clark, B. D.	Fischer	Kukovich	Wilson
DeMedio			

NOT VOTING—28

Alden	Jones	O'Brien, B. F.	Rieger
Barber	McIntyre	Oliver	Schmitt
Borski	McKelvey	Petrarca	Shadding
Donatucci, K.	Maiale	Pratt	Street
Dumas	Milanovich	Pucciarelli	White
Gallagher	Mullen	Rhodes	Williams
Johnson, J. J.	Noye	Richardson	Wright, D. R.

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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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 reoffered the following amendments:

Amend Sec. 1 (Sec. 5139), page 456, line 3, by striking out "(1)"

Amend Sec. 1 (Sec. 5139), page 456, lines 10 through 14, by striking out all of said lines

Amend Sec. 1 (Sec. 5139), page 456, lines 16 through 19, by striking out "or if" in line 16, all of lines 17 and 18, and "of position," in line 19

On the question recurring,

Will the House agree to the amendments?

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

Mr. FREIND. I will be very brief. This is the amendment with respect to the transfer issue as demotions. All the amendment does is return to present law. Under present law if a teacher is demoted, demoted in his salary, demoted in his duties, if he is suspended or if he is fired, he has a right to a hearing, as well he should have. The problem with with HB 1671 is there is a section that has been added saying if a school employe believes that a transfer is a demotion or a subjective believes, he has the automatic right to a hearing.

There are several issues involved. Number one, it is impossible to put into legislation something so subjective as the belief of a school employe. Secondly, in fact, the vast majority of all those who have been transferred will believe that is a demotion if they do not want the transfer. Thirdly, the employer in fact should have the latitude as to where to utilize his or her employes. Fourthly, and very practically, for any school district that is under a desegregation order and is ordered to transfer its teachers, with this provision in there it will economically devastate that school district. Southeast Delco School District in Delaware County is under an order right now where they must transfer 100 teachers. If they have to go through the transfer procedure, Mr. Speaker, with the attorneys, with the transcripts, with everything else that goes with it, it will be economically devastating and will result in a huge tax increase for the citizens of that district.

We are not taking any rights away from school employes at all. I think this is a commonsense approach, and I strenuously ask for your support for this very needed amendment. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, once again, I oppose the amendment. As I said before, the courts have ruled, and I can quote the cases if you want me to, that the teacher does have that right. Regardless of whether we say that they do or they do not, the courts have ruled on it; it is the law of the land. If someone thinks different, they are only trying to kid themselves. They have that right. We have simply stated in the recodification what the courts have said. If somebody says, let us give a message to the courts, well, that is nonsense. You are not going to give any message to the courts; the courts have ruled on it. All I say is, put into the code what is in fact the law. That is all we are doing.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware, Mr. Spitz.

Mr. SPITZ. Mr. Speaker, I would respectfully disagree with the gentleman from Bucks. I do not think the courts have made any such ruling. There is nothing in the statutory law that permits a hearing solely because a professional employe has been transferred. Where there has been a hearing and where there has been a ruling either by the board or on appeal, the professional employe has taken the position that the transfer was tantamount to a demotion, that his status has changed in some fashion, which is a factual question, and it may continue to be. What Mr. Burns is suggesting by the change in the code—and it is a

change in the code much as these other changes are changes in the code, and this is not a recodification at all; it is a brand new school code, and this is one of the suggested changes—what he is suggesting is that the transfer, in and of itself, just because the teacher views it as something else, gives rise to the hearing. The law will not change unless we change it by adopting the code without this amendment. I support the amendment.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Mr. Freind's amendment again. I know the members are getting sort of tired of listening to this argument all day long and then hearing this case all over again. As Mr. Burns has indicated, the law of the land is that everybody is entitled to due process, whether it be a transfer, whether they are demoted, whether they are laterally transferred. Say you were in Philadelphia and you lived near your school where you were employed at the present time and the superintendent decided to transfer you to southwest Philadelphia, say 30 miles away from where you were gainfully employed before. That basically is a demotion. It is an additional cost for you to get there from where you originally were stationed. That is one of the arguments that was raised, and that is a demotion, even though you might be performing the same position you were 30 miles prior to that.

