

Legislative Journal

TUESDAY, MAY 20, 1980

Session of 1980

164th of the General Assembly

No. 37

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

REV. GUY FERN, pastor of the First Church of the Brethren, Altoona, Pennsylvania, guest chaplain and guest of the gentleman from Blair, Mr. Geist, offered the following prayer:

O God, Our Heavenly Father, we realize how insignificant we are in comparison to the great creation that You have created. And yet, our Father, some are called to higher positions than others, some are called to rule over other men.

We would pray, Lord, for Thy blessings upon this legislature, that You would give wisdom and guidance to each and every member; that they would seek Thy will so that as they govern, they would do it in Thy will. That this great State of Pennsylvania would become great as a spiritual state, as one living in the will of God, as one whose Representatives truly represent the people in the light of the wisdom that a great God gives.

We ask it in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVED

The SPEAKER. Are there any corrections to the Journal of May 7, 1980?

If not, and without objection, the Journal is approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, May 19, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2559 By Representatives MILLER, McCLATCHY, MICOZZIE, W. D. HUTCHINSON, GRUPPO, WASS, ARTY, MADIGAN, BELARDI, CESSAR,

RYAN, STAIRS, WILT, D. R. WRIGHT AND CIVERA.

An Act amending the "State Lottery Law," approved August 26, 1971 (P. L. 351, No. 91), further providing for the purpose, powers and duties of the Secretary of Revenue, the disposition of funds and making an appropriation.

Referred to Committee on APPROPRIATIONS, May 20, 1980.

No. 2560 By Representatives SWEET, FISCHER, CAPPABIANCA, DiCARLO, DOMBROWSKI, DeMEDIO, BOWSER, KNEPPER, FISHER, MICHLOVIC, FEE AND LESCOVITZ.

An Act establishing a system of maintenance funding for interstate highways.

Referred to Committee on TRANSPORTATION, May 20, 1980.

No. 2561 By Representative GOEBEL.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring a training course for Class 3 license applicants and requiring gravity brakes on certain trailers.

Referred to Committee on TRANSPORTATION, May 20, 1980.

No. 2562 By Representative GOEBEL.

An Act amending the act of January 10, 1968 (1967 P. L. 925, No. 417), referred to as the Legislative Officers and Employes Law, further providing for nomination of the Chief Clerk and comptroller of the House of Representatives.

Referred to Committee on STATE GOVERNMENT, May 20, 1980.

No. 2563 By Representatives REED AND CIMINI.

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, by making it illegal to interfere with emergency communications.

Referred to Committee on JUDICIARY, May 20, 1980.

No. 2564 By Representatives CIMINI AND REED.

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing a penalty for certain offenses concerning investigations by police officers.

Referred to Committee on JUDICIARY, May 20, 1980.

No. 2565 By Representatives MOEHLMANN, RITTER, MANMILLER, PICCOLA, S. E. HAYES, JR., MILLER, DAVIES, KLINGAMAN AND ARMSTRONG.

An Act amending the "Mental Health Procedures Act," approved July 9, 1976 (P. L. 817, No. 143), further providing for the confidentiality of records.

Referred to Committee on HEALTH AND WELFARE, May 20, 1980.

No. 2566 By Representatives BELARDI, SERAFINI, WARGO AND ZITTERMAN.

An Act making an appropriation to the Everhart Museum in Scranton.

Referred to Committee on APPROPRIATIONS, May 20, 1980.

No. 2567 By Representatives DAVIES, FRYER, NOYE, BITTLE, GALLEN, GEESEY, LEHR, A. K. HUTCHINSON, LETTERMAN, WILSON, ARTY, FREIND, DININNI, MOEHLMANN, MANMILLER, MADIGAN, CESSAR, PITTS, E. Z. TAYLOR, CALTAGIRONE, BELARDI AND RICHARDSON.

An Act restricting the eligibility of aliens for certain programs and benefits.

Referred to Committee on HEALTH AND WELFARE, May 20, 1980.

No. 2568 By Representatives DAVIES, NOYE, BITTLE, GALLEN, GEESEY, LEHR, FRYER, A. K. HUTCHINSON, LETTERMAN, WILSON, ARTY, FREIND, DININNI, MOEHLMANN, MANMILLER, MADIGAN, CESSAR, PITTS, E. Z. TAYLOR, CALTAGIRONE, BELARDI AND RICHARDSON.

An Act restricting the eligibility of aliens for placement in public housing.

Referred to Committee on HEALTH AND WELFARE, May 20, 1980.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 231 By Representatives BROWN AND COCHRAN.

Federal Government enact legislation to provide tax credits to Metropolitan Edison Company ratepayers.

Referred to Committee on FEDERAL-STATE RELATIONS, May 20, 1980.

No. 232

(Concurrent) By Representatives DAVIES, FRYER, NOYE, BITTLE, GALLEN, GEESEY, WILSON, ARTY, FREIND, DININNI, MOEHLMANN, MANMILLER, MADIGAN, CESSAR, E. Z. TAYLOR, PITTS, CALTAGIRONE, BELARDI, RICHARDSON, A. K. HUTCHINSON AND LETTERMAN.

General Assembly memorialize Congress enact legislation to provide housing, funds, benefits and social welfare programs for the Cuban refugees in Pennsylvania.

Referred to Committee on FEDERAL-STATE RELATIONS, May 20, 1980.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

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

SB 1203, PN 1482

Referred to Committee on State Government, May 20, 1980.

LEAVE OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, I request a leave for the gentleman from Chester, Mr. VROON, for today.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. At this time, Mr. Speaker, we have no requests for leaves.

The SPEAKER. Without objection, leave is granted.

MASTER ROLL CALL RECORDED

The SPEAKER. The members will please report to the floor. The Chair is about to take the master roll. Only those members in their seats may be recorded. Members will proceed to vote.

The following roll call was recorded:

YEAS—196

Alden	Foster, W. W.	Levin	Richardson
Anderson	Foster, Jr., A.	Lewis	Rieger
Armstrong	Freind	Livengood	Ritter
Arty	Fryer	Lynch, E. R.	Rocks
Austin	Gallagher	McCall	Rodgers
Barber	Gallen	McClatchy	Ryan
Belardi	Gamble	McIntyre	Scheaffer
Beloff	Gannon	McKelvey	Schmitt
Bennett	Gatski	McMonagle	Schweder
Berson	Geesey	McVerry	Serafini
Bittle	Geist	Mackowski	Seventy
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	Suban
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	Wachob
DeMedio	Irvis	Peterson	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Johnson, E. G.	Phillips	Wenger
DiCarlo	Johnson, J. J.	Piccola	White
Davies	Jones	Pievsky	Wilson
Dawida	Kanuck	Pistella	Wilt
Dietz	Klingaman	Pitts	Wright, D. R.
Dininni	Knepper	Polite	Wright, Jr., J.
Dombrowski	Knight	Pott	Yahner
Donatucci, R.	Kolter	Pratt	Yohn
Dorr	Kowalshyn	Pucciarelli	Zeller
Duffy	Kukovich	Punt	Zitterman
Dumas	Lashingner	Pyles	Zord
Durham	Laughlin	Rappaport	Zwikl
Earley	Lehr	Rasco	
Fee	Lescovitz	Reed	Seltzer,
Fischer	Letterman	Rhodes	Speaker
Fisher	Levi		

NAYS—0

NOT VOTING—2

Shadding Williams

EXCUSED—4

Hayes, D. S. Salvatore Vroon Weidner

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

CALENDAR

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. PITTS offered the following amendment:

Amend Bill, (Chapter 5), by striking section 509 and inserting § 508. Legislative action on rules or regulations.

A copy of every rule or regulation or amendment to a rule or regulation of the board shall, before adoption, be forwarded to the Speaker of the House of Representatives and to the President pro tempore of the Senate for referral to and review by the appropriate standing committee of the House of Representatives and of the Senate as determined by the respective presiding officer. The standing committee shall, within 30 calendar days or 5 legislative days, whichever is greater, from the receipt of such rule, regulation or amendment approve or recommend disapproval to the House of Representatives or the Senate of any such rule, regulation or amendment. After the rule or regulation is reported from the committee, the House of Representatives or the Senate shall within 30 calendar days or 5 legislative days consider the rule or regulation. Failure of the standing committee to recommend disapproval and of the House of Representatives and Senate to disapprove any rule, regulation or amendment within the total of 60 calendar days or 10 legislative days, as may be appropriate, from the receipt

thereof shall constitute approval thereof. If the standing committees of both the Senate and the House of Representatives recommend disapproval and the House of Representatives and the Senate disapproves any rule, regulation or amendment, the board shall not adopt the rule, regulation or amendment and it shall not be again offered for one year. Each committee shall immediately notify, in writing, the other committee and the board of any action taken pursuant to this section. Only in the absence of a disapproval the board shall proceed with the adoption of the rule, regulation or amendment in accordance with section 202 of the Commonwealth Documents Law.

On the question,

Will the House agree to the amendment?

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

Mr. PITTS. This is the amendment concerning legislative oversight, which I agreed to hold until after Miss Sirianni's amendment was considered. It is in line with the other legislative oversight provisions that we have passed in this House. It provides that copies of rules and regulations promulgated by the board, before adoption, would be referred by the Speaker.

The proposed rules and regulations would be submitted to the appropriate standing committee by the President of the Senate or Speaker of the House. The committee would have 30 calendar days or 5 legislative days, whichever is greater, to consider the proposed rule or regulation and recommend either approval or disapproval. If they recommended disapproval, the House or Senate chambers would have, again, another 30 calendar days or 5 legislative days, whichever is greater, to exercise the veto power.

Mr. Speaker, I think it is very important in this time of escalating government cost, escalating rules and regulations in government, that we have legislative oversight. The legislature should have that power of veto, and this amendment would provide it. I urge support for the amendment.

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

Mr. GALLAGHER. Mr. Speaker, we did adopt a similar amendment—Miss Sirianni had offered it a week or so ago—which provides the oversight committee, in a matter of looking over the rules and regulations emanating from the department or the state board, with veto powers. This gives both House and Senate committees the power for approval or disapproval by the standing committees, which sounds great if we could get the committees to meet on time. And I think the previous amendment is more in line logistically to make sure that rules and regulations are not adopted arbitrarily by the state board or the Department of Education. The Sirianni amendment takes care of that situation by the veto, but this would require the committees' approval, which can cause undue meetings of both committees. I think that it is not needed at this time.

I think we ought to try the first amendment and see how that works with having the final veto power rather than having to meet everytime the department promulgates a rule or regulation and then we would have to approve or disapprove. So I would suggest that the amendment not be

considered at this time for adoption because of the previous amendments.

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

Miss SIRIANNI. Mr. Speaker, I rise in support of this amendment. The amendment which we passed before, which I sponsored, limited the membership to eight people - four from the Senate and four from the House - which is better than nothing. But I think it would be better if the entire body had an opportunity to act on these regulations which are put out by them. Eight is better than nothing, but 102 is the best. Thank you very much.

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

Mr. COWELL. Mr. Speaker, I rise to speak against the amendment that has been offered by Mr. Pitts. I have two basic concerns with the language that is included in the Pitts amendment.

First of all, as I read the Pitts amendment, it would seem to require that each and every regulation promulgated by the Department of Education be specifically reviewed by the two Education Committees, the one in the House and the one in the Senate. As we have discussed this issue in a couple subcommittees, one of the Education Committee and one of the State Government Committee, during the past 2 or 3 years, I think there has been a consensus building that it would be a mistake to require a review of each and every rule or regulation and require action on each and every rule or regulation that was proposed. I think the consensus has been that that would just create a huge burden, an unwieldy burden, for the committees that would have that responsibility. And instead, there seems to have been a consensus building that we ought to create a mechanism or a method that would allow for a legislative veto where necessary, where legislators felt it was desirable, but that it would be a mistake to require a review and require a yes or no action on each and every rule and regulation. The system simply will not work that way and will become bogged down, and the bottom line will be that the system will not work.

Secondly, I am concerned about that language near the bottom of the amendment that says that any rule, regulation or amendment which has not been approved or has been disapproved by the legislature shall not be adopted by the State Board of Education. And the language that concerns me in it says: And it shall not be again offered for one year. Again, I think it is a mistake to simply say that you cannot offer that rule or regulation for a full year. I say that because there are a number of subject areas that may have to be addressed by rule or regulation. And really the impact of our legislative veto ought to be to say, we disapprove of the method that you propose to handle that issue with; we disapprove of the specific language of that rule or regulation; we want you to go back, Mr. Member of the state board or Mr. Secretary, and amend that rule or regulation and come up with something different.

I am concerned that the Pitts language would be interpreted in such a way that that issue might not be addressed for another full year, and there are many cases where an issue simply will not wait for a full year because of the nature of the issue and sometimes because we are acting under the press of Federal Court order or Federal law.

So for those two reasons, I would ask that we oppose the Pitts amendment, and also keep in mind that we have already adopted the Sirianni amendment, and I believe that that will suffice in providing meaningful, effective legislative oversight of the rulemaking powers of the State Board of Education.

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

Mr. PITTS. Mr. Speaker, I was just reading the information that was circulated by the Greater Pittsburgh Chamber of Commerce on this very issue of regulatory reform, and they take a strong position about governmental regulation. They even call it the great American disease. They urge the legislature to regain control over the regulatory process and to assure accountability of state agencies.

This is one agency that I think we need to assure accountability for; this is one agency that we need to assure that we look at the proposed rules and regulations. It is not mandatory that we vote "yes" or "no" on every proposed rule or regulation. The standing committee—the House Education Committee and their expertise and their staff, as well as in the Senate—would have the proposed rule and regulation, every one, but only if the committee recommended disapproval would the House then vote and go on record as being in favor or voting for disapproval. I do not see a problem as far as a proposed amendment to the rule. I think that this process which is patterned after other processes in other states is a sound one and I urge adoption of the amendment.

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

The following roll call was recorded:

YEAS—100

Alden	Foster, Jr., A.	Lynch, E. R.	Scheaffer
Anderson	Freind	McClatchy	Schweder
Armstrong	Gallen	McVerry	Sieminski
Arty	Gannon	Mackowski	Sirianni
Belardi	Geesey	Madigan	Smith, E. H.
Bittle	Geist	Manmiller	Smith, L. E.
Bowser	George, M. H.	Micozzie	Spencer
Brandt	Gladeck	Miller	Spitz
Brown	Grieco	Moehlmann	Stairs
Burd	Gruppo	Mowery	Steighner
Cessar	Hagarty	Nahill	Swift
Cimini	Halverson	Noye	Taddonio
Civera	Hasay	Perzel	Taylor, E. Z.
Clark, M. R.	Hayes, Jr., S.	Peterson	Telek
Cornell	Helfrick	Phillips	Wass
Coslett	Honaman	Piccola	Wenger
Cunningham	Hutchinson, W.	Pitts	Wilt
DeVerter	Johnson, E. G.	Polite	Yohn
Dietz	Kanuck	Pott	Zeller
Dininni	Klingaman	Pyles	Zitterman
Dorr	Knepper	Rappaport	Zord
Durham	Kowalyszyn	Rasco	Zwikl
Earley	Lashingner	Reed	
Fischer	Lehr	Ritter	Seltzer,

Fisher	Levi	Ryan	Speaker
Foster, W. W.	Lewis		

NAYS—80

Austin	Donatucci, R.	Knight	Pievsky
Barber	Duffy	Kolter	Pistella
Beloff	Dumas	Kukovich	Pratt
Bennett	Fee	Laughlin	Pucciarelli
Berson	Fryer	Lescovitz	Punt
Borski	Gallagher	Letterman	Rodgers
Burns	Gamble	Livengood	Schmitt
Caltagirone	Gatski	McCall	Serafini
Cappabianca	George, C.	Maiale	Seventy
Chess	Giammarco	Manderino	Shupnik
Clark, B. D.	Goebel	Michlovic	Stewart
Cochran	Goodman	Milanovich	Stuban
Cole	Grabowski	Mrkonic	Sweet
Cowell	Harper	Mullen	Taylor, F.
DeMedio	Hoefel	Murphy	Trello
DeWeese	Hutchinson, A.	Novak	Wargo
DiCarlo	Irvis	O'Brien, B. F.	Wilson
Davies	Itkin	O'Brien, D. M.	Wright, D. R.
Dawida	Johnson, J. J.	O'Donnell	Wright, Jr., J.
Dombrowski	Jones	Petrarca	Yahner

NOT VOTING—18

Cohen	McKelvey	Rieger	Thomas
Gray	McMonagle	Rocks	Wachob
Greenfield	Oliver	Shadding	White
Levin	Rhodes	Street	Williams
McIntyre	Richardson		

EXCUSED—4

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

The SPEAKER. The Chair recognizes the lady from Susquehanna, Miss Sirianni, who offers A6600.

Miss SIRIANNI. Mr. Speaker, may I request that this be held over for a half hour or so?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I have asked one of the Representatives to get Mr. Lashinger's amendment.

I support the lady, Miss Sirianni. Let us pass over this amendment temporarily and come back to it in just a moment or two. Thank you.

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

Miss SIRIANNI. I now have Mr. Lashinger's amendment.

On the question recurring,

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

Miss SIRIANNI offered the following amendments:

Amend Sec. 2718, page 151, lines 5 through 11, by striking out all of said lines and inserting (9) Educate school age children and youth who pursuant to an order of a court or an official arrangement with a public or private approved children and youth agency is placed outside his own home in either a group residential program or in a foster family home when it is determined that the school district or school districts in which the child or youth is placed cannot accommodate such child or youth in the public schools of the district.

Amend Sec. 2718, page 151, by inserting between lines 17 and 18

(11) (i) Have the power to contract with private residential rehabilitative institutions for educational services to be provided to children as part of any rehabilitative program required in conjunction with the placement of a child in any such institution pursuant to a proceeding under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(ii) The actual cost of such services shall be borne by the school district of the child's residence and the department shall effectuate the reimbursement of the various intermediate unit expenditures administratively through the deduction of an appropriate amount from the basic instructional subsidy of any school district which had resident students that were provided educational services by a private residential rehabilitative institution.

(iii) For the purpose of this section, a "private residential rehabilitative institution" means a facility, other than one operated by a public agency, which as of December 31, 1977 provided to juveniles legally committed thereto pursuant to a proceeding under the act of December 6, 1972 (P.L.1464, No.333), known as the "Juvenile Act," educational services as part of a total rehabilitative package, funded, at least in part, through contractual agreements with the county of which each child is a resident, whereby the institution received from the county an amount per diem for each child legally committed thereto.

(iv) A private residential rehabilitative institution shall be exempt from administrative control by the intermediate unit contracting therewith other than those controls necessary to assure the proper expenditure of the funds for the maintenance of the minimum education program provided for in the contract. Such contracts shall not require compliance with this title.

(v) Regulations of the department heretofore adopted or hereafter promulgated shall neither reduce the discretion of the intermediate unit in determining the minimum educational program or how it should be administered by the institution nor make reimbursement of intermediate unit expenditures contingent upon the intermediate unit mandating contract provisions requiring compliance with the provisions of this title, including but not limited to, the areas of course offerings and teacher certification.

Amend Sec. 1 (Sec. 4703), page 387, line 24, by removing the period after "department" and inserting or such child is placed in a private residential rehabilitative institution, as defined in section 2718(11) (iii) (relating to powers and duties of the board) pursuant to a procedure or proceeding under 42 Pa.C.S. Ch.63 (relating to juvenile matters).

Amend Sec. 1 (Sec. 4703), page 387, lines 25 and 26, by striking out "AS IS APPROPRIATE." and inserting or through the purchase of instructional services from a private agency.

On the question,

Will the House agree to the amendments?

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

Miss SIRIANNI. Mr. Speaker, this amendment brings the bill into compliance with Act 30 of 1980 which provided for the education of dependent and delinquent children in a private, residential rehabilitative school. The institution will offer the program and be exempt from administrative control by the IU contracting with them for the program, and the program need not comply with certification and

course requirements. We passed this law in 1980, and I think if we saw fit to vote this in a few months ago, we should now include it in the new school code.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the lady is correct. The language which she is offering as an amendment to HB 1671 is Act 30 of 1980, and I urge support of the lady's amendment. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, Mr. Hayes is correct; it is just adding it into the code which is already an act and make it more conducive to a recodification complying with some additional acts already approved by this General Assembly. Therefore, I urge the adoption of her amendment.

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

The following roll call was recorded:

YEAS—184

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

NAYS—0

NOT VOTING—14

Chess	McIntyre	Rocks	Sweet
Fisher	McKelvey	Shadding	Wachob
Greenfield	Rhodes	Street	Williams
Laughlin	Richardson		

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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?

Miss SIRIANNI offered the following amendment:

Amend Sec. 1 (Sec. 2922), page 172, by inserting between lines 2 and 3 (d) Adjustment of payment as a result of strike.— For the school year 1980-1981 and thereafter, a school district's basic instruction payment shall not be reduced because the district was unable, as a result of a strike, to provide the minimum days of instruction required by section 3721(c) (relating to establishment of school calendar), unless the school district's instructional expense per weighted average daily membership or the base earned for reimbursement is reduced because of the shortened school calendar.

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

QUESTION OF INFORMATION

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

Miss SIRIANNI. I rise to a point of inquiry of you.

The SPEAKER. The lady will state it.

Miss SIRIANNI. Mrs. George would like to speak to this amendment and it is not possible for her to be here at this particular moment. Could this be held over until she is able to get here? She has requested that I ask this of you. Could we go on to another one until she gets back?

The SPEAKER. Will the lady be here today?

Miss SIRIANNI. Yes, she was here. She just had to leave for a meeting and she will be back. She was just here a few minutes ago.

AMENDMENT WITHDRAWN TEMPORARILY

The SPEAKER. Without objection, Miss Sirianni is withdrawing amendment No. 6600 temporarily. The Chair hears none.

On the question recurring,

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

Mrs. TAYLOR offered the following amendments:

Amend Sec. 1 (Sec. 3588), page 322, line 23, by inserting after "districts.—" (1)

Amend Sec. 1 (Sec. 3588), page 322, line 29, by striking out "(1)" and inserting (i)

Amend Sec. 1 (Sec. 3588), page 323, line 1, by striking out "(2)" and inserting (ii)

Amend Sec. 1 (Sec. 3588), page 323, line 3, by striking out "(3)" and inserting (iii)

Amend Sec. 1 (Sec. 3588), page 323, line 4, by striking out "(4)" and inserting (iv)

Amend Sec. 1 (Sec. 3588), page 323, by inserting between lines 6 and 7 (2) In addition to the authorization in paragraph (1) for the appointment of tax collectors, the board of school directors in each school district of the second class may, by resolution, appoint one or more suitable persons, public employees or private agencies or corporations as tax collectors in the school district provided that the resolution of appointment is effective no sooner than the beginning of the term of office for the elected tax collectors in the school district and the resolution is passed not later than the first day for filing nominating petitions for the office of elected tax-collector in the school district. Once a school district has elected by resolution pursuant to this paragraph to appoint one or more tax collectors in lieu of utilizing the services of the elected tax collector, the election shall remain effective until changed by resolution of the board of school directors.

On the question,

Will the House agree to the amendments?

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

Mrs. TAYLOR. Mr. Speaker, this particular amendment 6651 clarifies what many of our school districts have been doing, and that is appointing some entity other than the tax collector for the purposes of collecting real estate tax. In my opinion, it is a "may" amendment. A school district can decide which method of collection is most beneficial to the taxpayers in that school district and, upon giving authorization of this type within the School Code, I think it will permit them to make a decision that is in the best interest of the taxpayer.

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

Mr. GALLAGHER. Mr. Speaker, this amendment was discussed in committee at length at different times. It is a shame that we have to bring it back out here to the floor when even those who were there could have done it in committee, instead of taking the time of the committee, of the whole General Assembly.

Many districts do set the tax collector's salary, not just fees, and Mrs. Taylor wishes to have it in there because she wants to make sure that all school directors file the same pattern. I hope you want them to follow the same pattern all the time. Sometimes you want them to have home rule charter, make their own determinations, but now you want them to just do what you want them to do. I have no objection to it because our districts all do it. I have no objection to this.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I concur with the lady, Mrs. Taylor, and the gentleman, Mr. Gallagher, and urge the adoption of the amendment. Thank you, Mr. Speaker.

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

Mr. NAHILL. Mr. Speaker, I think that this amendment, unfortunately, is one which attempts to deal with a local problem in one particular area, and I tend to dislike legislation which deals with one particular part of this state and really is not apropos in the rest of the state.