All we are trying to do is to make it very clear that they have the right. As the bill says, they may, within 10 days of being informed of the action, request official notice. So they have 10 days to do something. It is not something arbitrary; they are automatically given this right. They have 10 days to make that determination in their own minds if they want to apply for a hearing so that the governing board shall provide a statement of reasons for its actions. So there is ample time of due process. We do that with the children; we do it with the parents. We should certainly, for God's sake, do it with the teachers.

I find it very difficult for some members to be offering such amendments like this, particularly who are lawyers who find that it is awesome and unbearing, and yet you are the ones who are supposed to be upholding our Constitution, our rights, and our freedom, and you are the very ones who are taking the freedom away from the people. I think it is an outstanding record of going backwards as far as freedom of rights. So, therefore, I urge that we continue one more time and vote "no" for this amendment. Thank you.

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

Mr. BURNS. Mr. Speaker, it was suggested that there has been no case law. I would like to state it for you: Commonwealth Department of Education v. Charleroi Area School District, 347 A. 2d 736, Commonwealth, 1975; then the Wesenberg's Case, 346 Pa. 438, 31 A. 2d 151 (1943)—whatever all those numbers mean, I will give them to you. There are other ones: Omlor v. Chester School District, Isban v. Commonwealth Department of Education, and the

Santee Appeal, 49...Reg, and if anybody wants more of that one, I will give it to them, because I am not a lawyer and I do not know how to read it.

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, if we could just be patient for just a moment or two, we are just about at the end of this particular day.

HB 1671 addresses itself to a matter of transfer and whether or not a professional employe views a prospective transfer as a demotion. The gentleman, Mr. Freind, suggests to us that that particular provision, that part of the bill which just touches upon transfer, be deleted. The gentleman from Bucks, Mr. Burns, states that it is already present law. Let us clearly identify the fact that it is case law. The current code does talk to hearings when a professional employe believes that action is being taken that could be construed as demotion. The present School Code of 1949 does not have in it the word "transfer." That word is new in HB 1671.

Now, the gentleman, Mr. Burns, is correct when he states that the courts have addressed themselves to this question. It is not in statute law; it is in case law, and Mr. Freind and those who have spoken in favor of the Freind amendment would prefer to leave HB 1671 silent with regard to the word "transfer." In each of the cases which have been heard, the court has held—I believe in each of the cases—that if a professional employee perceives a particular action is in fact a demotion, that employee is entitled to a hearing. That is what the courts have said. HB 1671, with or without the Freind amendment, I do not believe will affect current case law, but the word "transfer" is not mentioned in the School Code of 1949. HB 1671 would contain the word "transfer."

Both Mr. Freind and Mr. Burns are correct in what they have said to us. I have just taken the mike at this time to clarify what I believe to be necessary at this time. I am not arguing for or against the gentleman's amendment, but I thought that we should at least make the record clear. Thank you, Mr. Speaker.

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

Mr. FREIND. Two brief arguments. Number one, again, we are the legislature. We make the laws; the courts do not.

Secondly, it is not overall case law. There are some cases where teachers have filed suit where they had felt that because of the specifics, a particular transfer was a demotion. Even with the passage of my amendment, they would have the right to do that, but if my amendment fails, they have an automatic right to a hearing regardless of the circumstances so long as they are transferred.

Economically, not to the school districts but to the taxpayers, this is going to be a tremendous burden. If any particular entity, collective bargaining unit, feels this strongly about it, it belongs in the collective bargaining agreement and not in HB 1671. My amendment takes away no rights whatsoever. It reverts to and clarifies the present

law. I strenuously urge its adoption. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—122

Alden	Fryer	Lewis	Ryan
Anderson	Gallen	Livengood	Scheaffer
Armstrong	Gamble	Lynch, E. R.	Schweder
Arty	Gannon	McClatchy	Serafini
Belardi	Geesey	McMonagle	Seventy
Beloff	Geist	McVerry	Shadding
Borski	George, C.	Mackowski	Sieminski
Bowser	George, M. H.	Madigan	Sirianni
Brandt	Giammarco	Manmiller	Smith, E. H.
Burd	Gladeck	Miller	Smith, L. E.
Cessar	Grabowski	Moehlmann	Spencer
Chess	Gray	Mowery	Spitz
Cimini	Grieco	Murphy	Stairs
Civera	Gruppo	Nahill	Swift
Clark, B. D.	Hagarty	Noye	Taddonio
Clark, M. R.	Halverson	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hasay	O'Brien, D. M.	Taylor, F.
Cornell	Hayes, Jr., S.	Oliver	Thomas
Coslett	Helfrick	Perzel	Trello
Cunningham	Honaman	Peterson	Vroon
DeVerter	Hutchinson, A.	Phillips	Wass
Dawida	Hutchinson, W.	Piccola	White
Dietz	Johnson, E. G.	Pistella	Wilson
Dininni	Kanuck	Pitts	Wilt
Dorr	Knight	Polite	Wright, D. R.
Durham	Lashingier	Pott	Yohn
Earley	Laughlin	Pratt	Zeller
Fisher	Lehr	Pyles	Zord
Foster, W. W.	Letterman	Rasco	
Foster, Jr., A.	Levi	Richardson	Seltzer,
Freind	Levin	Rocks	Speaker

NAYS—63

Austin	Duffy	Lescovitz	Ritter
Bennett	Fee	McCall	Rodgers
Berson	Fischer	Manderino	Schmitt
Bittle	Gallagher	Michlovic	Shupnik
Brown	Gatski	Micozzie	Steighner
Burns	Goebel	Milanovich	Stewart
Caltagirone	Goodman	Mrkonic	Stuban
Cappabianca	Greenfield	Mullen	Sweet
Cochran	Harper	Novak	Telek
Cole	Hoeffel	O'Donnell	Wachob
Cowell	Irvis	Petrarca	Wargo
DeMedio	Itkin	Pievsky	Wright, Jr., J.
DeWeese	Klingaman	Punt	Yahner
DiCarlo	Kolter	Rappaport	Zitterman
Davies	Kowalyshyn	Reed	Zwikl
Dombrowski	Kukovich	Rhodes	

NOT VOTING—13

Barber	Jones	McKelvey	Rieger
Donatucci, R.	Knepper	Maiale	Street
Dumas	McIntyre	Pucciarelli	Williams
Johnson, J. J.			

EXCUSED—4

Hayes, D. S.	Salvatore	Weidner	Wenger
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The question was determined in the affirmative, and the amendments were agreed to.

BILL PLACED ON THIRD CONSIDERATION POSTPONED CALENDAR

The SPEAKER pro tempore. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I move that HB 1671 be placed on the third consideration postponed calendar.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1155, PN 2068**, entitled:

An Act amending the "Pennsylvania No-fault Motor Vehicle Insurance Act," approved July 19, 1974 (P. L. 489, No. 176), redefining certain terms; authorizing temporary suspension of coverage;***

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

Bill as amended was agreed to.

Ordered, that the bill as amended be prepared for final passage.

INTERROGATION

Mr. IRVIS, under unanimous consent, interrogated Mr. RYAN.

Mr. IRVIS. Mr. Speaker, I have had delivered to my desk—and I presume to the desks of all the other members—a document dated May 15, 1980, requested by the House majority and headed as "General Fund Budget." I am not asking these questions to simply be partisan about it; I really want the information on it.

Mr. Majority Leader, would you tell me whether or not this represents a bill already introduced or does this represent a hoped-for budget from the committee of conference on HB 1623?

Mr. RYAN. Neither. It is neither a bill that is in print and introduced nor is it a proposal of a conference committee, but rather a proposal that was printed out by different staff members of the Appropriations Committee.

Mr. IRVIS. That being the case, Mr. Speaker, would the majority leader explain to me—and I am sincere about this—what number V is across the top which says "Conference Report?" What conference report are we talking about? Where do those figures come from?

Mr. RYAN. None. There is no conference report. There is no conference committee that has met. It is simply a proposal by staff people as to what might be included by conferees should they consider the budget and do it by way of a conference report.

Mr. IRVIS. If I understand the majority leader, this number V should not be in this document at all—and I am not trying to be just clever at the microphone—but this column is to be disregarded because there is no committee

of conference report and you are not sure where this came from except that this is the work of staffers who think this might be a conference report figure. Is that correct?

Mr. RYAN. Yes. It may very well be that the title "Conference Report" should not appear at the top, but it had to be identified, I suppose, in some way, and they elected to identify it this way, and perhaps it should simply have said Staff Recommendations.

Mr. IRVIS. Thank you, Mr. Speaker. As I said, I did not stand here merely to be partisan. All of us have been buzzing about the question of budget, whether it is coming this week or not, and I wanted the members to know that what you have before you is a nonofficial document. Apparently it is a recommendation, and pretty obviously where it says "V, Conference Report," it does not reflect, as the majority leader has told us, any committee of conference report. It does not reflect anything which is in being. It may indeed reflect something which will come into being, but he is not aware of it any more than we are. Thank you, Mr. Speaker.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all other bills and resolutions on today's regular calendar will be passed over. The Chair hears none.