One of the problems I think we are hitting with this particular amendment is that there is a provision in the Local Tax Enabling Act which states that the tax collector for the borough or township is also the tax collector for the school district and for the county. I have a feeling that that particular provision of the Tax Enabling Act supersedes this particular amendment and would make this amendment null and void.

We are also setting up a duplicate set of tax collectors in districts, and I do not think that we need duplication, that we need additional bureaucracy, that we need additional people collecting taxes. I think one person collecting taxes for the entire district is a much better system, more efficient, and would cost an awful lot less money. I would, therefore, ask, Mr. Speaker, that we vote "no" on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—133

Alden	Dombrowski	Kolter	Rappaport
Anderson	Donatucci, R.	Kowalyszyn	Reed
Armstrong	Dorr	Kukovich	Ritter
Arty	Durham	Laughlin	Rodgers
Barber	Earley	Lehr	Ryan
Belardi	Fee	Lescovitz	Scheaffer
Beloff	Fisher	Letterman	Schweder
Bennett	Foster, W. W.	Levi	Serafini
Berson	Foster, Jr., A.	Levin	Shupnik
Bittle	Freind	Livengood	Sieminski
Borski	Gallagher	Lynch, E. R.	Sirianni
Brandt	Gallen	McCall	Smith, E. H.
Brown	Gannon	McClatchy	Smith, L. E.
Burd	Geesey	McMonagle	Spencer
Burns	Geist	Mackowski	Spitz
Caltagirone	George, C.	Madigan	Steighner
Cappabianca	Giammarco	Maiale	Stewart
Cessar	Gladeck	Manderino	Stuban
Chess	Goebel	Manmiller	Swift
Cimini	Goodman	Michlovic	Taddonio
Civera	Greenfield	Micozzie	Taylor, E. Z.
Clark, B. D.	Grieco	Milanovich	Taylor, F.
Clark, M. R.	Gruppo	Mowery	Telek
Cochran	Hagarty	Noye	Thomas
Cohen	Halverson	Peterson	Wass
Cole	Harper	Piccola	Wenger
Coslett	Hasay	Pievsky	Wilson
Cowell	Hayes, Jr., S.	Pitts	Wright, Jr., J.
Cunningham	Helfrick	Polite	Yahner
DeVerter	Honaman	Pratt	Yohn
DeWeese	Irvis	Pucciarelli	Zeller
DiCarlo	Johnson, E. G.	Punt	Zitterman
Dietz	Knepper	Pyles	Zwikel
Dininni			

NAYS—44

Austin	Gatski	Miller	Pott
Bowser	George, M. H.	Moehlmann	Rasco
Cornell	Grabowski	Mrkonic	Schmitt
DeMedio	Hutchinson, A.	Murphy	Seventy
Davies	Hutchinson, W.	Nahill	Stairs
Dawida	Kanuck	Novak	Sweet
Duffy	Klingaman	O'Brien, B. F.	Trello
Dumas	Knight	O'Brien, D. M.	Wargo
Fischer	Lashinger	Perzel	Wilt
Fryer	Lewis	Petrarca	Wright, D. R.
Gamble	McVerry	Pistella	Zord

NOT VOTING—21

Gray	McKelvey	Richardson	White
Hoeffel	Mullen	Rieger	Williams
Itkin	O'Donnell	Rocks	
Johnson, J. J.	Oliver	Shadding	Seltzer,
Jones	Phillips	Street	Speaker
McIntyre	Rhodes	Wachob	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. 3701), page 326, by inserting between lines 29 and 30

(d) Right to withhold student from portions of a program or course of study.—

(1) The parents or persons in loco parentis of any student shall have the right to temporarily withdraw such student from that specific portion or those specific portions of any program or course of study dealing with sex education or sexual orientation which the parents deem to be morally or religiously objectionable and such withdrawal shall in no way prejudice such student's academic rights or standing.

(2) The parental right set forth in paragraph (1) shall be exercised by written request of the superintendent of schools which request shall specifically designate that portion or those portions of the program or course of study which is objectionable and from which such student is to be withdrawn.

On the question,

Will the House agree to the amendment?

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

Mr. CUNNINGHAM. I am not going to re-debate this amendment, but I am just going to say that this amendment is a compromise redraft of the amendment that I offered of last week that would have given parents discretion to withdraw their children from course material which they deem to be spiritually or morally objectionable. And in deference to the concerns expressed by various members of the House, I have dramatically narrowed the scope of the amendment to allow parents to withdraw or withhold their children from only those specific portions of sex education materials or sexual orientation materials that they deem to be spiritually or morally objectionable, because that was my central concern, in any event.

We are not talking about giving parents virtually unlimited ability to withdraw their children from virtually any curriculum offering. We are talking only about courses dealing with sex education or sex orientation, and I would urge an affirmative vote on this much more narrowly drafted amendment.

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

Mr. GALLAGHER. Mr. Speaker, just to make everything clear, Mr. Cunningham's amendment indicates that he wishes to have parents or parents of students to have a right to temporarily withdraw such students from a specific portion, et cetera, of the course of study dealing with sex education or sex orientation. We have some difficulty with that language, Mr. Speaker. There are other members who are interested in teaching under health programs, venereal disease problems. What type of sex education you feel is morally or religiously objectionable? What type of sex program or sex-oriented program would you find fits that category, because there are demands from the people in this General Assembly over the years for education on venereal disease, which has to deal with sex. Now is that one of the categories that would be morally or religiously objectionable?

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

Mr. CUNNINGHAM. In answer to the gentleman's question, it is not my prerogative to make that judgment, nor do I think it is the prerogative of anyone in the General Assembly to make that judgment. I believe that to be a parental right. But one premiere example is the example of abortion. There are organizations—and I will name their names: Planned Parenthood and Family Planning, to name just one type of organization in this Commonwealth—who are doing everything in their power to get into the classrooms of young children to alter their view of abortion, to socialize them in a way that de-stigmatizes abortion. This is being done to affect public opinion generally on the issue of abortion, and it is my view and the view of millions of parents that this subject is an improper one for public school curriculum content. As a consequence of that, I would urge some legislative affirmation of a right that I think is an inherent parental right. We are not giving parents a right; we are simply recognizing a right that I believe they have in any event.

Mr. GALLAGHER. Well, Mr. Speaker, that is a fine dissertation on parental rights, but we still did not get down to the bottom line as to what we are creating.

There is a problem of venereal disease in this state and in the whole nation, and if the Department of Health sends to the Department of Education a program on venereal disease, are we going to take away from that educational process the right of parents to say, no, I do not want my child to be taught how to handle venereal disease or to be aware of how venereal disease is contracted? That is what could happen.

Parents always have a right to go to the school board to raise a question about the curriculum of their school districts, and if they find it objectionable religiously or morally, they can certainly object to it at the local level with the school board. They are the ones that are going to set the curriculum. I can see Mr. Cunningham is discussing it with somebody else.

The School Code does not mandate sex education or sex-oriented programs. It is up to the local school board to

decide what kind of curriculum it is going to have, and I have faith in school directors that they are not going to put in sex-oriented or just sex programs. They are going to have programs in health that might deal in sex, for example, venereal diseases.

So I think if you were really objecting to the fear that some organization, Planned Parenthood or an abortion agency, is going to get into the schools, all you have to do is put down there a prohibition to teaching abortion. That would maybe solve your problem, rather than basically throwing out the baby instead of the bath water. You are missing the issue. If you are really worried about them being taught about abortion, I think you ought to say it that way, rather than the way you are saying it here.

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

Mr. ZELLER. Mr. Speaker, Mr. Gallagher's argument about venereal disease is a copout, and the reason why I say it is a copout is because he knows doggone well that there is no parent going to object to the proper instructions as to the dangers in those areas. He used the phrases, throwing the baby out with the wash water, and all that business, you know, that is just selling material. Now let us get down to the facts.

He knows as well as the members of this House know what we are talking about. Let us get away from the abortion issue for a moment. That is just one. Let us talk about homosexuality, Mr. Speaker. Let us talk about the movie, Thursday's Child, that the headquarters down here in Harrisburg have been telling the school districts that they must show to the youngsters so that they can understand that there is nothing wrong with homosexuality. As a matter of fact, encourage it, it is great, try it you might like it. Now these are the kinds of things that are going on, and we could keep naming them and naming them. And, Mr. Speaker, you know very well what we are talking about. Now I am not through yet.

Mr. GALLAGHER. I do not "know very well." I wish you would not point to me unless you know for sure.

Mr. ZELLER. No, you are the one who made the statement about the business of venereal diseases and all that. You used that.

How could we ever explain in any amendment anything in that area that you would go along with, because you would not absolutely go along with it? So, therefore, it is merely a copout to sell this General Assembly or try to sell them that they must not, must not in any way, like they used to years ago, tell us why we cannot have any control over pornography because we can find it in the Bible. We heard all kinds of arguments about it here. My goodness gracious, you know darn well what we were talking about then, and you darn well know what we are talking about now. All it is is a copout. What the gentleman has is a very good point and one of them is abortion. My point in regard to what I told you last week about the movie, Thursday's Child, showing the youngsters in school, there is nothing wrong with two boys smooching it up and having a good

time, and telling the youngsters, try it, you might like it. That is the kind of junk that is going on in the State of Pennsylvania. And if you think it is not, I will tell you where it is going on. There are other states that are having the same kind of a problem in regard to telling the youngsters, come before the class and masturbate in front of the youngsters. Nothing wrong with it, because they have got to have self-expression. Big deal. Now those are the kinds of things that that so-called organization down here, that you call the Department of Education, are trying to push on the parents back home. It is about time the parents back home start telling that bunch where to head for. That is why we want this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Chapter 37, as it is contained in HB 1671, outlines a minimum curriculum for the school children of this Commonwealth. We should not read into chapter 37 things that may not be there. For sure, the bill which is presently before us, does not invoke all of the worst that we can engender in floor debate here today.

I suggest, Mr. Speaker, that we now vote on the Cunningham amendment and proceed with the other amendments. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady from Cambria, Mrs. Clark.

Mrs. CLARK. I want to say that I support Mr. Cunningham's amendment. We need this because it gives parents some safeguards about what their children are going to be taught.

So many of the schools now have left Planned Parenthood counselors come in to teach these sex education classes. Planned Parenthood does not bring in teachers; they bring in counselors. This is not a part of the original curriculum. So I think parents need some safeguards to keep their children from just hearing anything and being taught anything that they feel is undesirable. I would say that we should support Mr. Cunningham's amendment.

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

Mr. GALLAGHER. Mr. Speaker, just so everybody understands, I am not opposed to Mr. Cunningham's amendment. He just wanted to make sure that the language is what he wanted it to do. And to Mr. Zeller, I am not copping out on anything. I wish you would not point your finger at me and say he is copping this and he understands that. I do not know what class you went to and saw masturbation, but everybody else would like to know so we can make sure that school board throws it out. I urge everybody to support Mr. Cunningham's amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—150

Alden	Durham	Lashingier	Rodgers
Anderson	Earley	Laughlin	Ryan
Armstrong	Fee	Lehr	Scheaffer
Arty	Fischer	Lescovitz	Schmitt
Austin	Fisher	Letterman	Schweder

Belardi	Freind	Levi	Serafini
Bennett	Fryer	Lewis	Seventy
Bittle	Gallagher	McCall	Sieminski
Borski	Gallen	McClatchy	Sirianni
Bowser	Gamble	Mackowski	Smith, E. H.
Brandt	Gannon	Madigan	Smith, L. E.
Brown	Gatski	Manmiller	Spencer
Burd	Geesey	Michlovic	Spitz
Burns	Geist	Micozzie	Stairs
Cappabianca	George, C.	Miller	Steighner
Cessar	George, M. H.	Mowery	Stewart
Chess	Giammarco	Mrkonic	Stuban
Cimini	Gladeck	Mullen	Swift
Civera	Goebel	Murphy	Taddonio
Clark, B. D.	Goodman	Nahill	Taylor, E. Z.
Clark, M. R.	Greenfield	Noye	Taylor, F.
Cochran	Grieco	Perzel	Telek
Cohen	Gruppo	Peterson	Thomas
Cole	Hagarty	Petrarca	Treilo
Cornell	Halverson	Phillips	Wass
Coslett	Harper	Piccola	Wenger
Cowell	Hasay	Pievsky	White
Cunningham	Hayes, Jr., S.	Pistella	Wilson
DeMedio	Helfrick	Pitts	Wilt
DeVerter	Honaman	Polite	Wright, Jr., J.
DiCarlo	Hutchinson, W.	Pratt	Yohn
Davies	Johnson, E. G.	Pucciarelli	Zeller
Dawida	Kanuck	Pyles	Zitterman
Dietz	Klingaman	Rasco	Zord
Dininni	Knepper	Reed	Zwinkl
Donatucci, R.	Kolter	Rieger	
Dorr	Kowalshyn	Ritter	Seltzer,
Duffy	Kukovich	Rocks	Speaker

NAYS—30

Beloff	Irviss	Maiale	Pott
Berson	Itkin	Manderino	Rappaport
DeWeese	Knight	Milanovich	Rhodes
Dombrowski	Levin	Moehlmann	Sweet
Grabowski	Livengood	Novak	Wachob
Gray	McIntyre	O'Brien, B. F.	Wright, D. R.
Hoeffel	McMonagle	Oliver	Yahner
Hutchinson, A.	McVerry		

NOT VOTING—18

Barber	Johnson, J. J.	O'Donnell	Shupnik
Caltagirone	Jones	Punt	Street
Dumas	Lynch, E. R.	Richardson	Wargo
Foster, W. W.	McKelvey	Shadding	Williams
Foster, Jr., A.	O'Brien, D. M.		

EXCUSED—4

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

REMARKS ON VOTE

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

Mr. D. M. O'BRIEN. Mr. Speaker, on the vote on the Cunningham amendment 6563, I was temporarily out of my seat. I would like to be recorded in the affirmative. Thank you.

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

CONSIDERATION OF HB 1671 CONTINUED

On the question recurring,

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

Mr. PITTS offered the following amendments:

Amend Sec. 1 (Sec. 3702), page 327, line 10, by removing the semicolon after "civics" and inserting , including patriotism;

Amend Sec. 1 (Sec. 3702), page 327, line 16, by inserting after "civics," including patriotism,

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. This is a very simple amendment. It has to do with the program courses offered in our junior and senior high schools. It adds after the word "civics" the words "including patriotism;".

With all of the tax money spent on education in this Commonwealth and the taxes paid by our taxpayers, and all the various courses taught in our schools, I think it is a good idea to insure that when courses such as civics are taught that some time is taken to explain to our students something of our duties and obligations as citizens in this great country.

As I have traveled over the Commonwealth, and certainly throughout my district, it is the great consensus of people whom I meet that we need to take more time to teach something of the fundamental principles of our great country and our obligations towards this free country, not only concerning our rights and opportunities, but our duties and obligations in respect to loyalty for our great Commonwealth and our great country and the free processes that we have in order to maintain them. And I urge that we adopt this amendment.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment is to that part of chapter 37 pertaining to social studies. It does highlight patriotism and the value of inculcating in our young people the values of our system of government and love of country, and I support the gentleman's amendment. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I concur and urge the adoption of this fine amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—180

Alden	Fisher	Letterman	Rasco
Anderson	Foster, W. W.	Levi	Reed
Armstrong	Freind	Levin	Rhodes
Arty	Gallagher	Lewis	Rieger
Austin	Gallen	Livengood	Ritter
Belardi	Gamble	Lynch, E. R.	Rocks
Beloff	Gannon	McCall	Rodgers
Bennett	Gatski	McClatchy	Ryan

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

NAYS—1

O'Donnell

NOT VOTING—17

Barber	Jones	Shadding	Swift
Clark, M. R.	McKelvey	Shupnik	Telek
Dumas	Punt	Street	Wachob
Foster, Jr., A.	Richardson	Sweet	Williams
Fryer			

EXCUSED—4

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

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I just received a copy of the Cunningham amendment and I read it. I voted in the affirmative, but I would like to be recorded in the negative.

The SPEAKER. The remarks of the lady will be spread upon the record.

The Chair recognizes the lady from Cambria, Mrs. Clark. For what purpose does the lady rise?

Mrs. CLARK. Mr. Speaker, my switch did not operate on the the Pitts amendment No. 6594. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the lady will be spread upon the record.

CONSIDERATION OF HB 1671 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Lashinger has altered his CPR amendment and it will be considered later. Thank you.

The SPEAKER. Is the gentleman indicating that amendment No. 6648 is being withdrawn?

Mr. S. E. HAYES. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Lashinger, is offering an amendment which pertains to CPR training as part of the health curriculum. It should be noted that two other members, Mr. Trello and Mr. Reed, are also interested in this very important subject, and it is my respectful suggestion that both Mr. Trello and Mr. Reed visit with Mr. Lashinger for a moment so that they can sponsor with him the amendment that he, Mr. Lashinger, is going to offer in a short while. Thank you, Mr. Speaker.

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

The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Vroon, is on leave today because of the death of a friend. I have in my possession the amendment which Mr. Vroon had intended to offer today and I respectfully offer the amendment in Mr. Vroon's place.

On the question recurring,

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

Mr. S. E. HAYES offered the following amendment:

Amend Sec. 1 (Sec. 3702), page 327, line 26, by inserting after "SUBSTANCES." Economics education shall include a required course in basic economics given in the senior high school: Provided, however, That it may be taught as a single semester course, and that it may be integrated with other social science subject matter.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, the gentleman from Chester, Mr. Vroon, would like to emphasize, in chapter 37, the need to teach the American economic system and about all those factors which go together to formulate our free enterprise system and the principles of American's economic freedom, and I suggest that we adopt the gentleman's amendment. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes 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—182

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

NAYS—0

NOT VOTING—16

Bittle	Jones	Rasco	Wargo
Foster, Jr., A.	McKelvey	Richardson	Williams
Itkin	O'Donnell	Shadding	Zeller
Johnson, J. J.	Polite	Street	Zwinkl

EXCUSED—4

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

REMARKS ON VOTES

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

Mr. ZELLER. Mr. Speaker, I was busy in regard to the amendment over there and I did not get back to my switch

in time. I would like to be voted in the affirmative. Thank you.

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

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

Mr. ZWIKL. Mr. Speaker, likewise I was involved in a conference at the side of the House and I was not recorded on the last amendment. I wish to be recorded in the affirmative.

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

The Chair recognizes the gentleman from Cambria, Mr. Telek.

Mr. TELEK. Mr. Speaker, on HB 1671, amendment 6594, I failed to vote. I wish to be recorded in the affirmative.

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

Mr. ITKIN. Mr. Speaker, on the last amendment I was out of my seat and did not vote. If I had, I would have voted in the affirmative.

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

CONSIDERATION OF HB 1671 CONTINUED

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

Mr. PRATT offered the following amendments:

Amend Sec. 1 (Sec. 3709), page 331, lines 17 and 18 by striking out "may, or if so authorized or directed by the governing board by which he is employed"

Amend Sec. 1 (Sec. 3709), page 331, line 22, by striking out "silent"

Amend Sec. 1 (Sec. 3709), page 331, line 25 by striking out "silent"

Amend Sec. 1 (Sec. 3709), page 331, by inserting between lines 27 and 28 (c) Pupils not wishing to participate.—Any pupil not wishing to participate in a period of prayer or meditation shall be excused from same.

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

The SPEAKER. The Chair recognizes the gentleman from Lawrence, Mr. Pratt.

Mr. PRATT. This amendment amends the bill on page 331, line 15, section 3709, dealing with a period for prayer and meditation. What it does is require a period of prayer and meditation in the classroom. In present law it is merely a "may" proposition or if the teacher is directed by the school board.

The second thing that the bill does is that it excuses students who do not wish to participate in the period of prayer or meditation. It also removes the word "silent" from in front of the word "meditation" because I believe that inherent in the definition of meditation is silent.

Mr. Speaker, I want it to be made perfectly clear here that if this amendment is adopted and the bill enacted into law, for any court cases in the future, it is not my intent nor should it be the intent of this legislature to establish or inhibit a religion nor any religion.

The strict purpose of my amendment is to provide for some period of prayer, meditation, or, I guess, internal reflection by the students, which I think is badly needed. I do not believe that we can continue to allow this to be optional, because not too many schools are doing it. If they are, it is in a silent manner, and I am hoping that the body here today will adopt the amendment. Thank you.

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. I support the gentleman's amendment.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Pratt's amendment. I do not understand why an attorney would offer such an amendment when he knows that it has been found unconstitutional, but we will try it again. I urge the members to support.

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

The following roll call was recorded:

YEAS—179

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

Dorr	Kowalshyn	Pratt	Zwikl
Duffy	Kukovich	Pucciarelli	
Dumas	Lashingier	Punt	Seltzer,
Durham	Laughlin	Pyles	Speaker
Earley			

NAYS—4

Berson	Hoeffel	Itkin	McMonagle
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NOT VOTING—15

Johnson, J. J.	O'Donnell	Shupnik	Wachob
Jones	Rhodes	Smith, E. H.	Wargo
McKelvey	Richardson	Street	Williams
Maiale	Shadding	Sweet	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. D. M. FISHER offered the following amendments:

Amend Sec. 1 (Sec. 3721), page 336, line 26, by striking out "subsection (d)" and inserting subsections (d) and (e)

Amend Sec. 1 (Sec. 3721), page 336, by inserting between lines 27 and 28

(d) Work stoppages and strikes.—The provisions of subsection (c) shall not be applicable whenever a work stoppage or strike prevents the fulfillment of the 180 day school year within the time limits of the officially adopted school calendar. In such situations, the school year for the affected school district shall constitute the actual number of days that school is taught. However, the board of school directors shall, at the conclusion of the strike or work stoppage, attempt to reschedule as many days as it, in the exercise of its discretion, believes are proper and educationally sound for the establishment of an appropriate school year for the students of the district.

Amend Sec. 1 (Sec. 3721), page 336, line 28, by striking out (d)" and inserting (e)

Amend Sec. 1 (Sec. 3721), page 336, lines 29 and 30, by striking out "of less than 180 instructional days provided:" and inserting based on minimum hours of instruction rather than minimum days of instruction provided:

Amend Sec. 1 (Sec. 3721), page 337, line 9, by striking out "(e)" and inserting (f)

Amend Sec. 1 (Sec. 3721), page 337, line 12, by striking out "(f)" and inserting (g)

On the question,

Will the House agree to the amendments?

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

Mr. D. M. FISHER. This amendment directs itself to one of those controversial issues that is included in the school recodification, that is, dealing with the establishment of a school calendar. Now that might not sound controversial except for the fact that my amendment specifically refers to and adds a new section giving the local board of school directors the discretion to determine how many days should be made up after a strike or a work stoppage. The language which I seek to add in my amendment is very similar to what the holding of the Commonwealth Court was in their

original decision in the case of the Department of Education vs. the Mount Union School District.

Now, those of us who have been following and have had problems with strikes in our school districts in recent years, I am sure have been following the problems that are involved when a strike ends and what happens and what decisions have to be made by the school board when that strike is terminated.

Under the current interpretation of the existing School Code by the Department of Education—and that was the crux of the department's action in the Mount Union case—they have insisted, and certain courts have insisted, throughout this Commonwealth that the board of school directors must, if physically possible, make up all days that have been lost. I will give an example of this: In the case of the Bethel Park School District, which is one of the districts that I represent, after approximately a 57-day strike last year, which ran from approximately August 22 until October 19, the teachers returned to school under a court order handed down by a local common pleas court judge, but the school district was forced to reschedule, in the new calendar, every single school holiday that had been set. Now this included everything but Christmas Day, Thanksgiving Day, and I believe one other holiday this spring, Memorial Day; and Good Friday, Mr. Zeller says.

What this means is that the children in that school district not only had to go to school the Friday after Thanksgiving—we do not have to think too far back to remember what a big day that was when you got a two-day holiday—but they had to go to school the entire week between Christmas and New Year's. They had no spring break; they had no time off other than Good Friday on Holy Week. I believe they are required to go to school on Memorial Day, this Monday, and the school calendar is required to run all the way through June 30.

Now the Commonwealth Court in their initial decision, which was handed down by the late Judge Bowman, the president judge of that court, said in the Mount Union case last December that, no, the Department of Education is in error; that the School Code does not require the make up of 180 days, but rather that the decision is up to the local board to reschedule the days, and as long as they do not abuse their discretion, as long as they look at the total picture, look at the number of days available, look at the educational climate, look at the adverse interests that will be created by requiring rescheduling, that the Department of Education cannot overrule their decision if the local board acted reasonably. Now, this is what I believe the law should be in this state.