HB 2362 REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2362 be removed from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

STATEMENT BY MR. COWELL

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman from Allegheny, Mr. Cowell, for a brief statement.

Mr. COWELL. Mr. Speaker, I would like unanimous consent to make a few remarks, please.

The SPEAKER pro tempore. The gentleman is correct.

Mr. COWELL. Mr. Speaker, in June of 1978 the members of the House voted by a margin of 195 to 0 to pass HB 1702, and the Senate a few months later, by a vote of 42 to 5, voted in favor of that bill, and with the Governor's signature the bill became Act 292 of 1978. That new law mandated the appointment of two consumer representatives to each of the Commonwealth's 22 professional licensing boards, and I think the lopsided nature of these votes was indicative of the legislature's overwhelming support for giving Pennsylvania consumer representation on each of these boards. Now, some 17 months after the bill became law and some 16 months into the Thornburgh administration, as of just a couple of days ago, the last time I was able to check, only 5 of the 44 consumer posi-

tions on the boards have been filled by nomination and consent of the Senate, and only 12 other nominations have been submitted by the Governor to the Senate for the remaining positions. While these positions remain unfilled, more than half of them remain unfilled, the professional licensing boards continue to make decisions that affect several hundred thousand persons in licensed occupations in the Commonwealth, and they are making decisions that affect the expenditure of millions of consumer dollars while deciding matters that affect the health, safety, and welfare of the public here in Pennsylvania.

I appreciate the concern and the care that must be taken in identifying qualified people for these positions. Some legislators, including myself, and some consumer organizations across the Commonwealth have tried to participate in and to aid this process by recommending interested individuals to the Governor. I am now greatly disturbed by the pace at which this law is being implemented. It is all too apparent that the full implementation of this act, Act 292 of 1978, has not been given much adequate attention by the Thornburgh administration. I hope that the Governor now will promptly attend to this matter so that the intention of the legislature to add two members to each of these 22 boards is fulfilled.

In addition, I am asking today that the House Committees on Consumer Affairs and Professional Licensure review the administration's implementation of Act 292 to date and begin to monitor the administration's actions or failure to act on this issue during the coming weeks. Thank you, Mr. Speaker.

STATEMENT ON LEGISLATION TO BE INTRODUCED

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

Mr. DAVIES. I ask unanimous consent, Mr. Speaker, to just briefly address the House relative to three pieces of legislation I am going to introduce.

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

Mr. DAVIES. Mr. Speaker, I would like to place for consideration of other members who may want to join me two pieces of legislation and a resolution which address a question, I think, that is at hand in our immediate future, and they address themselves to the fact that we are going to get an influx of some 20,000 refugees in the Indiantown Gap Reservation.

This merely states that those people who are now on housing waiting lists, particularly those of public housing where the Commonwealth does have interest, and the other addresses itself to other welfare programs as well as mental health programs, that those people on those waiting lists would be given first consideration, because in some instances I have people who have been on for as long as 18 months and longer, who have not as yet been able to get into those particular housing facilities, and there are a great deal of other crunches that we face in our county. Some 22

other members already have seen fit to go along with me and say that any political subdivision until the Federal Government shall provide other supplementary housing programs, so that the rights of the people in the Commonwealth now will not be affected. This addresses itself to those things essentially while the resolution memorializes Congress and the Federal Government to make other provisions. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is not my intention to call any further bills up for a vote. There are some members, I know, who want to finish up dictation and the like, and I do not expect there will be any further votes, if it is of interest to anyone.

CONFERENCE COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I would like to announce a meeting of the conference committee on HB 1623 on Wednesday, May 21, in room 245 at 10 a.m.

COMMUNICATIONS

Department of External Affairs
Ministere des Affaires exterieures
Ottawa, Canada

May 8, 1980

Dear Mr. Mebus,

Members of the Canadian Embassy staff in Tehran join with me and Mrs. Taylor in expressing our appreciation and grateful acknowledgement for the Resolution adopted by the House of Representatives, Harrisburg, Pennsylvania, expressing their gratitude for the assistance rendered to the six American diplomats in Iran.