Subsequent to that decision by Judge Bowman, the Department of Education found exceptions. Seven members of the Commonwealth Court just 3 weeks ago overruled their late colleague's decision by a 4 to 3 vote and said, no, Judge Bowman's original decision was wrong, and not because he misinterpreted the law, did they say, but because the present School Code is unclear. They basically said, whether we agree with what our former colleague said or not, we think it is a legislative decision to clarify it.

Now all I am trying to do with my amendment to HB 1671 is to put some clarifying language in there. There is going to be, obviously, some effect to this decision. What this decision, I envision, will do is that it is going to put the issue of how many days are made up right back where it belongs. It should not be an across-the-board philosophy. I support the 180-day rule where it is educationally practical to get 180 days in. But in situations such as in my own district and other districts where we are forcing children—and that is what the School Code is all about, children. When we are forcing the children—students of Pennsylvania, to miss the entire Christmas holiday, when we are forcing seniors who may be going to Penn State in the summer semester to go to school all the way through June 30, and when we are forcing an educational climate that is not good for the system itself, I think we are making a mistake.

Now the local boards are the ones that are involved in the contract process. We recognize that. We passed Act 195, but it is the local boards that are on the firing line. Sure, we get flak when everybody wants to change Act 195, but face it, no one faces more flak than those local boards when they cannot agree to a settlement. Now when a settlement can be agreed to by the parties, both the board and the employes—another issue that is going to have to be resolved, and there is nothing in my amendment that says they cannot make that part of the negotiation process whether it be formal or informal—a decision is going to have to be made: How many days do we make up? And I think if we are going to have local boards of school directors through the 505 districts in this Commonwealth, we should give them the ultimate decision and the ultimate responsibility to determine what that school calendar is going to be in the case of a strike. My amendment will do that. It attempts to provide sufficient language, educationally sound; it is a determination which I think the board should rely upon. Believe me, I believe this is perhaps the most important amendment that we can consider to the school recodification.

There are obviously other effects as to what happens to the subsidies and what happens to the amount of moneys that the teachers are going to be paid after the contract is made up, but obviously all of that flows with this amendment. My amendment says, local boards, you decide and whatever the decision is, I think the state, the Department of Education should stand behind it. And whatever the loss is, whatever the economic loss is from both sides, they will know it is there and they will know that when they get into a strike impasse situation that the slate is not going to be wiped clean, everybody is not going to receive their full subsidy and not everybody is going to get their whole salary. I would urge your serious consideration of this amendment. I wholeheartedly would urge your support. Thank you, Mr. Speaker.

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

Mr. GALLAGHER. Mr. Speaker, I suggest you refer this to Mr. Burns.

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

Mr. BURNS. Mr. Speaker, if everything was as nice and easy as the gentleman claims it is, we would not have defeated this amendment three times and have it back up for the fourth. It is not an easy issue. It is not a fair issue. It is not fair because school districts, under our formula subsidy, are paid on the number of days that they are in session and the number of average daily membership they have. Now what happens if a school board is in a position where they only get 20 cents back on every dollar they spend? Those districts could care less whether they kept schools closed forever, and it would be to their advantage to have a long drawn-out strike so that they could pocket a lot of money for the next year and that, in their minds, would eliminate any tax increases. That would be done to the detriment of the students, at the students' expense.

On the other hand, the small districts that could not make up that time, and they are the districts who get 40 and 50 and 60 and 70 cents on a dollar under the state reimbursement figure because they are not "wealthy" districts, those particular districts would suffer a loss that they could never make up.

Going beyond those two reasons, strikes will never be settled unless both sides have a fair deal. You cannot have a fair deal and expect to settle this strike if you are holding a wedge, if you are holding a club. And because of this, districts that would be wealthy districts, that would not receive much from the state, would hold an enormous club, and that club would be used to the detriment of the teaching profession. I ask you to think about this amendment very seriously. It sounds very eloquent when the speaker talks about it. It sounds like it is a simple solution, but when you look into the depths of the proposal, the solution would cause enumerable problems throughout the Commonwealth, and those problems affect children, and those children would be the ones who would suffer. Thank you, Mr. Speaker.

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

Mr. ZELLER. Mr. Speaker, I cannot believe what I just heard. We heard the story about some people using a club; the school districts would be unfair to the children. Can you imagine this, now, the school board is going to be unfair to the children? Mr. Burns forgot one group; he forgot to mention that the school board would be unfair to the teachers. That is really what they are talking about, because here we have another PSEA bill.

Now Mr. Burns says it is not fair to allow the school board to set the days needed, and I also say it is not fair to the children and the parents to go on strike either, and that is the real center of the whole thing. That is the center of it.

So, therefore, allow the club to be used by one group to use the children and the parents as a pawn and say that we got you over a barrel because you have to have those days,

and parents and school boards are going to say, well, we do not want them to lose the summer vacation; we do not want them to lose this; we do not want them to lose that. Give in. There is where the real enormous club is. There is where the big club is. They never tell you about that part. So it is a question of whose side you are on again. If you are going to be on the side of the teachers, fine; or are you going to be on the side of the children? There is where the problem lies. Whose side are you on? That is why we need Mr. Fisher's bill. That is why we have to have it, because let us give some power back to the people who are paying the taxes, who elect the school board directors who run your government. Let us give them some power. The power right now is in the hands of the teachers, and that is where the big club is over your children's head and over the taxpayers' head. Let us use some common sense on this.

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

Mr. COHEN. Mr. Speaker, I hope the members of the House look at this amendment carefully, because I think it is a very good amendment.

Bargaining in the school districts is very different from bargaining elsewhere. A municipal employe, a state employe, a private sector employe all operate on the basis of a 50- or 52-week year, and therefore strike time taken is strike time lost, and this serves to restrain, to some degree, the people who are on strike.

In the school system we operate on a 180-day year, which is far less than 50 or 52 weeks. What this means is that there is a tremendous amount of possible makeup time, and the current School Code not only allows the makeup time but mandates the makeup time. This creates a tremendous incentive for school strikes because, unlike in other collective bargaining situations, the people who are on strike lose absolutely nothing.

I think that Mr. Fisher's amendment makes a lot of sense. It does not ban makeup time. I think it is a reasonable compromise. I think it will stop the makeup time in the instances he indicates where the makeup time is just paper time where the kids are not going to be spending very much time studying, and I would urge support for this amendment.

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

Mr. SCHWEDER. I rise to support this amendment. I do not think it is the best answer or alternative that we have, but I think we are making progress. I cannot help but reflect upon a vote that we took on an amendment that I introduced in February of 1978 that was not adopted, that would have been eminently fairer than the current Fisher amendment or the court decision. But at least we are making progress in this chamber, or at least I hope that we are, because after listening to Mr. Burns and Mr. Gallagher, perhaps today we are finally going to have the courage to vote on one of these instead of hiding behind parliamentary maneuvers, as we have always done in the past, and saying that amendments such as this are not

germane to the School Code, although maybe that will be attempted by someone else. But if we at least have the guts to stand up and vote "yes" or "no" on this today, then we have made great progress in the last year and a half, and I hope we will have the opportunity to do that and I would hope that my colleagues would vote in the affirmative.

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

Mr. LASHINGER. Mr. Speaker, I, too, rise to support the Fisher amendment. I would agree with Mr. Fisher that this is probably one of the most important amendments to the recodification to date.

I represent a school district, Mr. Speaker, that suffered a 17-day strike this school term and is confronted with the problem of making up those 180 days. Right now under the School Code, a school district can only petition for a reduction to the 180 days if it is made prior to the beginning of the school year, and, in most of those cases that we have experienced where that has been done, it has been for energy-related reasons, in order to save money according to energy costs. No petition has been granted in the middle of the year to reduce the 180-day rule as a result of any school strike. Right now the Upper Merion Area School District, which experienced this 17-day strike, has that petition before the Secretary and does not expect to have that granted to them. Therefore, Mr. Speaker, Mr. Fisher's amendment would take care of that problem where a board of school directors, in their discretion, believe that they had put together a proper and educationally sound program that came up with the equivalent 900 and 990 hours in both elementary and secondary educational programs.

The Upper Merion Area School District did that, Mr. Speaker, by adding on a portion of an hour to each school day and was able to come up with the equivalent of 900 and 990 hours in 10 days less than 180 days. They feel it is a good educational program, Mr. Speaker.

The school directors have been informed that many of the teachers within the school district also support doing it this way, because it was the feeling of the school teachers that this would preclude the vacation that they had already planned and it would also foist an unexpected burden on the students and the parents as a result of the 180-day requirement. Because of the 180-day requirement, I think the impact would be negative instead of positive, as Mr. Burns indicated. It does not give the school board any additional clout or any additional strength in the bargaining position, and I think the Upper Merion School District, with the meritorious program that they have put together and the ability to come up with the equivalent number of hours and number of hours that equate to 180 days, is a good example of how the Fisher amendment could work practically. Therefore, I would urge support of the Fisher amendment. Thank you, Mr. Speaker.

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

Mr. DAVIES. Yes, Mr. Speaker. Will the maker of the amendment stand for one or two questions of interrogation?

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

Mr. DAVIES. Mr. Speaker, the same question appears on this as on similar amendments in the past that we have been speaking about. The term "work stoppage" that he is referring to would include a lockout that has been brought about by the board itself. That would be included in the work stoppage. Is that to be correctly assumed, Mr. Speaker?

Mr. D. M. FISHER. Mr. Speaker, I think I heard your question, but it was pretty difficult. So I believe your question was—correct me if I am wrong—does the term "work stoppage" include the term "lockout"?

Mr. DAVIES. Yes, the term "lockout." That is right.

Mr. D. M. FISHER. I would assume, Mr. Speaker, if a lockout did occur, it could be interpreted to constitute a work stoppage.

Mr. DAVIES. So then you are saying that the very group that institutes a lockout is going to be given the considerations then that fall within the parameters of this? They have created a situation where they have brought about a work stoppage themselves with a lockout, and then you are going to extend to them this consideration as far as the hours in lieu of days? Is that correct?

Mr. D. M. FISHER. I do not think that is what my amendment deals with at all, Mr. Speaker. I think that you are asking whether or not by a lockout a school district can attempt to shorten the school calendar. If a lockout occurs—and we have discussed this before—I do not necessarily subscribe to the position that school boards purposely engage in lockouts in this state. I think there would be an awful lot of pressure on a local board if they purposely created a lockout situation and then did not reschedule the days that they were the cause of the students missing. The taxpayers would obviously have the right to go before that board and say we want you to make up that time, and my amendment would not preclude them from making up that time on a rescheduled calendar.

Mr. DAVIES. Well, just as a matter of record, Mr. Speaker, to clarify it, there have been lockouts; there have been lockouts that have been judged and marked by not just the Labor Relations Board, but it has been adjudicated by the courts. It has gotten to the point where there had been awards made because of those lockouts. Regardless of whether you want the word "lockout" to go away, I want the guarantee that if the word "stoppage" means that, then when we talk about the definition that they are not going to get the benefit of the reduction in the number of days, they in fact are making a practice of locking the employees out. And you can assure me that, of course, this then speaks to the fact that there would be nothing punitive if they engage in that particular lockout, but they are going to be able to adjust. Then if there is a work stoppage that follows, those days, of course, would be also part of the adjustment, so there would be no differential.

I find, Mr. Speaker, if I might, that there seems to be a fallacy in the fact that we say "work stoppage" on the one

hand, and including strike, wherein the worker or the teacher or whoever it might be is again essentially prohibited from engaging in what they want to do while negotiations or the negotiation process is supposed to be working, and it is not working because of this, or that for some reason or other they are playing rather dynamic games in a time frame where it now reduces that in pressure so that one side may play, let us say, Russian roulette, with a concept that we can bring the pressure to bear and reduce it by having a lockout for a 2-week period and then let us go into other potentials.

I think that is the danger in this and the inherent danger is in Act 195, not in the School Code, that this problem should be addressed in Act 195, not in the code, because if we are going to make the differential between the two, we should adjust it there, not essentially here where we are saying, well, let us put the pressure on or the monkey on those who are being identified by the work stoppage or strike, rather than on those who may have precipitated an action in reducing it by reducing the amount of time and placing the pressure on.

The other point that was made in the debate is the fact that there seems to be only one side to the argument, and that is that we are not going to address ourselves to the case where this might happen where we would have a lockout and that we have had the recourse under Act 195 where the courts can intervene, and the courts have successfully intervened, and, of course, have taken those actions when it is a matter of the students' welfare involved in that 180 days. They have interceded in case after case where they have said, and they have adjudicated the fact, that there should be a particular period to preserve the possibility of the 180 school days for the individual student. and I think it has worked in the 67 counties where in those of the 67 counties it has happened. So, therefore, I think that the amendment would be better addressed to change Act 195 and the failures and the frailties in that rather than address it in the School Code. Thank you, Mr. Speaker.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, the gentleman from Berks, Mr. Davies, has addressed a problem with this amendment, and I would appreciate, if I could, the attention of the gentleman from Allegheny, Mr. Fisher, on this problem.

What has really happened in this area, I think, is that the Department of Education has failed to perform the function that we gave to it. It has instead copped out by adopting a rigid rule which simply does not work. It simply says, we do not care. Do the 180 days. Now the problem that arises with that situation is that when you have the 180-day rule, there is one side to this bargaining situation that when it goes on strike, on an economic strike for benefits, suffers no penalty. I know of no other place in labor relations where that does not happen. When a man goes on strike or a woman goes on strike because of agreements over economic conditions, they pay a penalty. There is

therefore a certain insurance that it really has to be a serious imposition before they get upset enough to go in a strike-type situation. The Department of Education has simply said, we are going to require 180 days in all instances, and that means that one side to this dispute is out walking the bricks and not really suffering a penalty because they know that they are going to get paid later on. But there is another side to this issue, and Mr. Davies has put his finger on it, and that is that a board or an employer can create an unfair labor practice in many ways, not just a lockout, and so a strike can be created, not because of the employees' desire to win greater economic benefits but because the employer has created an unfair situation.

Now, the labor law generally in the Federal sector and in the private sector, and indeed elsewhere in the public sector other than in schools, simply addresses that problem by saying that in effect if you are locked out, certain other benefits kick in and there are other problems.

I think I could support this amendment and vote for it if it had a situation in it, if it were withdrawn temporarily and reamended, where it could simply say, provided that this section shall not apply in the case of a lockout or an unfair labor practice, but shall relate only to economic strikes. It seems to me that would be the fair way to go about this, because the school board should not be able to create a situation in which it keeps the strike going itself, so to speak, and then it has no economic sanction against it because it is going to get full subsidy. It seems to me, if we define work stoppage to limit it to a true economic strike and not a lockout or an unfair labor practice strike, we would have a workable amendment, and I think that is really what Judge Bowman is saying when he talks about his discretion.

I would ask the gentleman from Allegheny, Mr. Fisher, if he would submit to some interrogation?

Mr. Speaker, is it the intention of the gentleman, in this amendment as it is now drafted, to remove the 180-day rule in the case of a lockout or unfair labor practice strike where the unfair labor practice is an unfair labor practice of the employer?

The SPEAKER. The gentleman, Mr. Hutchinson, was asking the gentleman from Allegheny, Mr. Fisher, a question. Does the gentleman care to respond or have the question repeated?

Mr. D. M. FISHER. Mr. Speaker, in answering your question, I am not sure that you are properly interpreting what I am attempting to do.

Mr. W. D. HUTCHINSON. I am not interpreting it, and I am asking you for what is your interpretation, and I am asking you whether it would be your intention to have this section apply in the case of a lockout?

Mr. D. M. FISHER. It is my intention that this section, which would give the board the right to determine in their discretion which day should be rescheduled, should apply to all cases in which there is a work stoppage, and if you want to call a lockout a work stoppage, the section would, in fact, apply. I think in prefacing your question you are

assuming that in the case of a lockout the school district is going to profit. That is not what this section says.

Mr. W. D. HUTCHINSON. Mr. Speaker, as I understand, a lockout—and you cannot define it generally, but it has a meaning. As I understand, a lockout—has a well defined meaning in the case law relating to labor relations. It is when the employer in effect says to his employes we are going to shut the operation down. Okay. Now, as I read the language of this as it exists now, a lockout could be included. A lockout involves a work stoppage, and you say work stoppage or strike. I am suggesting to the gentleman that many people are legitimately concerned about the fact that an employer could benefit by what has always been known and, as you know, is felt by the labor movement very strongly to be an unfair labor practice and the employer should not receive any benefit from it. Now, I do not have any problem with this amendment if it were restricted to the economic-type strike. I do not want to see a school board benefit by a lockout, and I asked the gentleman whether it was his intent, in drafting this amendment, to limit the application of the section to economic strikes or unfair labor practice strikes involving an unfair labor practice by the employe.

Mr. D. M. FISHER. Mr. Speaker, I do not think that the law by which employes, public employes, in Pennsylvania bargain contemplates lockouts by employes or employers. Now, the law under which the school districts in this Commonwealth have been faced with the problem and what this amendment is attempting to address itself to does not envision the concept of lockouts. It is not recognized in our public employe negotiating law, Act 195.

Mr. W. D. HUTCHINSON. I am sorry, Mr. Speaker, I was hoping I could support this amendment, and it is not possible for me to support this amendment with that explanation. I think something is needed in this area, but I think there has to be protection from the unfair labor practices of an employer, be he public or private; in this case public, the school board, and one unfair labor practice is a lockout. I cannot support the amendment in its current form. I think something needs to be done in this area. I would have hoped that the gentleman would have agreed that a work stoppage here would include only what I call an economic strike where the fight is simply over the economic pie, and it is war. That is what a strike is. It is economic warfare, and what we are doing is setting the rules of that war and, as in any war, both sides must lose, but where it is an unfair labor practice strike or a lockout, then it would be unfair, it seems to me, to the employes to have this amendment. And that is Mr. Davies' point, and I think it is a good one. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—81

Austin	Geesey	McClatchy	Ritter
Beloff	George, M. H.	McVerry	Scheaffer
Bennett	Giammarco	Madigan	Schweder
Borski	Gladeck	Maiale	Seventy

Bowser	Goebel	Michlovic	Sirianni
Brandt	Grabowski	Miller	Spencer
Burd	Gray	Moehlmann	Spitz
Cessar	Greenfield	Mowery	Stairs
Chess	Gruppo	Mrkonic	Swift
Clark, B. D.	Hagarty	Murphy	Taddonio
Cohen	Hasay	Nahill	Taylor, E. Z.
Cornell	Honaman	O'Brien, B. F.	Wenger
Cunningham	Hutchinson, A.	O'Brien, D. M.	Wilt
DiCarlo	Johnson, J. J.	Perzel	Wright, D. R.
Dawida	Kanuck	Peterson	Zeller
Donatucci, R.	Knepper	Petrarca	Zord
Duffy	Lashinger	Pistella	Zwilk
Fisher	Letterman	Pucciarelli	
Foster, Jr., A.	Levin	Pyles	Seltzer,
Freind	Lewis	Rappaport	Speaker
Gamble	Livengood	Rasco	

NAYS—108

Alden	Dumas	Kowalshyn	Punt
Anderson	Durham	Kukovich	Reed
Armstrong	Earley	Laughlin	Rieger
Arty	Fee	Lehr	Rocks
Barber	Fischer	Lescovitz	Rodgers
Belardi	Foster, W. W.	Levi	Ryan
Berson	Fryer	Lynch, E. R.	Schmitt
Bittle	Gallagher	McCall	Serafini
Brown	Gallen	McIntyre	Shupnik
Burns	Gannon	McMonagle	Sieminski
Caltagirone	Gatski	Mackowski	Smith, E. H.
Cappabianca	Geist	Manderino	Smith, L. E.
Cimini	George, C.	Manmiller	Steighner
Civera	Goodman	Micozzie	Stewart
Clark, M. R.	Grieco	Milanovich	Stuban
Cochran	Halverson	Mullen	Taylor, F.
Cole	Harper	Novak	Telek
Coslett	Hayes, Jr., S.	Noye	Thomas
Cowell	Helfrick	O'Donnell	Trello
DeMedio	Hoeffel	Oliver	Wachob
DeVerter	Hutchinson, W.	Phillips	Wargo
DeWeese	Irvis	Piccola	Wass
Davies	Itkin	Pievsky	Wilson
Dietz	Johnson, E. G.	Pitts	Wright, Jr., J.
Dininni	Klingaman	Polite	Yahner
Dombrowski	Knight	Pott	Yohn
Dorr	Kolter	Pratt	Zitterman

NOT VOTING—9

Jones	Richardson	Street	White
McKelvey	Shadding	Sweet	Williams
Rhodes			

EXCUSED—4

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair has been informed that the gentleman from Allegheny, Mr. Trello, is withdrawing amendment No. 6493.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority whip. Mr. S. E. HAYES. Mr. Speaker, due to the fact that the last amendment took the amount of time that it did, I believe that the House should lay aside its labors on this bill for 1 hour, until 2:30, and I will make that clear again. I suggest, Mr. Speaker, that we lay our labors aside on this

bill until 2:30 and return to the House at 2:30, at the end of the recess, to complete our work on these amendments to HB 1671. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. It will be necessary for the Democrats to caucus. The caucus should be very swift. We will begin at 1:45 and be back on the floor in 45 minutes, at 2:30. But I caution the Democrats we are going to be caucusing on bills which had been on the calendar. The SEPTA - South-eastern Pennsylvania Transportation Authority - package may very well be called up, that is SB 881, and that is sequential. We may very well be voting on those bills this afternoon. Also, we may very well be discussing the possibility of the committee of conference report on the budget. So those of you who are intending to be voting on those matters had better be in our caucus at 1:45 this afternoon. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2:30 p.m. The Chair hears none.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2266, PN 3366 (Amended) (Unanimous)

By Rep. GALLEN

An Act amending the act of November 24, 1976 (P. L. 1182, No. 262), entitled "An act relating to the dispensing and sale of hearing aids, providing for the registration and regulation of hearing aid fitters and dealers, making certain acts illegal, prescribing penalties and making an appropriation," adding a definition of dealer-fitter; further defining "business of selling hearing aids," "fitting"; further providing for persons excluded from registration and prohibiting the sale or dispensing of hearing aids by certain persons.

STATE GOVERNMENT.

SB 367, PN 1814 (Amended)

By Rep. GALLEN

An Act amending the act of June 22, 1931 (P. L. 720, No. 262), entitled "City State Highway Law," changing certain routes in the City of Washington.

STATE GOVERNMENT.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 1924, PN 3364

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE CONSIDERED

The Senate returned the following **HB 1924, PN 3364**, with the information that the Senate has passed the same with amendments in which concurrence of the House of Representatives is requested:

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (P. L. 626, No. 9A), adding certain appropriations and changing certain other appropriations and language.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I am going to ask the House to nonconcur in the amendments inserted by the Senate. So that the members understand, there has been a consultation with the minority leader and with the majority leader. It would appear that the amendments inserted into HB 1924, which would permit us to pay the State Police, was done improperly. I am asking for a nonconcurrence now, the immediate appointment of a conference committee to correct that error, and adopt finally today the bill that will permit the State Police to be paid. This, incidentally, Mr. Speaker, is done, as I understand it, with the concurrence of the minority leader, Mr. Irvis.

The SPEAKER. The gentleman is correct. The Chair talked to the minority leader, Mr. Irvis, and explained the circumstances, and he agreed with the procedure.

On the question recurring,

Will the House concur in Senate amendments?

Amendments were nonconcurrent in.

Ordered, That the clerk inform the Senate accordingly.

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House the gentleman from Montgomery, Mr. McClatchy, the gentleman from Lancaster, Mr. Brandt, and the gentleman from Philadelphia, Mr. Pievsky.

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

REPORT OF COMMITTEE
OF CONFERENCE PRESENTED

Mr. GEESEY presented the Report of the Committee of Conference on **SB 770, PN 1815**.

The SPEAKER pro tempore. The report will be laid over for printing under the rules.

CONSIDERATION OF HB 1671 RESUMED

On the question recurring,

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

Mr. PITTS offered the following amendments:

Amend Sec. 1 (Sec. 4351), page 382, line 5 by inserting after "schools." However, transportation for students attending nonpublic schools outside of the school district may be provided through a contract, with the parent or guardian of such students. The contract shall provide a grant to the parent or guardian, at an amount agreed upon by the school district and the parent or guardian. The contract shall be in lieu of the school entity transporting the student.

Amend Sec. 1 (Sec. 4351), page 382, line 9 by removing the period after "school" and inserting , except when the school district and the parent or guardian contract for the transportation of the student.