We are most touched by this gesture and wish to convey through you to the House of Representatives and the citizens of Harrisburg our grateful thanks for their thoughtfulness.

We also share with you a hope for the safe return of those still in Tehran.

Sincerely,
Ken Taylor
Ambassador

Mr. Charles F. Mebus,
Chief Clerk,
House of Representatives,
Harrisburg, Pennsylvania

Pennsylvania Credit Union League
4309 North Front Street
Harrisburg, Pennsylvania 17110

May 16, 1980

The Honorable H. Jack Seltzer
Speaker of the House
Main Capitol Building
Harrisburg, Pennsylvania 17120

RESOLUTION

Dear Representative Seltzer:

I have enclosed a copy of the resolution which the delegates at the 46th Annual Meeting of the Pennsylvania Credit Union League, held in Pittsburgh, Pa. on April 26, 1980, adopted in recognition of Representative Halverson's support of credit union ideals.

Very truly yours,
Michael J. Judge
President

MJJ:KS
Enclosure

Pennsylvania Credit Union League
RESOLUTION

WHEREAS, Representative Kenneth S. Halverson has distinguished himself as an outstanding state legislator since his election to the Pennsylvania House of Representatives in 1966, and

WHEREAS, he has on several occasions in the past been either the prime sponsor or co-sponsor of credit union legislation, and

WHEREAS, Representative Halverson has been one of the staunchest advocates of credit unions in the state legislature, and

WHEREAS, in his last year in office, he has introduced legislation to improve operating conditions for state-chartered credit unions, therefore,

BE IT RESOLVED, that we, the delegates to the Annual Meeting of the Pennsylvania Credit Union League, do offer sincere gratitude to Representative Kenneth Halverson for his untiring efforts on behalf of credit unions, and be it

FURTHER RESOLVED, that copies of this resolution be transmitted to The Honorable Kenneth S. Halverson and the Pennsylvania House of Representatives.

Dated April 26, 1980

(SEAL)

Michael Casper
Chairman of the Board
Paul G. Demmer
Secretary

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2081, PN 3361 (Amended) (Unanimous)

By Rep. BITTLE

An Act providing for a voluntary contribution system to aid in the conservation of certain wild flora and fauna, establishing a special fund and providing for its administration.

CONSERVATION.

HB 2263, PN 3362 (Amended) (Unanimous)

By Rep. BITTLE

An Act amending the "Soil Conservation Law," approved May 15, 1945 (P. L. 547, No. 217), further providing for county boards, providing for nomination of district directors; providing additional duties for the Department of Environmental Resources, the State Conservation Commission and district boards.

CONSERVATION.

REMARKS ON VOTE

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

Mr. MURPHY. Mr. Speaker, on May 6, 1980, on HB 401 I was shown as not voting. That was the day we took the voice vote. For the record—and the Secretary of the House can verify this—I did vote in the affirmative on that bill and want to be so recorded. Thank you.

The SPEAKER pro tempore. The remarks of the gentleman will be spread upon the record.

BILLS SIGNED BY SPEAKER

The Chair gave notice that it was about to sign the following bills, which were then signed:

HB 2137, PN 2718

An Act amending the act of May 21, 1943 (P. L. 302, No. 140), entitled, as amended, "An act providing for the admission of children to, and their education and maintenance in, and their discharge from the Scotland School for Veterans' Children; ****" providing for the admission of children of veterans who did not serve during a time of war or armed conflict.

SB 841, PN 1671

An Act authorizing and directing the Department of General Services, with the approval of the Department of Justice and the Governor, to convey to the Counties of Centre, Clearfield, Clinton, Huntingdon and Mifflin, 4 acres of land, more or less, situate in Benner Township, Centre County, Commonwealth of Pennsylvania.

SB 963, PN 1367

An Act amending the act of July 15, 1976 (P. L. 1014, No. 204), entitled "Magisterial District Reform Act," further providing for the compensation of district justices.

SB 1176, PN 1606

An Act making an appropriation to the Hazleton Branch of the Pennsylvania Association for the Blind.

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. RYAN. I have no further business, Mr. Speaker.

The SPEAKER pro tempore. Does the minority leader have any further business?

Mr. IRVIS. No, Mr. Speaker.

ADJOURNMENT

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

Mr. PERZEL. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 20, 1980, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:05 p.m., e.d.t., the House adjourned.