On the question,

Will the House agree to the amendments?

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

Mr. PITTS. This is the amendment that concerns nonpublic school busing which, in agreement with the chairman of the Education Committee last week, we withdrew. We did have that meeting with the Department of Education. This is one of the two amendments that I have drafted and circulated since that meeting.

It states that transportation for nonpublic school students outside the school district may be provided through a contract with the parent or guardian of such students, and the contract shall provide a grant to the parent or guardian at an amount agreed upon by the school district and the parent or guardian. It permits them to negotiate a price, and that reimbursement would be in lieu of the school entity transporting the student. Some school districts are operating this way at present. This is a clarifying amendment. I would urge adoption.

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

Mr. S. E. HAYES. I support the gentleman's amendment.

On the question recurring,

Will the House agree to the amendments?

(A rollcall vote was taken.)

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

Mr. S. E. HAYES. Would you just wait a moment before calling up the next amendment, please? The gentleman, Mr. Gallagher, is on his way to the floor. Just a moment or two. Thank you, Mr. Speaker.

VOTE STRICKEN

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

Mr. ITKIN. Mr. Speaker, would it be possible to rerun the vote on this last amendment 6708 to HB 1671? I came down on the floor and I did not have the amendment in front of me and the vote was on the board already.

The SPEAKER pro tempore. How would you like to be recorded, sir?

Mr. ITKIN. I would like to be recorded in the affirmative.

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

Without objection, the clerk will strike the vote on the last amendment, which was the Pitts amendment No. 6708. The Chair hears no objection.

On the question recurring,

Will the House agree to the amendments?

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

Mr. S. E. HAYES. Mr. Speaker, I respectfully suggest that the House begins now in earnest its consideration of the last few amendments to HB 1671. The gentleman, Mr. Pitts, brings to the House an amendment, and I respectfully ask the Chair to recognize the gentleman and let us begin. Thank you.

The SPEAKER pro tempore. For the information of the members, this is the same amendment that was voted on a few moments ago. It is No. 6708.

At this time the Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, the issue was raised by the minority chairman of the Education Committee that this amendment might be interpreted in such a way that if negotiations between the school district and the parents broke down and there was an offer from the school district to the parents for a certain amount of money and they refused that offer, then the school district would not have to provide a school bus to transport that student. That is not the intent of the legislation. That is not what it says. It merely provides for the negotiation of a price, and in case they reach a contract, then that amount of money provided to the parents would be in lieu of transportation. It is a way that some school districts are providing transportation for nonpublic school students at present. We would like to put it in the code to make it clear that this is permissible. It is a way that some of them are able to save substantial amounts of money, and I urge adoption of the amendment.

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

Mr. GALLAGHER. Mr. Speaker, first of all, I would like to interrogate Mr. Pitts on this amendment.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. GALLAGHER. Mr. Speaker, firstly, Mr. Speaker, this amendment amends the section of the existing School Code which is commonly known as Act 372, on transportation for nonpublic schools. Is that correct?

Mr. PITTS. That is correct.

Mr. GALLAGHER. What you do is add a section there on line 5 after the words "nonpublic schools" and say, however, et cetera, the school board may enter into a contract with the parents or guardians to provide transportation, et cetera. If the school board offers the contract to the parents and the parents reject that contract, what kind of transportation would the nonpublic school students receive at that point?

Mr. PITTS. They would receive transportation provided from the school district in the form of buses or vans as they presently do. There would be no contract. Therefore, they would have to receive that transportation from the school district.

Mr. GALLAGHER. Mr. Speaker, your amendment does not say that the superintendent or the school entity may offer a contract to the parent or guardian which is acceptable by the parent or guardian. It just says it may offer the contract. It does not say which is accepted or shall be accepted by the parents or guardian.

Mr. PITTS. That is not correct, Mr. Speaker. I do not say that they just may offer a contract. The amendment states that they must provide through a contract, and if there is no contract, then they must provide the same transportation that they provide public school students.

Mr. GALLAGHER. Mr. Speaker, what I am saying is, your amendment does not say that if the contract, when it is offered, is rejected by the parent, that the transportation matter method shall revert back to the other section. Your amendment does not provide that approval or disapproval by the parent or guardian. Is that correct?

Mr. PITTS. That is correct. The amendment does not speak to offering a contract or accepting or rejecting a contract. It merely says that transportation may be provided through a contract mutually negotiated between the district and the parents.

Mr. GALLAGHER. Mr. Speaker, I do not think the words "mutually agreed to" are in your amendment.

Mr. PITTS. No, no, it is not.

Mr. GALLAGHER. Then it is not mutually agreed to. It is just that they may offer a contract to the parent or guardian to provide the transportation. So there is a question whether or not if that contract is offered, if it is rejected by the parent, what kind of transportation there would be. There is nothing in your amendment that provides what kind of transportation would be provided for.

Mr. PITTS. Mr. Speaker, the words "mutually agreed upon" are not in the amendment, but the amendment

reads: "The contract shall provide a grant to the parent or guardian at an amount agreed upon by the school district and the parent or guardian." And that is what it means - they both must agree upon it in order to have a contract.

Mr. GALLAGHER. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment, I oppose the amendment very vividly. This is a departure from recodification of the School Code. We have heard this argument before. This is not exchanging, expanding upon a present section of the code which has been in practice for many years. It does provide an opportunity for a school district to not provide transportation for nonpublic school students. It gives them that opportunity to not provide. It gives them an opportunity to offer a contract which could be a contract that you or any parent would reject and then wind up with no transportation. There is no guarantee that if you reject that contract, that you are still going to get the original transportation that was in the original section of the existing School Code under transportation. So, again, we are going far afield from recodification and we are changing existing law to the detriment of the nonpublic school students. So I would urge other members to vote "no" on this amendment.

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

Mr. BURNS. Mr. Speaker, I just want to inform the members that this is clearly an anti-parochial, private school busing amendment. If you do not enter into that contract, whatever contract the board may wish to make with you, under the words in this amendment, it is our opinion, that the board then would have a perfect right to say, well, then, find your own transportation. So this is clearly an attack on Act 372. It is clearly an anti-parochial, private school busing amendment, and, in its present form, as Mr. Gallagher points out, it is a change in school law. It is certainly not a recodification. Thank you, Mr. Speaker.

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

Mr. TRELLO. Mr. Speaker, I also rise to oppose the amendment. If the school district is concerned about saving money to negotiate contracts with private and parochial schools, then they should also do that with the public school students, too.

I will have to remind you that about 46 percent of all our students go to private or parochial schools. Not only do they pay school taxes, but they pay the tuition to the private schools also. So I urge everybody to defeat the amendment.

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

Mr. FREIND. Mr. Speaker, I do not feel strongly one way or the other about this amendment, but it is not an anti-nonpublic school amendment. It does nothing more than what is being done right now. It permits, if both parties agree, for the parents of nonpublic school students and the school district to enter into a contract in lieu of the transportation itself. Nothing right now in present law

prohibits that, and, in fact, many school districts are doing it. It is definitely not an anti-nonpublic school amendment, and if, in fact, the two parties do not agree, the existing provisions take over, which mean the school district has to provide the transportation. As I say, Mr. Speaker, because it is already present law, I do not feel that strongly about it, but I do not think there should be this misinformation. Thank you.

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

Mr. ITKIN. Mr. Speaker, I agree with Mr. Freind in part. Nevertheless, I am concerned that a school district may attempt to coerce a parent into signing a contract of this nature by indicating to the parent that if he or she elects not to sign a contract that the transportation accommodations provided by the school district may not be the best that could be offered, or may be the best that can be offered and still be highly deficient. For example, it might be indicated to the parent that the only way that they could provide such transportation would be to provide their child an hour bus ride, and if they are not willing to accept that grant, that is what holds in store for the student. So I am somewhat concerned that this may be used by the school district as a coercive consideration and impose upon these parents unreasonable contracts.

I would suggest to Mr. Gallagher today, at least, that we not get involved in this particular area; that we just deal with recodification, but, at the same point, recognize that the Pitts amendment does have merit and should be entertained for further consideration. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I wonder if Mr. Freind would stand for a slight interrogation.

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

Mr. BURNS. Mr. Speaker, if you read the amendment 6708, it says, and I quote: "However, transportation for students attending nonpublic schools outside of the school district may be provided through contract, with the parent or guardian of such student." Now, what happens under that language if that parent says, I do not agree with the contract.

Mr. FREIND. If they do not agree, there is no contract, Mr. Speaker. It is simple contract law that takes two parties to agree to.

Mr. BURNS. Okay.

Mr. FREIND. If, in fact, the two parties do not agree, there is no contract.

Mr. BURNS. All right, but does the board then not have the right to come back to the parent and say, we fulfilled our obligation. We offered you a contract. The fact that you did not accept that contract means that we are relieved of our responsibility from transporting your children?

Mr. FREIND. No, Mr. Speaker, they do not. We did not repeal Act 372. But since you asked, it is my opinion, for what it is worth, because this amendment, if it is voted on,

will go down, I think it should be withdrawn. As of right now, without this amendment, we can do it. You can have contracts, and it is being done. My fear is if we run the amendment and it is defeated, we then have legislative history on the record prohibiting this. So, my opinion is we would be better off right now, since there is considerable opposition, to withdraw it, and then we have the same situation that we had before.

Mr. BURNS. Well, Mr. Speaker, I would like to see it withdrawn too, but for a little bit different reason. But that is up to the maker of the amendment.

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

Mr. CUNNINGHAM. Mr. Speaker, this argument that the failure of the school and the parent to reach agreement on a contract abrogates the right of the parent to public transportation or relieves the school of its obligation to provide transportation is a red herring; it is a strawman argument. There is nothing in this amendment that would lead any reasonable person to that belief, and, in fact, the maker of the amendment has said specifically that that is not his intent. He has said, in fact, that it is his intent that in the event of the failure of the parent and the school district to come to terms, the school district's obligation to provide transportation continues to exist. I am not sure what more compelling evidence we could possibly have of the intent of the amendment than the express statement of the gentleman who offered it. I would urge the House to adopt the amendment. It is an innovative approach that increases the options available to a school district to save tax dollars. Tax money will be saved if this approach is implemented the way it is anticipated to be implemented, and I would encourage its adoption.

AMENDMENTS WITHDRAWN

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

Mr. PITTS. Mr. Speaker, upon the advise of my colleagues, I do not want to jeopardize the existing provisions where there are contracts entered into. I will withdraw the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Pitts who offers amendment 6518.

Mr. S. E. HAYES. I believe, Mr. Speaker, that the gentleman is withdrawing his amendments to chapter 43 with regard to the transporting of nonpublic school children. I believe he is withdrawing all of them, sir. He indicates that that is correct.

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. GEORGE offered the following amendment:

Amend Sec. 1 (Sec. 4352), page 382, lines 25 through 30; page 383, lines 1 and 2, by striking out all of said lines and inserting along a highway which has been certified by the Department of Transportation as constituting a hazard to the safety of the student. In deciding whether or not to issue this certification, the Department of Transportation shall take into account the following:

(1) The presence or absence of sidewalks along the highway.

(2) The potential hazards of extreme weather conditions resulting in the accumulation of flood water, ice or snow.

(3) The frequency and type of vehicular traffic which occurs or is likely to occur on that highway throughout the course of a school year, taking into account daily, seasonal and other fluctuations in vehicular traffic due to the openings and closings of industrial plants, mines, mills and other establishments.

Neither the presence nor absence of sidewalks, nor the other factors listed above shall, in themselves, be controlling, but the department shall consider all relevant conditions in determining whether or not a highway is hazardous to the safety of students.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Mr. Speaker, this amendment simply clarifies what or what not would constitute a hazard as far as sidewalks and heavy traffic are concerned. I would urge its adoption.

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

Mr. S. E. HAYES. The amendment which Mr. George brings to us today is similar to a piece of legislation this House recently adopted, and I urge support of the gentleman's amendment.

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. George's amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—189

Alden	Foster, W. W.	Levi	Rhodes
Anderson	Foster, Jr., A.	Levin	Richardson
Armstrong	Freind	Lewis	Rieger
Arty	Fryer	Livengood	Ritter
Austin	Gallagher	Lynch, E. R.	Rocks
Barber	Gallen	McCall	Rodgers
Belardi	Gamble	McClatchy	Ryan
Beloff	Gannon	McKelvey	Scheaffer
Bennett	Gatski	McMonagle	Schmitt
Berson	Geesey	McVerry	Schweder
Bittle	Geist	Mackowski	Serafini
Borski	George, C.	Madigan	Seventy
Bowser	George, M. H.	Maiale	Shupnik
Brandt	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

Cimini	Greenfield	Moehlmann	Stairs
Civera	Grieco	Mowery	Steighner
Clark, B. D.	Gruppo	Mrkonic	Stewart
Clark, M. R.	Hagarty	Mullen	Stuban
Cochran	Halverson	Murphy	Swift
Cohen	Harper	Nahill	Taddonio
Cole	Hasay	Novak	Taylor, E. Z.
Cornell	Hayes, Jr., S.	Noye	Taylor, F.
Coslett	Hoeffel	O'Brien, B. F.	Telek
Cowell	Honaman	O'Brien, D. M.	Thomas
Cunningham	Hutchinson, A.	O'Donnell	Trello
DeMedio	Hutchinson, W.	Oliver	Wachob
DeVerter	Irvis	Perzel	Wargo
DeWeese	Itkin	Peterson	Wenger
DiCarlo	Johnson, E. G.	Petrarca	White
Davies	Johnson, J. J.	Phillips	Wilson
Dawida	Jones	Piccola	Wilt
Dietz	Kanuck	Pievsky	Wright, D. R.
Dininni	Klingaman	Pistella	Wright, Jr., J.
Dombrowski	Knepper	Pitts	Yahner
Donatucci, R.	Knight	Polite	Yohn
Dorr	Kolter	Pott	Zeller
Duffy	Kowalyszyn	Pratt	Zitterman
Dumas	Kukovich	Pucciarelli	Zord
Durham	Lashingner	Punt	Zwinkl
Earley	Laughlin	Pyles	
Fee	Lehr	Rappaport	Seltzer,
Fischer	Lescovitz	Rasco	Speaker
Fisher	Letterman	Reed	

NAYS—0

NOT VOTING—9

Brown	McIntyre	Street	Wass
Chess	Shadding	Sweet	Williams
Helfrick			

EXCUSED—4

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

REMARKS ON VOTES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. Wass.

Mr. WASS. Mr. Speaker, on the last vote, had I been in my seat, I would have voted in the positive, yes.

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

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

Mr. WHITE. Yes. Mr. Speaker, earlier today during the vote on the Cunningham amendment 6563, I was inadvertently recorded in the affirmative; I wish to be recorded in the negative.

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

CONSIDERATION OF HB 1671 CONTINUED

On the question recurring,

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

Mr. McVERRY offered the following amendments:

Amend Sec. 4702, page 387, line 10, by inserting after "grade." Children who will have reached the age of six years

by January 30 of the year following the beginning of the school term for which admission is sought shall be admitted to the first grade at the option of their parents or guardian.

Amend Sec. 4702, page 387, line 11, by striking out "September 30" and inserting January 30 of the year following the beginning of the school term for which admission is sought

On the question,

Will the House agree to the amendments?

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

Mr. McVERRY. Currently under Pennsylvania law, parents have the option of entering their child into first grade if that child attains the age of 6 prior to January 30 of the year following commencement of that school term. In other words, if school starts in September, so long as your child attains the age of 6 by January 30 of the next year, you have the option of entering your child into first grade.

The recodification of HB 1671 moves that date from January 30 of the next year to September 30 of the year in which the school term commences. This amendment would return or would amend HB 1671 to permit parents to enter their child in first grade if that child attains the age of 6 by January 30 of the next year, as is currently the law in Pennsylvania. I urge your adoption of the amendment.

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

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment preserves educational programs for children of this age group but at the same time does provide parents the option with regard to when their child shall enter the first grade. I believe the gentleman's amendment should be supported. 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 this amendment.

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

Mr. COWELL. Mr. Speaker, I have one question. I guess I can best direct it to Mr. McVerry. Now, if Mr. Gallagher or Mr. Burns or Mr. Fisher has an answer, though, please chime in. Would Mr. McVerry consent to interrogation?

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

Mr. COWELL. Mr. Speaker, it is my understanding that we have some school districts—and I am thinking of one in Allegheny County in particular—which I believe have a policy already as of this moment that you have to be 6 years old by the time September 1 rolls around to be eligible for admission to the first grade, and it would seem, if that is correct, that the language of this amendment would mandate a change in the policy that that school district has already adopted and has been following for a couple of years. Are you familiar with that sort of situation?

Mr. McVERRY. No, I am not familiar with that school district, Mr. Speaker. I was under the impression that it was overall policy throughout the state that if you attained the age of 6 by January 30 of the next year, you could enter the first grade at the option of your parents. I am not familiar with that particular—

Mr. COWELL. I am thinking of one of my neighboring districts, and Mr. Rasco may be there behind you, I am thinking of Penn Hills School District in particular. I have been told that to start first grade there, you have to be 6 years old by September 1.

Mr. McVERRY. Mr. Speaker, maybe Mr. Rasco would submit to interrogation. I do not know.

The SPEAKER pro tempore. Does the gentleman, Mr. Rasco, consent to interrogation?

Mr. RASCO. Yes, Mr. Speaker, did you want to ask me something?

Mr. COWELL. Yes. I am sorry to catch you by surprise here.

The McVerry amendment would require that each school district honor a request by a parent to admit a youngster who was 6 years old by January 30 to the first grade. It is my understanding that we have a couple school districts—and I think I have been told that Penn Hills, the district you represent, is one of them—where currently a youngster must be 6 years old by September 1 to be admitted to the first grade?

Mr. RASCO. Yes, that is correct.

Mr. COWELL. That is correct?

Mr. RASCO. Yes.

Mr. COWELL. Well, then, I go back to Mr. McVerry and I ask Mr. McVerry what the impact of this amendment would be? It would seem to me that the impact of the McVerry amendment would be to change policy as it is currently being implemented in at least the Penn Hills School District.

Mr. RASCO. I presume the effect of the amendment would be to do that, yes. On the other hand, there are presumably or arguably 504 school districts which apply the present standard of January 30, and this would be to grant integrity to the policy that is currently being applied by the majority of districts.

Mr. COWELL. Mr. Speaker, I just wanted to make a point that we are evidently going to trample on policies that have been adopted by at least one school district and perhaps more, and it might be prudent to check with the Department of Education first to see how many districts would be affected. That is all, Mr. Speaker, thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—184

Alden	Foster, W. W.	Levin	Richardson
Anderson	Foster, Jr., A.	Lewis	Rieger
Armstrong	Freind	Lynch, E. R.	Ritter
Arty	Fryer	McCall	Rocks
Austin	Gallagher	McClatchy	Rodgers
Barber	Gallen	McKelvey	Ryan
Belardi	Gamble	McMonagle	Scheaffer

Beloff	Gannon	McVerry	Schmitt
Bennett	Gatski	Mackowski	Schweder
Berson	Geesey	Madigan	Serafini
Bittle	Geist	Maiale	Seventy
Borski	George, C.	Manderino	Shupnik
Bowser	Giammarco	Manmiller	Sieminski
Brandt	Gladeck	Michlovic	Smith, E. H.
Brown	Goebel	Micozzie	Smith, L. E.
Burd	Goodman	Milanovich	Spencer
Burns	Grabowski	Miller	Spitz
Caltagirone	Gray	Mowery	Stairs
Cappabianca	Greenfield	Mrkonic	Steighner
Cessar	Grieco	Mullen	Stewart
Chess	Gruppo	Murphy	Stuban
Cimini	Hagarty	Nahill	Sweet
Civera	Halverson	Novak	Swift
Clark, B. D.	Harper	Noye	Taddonio
Clark, M. R.	Hasay	O'Brien, B. F.	Taylor, E. Z.
Cochran	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Cohen	Helfrick	O'Donnell	Telek
Cole	Hoeffel	Oliver	Thomas
Cornell	Honaman	Perzel	Trello
Coslett	Hutchinson, W.	Peterson	Wachob
DeMedio	Irviss	Petrarca	Wargo
DeVerter	Itkin	Phillips	Wass
DeWeese	Johnson, E. G.	Piccola	Wenger
DiCarlo	Johnson, J. J.	Pievsky	White
Davies	Jones	Pistella	Wilson
Dawida	Kanuck	Pitts	Wilt
Dietz	Klingaman	Polite	Wright, D. R.
Dininni	Knepper	Pott	Wright, Jr., J.
Dombrowski	Knight	Pratt	Yahner
Donatucci, R.	Kolter	Pucciarelli	Yohn
Dorr	Kowalyszyn	Punt	Zitterman
Dumas	Kukovich	Pyles	Zord
Durham	Lashingier	Rappaport	Zwilk
Earley	Laughlin	Rasco	
Fee	Lehr	Reed	Seltzer,
Fischer	Lescovitz	Rhodes	Speaker
Fisher	Levi		

NAYS—9

Cowell	George, M. H.	Letterman	Moehlmann
Cunningham	Hutchinson, A.	Livengood	Zeller
Duffy			

NOT VOTING—5

McIntyre	Sirianni	Street	Williams
Shadding			

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. McVERRY offered the following amendments:

Amend Sec. 1 page 403, by inserting between lines 6 and 7 § 4744. Governing board empowered to issue subpoenas.

In any hearing convened pursuant to section 4742 (relating to suspension of students for misconduct) or section 4743 (relating to expulsion of students for misconduct), the governing body of the school entity shall have the power to issue subpoenas requiring the attendance of witnesses at such hearing on its own behalf or at the request of the party against whom a complaint is made. If any person shall refuse to appear and testify in answer to any subpoena issued by the governing body, any party interested may petition the court of common pleas setting forth the facts, which court shall thereupon issue its subpoena commanding such person to appear

before it, there to testify as to the matters being inquired into. Any person refusing to testify before the court shall be held for contempt. All testimony at such hearings shall be taken under oath, and any member of the governing body shall have power to administer oaths to such witnesses.

Amend Sec. 1 (Sec. 4744), page 403, line 7, by striking out "4744" and inserting 4745

Amend Sec. 1 (Sec. 4745), page 403, line 16, by striking out "4745" and inserting 4746

Amend Sec. 1 (Sec. 4746), page 404, line 20, by striking out "4746" and inserting 4747

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

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

Mr. McVERRY. Amendment 6514 addresses itself to the granting to school boards of subpoena power.

On June 14, 1979, this House passed HB 586 by a majority of 184 to 0. HB 586 granted to school boards subpoena powers in due-process hearings involving students for disciplinary action or expulsion. This amendment includes into HB 1671, HB 586; in fact, makes as a part of the School Code, and appropriately so, the granting of subpoena power to school boards in student due-process hearings at either the request of the board—the board can issue a subpoena on its own motion—or at the request of the student who is the subject of the disciplinary hearing.

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

Mr. S. E. HAYES. The gentleman is correct. The House has passed legislation in this area, and I urge support of the gentleman's amendment.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes. The House did pass identical language, and we should adopt this amendment.

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

The following roll call was recorded:

YEAS—191

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

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

NAYS—0

NOT VOTING—7

Armstrong	McIntyre	Street	Yohn
Laughlin	Shadding	Williams	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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 lady from Philadelphia, Mrs. Harper, for amendment 6501.

Mr. S. E. HAYES. It is amendment 6697.

The SPEAKER pro tempore. The lady has changed her amendment, and properly so. The amendment the lady sent forward with the page is the amendment she wants to offer. It is to the same section of the code. She has corrected a technical error in her amendment, 6697.

On the question recurring,

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

Mrs. HARPER offered the following amendments:

Amend Table of Contents, page 19, by inserting between lines 15 and 16 § 4747. Dress code in school districts of the first class and first class A.

Amend Sec. 1 (Subchapter Analysis), page 399, by inserting between lines 10 and 11 4747. Dress Code in school districts of the first class and first class A.

Amend Bill, page 405, by inserting between lines 27 and 28 § 4747. Dress code in school districts of the first class and first class A. All public school students in school districts of the first class and first class A in grades one through eight shall be required to wear uniform apparel as follows: (1) The girls shall wear jumpers or skirts of a solid color with a white blouse. (2) The boys shall wear dark trousers of a solid color with a white shirt and a necktie.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Mrs. Harper.

Mrs. HARPER. Mr. Speaker, I offer this amendment because I have received a lot of complaints from teachers and students concerning the dress code in the school system. With the recession a lot of students cannot afford to dress as some of the other students can. They just do not have the money. Some of the students are going to school dressed today as if they are going to a picnic or a ball game or anywhere but school, and I think it is about time that we set some examples for the code of dress. Plus, the uniforms are much less expensive than the regular clothing today. A simple skirt and blouse or shirt and trousers, any student can afford that type of uniform.

One of the teachers told me about a student of hers who was sitting in the classroom last week with a raincoat on. She asked the girl why she was sitting in the classroom with a raincoat on, and the girl told her it was because her dress was torn and shabby and she could not afford a dress. She could not afford to dress like the other students, and that is why she felt inferior and kept her coat on.

I am asking you to vote for students to wear uniforms so that they will not have to be concerned about how they are dressed but concerned about learning. We have to do something about education today, and I think this is just a start in a small way. Let the students get something in their heads and not be concerned about what is on their backs. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, what Mrs. Harper is offering is a rather unique and probably the greatest amendment to bring attention to this School Code in having the students dress properly, particularly in the two big cities of this Commonwealth. I think it would be great if we would support Mrs. Harper's amendment and let the students in Philadelphia and Pittsburgh go to school in uniforms like many others do. I urge the support of that amendment.

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

Mr. S. E. HAYES. I concur with Mr. Gallagher.

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

Mr. COWELL. Mr. Speaker, I know there is a sense of unanimity and cooperation prevailing in the House today. It is quite obvious, but I would like to add just one note on the opposite side, and I am willing to be the one who votes against requiring all these parents to go out and buy uniforms, but I will be at least one. My only concern is, Mrs. Harper very rightfully expresses a concern that some students are concerned about what other kids are wearing, and maybe their clothes do not look like what the other kids are wearing, but I am concerned that what we are going to do is create a situation where a lot of those families cannot even afford to go out and buy the special uniform that is suddenly going to be required, all these

white shirts, these ties, the blue pants, that sort of thing. I would ask that we keep that in mind anyway as we consider this amendment.

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

Mr. ITKIN. Mr. Speaker, I would like to ask the maker of the amendment a question, if I may.

The SPEAKER pro tempore. The lady indicates that she will respond.

Mr. ITKIN. Mr. Speaker, I do not understand why Philadelphia and Pittsburgh are being singled out by this amendment.

Mrs. HARPER. Mr. Speaker, Philadelphia and Pittsburgh are the two largest cities in the state, and we have more students there, and I feel that we have more expenses in the cities. I think we should start in the big cities, but if you would like to amend my amendment to include the entire state, I am willing.

Mr. ITKIN. I did not hear the last part of the lady's answer.

Mrs. HARPER. I said, if you would like to amend my amendment and include the entire state, I will be willing to accept your amendment to my amendment.

Mr. ITKIN. Mr. Speaker.

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

Mr. ITKIN. Mr. Speaker, I think that is the reason why I cannot support this amendment. It goes back to the same problem that we have faced in our community, Pittsburgh, for a long time - having somebody in Harrisburg determine for our people back home how they should conduct themselves, what they will get, and what will be required of them. I think it would be far better, Mr. Speaker, if such an amendment were drafted to give each school district the option, if they do not already possess it, to require such a type of dress code. But for this legislative body, representing entire Pennsylvania, to tell only those students in Pittsburgh and Philadelphia that they have to wear uniforms, while the rest of the state is not required to do so, I think is not a very proper amendment. For that reason, Mr. Speaker, I will vote against this amendment, and I would hope that my colleagues outside Pittsburgh will do the same.

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Harper.

Mrs. HARPER. As I said before, we have the largest majority of students in Philadelphia and Pittsburgh, and that is where we have the majority of the problems. So I would certainly like to start with Philadelphia and Pittsburgh. And to Mr. Cohen, my colleague, uniforms are cheaper than any type dress code that you can purchase, yet the students look very nice, presentable for any occasion.

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

Mr. MURPHY. Mr. Speaker, I think it is important to distinguish between a uniform and a dress code. A uniform will mean more expenses for a family in purchasing the

uniforms. I think a dress code is appropriate. I would hope that Mrs. Harper would consider withdrawing her amendment, redrafting it requiring a dress code in the schools. Presently in the Pittsburgh School District in my legislative district there is a middle school and a high school that are requiring a dress code. It was very favorably received by the students and by the parents of those students, but a uniform is an entirely different situation. So I would hope that for the sake of compromise Mrs. Harper would withdraw this amendment and redraft it to require a dress code rather than a specific type of uniform. Thank you.

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

Mr. SEVENTY. Mr. Speaker, I would like to say—

Mrs. HARPER. Mr. Speaker?

Mr. SEVENTY. Am I being recognized?

AMENDMENTS WITHDRAWN

The SPEAKER pro tempore. For what reason does the lady from Philadelphia rise?

Mrs. HARPER. Mr. Speaker, rather than hold up the School Code, I will withdraw my amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

Does the gentleman from Allegheny have any remarks to make at this time?

Mr. SEVENTY. I have nothing more to say. Thank you.

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

Mr. S. E. HAYES. Mr. Speaker, I believe the lady is to be thanked for recognizing that this amendment, while she has every good intention, has caused a great deal of consternation and would place this legislation in some jeopardy when we go to final passage, and I believe the lady was very magnanimous in withdrawing her amendment. I would like to thank the lady. Thank you, Mr. Speaker.

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. 2922), page 172, by inserting between lines 2 and 3 (d) Adjustment of payment as a result of strike.— For the school year 1980-1981 and thereafter, a school district's basic instruction payment shall not be reduced because the district was unable, as a result of a strike, to provide the minimum days of instruction required by section 3721(c) (relating to establishment of school calendar), unless the school district's instructional expense per weighted average daily membership or the base earned for reimbursement is reduced because of the shortened school calendar.

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, this amendment allows the school districts to be paid for 180 days and not lose any of their subsidy unless the teachers are not paid for 180 days, but there are other expenses that go on in a school district whether or not the school days are 180 days, and it

is not right to take all of that school subsidy away from the school district as long as they have other expenses. My amendment addresses the fact that if the school calendar year is shortened and if the teachers do not receive pay for 180 days, then that amount will be reduced or held back from the school subsidy, but the amount for operating expenses and other expenses of the school will be included. I ask for your support.

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

Mr. GALLAGHER. Mr. Speaker, I rise to oppose Miss Sirianni's amendment. Again, this is similar to an amendment that was defeated by this House, amendment 5873, which was defeated on May 12. It is very similar, and I urge the members to vote "no" on this amendment.

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

Mr. D. M. FISHER. I rise in support of the Sirianni amendment. I think what Miss Sirianni is attempting to do is another issue, but it is part and parcel of an amendment which I tried to offer this morning.

In another Commonwealth Court decision involving the Sentinel School District, the Commonwealth Court ruled that the Department of Education improperly deducted from the school district the number of days that were not made up below 180. In other words, I believe that school district only had 168 days in the school calendar. The Department of Education attempted to deduct from the subsidy twelve one-hundred-eightieths to that school district. The school district argued that that was not what in fact the School Code says. They argued that the deduction should have been based on the actual expenses incurred, and the Commonwealth Court supported the school district. They supported the school district; they ruled back in December that the Department of Education was misinterpreting the School Code. Now that case is on appeal to the Supreme Court, and all Miss Sirianni's amendment attempts to do is clarify that. It attempts to say that when in fact less than 180 days are taught, the school district is not going to get its entire subsidy, but they are only going to lose the amount of expenses that are not incurred.

I think this is a more equitable manner to withhold reimbursement. I think in an attempt to clarify the School Code, to say what the legislature has intended or, in other words, to say what the Commonwealth Court has said the legislature has intended to say, I think we should specify in the law that this is the test. It is an attempt to get away from that magical 180-day rule. It is an attempt to look at actual costs in a district, and it is an attempt to reimburse a district fairly, based on what their costs are. I think this is a sensible approach. I urge the adoption of the Sirianni amendment.

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

Mr. BURNS. Mr. Speaker, I oppose this amendment. This is another attempt to stack the deck in wage negotia-

tions and condition negotiations. A school district should only be paid for the days that they are open. They should not be paid for the days that they are closed, and if you give to one side or the other in this case, then you have got problems. You cannot have labor peace if you are going to stack the deck in someone's favor. This stacks the deck in favor of the school board. If you want to do that, you are not going to have labor peace; you are not going to have any fair settlements, and to use this approach is just absolutely wrong.

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

Mrs. GEORGE. Mr. Speaker, I rise to support the Sirianni amendment. The words spoken by Mr. Fisher both this morning and this afternoon have, I think, explained it pretty adequately. I would just like to make a further point. Mr. Burns said that the schools should be paid for the days they are open. There is a difference in the expenses incurred and the days people are open. There are expenses incurred whether or not a school is open and whether or not the students are there and whether or not the teachers are there. So I would like to once again encourage your support for this amendment.

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

Miss SIRIANNI. Mr. Speaker, if a school is on strike, the law says that the school is still open. Just because the teachers are not reporting for work does not mean that the school is not open. So there are expenses incurred, and my amendment does say that a penalty may result from a decrease in the instructional expenditure. The amount that the teachers do not receive will be deducted but not the other expenses which are incurred.

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

Mr. D. M. FISHER. Mr. Speaker, will the gentleman, Mr. Burns, consent to interrogation?

The SPEAKER pro tempore. The gentleman indicates that he shall. You may proceed.

Mr. D. M. FISHER. Mr. Speaker, would you agree that when a strike is in process in our public school system in Pennsylvania, a school district incurs certain costs during that time period?

Mr. BURNS. Oh, I think in any strike both sides should incur certain losses.

Mr. D. M. FISHER. No; excuse me. Would you agree that during the strike a school district incurs certain costs?

Mr. BURNS. Yes. I do not doubt that they incur certain costs, but they still certainly get their real estate taxes. The only part that they are losing in a strike is the state subsidy. They are not losing a penny in their real estate taxes.

Mr. D. M. FISHER. Would you agree, Mr. Speaker, that a portion of what the subsidy is intended to provide a reimbursement for is for costs other than what is used for employes' salaries?

Mr. BURNS. Yes; I would, but I would say that if a school district is participating in a strike—in other words,

the schools are not open because of a strike—then the school district does not incur the costs that the basic instructional subsidy was meant to apply to. In other words, it is a basic instructional subsidy we are getting from the state, and it is based on an average daily attendance and it is based on enrollment figures and so forth. So if the schools are not open, there is no instruction going on, so why should they be paid for it?

Mr. D. M. FISHER. Mr. Speaker, would you agree—I think you indicated yes and then answered further—would you agree though that part of that subsidy is for cost items other than teachers' salaries?

Mr. BURNS. I would agree to that, yes.

Mr. D. M. FISHER. Okay. Thank you, Mr. Speaker.

Mr. BURNS. But I would clarify that by saying, do not forget that even though there are other costs other than the teachers' salaries, the real estate taxes that are being collected by that district are not stopped because of a work stoppage, and probably in any given district, I do not know the percentages but you would have a high percentage of the cost, maybe 50, 60 percent, being paid for by real estate taxes that are not being stopped. So I do not see where the cost of a strike is not covered by the taxpayer anyway.

Mr. D. M. FISHER. Thank you, Mr. Speaker. May I make a short statement?

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

Mr. D. M. FISHER. Based on what Mr. Burns has said, I think that it is agreed that there are costs that are incurred for which school districts are reimbursed under the basic instructional subsidy. Remember, any reimbursement to the school district is not going to be a gain for the school district. The only person who is going to not lose by obtaining more of a share of the reimbursement is the taxpayer in that district, and that is what this amendment attempts to do, and I think we should support the Sirianni amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—79

Armstrong	Geist	Madigan	Scheaffer
Austin	George, M. H.	Manmiller	Sirianni
Bowser	Gladeck	Moehlmann	Smith, E. H.
Brandt	Goebel	Mowery	Smith, L. E.
Cessar	Hasay	Mrkonic	Spencer
Chess	Hayes, Jr., S.	Nahill	Sweet
Clark, M. R.	Helfrick	Noye	Swift
Cohen	Honaman	O'Brien, B. F.	Taddonio
Cornell	Hutchinson, A.	O'Brien, D. M.	Taylor, E. Z.
Coslett	Kanuck	Perzel	Telek
Cunningham	Knepper	Peterson	Thomas
DeVerter	Lashingner	Petrarca	Wass
Dietz	Letterman	Phillips	Wenger
Dininni	Levi	Piccola	Wilt
Dorr	Lewis	Pitts	Wright, D. R.
Duffy	Livengood	Pyles	Zeller
Fisher	Lynch, E. R.	Rasco	Zord
Foster, W. W.	McClatchy	Reed	
Foster, Jr., A.	McVerry	Rocks	Seltzer,
Gallen	Mackowski	Ryan	Speaker
Gamble			

NAYS—114

Alden	Durham	Kolter	Rappaport
Anderson	Earley	Kowalshyn	Richardson
Arty	Fee	Kukovich	Rieger
Barber	Fischer	Laughlin	Ritter
Belardi	Freind	Lehr	Rodgers
Beloff	Fryer	Lescovitz	Schmitt
Bennett	Gallagher	Levin	Schweder
Berson	Gannon	McCall	Serafini
Bittle	Gatski	McKelvey	Seventy
Borski	Geesey	McMonagle	Shupnik
Brown	George, C.	Maiale	Sieminski
Burd	Goodman	Manderino	Spitz
Burns	Grabowski	Michlovic	Stairs
Caltagirone	Gray	Micozzie	Steighner
Cappabianca	Greenfield	Milanovich	Stewart
Cimini	Grieco	Miller	Street
Civera	Gruppo	Mullen	Stuban
Clark, B. D.	Hagarty	Murphy	Taylor, F.
Cochran	Halverson	Novak	Trello
Cole	Harper	O'Donnell	Wachob
Cowell	Hoeffel	Oliver	Wargo
DeMedio	Hutchinson, W.	Pievsky	White
DeWeese	Iris	Pistella	Wilson
DiCarlo	Itkin	Polite	Wright, Jr., J.
Davies	Johnson, E. G.	Pott	Yahner
Dawida	Johnson, J. J.	Pratt	Yohn
Dombrowski	Jones	Pucciarelli	Zitterman
Donatucci, R.	Klingaman	Punt	Zwikl
Dumas	Knight		

NOT VOTING—5

Giammarco	Rhodes	Shadding	Williams
McIntyre			

EXCUSED—4

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

REMARKS ON VOTE

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

Mr. GRAY. Mr. Speaker, on HB 1671, amendment No. 6563, I inadvertently voted in the negative. I would like to be recorded as voting in the affirmative.

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

CONSIDERATION OF HB 1671 CONTINUED

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

Mr. D. M. FISHER offered the following amendments:

Amend Sec. 1 (Sec. 3721), page 336, line 26, by striking out "subsection (d)" and inserting subsections (d) and (e)

Amend Sec. 1 (Sec. 3721), page 336, by inserting between lines 27 and 28

(d) Strikes.—The provisions of subsection (c) shall not be applicable whenever a strike prevents the fulfillment of the 180 day school year within the time limits of the officially adopted school calendar. In such situations, the school year for the affected school district shall constitute the actual number of days that school is taught. However, the board of school directors shall, at the conclusion of the strike, attempt to reschedule

as many days as it, in the exercise of its discretion, believes are proper and educationally sound for the establishment of an appropriate school year for the students of the district. The provisions of subsection (c) requiring 180 days of instruction shall remain applicable in the case of a lockout or other work stoppage constituting an unfair labor practice by the employing school district.

Amend Sec. 1 (Sec. 3721), page 336, line 28, by striking out "(d)" and inserting (e)

Amend Sec. 1 (Sec. 3721), page 336, lines 29 and 30, by striking out "of less than 180 instructional days provided:" and inserting based on minimum hours of instruction rather than minimum days of instruction provided:

Amend Sec. 1 (Sec. 3721), page 337, line 9, by striking out "(e)" and inserting (f)

Amend Sec. 1 (Sec. 3721), page 337, line 12, by striking out "(f)" and inserting (g)

On the question,

Will the House agree to the amendments?

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

Mr. D. M. FISHER. This is the amendment which I had offered this morning, and I have modified it as a result of the questions which were asked by Mr. Davies and Mr. Hutchinson. Basically what we have done is clarify that the language applies only to strikes and that in the case of a lockout of other work stoppage constituting an unfair labor practice by the employes' school district, it would not be up to the school district to determine how many days should be rescheduled. So the amendment that is being offered is the same amendment which I offered this morning. What it attempts to do is it puts back, where the issue belongs, the decision of determining how many days of the school calendar should be made up in the case of a strike. It only applies to a strike. I think the changes direct themselves to what Mr. Hutchinson raised, and I would urge your support for this amendment. Thank you.

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

Mr. GALLAGHER. Mr. Speaker, it again is another 180-day amendment similar to what we just defeated, and I urge the members to vote "no" on this amendment. It is very similar; it might be rewritten a little differently than he offered this morning, but it is the same philosophy. I urge the members to vote "no."

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

Mr. FREIND. This is a totally, completely different amendment from that which we just defeated. I believe the last amendment should have been defeated. This, however, in my opinion, is a very good amendment. What it in fact says is that when there is a work stoppage, which is a strike, that school district shall have to determine on its own whether or not to go the full 180 days or go a lesser amount. Because we have defeated the prior amendment, a school district will not benefit by going less than 180 days because, in fact, it will only receive subsidy payments for the number of class days that were put in, but it allows the school district, the elected local officials, to make the deci-

sion on their own as to how many days will go in. It also makes the whole collective bargaining process much fairer than it presently is because, in fact, the school employes will realize that if they in fact go out on strike, they may not be able to recoup their losses by going the full 180 days. I think this is a reasonable approach to the problem, and I urge its support, Mr. Speaker.

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

Mr. D. M. FISHER. Mr. Speaker, I just want to respond to what Mr. Gallagher said. He used the words that this is another one of those 180-day amendments. This amendment is far more than that. This amendment goes to the very heart of the problems that result when you have a strike and the difficulties that are incurred by the students. We are not talking about who is going to make out and who is going to lose in this amendment. The people who are losing under current law, the people who are going to lose under the way this HB 1671 is drafted, when we have a strike, are the students.

Let us quit forgetting about the students in Pennsylvania. I am not interested in seeing my kids and the kids in my neighborhood go to school between Christmas and New Year's. I am not interested in seeing my kids go to school next Monday when everyone else in the area is celebrating Memorial Day. I am interested in seeing some sort of system where we can place the responsibility for what that school calendar is back in the hands of the people who have decided not to agree to a contract. And I am not just putting the blame on the schoolteachers; I am putting the blame on the school boards who are unable to agree to a contract prior to the beginning of the school year. They are the ones who are going to have to decide; they are the ones who are going to have to live with the result; they are the ones who are going to lose part of their subsidy and part of their salary, but let us put a statutory scheme in place in Pennsylvania where we have some way to protect the kids and have a school year that is conducive to education. I strongly urge your serious consideration and support of this amendment. Thank you.

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

Mr. W. D. HUTCHINSON. Mr. Speaker, I understand that this is the amendment with some modifications that Mr. Fisher had offered this morning, and the modifications were, as I understand it, the suggestions that I had made with respect to dealing with the problem of a lockout or an unfair labor practice by a school district so that we would not deal unfairly with the employes, so that if the school district acted improperly, they would not get the benefit of this amendment and would have to abide by the 180-day rule, but if it was a true economic strike, where both sides would be put in a relatively even bargaining position. With those changes I can support the amendment, and I will vote in favor of it. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—99

Alden	Gamble	McVerry	Ritter
Anderson	Gannon	Mackowski	Rocks
Armstrong	George, M. H.	Madigan	Scheaffer
Arty	Gladeck	Michlovic	Schweder
Austin	Goebel	Miller	Seventy
Bittle	Hagarty	Moehlmann	Sirianni
Bowser	Hasay	Mowery	Smith, E. H.
Brandt	Helfrick	Mrkonic	Spencer
Burd	Hoeffel	Murphy	Spitz
Cappabianca	Honaman	Nahill	Sweet
Cessar	Hutchinson, A.	Novak	Taddonio
Chess	Hutchinson, W.	Noye	Taylor, E. Z.
Civera	Itkin	O'Brien, B. F.	Telek
Clark, M. R.	Kanuck	O'Brien, D. M.	Thomas
Cohen	Klingaman	Petzel	Trello
Cornell	Knepper	Peterson	Wenger
Cowell	Knight	Petrarca	Wilt
Cunningham	Kukovich	Piccola	Wright, D. R.
Dawida	Lashingner	Pistella	Yohn
Dorr	Letterman	Pitts	Zeller
Duffy	Levi	Polite	Zord
Durham	Lewis	Pott	Zwinkl
Fisher	Livengood	Pratt	
Foster, Jr., A.	Lynch, E. R.	Punt	Seltzer,
Freind	McClatchy	Pyles	Speaker
Gallen			

NAYS—95

Barber	Earley	Kolter	Rieger
Belardi	Fee	Kowalshyn	Rodgers
Beloff	Fischer	Laughlin	Ryan
Bennett	Foster, W. W.	Lehr	Schmitt
Berson	Fryer	Lescovitz	Serafini
Borski	Gallagher	Levin	Shupnik
Brown	Gatski	McCall	Sieminski
Burns	Geesey	McKelvey	Smith, L. E.
Caltagirone	Geist	McMonagle	Stairs
Cimini	George, C.	Maiale	Steighner
Clark, B. D.	Giammarco	Manderino	Stewart
Cochran	Goodman	Manmiller	Street
Cole	Grabowski	Micozzie	Stuban
Coslett	Gray	Milanovich	Swift
DeMedio	Greenfield	Mullen	Taylor, F.
DeVerter	Grieco	O'Donnell	Wachob
DeWeese	Gruppo	Oliver	Wargo
DiCarlo	Halverson	Phillips	Wass
Davies	Harper	Pievsky	White
Dietz	Hayes, Jr., S.	Pucciarelli	Wilson
Dininni	Irvis	Rappaport	Wright, Jr., J.
Dombrowski	Johnson, E. G.	Rasco	Yahner
Donatucci, R.	Johnson, J. J.	Reed	Zitterman
Dumas	Jones	Richardson	

NOT VOTING—4

McIntyre	Rhodes	Shadding	Williams
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EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. BOWSER offered the following amendments:

Amend Bill, page 220, by inserting between lines 6 and 7

SUBCHAPTER N
SIGNIFICANT REVENUE LOSSES CAUSED BY
REAL PROPERTY ASSESSMENT APPEALS
§ 2991. Significant revenue losses caused by real property
assessment appeals.

(a) Payments authorized.—

(1) Any school district which suffers a significant loss of real property tax revenues for any fiscal year, as a result of a successful court appeal of the assessment of real property in the school district for one or more prior school years, shall receive a one time payment, on account of such significant loss, equal to 25% of the total revenue loss to the school district caused by the assessment appeal.

(2) As used in this section, "significant loss of real property tax revenues," shall mean the loss of the equivalent of 20% or more of the total anticipated revenues from real property taxes levied by a school district for the current school year caused by the successful court appeal of one or more taxpayers of the assessed value of their real property in one or more prior school years.

(b) Limitation on payments.—The payments authorized by this section shall be made to a school district only once in respect to each incidence of significant loss of real property tax revenues.

(c) Application.—The payments authorized by this section shall be made to eligible school districts on account of revenue losses impacting upon their tax levies for the 1979-1980 school year and each year thereafter.

Amend Subchapter Heading, page 220, line 7, by striking out "N" and inserting O

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie, Mr. Bowser.

Mr. BOWSER. What this amendment does is it helps presently three school districts in the State of Pennsylvania. In my district it is the Iroquois School District. I have a big General Electric plant in my district, and they are in appeals court right now to appeal their assessment. We have had precedents set in Erie County where people have won 50- to 60-percent reductions in their real estate taxes through appeal in the Erie County courts. We feel that they will win a large amount. The amount in this case is nearly \$1 million. If they would win 50 percent of this, we are talking about a half a million dollars in this case. So what we are doing is trying to get help for these school districts one time until they can redo their budget for the following year, raise their millage accordingly, and be on with their business. It is really going to put these school districts in a hole for one given year if we do not give them some help.

I think all members should think about this. I think it is something that is going to help in an awful lot of districts around the state over the next few years, and I guarantee that I will help anybody. This particular amendment will help most districts one time, as I said before, until they can get their millage straightened out. Mr. Laughlin is on this thing with me, and I think he will speak to this issue also. Thank you, Mr. Speaker.

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

Mr. S. E. HAYES. Mr. Speaker, the gentleman has brought a problem to the attention of this House, and I urge adoption of the gentleman's amendment.

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

Mr. GALLAGHER. Mr. Speaker, I rise in favor of the amendment. It is similar to the problem that Mr. Laughlin has on this side, and we urge adoption of this amendment.

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

The following roll call was recorded:

YEAS—182

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

NAYS—5

Hoeffel	McVerry	Pott	Zord
Kowalshyn			

NOT VOTING—11

Gray	Levin	Novak	Shadding
Irviss	McIntyre	Rhodes	Williams
Knight	Maiale	Rieger	

EXCUSED—4

Hayes, D. S. Salvatore Vroon Weidner

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

RECONSIDERATION OF VOTE
ON AMENDMENTS TO HB 1671

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

Mr. GAMBLE. Mr. Speaker, I move that the vote by which amendment 6651 passed on May 20 be reconsidered.

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

Mr. KNIGHT. I second the motion.

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

The following roll call was recorded:

YEAS—187

Alden	Foster, Jr., A.	Levi	Rieger
Anderson	Freind	Levin	Ritter
Armstrong	Fryer	Lewis	Rocks
Arty	Gallagher	Livengood	Rodgers
Barber	Gallen	Lynch, E. R.	Ryan
Belardi	Gamble	McCall	Scheaffer
Beloff	Gannon	McClatchy	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	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	Trello
Cowell	Hutchinson, A.	Oliver	Wachob
Cunningham	Hutchinson, W.	Perzel	Wargo
DeVerter	Irviss	Peterson	Wass
DeWeese	Itkin	Petrarca	Wenger
DiCarlo	Johnson, E. G.	Phillips	White
Davies	Johnson, J. J.	Piccola	Wilson
Dawida	Kanuck	Pievsky	Wilt
Dietz	Klingaman	Pitts	Wright, D. R.
Dininni	Knepper	Polite	Wright, Jr., J.
Dombrowski	Knight	Pott	Yahner
Donatucci, R.	Kolter	Pratt	Yohn
Dorr	Kowalshyn	Pucciarelli	Zeller
Duffy	Kukovich	Punt	Zitterman
Dumas	Lashinger	Pyles	Zord
Durham	Laughlin	Rappaport	Zwikl
Earley	Lehr	Rasco	
Fischer	Lescovitz	Reed	Seltzer,
Fisher	Letterman	Richardson	Speaker
Foster, W. W.			

NAYS—1

Milanovich

NOT VOTING—10

Austin	Jones	Rhodes	Thomas
DeMedio	McIntyre	Shadding	Williams
Fee	Pistella		

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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?

Mrs. TAYLOR reoffered the following amendments:

Amend Sec. 1 (Sec. 3588), page 322, line 23, by inserting after "districts.—" (1)

Amend Sec. 1 (Sec. 3588), page 322, line 29, by striking out "(1)" and inserting (i)

Amend Sec. 1 (Sec. 3588), page 323, line 1, by striking out "(2)" and inserting (ii)

Amend Sec. 1 (Sec. 3588), page 323, line 3, by striking out "(3)" and inserting (iii)

Amend Sec. 1 (Sec. 3588), page 323, line 4, by striking out "(4)" and inserting (iv)

Amend Sec. 1 (Sec. 3588), page 323, by inserting between lines 6 and 7 (2) In addition to the authorization in paragraph (1) for the appointment of tax collectors, the board of school directors in each school district of the second class may, by resolution, appoint one or more suitable persons, public employees or private agencies or corporations as tax collectors in the school district provided that the resolution of appointment is effective no sooner than the beginning of the term of office for the elected tax collectors in the school district and the resolution is passed not later than the first day for filing nominating petitions for the office of elected tax-collector in the school district. Once a school district has elected by resolution pursuant to this paragraph to appoint one or more tax collectors in lieu of utilizing the services of the elected tax collector, the election shall remain effective until changed by resolution of the board of school directors

On the question recurring,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

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

Mrs. TAYLOR. Mr. Speaker, I would like to make a comment.

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

Mrs. TAYLOR. It would appear at this hour that the world of politics is at work. The tax collectors have united and made their views known to the Representatives. The people, the taxpayers, are not so well organized.

My amendment is a good amendment, and it was presented in an effort to save school districts money. It was presented in the best interest of the taxpayer. The amendment passed 144 to 33 on this day, earlier in the day. The amendment was a "may" amendment and in no way was threatening to any full-time tax collector whose collection

procedures benefited their school district. However, in an effort and a commitment to passing a new school code for this state, I now withdraw that amendment.

The SPEAKER pro tempore. The Chair thanks the lady.

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

Mr. GAMBLE. Mr. Speaker, the reason I asked for a reconsideration, I think there is a point that should be made here. I do want to make it clear that not one tax collector called me on this matter. However, this amendment states that the school board can appoint the tax collector. A situation could arise whereby the public, the taxpayers whom we are talking about, would elect a tax collector. The school district in effect could set him aside, and the school district in effect could appoint the loser of an election by the public as the tax collector for a school district. I do not think it is right. I do not think we should take the authority away from the people and give it to five or six or seven or eight school directors on a board. I think it is a very bad mistake, and I think it is totally unfair that the public elects someone to collect their taxes and five or six people can set them aside, and the case may arise where the loser actually of a tax collector's election would end up the tax collector.

On the question recurring,

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

Mr. LASHINGER offered the following amendment:

Amend Sec. 1 (Sec. 3702), page 327, line 23, by inserting after "INCLUDE" cardiopulmonary resuscitation according to certified American Heart Association standards and American Red Cross standards and taught by certified instructors,

On the question,

Will the House agree to the amendment?

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

Mr. LASHINGER. Mr. Speaker, for the record, prior to explaining the amendment, it is important to note that a few cosponsors want to be added to the amendment - Mr. Trello, Mr. Zwinkl, Mr. Zeller, and the lady, Mrs. Arty. The amendment had been circulated prior to their getting on, but they did want to be added to the amendment.

This amendment is a repeat of a bill that has been in the House Education Committee for the past two terms and has about 20 or 25 sponsors, Mr. Speaker. It adds to the health curriculum at the secondary education level the course of cardiopulmonary resuscitation. I am sure everyone is familiar with the breath-of-life technique, a proven life-saving technique, and that we could all recount circumstances where it has been used to save lives. This would make it a required course within the health curriculum, Mr. Speaker.

It is important to note—before the question arises, and I will anticipate the question—that we added that the course had to be taught according to the American Heart Association standards and the American Red Cross standards. In

checking the Good Samaritan statute, in order to qualify for immunity from civil liability, one had to be certified by either of those organizations to be a qualified instructor and to qualify for that immunity from civil liability.

In checking with both organizations to alleviate any concern about cost within the health curriculum to the schools of the Commonwealth, we have uncovered that this is being taught to our health and physical education instructors in our schools of higher learning in the Commonwealth. There are also agreements available for free courses for certification from both organizations, the American Red Cross and the American Heart Association. Based on that, I would ask for the support from the House. Thank you, Mr. Speaker.

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

Mr. BURNS. Mr. Speaker, I wonder if the gentleman from Montgomery would mind a question or two.

The SPEAKER pro tempore. The gentleman indicates that he would.

Mr. BURNS. Just very quickly, I see nothing wrong with the amendment except the fact that the physical education teachers or the health teachers or whoever would be responsible for this at the time this code would go into effect may not be certified in that. What happens with this and who has to do the certification and who picks up the cost for the certification?

Mr. LASHINGER. As I indicated, Mr. Speaker, the certification will be done by the American Red Cross and the American Heart Association at no cost—and we have that from both organizations—at no cost to the districts. Currently that is a no-cost instructional program.

Mr. BURNS. Is there any time line in there as to when it must begin? In other words, let us theoretically say the school code started tomorrow morning. We adopted it tonight; it is in effect tomorrow morning. Now, we have mandated that this be taught, but we may not have anybody in the schools trained to teach it. Do you give any leeway there for a year's phase-in or something so that we get people trained to do it?

Mr. LASHINGER. Within the amendment there is no time line. I think for practical purposes, though, we do not expect the code to be in effect tomorrow. The certification time frame would be about 6 weeks, and it would only involve, in the 6-week certification period, a few hours per week.

Mr. BURNS. Could we say for legislative intent at least that we would have at least 6 months before that requirement would be mandatory once the school code passes if it passes with that provision in it?

Mr. LASHINGER. I would agree to make that—and I think you just have, Mr. Speaker—a part of the legislative history.

Mr. BURNS. Thank you, Mr. Speaker. I see no objection to this amendment.

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

Mrs. ARTY. I think it is important that this amendment be adopted, but I think it is also important to recognize the fact that not everyone is able to perform CPR. Not all of the students who will be learning CPR will be able physically or sometimes even emotionally to perform CPR, and it should be an item on the legislative record that to pass or fail this particular course would not mean that the student would pass or fail that entire health curriculum. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—184

Alden	Foster, Jr., A.	Livengood	Ritter
Anderson	Freind	Lynch, E. R.	Rocks
Armstrong	Gallagher	McCall	Rodgers
Arty	Gallen	McClatchy	Ryan
Austin	Gamble	McKelvey	Scheaffer
Barber	Gannon	McMonagle	Schmitt
Belardi	Gatski	McVerry	Schweder
Beloff	Geesey	Mackowski	Serafini
Bennett	Geist	Madigan	Seventy
Berson	George, C.	Maiale	Shupnik
Borski	George, M. H.	Manderino	Sieminski
Bowser	Giammarco	Manmiller	Sirianni
Brandt	Gladeck	Michlovic	Smith, E. H.
Brown	Goebel	Micozzie	Smith, L. E.
Burd	Goodman	Milanovich	Spencer
Burns	Grabowski	Miller	Spitz
Caltagirone	Gray	Moehlmann	Stairs
Cappabianca	Greenfield	Mowery	Steighner
Cessar	Grieco	Mrkonic	Stewart
Chess	Gruppo	Mullen	Street
Cimini	Halverson	Murphy	Suban
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	Wachob
DeMedio	Itkin	Petrarca	Wargo
DeVerter	Johnson, E. G.	Phillips	Wass
DeWeese	Kanuck	Piccola	Wenger
Davies	Klingaman	Pievsky	White
Dawida	Knepper	Pistella	Wilson
Dietz	Knight	Pitts	Wilt
Diminni	Kolter	Pott	Wright, D. R.
Dombrowski	Kowalshyn	Pratt	Wright, Jr., J.
Donatucci, R.	Kukovich	Pucciarelli	Yahner
Duffy	Lashinger	Punt	Zeller
Dumas	Laughlin	Pyles	Zitterman
Durham	Lehr	Rappaport	Zord
Earley	Lescovitz	Rasco	Zwikl
Fee	Letterman	Reed	
Fischer	Levi	Rhodes	Seltzer,
Fisher	Levin	Richardson	Speaker
Foster, W. W.	Lewis		

NAYS—3

Dorr	Hagarty	Yohn
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NOT VOTING—11

Bittle	Fryer	McIntyre	Shadding
Cunningham	Johnson, J. J.	Polite	Williams
DiCarlo	Jones	Rieger	

EXCUSED—4

Hayes, D. S. Salvatore Vroon Weidner

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. CUNNINGHAM offered the following amendment:

Amend Sec. 1 (Sec. 5191), page 486, line 1, by inserting after "effect." Notwithstanding the foregoing, a school district need not hire a different certified principal for each building.

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, this is a compromise redraft of the amendment regarding the obligation of school districts to hire principals for every building or not have to hire them for every building. I have discussed the matter with the gentleman, Mr. Cowell, and the language in this amendment is a reflection of that discussion. I think it achieves the purpose for which we are all in basic agreement, and I would encourage the adoption of the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—179

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

Donatucci, R.	Laughlin	Pyles	Yahner
Dorr	Lehr	Rappaport	Yohn
Duffy	Lescovitz	Rasco	Zeller
Dumas	Letterman	Reed	Zitterman
Durham	Levi	Rhodes	Zord
Earley	Levin	Richardson	Zwinkl
Fee	Lewis	Rieger	
Fischer	Livengood	Ritter	Seltzer,
Fisher	Lynch, E. R.	Rocks	Speaker
Foster, W. W.			

NAYS—0

NOT VOTING—19

Anderson	Fryer	Johnson, J. J.	Polite
Bennett	Gatski	Jones	Pucciarelli
Bittle	Giammarco	Kanuck	Shadding
Bowser	Greenfield	McIntyre	Williams
DiCarlo	Halverson	O'Donnell	

EXCUSED—4

Hayes, D. S. Salvatore Vroon Weidner

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. DIETZ offered the following amendments:

Amend Table of Contents, page 9, by inserting between lines 19 and 20 § 2991. Funds for districts without a vocational-technical school.

Amend Subchapter analysis, page 214, by inserting between lines 7 and 8 2991. Funds for districts without a vocational-technical school.

Amend Bill, page 220, by inserting between lines 6 and 7 § 2991. Funds for districts without a vocational-technical school. Unless otherwise specifically stated in a statute, no other provision of this title or any other statute or regulation shall prohibit a school district that does not have a vocational-technical school or has not joined with another school district in establishing a vocational-technical school from accepting funds from the Federal Government or other sources under terms specified by the Federal Government or other source.

On the question,

Will the House agree to the amendments?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bedford, Mr. Dietz.

Mr. DIETZ. The amendment I have here is very simple. It only really affects eight counties. What we are really saying in this amendment, Mr. Speaker, is that those counties that do not have a vocational-technical school but have vocational education courses will not be hampered or interfered with by the Department of Education in the funding; in other words, funding from the outside. That is about all it does.

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

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment would accord to comprehensive high schools that provide vocational training, the same opportunity to apply for Federal funds as are available to vo-tech schools, and I support the gentleman's amendment.

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

Mr. GALLAGHER. Mr. Speaker, I concur with Mr. Hayes. What Mr. Hayes has explained is accurate, and it is worthwhile to support the gentleman's amendment.

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

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—11

Bittle	Johnson, J. J.	Polite	Street
Fryer	Jones	Richardson	Williams
Greenfield	McIntyre	Shadding	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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 recognizes the gentleman from Dauphin, Mr. Reed, who offers amendment 6568.

Mr. REED. Mr. Speaker, my amendment was nearly identical word-for-word to that already inserted by Mr. Lashinger dealing with CPR, so, therefore, it is not necessary to offer it and I withdraw it.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. Trello, for amendment 6618. I understand the gentleman has withdrawn his amendment. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Pitts, for amendment 6708.

Mr. S. E. HAYES. Mr. Speaker, the gentleman, Mr. Pitts, has withdrawn A6708 and A6518.

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. KNEPPER offered the following amendment:

Amend Sec. 1 (Sec. 4341), page 375, by inserting between lines 5 and 6

(d) Administration of medicinal preparations.—Each school district with the advice of the school or district physician may establish specific policy and regulations concerning the administration of medicinal preparations by a school nurse or in the absence of such nurse, by the principal or any teacher and shall submit such special policy and regulations to the Department of Health for approval and subject to the following conditions:

(1) Physician's orders for medicinal preparations to be administered shall specify in writing the duration of the order, name of the drug and the dose and shall be renewed each school year.

(2) Each school wherein any medicinal preparations are administered shall keep a bound book with consecutively numbered pages in which shall be recorded in ink the administration of medicinal preparations in each case showing:

- (i) The date and time of administration.
- (ii) The name of the student to whom medicinal preparation was administered.
- (iii) The kind and quantity of medicinal preparation.
- (iv) The name of the prescribing physician.
- (v) The signature of the nurse, principal or teacher of the school administering the medicinal preparation.

(3) Transactions so recorded shall not be altered.

(4) Such book shall constitute a record which shall be made available to State Health Department representatives, and each such record shall be kept in a designated place for a period of two years from the date of the last transaction recorded in the book.

(5) The specific written order of the physician and the written authorization of a parent or guardian shall be filed with the student's cumulative health record and kept at least two years and according to local policy, all written authorizations shall be renewed each school year.

(6) The local regulations shall include a plan under direction of the district physician for enabling persons administering medicinal preparations to acquire adequate knowledge and skill to safely administer such preparations.

(7) Not more than one month's supply of a prescribed medication shall be stored in a school. The prescribed medicinal preparations shall be stored in a designated place securely locked at all times.

(e) Definition.—As used in this section, the term "medicinal preparations" means and includes only those preparations which must be administered pursuant to the written order of a physician during hours that school is in session.

On the question,

Will the House agree to the amendment?

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

Mr. KNEPPER. Mr. Speaker, this is the usual simple amendment that I am sure everybody would like to agree to that we hear about so often. Basically, this is what it does: It allows school nurses to administer, under certain very controlled conditions, medications to students who are subject to allergic reactions. I refer specifically—in fact, it is very narrow in this particular amendment—that it is limited to bee or wasp or yellow jacket or hornet stings, which in certain children can be fatal if they are not given an injection immediately to counteract the effect of this.

I realize that it is a rather small percentage, perhaps, of the student body that would be subject to this type of circumstance, but it has happened. It is a concern of the Pennsylvania Medical Society, which has adopted a resolution asking for this. It is a concern of the head of immunology at Children's Hospital in the city of Pittsburgh, who also had asked that I bring this to your attention.

The amendment, for those of you who have read it, very, very narrowly defines the authority under which such medications can be administered and also which ones can be administered so that it just cannot be used wantonly by a school nurse for any type of injection. I would appreciate the concern and the support of the House for this amendment on behalf of those few students around the Commonwealth who could be subject, particularly in the spring or the fall of the year, to a fatal seizure as a result of a terrible allergic reaction to a bee sting or wasp sting or whatever. Thank you, Mr. Speaker.

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

Mr. S. E. HAYES. Mr. Speaker, I urge support of the gentleman's amendment.

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

Mr. TRELLO. Mr. Speaker, I urge support of the amendment also. I happen to have a son whom we have almost lost twice because of that. At the present time he has to carry his own kit with him no matter where he goes. So for my son's sake and the other children in this Commonwealth who have the same problem, I urge your support.

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

Mr. GALLAGHER. Mr. Speaker, I concur with the other gentlemen and urge support for Mr. Knepper's amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—187

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

NAYS—0

NOT VOTING—11

Fryer	McIntyre	Rhodes	Sweet
Greenfield	Michlovic	Shadding	Williams
McClatchy	O'Brien, B. F.	Smith, E. H.	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. BURD offered the following amendment:

Amend Sec. 1 (Sec. 4951), page 419, lines 28 through 30; and page 420, lines 1 through 5, by striking out all of said lines on said pages and inserting The board of school directors may invite proposals, either for completely erecting, altering, or adding to any building, or separately for parts of the work, or both on all projects under \$25,000 base construction cost. All projects exceeding \$25,000 shall be subject to the act of May 1, 1913 (P L. 155, No. 104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings." Whenever the board of school directors enters into a single contract for a project, in the absence of good and sufficient reasons, the contractor shall pay each subcontractor within 15 days of receipt of payment from the board of school directors, an amount equal to the percentage of completion allowed to the contractor on account of such subcontractor's work. The contractor shall also require such subcontractor to make similar payments to his subcontractors.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler, Mr. Burd.

Mr. BURD. Mr. Speaker, under the old School Code there was a \$1,500 cap on when a school board could allow or elect to have a general contractor or subcontractors do a job for a school district. HB 1671 seeks to strip that language out of the old law. I am attempting to put the language in but put a cap of \$25,000 in its place. Under \$25,000, if you will notice the language of my amendment, it says that a school board may either use a general contractor or he can subcontract for the four various trades that he may need to do a contract in a school district, but over \$25,000 he must get separate bids from those four contractors. I urge the members to support the amendment.

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

Mr. S. E. HAYES. Mr. Speaker, the gentleman's amendment is in keeping with present law, and I urge its support.

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

The following roll call was recorded:

YEAS—186

Alden	Fee	Letterman	Richardson
Anderson	Fischer	Levi	Rieger
Armstrong	Fisher	Levin	Ritter
Arty	Foster, W. W.	Lewis	Rocks
Austin	Foster, Jr., A.	Livengood	Rodgers
Barber	Freind	Lynch, E. R.	Ryan
Belardi	Gallagher	McCall	Scheaffer
Beloff	Gallen	McClatchy	Schmitt
Bennett	Gamble	McKelvey	Schweder
Berson	Gannon	McMonagle	Serafini
Bittle	Geesey	McVerry	Seventy
Borski	Geist	Mackowski	Shupnik
Bowser	George, C.	Madigan	Sieminski
Brandt	George, M. H.	Maiiale	Sirianni
Brown	Giammarco	Manderino	Smith, E. H.
Burd	Gladeck	Manmiller	Smith, L. E.
Burns	Goodman	Michlovic	Spencer

Caltagirone	Grabowski	Micozzie	Spitz
Cappabianca	Gray	Milanovich	Stairs
Cessar	Grieco	Miller	Steighner
Chess	Gruppo	Moehlmann	Stewart
Cimini	Hagarty	Mowery	Stuban
Civera	Halverson	Mrkonic	Swift
Clark, B. D.	Harper	Mullen	Taddonio
Clark, M. R.	Hasay	Murphy	Taylor, E. Z.
Cochran	Hayes, Jr., S.	Nahill	Taylor, F.
Cohen	Helfrick	Noye	Telek
Cole	Hoeffel	O'Brien, D. M.	Thomas
Cornell	Honaman	O'Donnell	Trello
Coslett	Hutchinson, A.	Oliver	Wachob
Cowell	Hutchinson, W.	Perzel	Wargo
Cunningham	Irvis	Peterson	Wass
DeMedio	Itkin	Petrarca	Wenger
DeVerter	Johnson, E. G.	Phillips	White
DeWeese	Johnson, J. J.	Piccola	Wilson
DiCarlo	Jones	Pievsky	Wilt
Davies	Kanuck	Pistella	Wright, D. R.
Dawida	Klingaman	Pitts	Wright, Jr., J.
Dietz	Knepper	Polite	Yahner
Dininni	Knight	Pott	Yohn
Dombrowski	Kolter	Pratt	Zeller
Donatucci, R.	Kowalyszyn	Pucciarelli	Zitterman
Dorr	Kukovich	Punt	Zord
Duffy	Lashingier	Pyles	Zwinkl
Dumas	Laughlin	Rappaport	
Durham	Lehr	Rasco	Seltzer,
Earley	Lescovitz	Reed	Speaker

NAYS—0

NOT VOTING—12

Fryer	Greenfield	O'Brien, B. F.	Street
Gatski	McIntyre	Rhodes	Sweet
Goebel	Novak	Shadding	Williams

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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. DAVIES offered the following amendment:

Amend Sec. 1 (Sec. 3183), page 243, lines 26 through 30; page 244, lines 1 and 2, by striking out "The insurance for the benefit of the" in line 26 and all of lines 27 through 30, page 243; all of lines 1 and 2, page 244, and inserting The insurance for the benefit of the employees, their spouses and dependents and retired employees may include group insurance coverage for life, health, hospitalization, medical services, accident insurance and pension annuity plans.

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

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

Mr. DAVIES. This merely returns the benefits to the retirees to what is the current law now. In the subsequent proceedings on it, some of those benefits that had been listed had not been included, and this would merely return it to where we are at present with the code as it stands.

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

Mr. S. E. HAYES. The gentleman's amendment is in keeping with current law, and I urge its support.

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 Mr. Davies' amendment.

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

Mrs. GEORGE. I just have a question to the maker of this amendment, please.

The SPEAKER pro tempore. The gentleman indicates that he will submit to interrogation. The lady may proceed.

Mrs. GEORGE. How much additional money will this cost and to whom? Will this be to local school districts or to the state or to whom, and about how much? You said it is extending it to retired employes. Is it current law?

Mr. DAVIES. This is as the current law stands now, so it would be no expansion whatsoever of what is current law.

Mrs. GEORGE. I thought I heard you say it expands it. I am sorry.

Mr. DAVIES. No; I am sorry. It does not expand it; it just takes it back to what it had been as current law.

Mrs. GEORGE. Thank you.

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

The following roll call was recorded:

YEAS—187

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

Dombrowski	Knight	Pott	Yahner
Donatucci, R.	Kolter	Pratt	Zeller
Dorr	Kowalshyn	Pucciarelli	Zitterman
Duffy	Kukovich	Punt	Zord
Durham	Lashingner	Pyles	Zwikl
Earley	Lehr	Rappaport	
Fee	Lescovitz	Rasco	Seltzer,
Fischer	Letterman	Reed	Speaker
Fisher			

NAYS—0

NOT VOTING—11

Barber	Laughlin	Richardson	Williams
Dumas	McIntyre	Shadding	Yohn
Jones	O'Brien, B. F.	Street	

EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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?

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 gentleman from Washington, Mr. Fischer.

Mr. R. R. FISCHER. Mr. Speaker, I rise simply to thank the members of the House for their patience during this amendment process, a long process, and I rise to thank the members of our committee for the work that they did in handling these amendments and presenting them and explaining them to various people. I rise to thank the majority whip for his interest and his concern in this bill, and I rise to encourage all of you to pass this modernization of the School Code and give the people interested in education in Pennsylvania a chance to work with a usable law and a usable document. Again, I thank all of you for your patience and your good, hard work in this debate. 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—187

Alden	Foster, W. W.	Levin	Ritter
Anderson	Foster, Jr., A.	Livengood	Rocks
Armstrong	Freind	Lynch, E. R.	Rodgers
Arty	Fryer	McCall	Ryan
Austin	Gallagher	McClatchy	Scheaffer
Barber	Gallen	McKelvey	Schmitt
Belardi	Gamble	McMonagle	Schweder
Beloff	Gannon	McVerry	Serafini
Bennett	Gatski	Mackowski	Seventy
Berson	Geesey	Madigan	Shupnik
Bittle	Geist	Maiale	Sieminski
Bowser	George, C.	Manderino	Sirianni
Brandt	George, M. H.	Manmiller	Smith, E. H.
Brown	Giammarco	Michlovic	Smith, L. E.
Burd	Gladeck	Micozzie	Spencer

Burns	Goebel	Milanovich	Spitz
Caltagirone	Goodman	Miller	Stairs
Cappabianca	Grabowski	Moehlmann	Steighner
Cessar	Gray	Mowery	Stewart
Chess	Greenfield	Mrkonic	Street
Cimini	Grieco	Mullen	Stuban
Civera	Gruppo	Murphy	Sweet
Clark, B. D.	Hagarty	Novak	Swift
Clark, M. R.	Halverson	Noye	Taddonio
Cochran	Harper	O'Brien, B. F.	Taylor, E. Z.
Cohen	Hasay	O'Brien, D. M.	Taylor, F.
Cole	Hayes, Jr., S.	Oliver	Telek
Cornell	Helfrick	Perzel	Thomas
Coslett	Hoeffel	Peterson	Trello
Cowell	Honaman	Petrarca	Wachob
Cunningham	Hutchinson, W.	Phillips	Wargo
DeMedio	Irvis	Piccola	Wass
DeVerter	Itkin	Pievsky	Wenger
DeWeese	Johnson, E. G.	Pistella	White
DiCarlo	Jones	Pitts	Wilson
Davies	Klingaman	Polite	Wilt
Dawida	Knepper	Pott	Wright, D. R.
Dietz	Knight	Pratt	Wright, Jr., J.
Dininni	Kolter	Pucciarelli	Yahner
Donatucci, R.	Kowalyszyn	Punt	Yohn
Dorr	Kukovich	Pyles	Zeller
Duffy	Lashinger	Rappaport	Zitterman
Dumas	Laughlin	Rasco	Zord
Durham	Lehr	Reed	Zwilk
Earley	Lescovitz	Rhodes	
Fee	Letterman	Richardson	Seltzer,
Fischer	Levi	Rieger	Speaker
Fisher			

NAYS—7

Borski	Hutchinson, A.	Lewis	O'Donnell
Dombrowski	Kanuck	Nahill	

NOT VOTING—4

Johnson, J. J.	McIntyre	Shadding	Williams
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EXCUSED—4

Hayes, D. S.	Salvatore	Vroon	Weidner
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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 majority whip.

Mr. S. E. HAYES. Mr. Speaker, there is one person who I wish was on the floor of the House today. He is with us; he is not on the floor, but he is with us. He served with many of us for many years, and he started, along with Mr. Gallagher, this very difficult recodification process. The gentleman I am referring to and would like to also acknowledge as having done a great deal of work on the School Code recodification is in the gallery. He is our friend, the Honorable Sieb Pancoast.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2254, PN 2929**, entitled:

An Act amending the "Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act," approved February 11, 1976 (P. L. 14, No. 10), adding defini-

tions, authorizing grants to provide free and reduced fare local transportation for persons sixty-five years of age or older.

On the question,

Will the House agree to the bill on third consideration?

Mr. PITTS offered the following amendments:

Amend Title, page 1, line 5, by removing the period after "older" and inserting and making an appropriation.

Amend Sec. 3 (Sec. 4), page 3, line 12, by inserting after "systems" (except rail commuter service)

Amend Sec. 3 (Sec. 4), page 3, line 19, by striking out "75%" and inserting a fixed percentage determined by the department

Amend Sec. 3 (Sec. 4), page 3, line 23, by striking out "25%" and inserting a fixed percentage as determined by the department

Amend Bill, page 4, by inserting between lines 1 and 2

Section 4. (a) The sum of \$1,000,000, or as much thereof as may be necessary, is hereby appropriated to counties which have no form of local common carrier mass transportation system for the purpose of providing fixed route transportation services and shared ride public transportation services. The total amount of the grant available to each county shall be computed on the basis of the per capita rural population in that county to the total rural population in all counties eligible to receive grants under this paragraph. These funds shall be distributed only to those counties which submit a letter of intent by January 1, 1981. No county participating in this program shall receive less than \$25,000. These grants may be used for the following purposes:

- (1) expenditures incurred or to be incurred in planning, developing or establishing local common carrier mass transportation systems; or
- (2) use as local matching funds to obtain Federal aid for category (1).

(b) The sum of \$1,700,000, or as much thereof as may be necessary, is hereby appropriated to the department for the purpose of expanding fixed route public transportation services and shared ride public transportation services in counties in which there already exists a local common carrier mass transportation system. The total amount of State aid available to such county shall be computed on the basis of the per capita rural population of that county to the total rural population eligible to receive grants under this subsection. These funds shall be distributed only to those counties which submit a letter of intent by January 1, 1981, and shall be used as State aid matching funds to obtain Federal aid. No county participating in this program shall receive less than \$25,000. Counties may qualify to obtain State assistance under this subsection for the following purposes:

- (1) expenditures incurred or to be incurred in planning, developing or establishing local common carrier mass transportation systems in areas where none exists; or
- (2) expenditures incurred or to be incurred for the expansion or extension of now existing local common carrier mass transportation systems.

Counties shall, however, provide local matching funds to obtain the State and Federal aid.

(c) Counties shall submit an application together with a transportation plan, in order to insure the development of an integrated transportation system, and other information as deemed necessary by the department. The department shall promulgate regulations to carry out the intent of this act.

(d) This appropriation shall take effect July 1, 1980.

Amend Sec. 4, page 4, line 2, by striking out "4." and inserting 5.

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

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

Mr. PITTS. Mr. Speaker, this is the amendment having to do with rural public transit. The amendment which I put together was an effort really at compromise to provide for public transit in rural areas, living within certain fiscal limitations.

Just for a brief background for the members, in our mass transit package - SB 881, HB's 2254 and 2255 - we provide for reimbursement for senior citizen transit to the total of \$30.1 million, and in an effort to live within that cap of using lottery funds for senior citizen reimbursement, I have done the following things with this bill:

We have reduced the amounts of emergency maintenance money for the Southeastern Pennsylvania Transportation Authority and the Port Authority of Allegheny County and the other authorities somewhat, and we are using that General Fund money in two ways. One, to the 23 rural counties in the state which have no public transit at all, we are providing an outright grant of \$1 million to be used for planning, for startup costs, for whatever they wish for public transit in those counties. This may be used to capture Federal funds. It may be used with a local match to even capture more Federal funds. In the other rural counties, based on the rural population, in all of the counties except Philadelphia we are providing \$1.7 million to be used to provide public transit, not just senior citizen transit, public transit in a way that is required to be integrated with existing public transit systems. In other words, this money cannot be used to set up duplicating systems where there are existing public transit services. It may be spent in areas where there are no public transit services, but it must be used with a local match. The \$1.7 million matched with \$850,000 local money would capture then—that \$2.55 million—another \$2-1/2 million of Federal funds which are available. So we are using this to leverage additional Federal funds to be spent in an integrated method.

We are trying to attempt to preserve the integrity of lottery moneys. Lottery profits have traditionally been used for reimbursement of senior citizens' programs. We all know that we are in a period of recession, and we must maintain the integrity of the Lottery Fund.

We are making more money available for public transit in rural areas with the same amount of money by capturing the Federal funds in these additional counties. We are also not delaying the implementation of the senior citizen reimbursement for demand responsive services. That is an additional \$3.8 million in this mass transit package, and this would be in existence and applicable as a program immediately the first year and the second year. So in an effort to come to a compromise for rural transit, we have reduced the figures in the SEPTA maintenance from \$5.36 million to \$5 million; in the Allegheny Port Authority area from \$2.6 million to \$1.6 million; for the other authorities from \$665,000 to \$600,000; and we eliminate the proposal

the Governor had for free senior citizen rides on commuter rail. By doing that, we live within this cap, we provide more money, and we do have rural public transportation money available. I urge adoption of the amendment.

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

Mr. MANDERINO. Mr. Speaker, the amendment being proposed to HB 2254, the bill before us today, does two things basically. First, it changes what was proposed as a subsidy going from 66 2/3 percent to 75 percent by striking the 75-percent subsidy to these kinds of rides whether they be for senior citizens or public transportation, the SEPTA system, the PAT system, CAT - Capitol Area Transit - here in Harrisburg, the Altoona system, the Lehigh system. It changes the funding which was proposed at 75 percent of the deficit to an amount to be determined by the Department of Transportation which may be 60 percent; it may be 40 percent; it may be 99 percent. I say, Mr. Speaker, that adopting that kind of amendment is a gyration—and that is what this is all about; this is a gyration—to deny the senior citizens in the rural area of transportation moneys out of the Lottery Fund even though this bill does not deal with the Lottery Fund. First, we are going to take out of the bill—and this bill is being portrayed—

Mr. Speaker, I would ask those who are not interested in senior citizen transit and those who want to laugh and talk to take their laughter and talk out in the anterooms of this General Assembly. This is an important piece of legislation. It means money to those mass transportation systems in this Commonwealth that are in dire need of help - the PAT system, the SEPTA system, and the CAT system - and it deals with senior citizen transit also and public transportation in the rural areas.

The first change that is being made is a very undesirable change. It is abdicating our authority. We have in the past by legislation said that 66 2/3 percent of the deficit that these systems generate each year will be paid from state moneys, and that is how SEPTA and PAT and CAT and all the rest get their funding. The proposal that the Pitts committee made was that an increase was necessary, an increase from 66 2/3 percent to 75 percent of that deficit. That is the bill that was before us, and I do not think any of us disagreed with that kind of funding package. What is being proposed now is that no figure covering the deficit be mandated by this General Assembly and that we simply leave the department in charge and we say, on the first page of the Pitts amendment, that a fixed percentage determines by the department will be what determines what percentage of the deficit we pick up. Mr. Speaker, if we are looking for predictable funding, it seems to me that we are going in the opposite direction, which is ridiculous.

Now to deal with that part of the amendment that appears on the back of the one-page Pitts amendment. In order to, as they say, keep the money within what is available and in order to provide transit for the senior citizen and all others who have a right to have public transit in the rural areas, we have to mix General Fund money with the

lottery funds. This is part of the proposal to mix General Fund moneys with Lottery Fund moneys to provide this rural transportation, and in order to put the cap on the moneys, they have taken the emergency package that they told us the two major systems in the east and in the west were in need of and cut the emergency moneys to all of those systems. They have cut the PAT system in south-western Pennsylvania by over \$1 million. There was only a little over \$2 million originally proposed. They took 50 percent of the money that was going to PAT and took it right out. They took all of the money that was going to senior citizen transit on the commuter rail system, and they took about \$300,000 from the SEPTA system. Mr. Speaker, all of this, again, a gyration, as I say, to deny the rural areas senior citizen transit.

And is it necessary that we take this money from the emergency package? That ought to be the real question. Well, if any of you read the monthly reports you get from the Lottery Fund on how the Lottery Fund is doing and whether or not there are sufficient moneys there and whether the lottery is generating sufficient money to take care of what has been proposed so far as senior citizen aid is concerned in rural transit, you will find that we are setting aside a reserve in the Lottery Fund of \$35 million in the current year—it was \$27 million in the last year; \$27 million last year, \$35 million in the current year as a reserve—so that we do not have to borrow money from the General Fund to pay the benefits that this General Assembly has decreed should be paid from the Lottery Fund. And what have we decreed should be paid? We have decreed tax rebates, rent rebates, energy bonus, and senior citizen transit aid - all of those things - and all of those things can be paid for with a \$35-million reserve, and we will still have in this fiscal year a \$20-million surplus. That is what I propose, Mr. Speaker. That is what I propose to use a portion of to really fund a senior citizen transit program for the rural areas.

Now, the Pitts amendment to HB 2254 is a partial response to the amendment that I had circulated not only to the members of this General Assembly but to every regional council of the Triple-A, the area agencies on aging, to the Governor's Council on the Aging, to the County Commissioners Association, and I have received unanimous support from every one of those agencies and every one of those regional senior citizen groups. Mr. Speaker, what is being proposed by the Pitts amendment is nothing more than is possible today under present law. If in fact there were local moneys at the county level available to provide a transit program in the rural areas and if in fact Federal moneys could be matched with those local moneys, we would have senior citizen transit and public transit in the rural areas to some extent. We do not have it, and the reason we do not have it is because the local areas are unable to come up with local match in order to put the programs into effect.

We have, long ago in this General Assembly, said to each and every county in this Commonwealth, if you want to provide a program of rural transit to your citizens and if

you will put up local money and if you will apply for Federal money and you put that package together, we will add state money to it. If these rural areas would have had the ability to do that, they would have done it long ago. Mr. Pitts is playing a shell game today. He is saying, if you develop these programs, we are going to put this state money into your Federal money match and your local money match. Well, Mr. Speaker, that is not going to come about because it has not come about, and it would have come about a long time ago if that were a viable program. What Mr. Pitts is proposing is nothing more than current law. If these counties could come up with local match, if they could come up with Federal match, we at the state level would have to put our money into the pot because we already passed that program. It is a shell game; it is a promise; and if you buy it, you are buying the shells. You will never find the pea under any of the shells, and your senior citizens and your rural residents will never have any sort of system to get them to supermarkets, to get them to doctors, to get the dollar rides in effect that everyone hopes would be there.

The senior citizens in the rural areas have developed, in hearings all across this Commonwealth, in every forum, one single priority which outstrips all other priorities at least 2 to 1 in preference, and that is a system of rural transportation. Mr. Pitts is addressing the need that he knows is there with his amendment, and I know the need is there also, but I say to you, if you buy what is being proposed in the Pitts amendment, you will get nothing more than you have right now. Then you will have the opportunity to explain to the various senior citizen groups across this Commonwealth why there has been no change, why there has been no change in the provision of transportation services to the rural, and the reason there will be no change in the provision of services will be because we bought a shell game in the form of this amendment.

Present law will give you exactly what this amendment purports to give you. They say, we are going to set aside X number of dollars for these programs if you have the required local match and if you can get the Federal Government to get in the pot with you, because we are not going to give you 10 cents of state money, is what this amendment says, unless you get local match and Federal match. This amendment is not needed, because if we could have done that, if the counties could have done that, if they would have put that together, they would have been able to come down here like every other county and every other system - SEPTA, PAT, CAT, Altoona, Lehigh; all of these systems - they could have come down here and demanded their share of the moneys for transportation under present law of this Commonwealth.

I cannot urge you in any stronger terms to defeat this Pitts amendment, because it is the first step in having the wool pulled over our eyes and the eyes of our senior citizens who are hoping to get some sort of transit program in the rural areas of this Commonwealth.

Presently there is \$20 million being spent out of the Lottery Fund which should be going to senior citizens all over this Commonwealth for transit. Seventeen million dollars of that \$20 million is going to these mass transportation systems, and I am not going to deny them their receiving that money, but I am saying, what about the senior citizens in the rest of the Commonwealth? The Pitts proposal expects to expand the present \$20 million of expenditures to \$30 million in expenditures out of the Lottery Fund, \$30 million, and the same inequity of distribution that presently exists so far as senior citizens are concerned in the rural areas will be continued under the new program.

There is another amendment that will be offered to SB 881 which will be an entitlement program to the counties depending upon the number of senior citizens that are in the county. And you can say, yes, it is preferable to mix General Fund money with Lottery Fund money and provide a program to all the senior citizens. That is preferable. That is what we passed when we passed the Rural and Intercity Transit Act in this Commonwealth. It just has not brought, one, any of the senior citizen moneys for transit to the rural areas; two, it has not brought any kind of system of rural transportation to the rural areas. I am simply saying, defeat the Pitts amendment; give all of the senior citizens of this Commonwealth, those in the rural and those in the intercity and those serviced by mass transportation and those who have no transportation, some funds out of the Lottery Fund; send it back to the rural counties, and let us devise the best system we can with that entitlement money.

This is not a big-spender amendment. The program that I propose will spend no more than \$1,900,000 in the first 2 years, in each of the first 2 years, more than what Mr. Pitts and his amendment says will be spent. I do not believe it will ever be spent because it is not being spent presently, but that is what they are telling you can be spent. So for a cost of \$4 million additional, \$2 million each of the first 2 years, we can have a viable program but only if we defeat the Pitts amendment and get on to providing a real rural transportation program for our senior citizens. I would not like to see the very needed emergency measures for the SEPTA and PAT systems and the other mass transportation systems that are provided by the emergency maintenance bill before us jeopardized by the failure of that particular measure to attract rural votes for passage and final passage because those people in the urban areas have been unwilling to look at the problem of the rural areas that we are asking you to look at now. I ask you to defeat the Pitts amendment and let us get on with other amendments to other bills that will provide a viable rural transportation program. Thank you, Mr. Speaker.

SENATE MESSAGE

SENATE INSISTS ON CONCURRENCE AND APPOINTED CONFERENCE COMMITTEE

The Senate informed that it insists on concurrence in Senate amendments to **HB 1924**, **PN 3364**, and has appointed Messrs. MELLOW, SMITH and TILGHMAN, a Committee of Conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

CONFERENCE COMMITTEE MEETING

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

Mr. McCLATCHY. Mr. Speaker, I call for an immediate meeting in room 245 of the Committee of Conference on HB 1924.

CONSIDERATION OF HB 2254 CONTINUED

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

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

Mr. LAUGHLIN. Mr. Speaker, I believe Mr. Pitts would like to make a reply. I will wait until he is finished.

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

Mr. PITTS. First of all, Mr. Manderino has given some extraneous material here. He is talking about 66 2/3 percent of a deficit. That has absolutely nothing to do with senior citizen subsidies. The amount of senior citizen subsidy reimbursement is not fixed in law; it varies from 50 percent to 90 percent all over the lot, and we are trying to say that it should be a fixed percentage.

Number two, the people who are most concerned about providing transportation for senior citizens, the Pennsylvania Council on Aging, have recently gone on record as supporting this amendment. I have circulated, along with a fiscal breakdown of the effects of the amendment, a copy of this letter. I will just briefly read from it. They say, "Dear Representative Pitts"—and I received this yesterday:

The Pennsylvania Council on Aging is a long-time advocate for increased transportation for the Commonwealth's elderly residents, particularly those older persons living in non-urban areas.

We recently reviewed your proposed amendments to Senate Bill 881 and House Bill 2254. We agree with the use of General Fund Revenues to establish rural transit authorities. This would preserve the integrity of the Lottery funds, using them only to provide free or reduced fare rides for senior citizens.

We support the continued efforts of the Legislature to bring about an equitable solution to the longstanding need for increased rural transportation for older persons.

Now, Mr. Speaker, talking about preserving the integrity of the Lottery Fund and jeopardizing this package, it was because we received clear indication from the Governor's office that he could only support an increase in lottery funds for transit up to \$30.1 million from the present level of \$17.8 million that we attempted to put this amendment together to live within that \$30.1 million cap. Mr. Manderino's amendment utilizes an additional, I think, \$5.8 million over that amount the first year, and the second year an additional \$3 million, approximately. It is important that we maintain the integrity of the Lottery Fund, and we must use this money for only certain purposes. You cannot use that money for public transit, for the transit of handicapped. So the providing of general fund moneys meets the need of public transit, not only senior citizen transit, and it also provides for the implementation of the reimbursement of senior citizens' rides, free rides, in the urban and rural areas which Mr. Manderino's amendment delays for 2 years. That is an additional \$3.8 million which you should add to the figures if you are comparing year-by-year cost.

Now, I received today a copy of a memo from Mr. Manderino's office comparing a 1-year cost of merely state funds under my amendment to a 2-year cost of state funds under his amendment. Be mindful that in addition to 1 year compared to 2 years, there is also left out of that not only the Federal funds which we would leverage but the demand responsive senior citizens' reimbursement which our amendment would not delay but would still be implemented. So I think you are comparing, if you look at that kind of comparison, apples and oranges. You need to compare 1-year total cost to 1-year total cost. And our commitment towards rural transportation is a continuing one. I think it will be a continuing one when we find, as a result of this task force study that is now being done by the department and the Council on Aging, where the needs actually are. This is not a shotgun approach. I think it is a responsible approach, in areas where there is no public transit, providing pure grant money and, in areas where there is public transit, providing money to be used in an integrated method, in an integrated way, with local-share responsibility as well.

As far as the memo and the endorsements are concerned, I might say that I have several letters here from organizations which have recently received my amendment. We have here Pocono Mountain Senior Citizens Association from Pocono Pines, Pennsylvania. We have the Coalport Senior Citizens Center. We have the North Penn Home and Center Services from Blossburg. We have a number of letters endorsing my amendments for rural transportation as well as this letter which I think is very important in telling from the Council on Aging. So I would urge you to carefully consider figures. I have provided the information on a county-by-county breakdown. Compare 1-year cost with 1-

year cost and the total money available, not just state funds, and I think you will be convinced that this is the proper way to go for rural public transit, and I urge support for the amendment.

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

Mr. LAUGHLIN. Mr. Speaker, Mr. Pitts has painted a very, very strong position for himself and for his proposal, but, Mr. Speaker, in all honesty, what Mr. Pitts has actually come up with is a support program for SEPTA, the PAT authority, the Allentown authority, the Erie authority, and those established authorities within the state that are going to receive the basic funding from SB 881. He has not dealt effectively with the needs of those areas that are suburban, that are rural. He does not treat them fairly with this amendment, and, Mr. Speaker, I would like to ask the gentleman a few questions, if he would stand for interrogation.

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

Mr. PITTS. Yes, Mr. Speaker.

The SPEAKER pro tempore. He indicates that he will.

Mr. LAUGHLIN. Mr. Speaker, how aware are you of the programs for purchasing of Federal funding for vehicles to serve mass transit or to serve suburban transit from the Federal Government?

Mr. PITTS. Are you talking, sir, about the capital programs for purchasing?

Mr. LAUGHLIN. Yes, I am, Mr. Speaker; about the capital programs.

Mr. PITTS. Well, I am somewhat aware of it, moderately. We took a brief look and sidetracked the issue until after passage of this package, because we had some indication from the department and the Budget Office that they would like to take a much closer look at the issue. So we will be addressing that issue after the consideration of these bills.

Mr. LAUGHLIN. Mr. Speaker, it is very difficult to pass over an important issue like that when you are looking at mass transit for rural authorities. We are talking about a 3-percent funding base that is necessary for rural districts to purchase the necessary equipment to operate in those areas. In other words, the Federal Government is willing to put up with the state a 97-percent match for the purchase of equipment to aid in rural transportation service. Now your amendment, sir, deals with counties—and I will name them, and I think the membership of this House should pay close attention to it, because I am not talking about just my county. I am talking about many of the Republican counties in this state, such as Cameron, Carbon, Columbia, Jefferson, McKean, Monroe, Montour; all of these counties are receiving approximately the same price, \$25,000. Mr. Speaker, if you can compare that with your Chester County, which is, in my humble opinion, an appendage of the SEPTA system, and the fact that you receive the benefit from that area, I can understand why this type of amendment is offered. But those of us who do not have that type

of service and do not have that type of benefit cannot support the type of amendment you offer, and I ask the membership of the House to vote "no."

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

Mr. BURNS. Mr. Speaker, I wonder if Mr. Manderino would try to answer a question that I am not quite sure—

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

Mr. BURNS. Mr. Speaker, from those of us who come from counties like Bucks where we are very highly urban in parts and we are very rural in other parts, it is my understanding that if we do not take this amendment and we were to take the next amendment that would be offered, the county commissioners would be forced to fund another system. I will call it, for want of a better word, your system versus the SEPTA system. Is there truth to that? Would you tell me how that works?

Mr. MANDERINO. When we first passed a program of transit aid to senior citizens, many of us who were from areas such as yours, where there are urban parts of a county and rural parts of a county, thought we were solving the problem by putting an amendment in originally that said where mass transportation systems did not exist, the Department of Transportation would contract with common carriers to provide the service to those where no service existed. Unfortunately, the Department of Transportation interprets that that if you have any small piece of a mass transportation system in your county, they will not contract in those areas of the county where you have no system at all. What I propose is an entitlement system based on the number of senior citizens that you have that would go to the county commissioners that they can contract either with the present suppliers of service in the urban area to provide a similar service in the rural area, or match with Federal dollars, or set up a system themselves in the rural area. It is a local decision on how they will use the senior citizen moneys that are directed back to them in the first 2 years as an entitlement to get systems started, and then the entitlement is over and you must be reimbursed, just as the mass transit systems are reimbursed, a certain fixed percentage of your deficit. So although I am front-loading and costing \$2 million more than Mr. Pitts is proposing, it will cost no more after the first 2 years, and the seed money will guarantee that we are going to get systems started in the rural areas. Now it is not going to be the same kind of system that we have in Philadelphia or Pittsburgh or Altoona. There is no way we can get that kind of service for our senior citizen in the rural area, but we can get from X number of dollars that we are entitled to, some kind of service, a dollar-ride service, a medical service to go to doctors and shopping, maybe 1 day a week, 2 days, whatever the county commissioners can provide. They can do it in a number of ways, and one of the ways is contracting with the existing authority and common carriers in the vicinity to provide the service and extend it to rural areas.

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

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

Miss SIRIANNI. May I interrogate Mr. Pitts, Mr. Speaker?

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

Miss SIRIANNI. Mr. Speaker, the \$55,000 which will be allocated to my county, can you tell me for what it can be used?

Mr. PITTS. The \$55,000 for Susquehanna County can be used for startup costs, for planning, for capital projects, as Mr. Laughlin was mentioning.

Miss SIRIANNI. For public transportation?

Mr. PITTS. For public transportation. It may be used for providing public transportation in rural areas, not just senior citizen transportation.

Miss SIRIANNI. What good is \$55,000 to any county to try to provide public transportation? Can you please tell me?

Mr. PITTS. Mr. Speaker, the money can be used to leverage 90-10 - 90 percent, 10 percent - Federal funds for public transit. It is based on a per capita of rural population. We had to—

Miss SIRIANNI. But what good is \$55,000 going to be? It will not even buy a bus. A bus costs more than \$55,000.

Mr. PITTS. It depends actually on your county and how effective your county wants to make that money, the use of that money. They can use it, if they want to come up with local match, to capture additional moneys to purchase public transit vans.

Miss SIRIANNI. Would they not be better off to have it go to the senior citizen fund, where they already have vans, and maybe expand on those? Something that is possible to have rather than public transportation, which is an impossibility in a rural area?

Mr. PITTS. There is money available in the package for senior citizen transit now in addition to the public transit.

Miss SIRIANNI. But this \$55,000 would be available to my county, but we would not be able to utilize it, and having it available and not being able to use does not even make sense to me.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Grieco.

Mr. GRIECO. I rise to speak about two counties, Lycoming County and Northumberland County, two counties that I represent. Looking over these figures, I would like to ask Mr. Pitts, under his proposed amendment for 1 year Lycoming County would receive \$25,000. Is that correct?

The SPEAKER pro tempore. Do you wish to interrogate the gentleman, Mr. Pitts?

Mr. GRIECO. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. PITTS. Mr. Speaker, that is the minimum amount that we provide in state funds for any county, based on

population. In other words, if your population is lower than the amount to arrive at \$25,000 on a per capita basis, we provide at least a minimum of \$25,000 state funds. That can be used, of course, to leverage Federal funds.

Mr. GRIECO. Now, are there any lottery funds allocated in your \$25,000 to Lycoming County?

Mr. PITTS. In addition to the \$25,000, you are saying? There are Federal funds; there are also lottery moneys to the tune of over \$100,000 available for Lycoming.

Mr. GRIECO. For 1 year?

Mr. PITTS. For 1 year.

Mr. GRIECO. Now, under the Manderino amendment, for 2 years, a total of \$202,000. Do you know if those figures are correct?

Mr. PITTS. Under Mr. Manderino's amendment the first year total entitlement would be \$134,900.

Mr. GRIECO. Thank you.

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

Mr. PICCOLA. Would the gentleman, Mr. Pitts, yield to interrogation?

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

Mr. PICCOLA. Mr. Speaker, I am concerned about Dauphin County, and keeping in mind that Dauphin County participates in the Capital Area Transit Authority, I would like an explanation of the two charts that I have here in front of me which I just received today and ask you to explain in terms of Dauphin County, on the chart which you provided to us, what specifically is represented by the \$67,000 in column 1, labeled "The Rural Aid Program"?

Mr. PITTS. Mr. Speaker, that is money available from the state and Federal to provide service in an integrated method in areas where service is not provided at present. In addition to the \$67,000, there is \$265,000 provided through the rest of the package in senior citizen reimbursement.

Mr. PICCOLA. And to whom is that available - to Dauphin County or to the Capitol Area Transit Authority?

Mr. PITTS. The \$67,000 is available to the county; the other is available to the authority for senior citizen rides. Here is what we are trying to prevent, Mr. Speaker: We are trying to prevent the counties from setting up a system where they are competing for the same riders which the authorities are trying to attract on the fixed route or demand responsive systems, and that is what they receive the subsidy for. If you set up a duplicating system or if they are competing for the same citizen this would cause a drain on the subsidy to the authorities, and that is why they are so opposed to the Manderino amendment.

Mr. PICCOLA. The funds available to Dauphin County and to the transit authority that operates in Dauphin County, do you have any information that would indicate that these funds, under your amendment as opposed to the Manderino amendment, would provide the Capitol Area Transit Authority with any incentive whatsoever to provide transportation to the northern part of Dauphin County and other parts of rural Dauphin County where there is no mass transit presently?

Mr. PITTS. Those funds could be used to extend the CAT system. The county commissioners, with their seed money, could opt to spend that money in that area.

Mr. PICCOLA. My question is, it would be entirely up to the Capitol Area Transit Authority whether to initiate the service; and what I want to know is, are these sufficient funds to entice them to do that, and I guess secondly, what kind of service would be provided?

Mr. PITTS. It would not be up to the authority; it would be up to the county commissioners where that service would be extended. And your second question was what?

Mr. PICCOLA. Well, I do not understand why it would be up to the county commissioners. You just told me you did not want them to compete with the authorities.

Mr. PITTS. That is right. It is mandated in the amendment that the money would have to be spent in an integrated method, a way so as not to compete with existing mass transit services, but the county commissioners would actually determine where that service would be provided.

Mr. PICCOLA. But as a practical matter though, is it not going to be provided by Capitol Area Transit?

Mr. PITTS. It could be if the county commissioners so opted, but it does not have to be.

Mr. PICCOLA. So there will be \$67,000 available, and if Capitol Area Transit is not willing to provide the service where the county commissioners want the service, then the county commissioners will have only \$67,000 to provide that service. Is that correct?

Mr. PITTS. That is correct, but it is for public transit; it is not just senior citizen transit. It is to be transit that is available to the general public, handicapped or whatever, not just senior citizen transit.

Mr. PICCOLA. The \$265,000 in the next column, what exactly does that represent? I would like to know where that money is coming from in terms of state and Federal.

Mr. PITTS. All right. In Dauphin County the rural demand responsive would be \$26,000; the urban demand responsive would be \$43,000; the fixed route would be \$196,000; there is no commuter rail.

Mr. PICCOLA. That is totally a state contribution?

Mr. PITTS. That is correct.

Mr. PICCOLA. And for what may that be used and by whom in Dauphin County?

Mr. PITTS. That is reimbursement from the state to the public transit for senior citizen rides, free rides.

Mr. PICCOLA. Across the county?

Mr. PITTS. What?

Mr. PICCOLA. Without regard to whether it is rural or urban?

Mr. PITTS. Well, I gave you the breakdown projected on rural and urban.

Mr. PICCOLA. So, in essence, what you are saying is, the only thing that is really available for rural transportation in Dauphin County is the \$67,692?

Mr. PITTS. That is incorrect. The demand responsive rural transportation is an additional \$26,000 under the senior citizen reimbursement.

Mr. PICCOLA. Thank you, Mr. Speaker. I would just like to make a remark on the amendment.

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

Mr. PICCOLA. I am still not certain at this point in time that I fully understand all the implications of the Pitts amendment, but it seems to me, from my experience—and I am willing to be proven wrong—that these funds are inadequate to provide what I think the sponsor of the amendment is anticipating be provided in terms of rural transportation, and I am going to vote against the amendment at this point in time.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk, Mr. Wachob.

Mr. WACHOB. I would like to ask Mr. Pitts, Mr. Speaker, if he would stand for brief interrogation.

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

Mr. WACHOB. I would like to know what incentive there is for the local governments to apply for Federal funds that they cannot receive if they have to provide the match. It seems like there is no guarantee under your amendment that the counties are going to receive this money. They have to go through the process—and I am asking this in the form of a question—they still have to go through the process of putting up the local match and then they are eligible for a certain amount of Federal funds. Is that correct?

Mr. PITTS. That is only correct for the 43 counties which have some public transit. The 23 counties which have no public transit may use that money as a pure grant. They may use it to leverage an additional Federal funding; they may match it with local funds and capture even more Federal funds than that. The 43 counties do have to come up with their local match in order to capture the Federal funds, yes, and they are constrained in that they must spend it in a method that does not duplicate existing services.

Mr. WACHOB. So for the additional 23 counties, whatever figure is in your amendment, they get that automatically?

Mr. PITTS. That is correct, the first year.

Mr. WACHOB. For the first year. For the first year only?

Mr. PITTS. That is correct. We will have to come back and address it again next year. It was our feeling— Actually, you have to understand, when we approached this problem, we were given a mandate by the House to only look at the SEPTA region, and it was only after we came to the House Transportation Committee that the other authorities got into the act. It was at that point that the Governor's office also spoke and said that he wanted to address some of the needs in the rural areas, but we recommended to our leadership, to the Governor's office—with their concurrence, I feel—that there should be a further study of the needs in the rural areas before additional funds are appropriated next year for rural transit. That study is

going on now. We feel that after that study is made and perhaps if another House committee looks into it, there may be a great deal more information as to the actual needs and what the justification really is for additional funds in rural areas for public transit. Therefore, we only proposed a 1-year startup cost for those purposes.

Mr. WACHOB. I have one further question, Mr. Speaker. I represent two rural counties that are part of a six-county area that has a rural mass transit system. Provided that those counties still cannot come up with a local match, your amendment would do those counties no good because they would not be eligible for this money. Is that correct?

Mr. PITTS. What counties are you speaking of, Mr. Speaker?

Mr. WACHOB. Elk and Clearfield Counties.

Mr. PITTS. Mr. Speaker, you are correct in that you would have to come up with a local match. However, you would receive, under my amendment, the senior citizen reimbursement for your demand responsive, which you would not receive for 2 years under the Manderino amendment.

Mr. WACHOB. I have no further questions, Mr. Speaker.

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

The following roll call was recorded:

YEAS—109

Alden	Fisher	McKelvey	Rieger
Armstrong	Foster, W. W.	McMonagle	Rocks
Arty	Foster, Jr., A.	McVerry	Ryan
Barber	Freind	Mackowski	Scheaffer
Beloff	Gannon	Madigan	Serafini
Bittle	Geist	Micozzie	Seventy
Borski	George, M. H.	Moehlmann	Sieminski
Brandt	Goebel	Mowery	Sirianni
Burd	Grabowski	Mrkonic	Smith, E. H.
Burns	Gray	Murphy	Spencer
Cessar	Greenfield	Nahill	Spitz
Chess	Gruppo	Novak	Stairs
Civera	Hagarty	Noye	Swift
Clark, M. R.	Harper	O'Brien, D. M.	Taddonio
Cohen	Hayes, Jr., S.	Oliver	Taylor, E. Z.
Cornell	Helfrick	Perzel	Thomas
Cowell	Honaman	Peterson	Trello
Cunningham	Hutchinson, W.	Phillips	Wenger
DeVerter	Itkin	Pistella	White
Dawida	Johnson, E. G.	Pitts	Wilson
Dietz	Johnson, J. J.	Polite	Wilt
Donatucci, R.	Klingaman	Pott	Wright, Jr., J.
Dorr	Knepper	Pucciarelli	Yohn
Duffy	Lehr	Punt	Zord
Dumas	Levi	Pyles	
Durham	Levin	Rasco	Seltzer,
Earley	Lynch, E. R.	Rhodes	Speaker
Fischer	McClatchy	Richardson	

NAYS—84

Anderson	Fryer	Laughlin	Ritter
Austin	Gallagher	Lescovitz	Rodgers
Belardi	Gallen	Letterman	Schmitt
Bennett	Gamble	Lewis	Schweder
Berson	Gatski	Livengood	Shupnik
Bowser	Geesey	McCall	Smith, L. E.
Brown	George, C.	Maiale	Steighner
Caltagirone	Gladeck	Manderino	Stewart
Cappabianca	Goodman	Manmiller	Street

Cimini	Grieco	Michlovic	Stuban
Clark, B. D.	Halverson	Milanovich	Sweet
Cochran	Hasay	Miller	Taylor, F.
Cole	Hoeffel	Mullen	Telek
Coslett	Hutchinson, A.	O'Brien, B. F.	Wachob
DeMedio	Irvic	O'Donnell	Wargo
DeWeese	Kanuck	Petrarca	Wass
DiCarlo	Knight	Piccola	Wright, D. R.
Davies	Kolter	Pievsky	Yahner
Dininni	Kowalyszyn	Pratt	Zeller
Dombrowski	Kukovich	Rappaport	Zitterman
Fee	Lashingier	Reed	Zwilk

NOT VOTING—5

Giammarco	McIntyre	Shadding	Williams
Jones			

EXCUSED—4

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

BILL TABLED

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

Mr. MILLER. Mr. Speaker, would I be in order for a motion at this time on HB 2254?

The SPEAKER pro tempore. The gentleman's motion will be in order. Will he state his motion?

Mr. MILLER. Mr. Speaker, I move that HB 2254, complete with the amendment just inserted, 6397, be tabled for a minimum of 1 legislative day to let us measure the impact of changing that fixed percentage as is called for in the Pitts amendment.

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

The following roll call was recorded:

YEAS—111

Alden	Fryer	Lehr	Scheaffer
Armstrong	Gallagher	Lescovitz	Schweder
Belardi	Gallen	Letterman	Serafini
Bennett	Gatski	Lewis	Shupnik
Berson	Geesey	Livengood	Sieminski
Bowser	George, C.	McCall	Sirianni
Brandt	George, M. H.	Mackowski	Stairs
Brown	Gladeck	Maiale	Steighner
Burd	Goebel	Manderino	Stewart
Caltagirone	Goodman	Manmiller	Stuban
Cappabianca	Grabowski	Micozzie	Sweet
Chess	Grieco	Milanovich	Swift
Cimini	Gruppo	Miller	Taylor, F.
Clark, B. D.	Halverson	Moehlmann	Telek
Clark, M. R.	Hasay	Mullen	Trello
Cochran	Hoeffel	Novak	Wachob
Cole	Honaman	O'Brien, D. M.	Wargo
Coslett	Hutchinson, A.	Perzel	Wass
DeMedio	Hutchinson, W.	Petrarca	Wenger
DeWeese	Irvic	Phillips	Wilt
DiCarlo	Kanuck	Piccola	Wright, Jr., J.
Davies	Klingaman	Pievsky	Yahner
Dietz	Knight	Pratt	Zeller
Dininni	Kolter	Punt	Zitterman
Dombrowski	Kowalyszyn	Rappaport	Zwilk
Durham	Kukovich	Reed	
Fee	Lashingier	Ritter	Seltzer,
Fischer	Laughlin	Rodgers	Speaker
Foster, W. W.			

NAYS—80

Arty	Foster, Jr., A.	McMonagle	Rhodes
Austin	Freind	McVerry	Richardson
Barber	Gamble	Madigan	Rieger
Beloff	Gannon	Michlovic	Rocks
Bittle	Geist	Mowery	Ryan
Borski	Giammarco	Mrkonic	Schmitt
Burns	Gray	Murphy	Seventy
Cessar	Greenfield	Nahill	Smith, E. H.
Cohen	Hagarty	Noye	Smith, L. E.
Cornell	Harper	O'Brien, B. F.	Spencer
Cowell	Hayes, Jr., S.	O'Donnell	Spitz
Cunningham	Helfrick	Oliver	Street
DeVerter	Itkin	Peterson	Taddonio
Dawida	Johnson, E. G.	Pistella	Taylor, E. Z.
Donatucci, R.	Johnson, J. J.	Pitts	Thomas
Dorr	Knepper	Polite	White
Duffy	Levi	Pott	Wilson
Dumas	Levin	Pucciarelli	Wright, D. R.
Earley	Lynch, E. R.	Pyles	Yohn
Fisher	McKelvey	Rasco	Zord

NOT VOTING—7

Anderson	Jones	McIntyre	Williams
Civera	McClatchy	Shadding	

EXCUSED—4

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

FINAL PASSAGE BILL CONSIDERED

Agreeable to order,

The House proceeded to the consideration on final passage of **SB 881, PN 1650**, entitled:

An Act amending the act of January 22, 1968 (1967 P. L. 42, No. 8), entitled, "Pennsylvania Urban Mass Transportation Assistance Law of 1967," adding and further providing for definitions and program authorizations, making an editorial change, further providing for project grants, further providing for intergovernmental cooperation, providing for State subsidies, authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of twenty miles of any such first class county, as a body corporate and politic for the purpose of establishing an integrated mass transportation system with all pertinent powers including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for, or otherwise providing for, the transportation of persons, authorizing the borrowing of money and issuance of bonds therefor, conferring the right of eminent domain on the authority; altering the jurisdiction of the Public Utility Commission, authorizing the acceptance of grants from Federal, State and local governments, limiting actions against the authority and exempting it from taxation, authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts, creating a citizen advisory committee conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority, empowering each authority to function outside of the metropolitan area under certain terms and conditions, imposing a requirement to submit a reorganization plan, providing sanctions for failure to submit a reorganization plan and making appropriations, and making certain transfers and repeals.

On the question,
Shall the bill pass finally?

RECONSIDERATION OF VOTE ON SB 881

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

Mr. PITTS. Mr. Speaker, I move that the vote by which SB 881 passed third consideration as amended on March 18, 1980, be reconsidered.

Mr. E. H. SMITH. Mr. Speaker, I second the motion.

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

Motion was agreed to.

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

Mr. PITTS offered the following amendments:

Amend Sec. 3 (Sec. 203), page 24, line 9, by inserting after "SYSTEMS" (except commuter rail service)

Amend Sec. 3 (Sec. 203), page 24, line 18, by striking out "SEVENTY-FIVE PERCENT" and inserting a fixed percentage determined by the department

Amend Sec. 3 (Sec. 203), page 24, lines 22 and 23, by striking out "SEVENTY-FIVE PERCENT" and inserting the fixed percentage determined by the department

Amend Sec. 3 (Sec. 203), page 24, lines 25 and 26, by striking out "SEVENTY-FIVE PERCENT" and inserting the fixed percentage determined by the department

Amend Sec. 3 (Sec. 203), page 24, lines 28 and 29, by striking out "TWENTY-FIVE PERCENT" and inserting a fixed percentage determined by the department

Amend Sec. 3 (Sec. 405), page 88, lines 10 and 11, by striking out "\$5,360,000 OR AS MUCH THEREOF AS MAY BE NECESSARY" and inserting \$5,000,000

Amend Sec. 3 (Sec. 405), page 88, lines 15 and 16, by striking out "\$2,600,000, OR AS MUCH THEREOF AS MAY BE NECESSARY," and inserting \$1,600,000

Amend Sec. 3 (Sec. 405), page 88, lines 23 and 24, by striking out "\$665,000, OR AS MUCH THEREOF AS MAY BE NECESSARY," and inserting \$600,000

Amend Sec. 3 (Sec. 405), page 88, by inserting between lines 26 and 27 (e) The funds appropriated in this section shall not lapse.

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

PARLIAMENTARY INQUIRY

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

Mr. RICHARDSON. I rise to a point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RICHARDSON. Mr. Speaker, is it my understanding that there was a motion just made prior to this amendment being offered to, in fact, table the amendment and the bill?

The SPEAKER pro tempore. That was on a prior bill. That was HB 2254. The motion carried, and the bill has been tabled. We are now on SB 881.

CONSIDERATION OF SB 881 CONTINUED

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

Mr. PITTS. Mr. Speaker, this is the other part of the amendment to SB 881, which does the same thing which I explained in the last amendment. It changes the 75 percent to fixed percentage; it reduces the emergency maintenance in certain areas; and it stipulates that these funds will not lapse. They are due to lapse at the end of the fiscal year, and this provides for the general fund money for emergency maintenance to continue to be available for the amount specified in the amendment. I urge adoption of the amendment.

MOTION TO TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clarion, Mr. Wright.

Mr. D. R. WRIGHT. A motion was made a little while ago to table the previous bill. Since this is a package dealing with the same subject matter, it seems to me prudent to discuss this at the same time. For that reason I am going to move that we table both the amendments and the bill to be considered when we consider the previous bill. I move, therefore, Mr. Speaker, to table SB 881.

The SPEAKER pro tempore. In case this motion passes, would the gentleman, Mr. Pitts, withdraw his amendments temporarily so that it will be a cleaner operation?

Mr. PITTS. Mr. Speaker, could I have a brief recess to speak with the leaders? Could we be at ease for just a couple of minutes?

The SPEAKER pro tempore. The House will be at ease.

AMENDMENTS WITHDRAWN

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

Mr. PITTS. The motion was to table SB 881 with the amendments?

The SPEAKER pro tempore. The motion was to table it with the amendments, but it would be a better operation if it was tabled without the amendments. It would be a cleaner operation if the bill were tabled without the amendments, if the gentleman would withdraw his amendments and offer it again when the bill is taken from the table.

Mr. PITTS. All right, Mr. Speaker, I will support that motion for the purpose of caucus. There seems to be some uncertainty about the amendments.

The SPEAKER pro tempore. In other words, the gentleman will withdraw his amendments at this time. The Chair thanks the gentleman.

The question is on the motion by the gentleman from Clarion, Mr. Wright, to table SB 881.

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

The following roll call was recorded:

YEAS—152

Alden	Freind	McCall	Scheaffer
Anderson	Fryer	McClatchy	Schmitt
Armstrong	Gallagher	McKelvey	Schweder
Arty	Gallen	Mackowski	Serafini
Austin	Gannon	Madigan	Shupnik
Belardi	Gatski	Manderino	Sieminski
Bennett	Geist	Manmiller	Sirianni
Bittle	George, C.	Michlovic	Smith, E. H.
Bowser	George, M. H.	Micozzie	Smith, L. E.
Brandt	Gladeck	Milanovich	Spitz
Brown	Goebel	Miller	Stairs
Burd	Goodman	Moehlmann	Steighner
Burns	Grabowski	Mowery	Stewart
Caltagirone	Grieco	Mullen	Stuban
Cappabianca	Gruppo	Nahill	Sweet
Cessar	Hagarty	Novak	Swift
Cimini	Halverson	Noye	Taddonio
Civera	Hasay	O'Brien, B. F.	Taylor, E. Z.
Clark, B. D.	Hayes, Jr., S.	O'Brien, D. M.	Taylor, F.
Clark, M. R.	Hoeffel	Oliver	Telek
Cochran	Honaman	Perzel	Trello
Cole	Hutchinson, A.	Peterson	Wachob
Cornell	Irvjs	Petrarca	Wass
Coslett	Johnson, E. G.	Phillips	Wenger
DeMedio	Kanuck	Piccola	White
DeWeese	Knepper	Pitts	Wilson
DiCarlo	Knight	Polite	Wilt
Davies	Kolter	Pott	Wright, D. R.
Dietz	Kowalshyn	Pratt	Wright, Jr., J.
Dininni	Kukovich	Punt	Yahner
Dombrowski	Lashingier	Pyles	Yohn
Dorr	Laughlin	Rappaport	Zeller
Durham	Lehr	Rasco	Zitterman
Earley	Lescovitz	Reed	Zord
Fee	Letterman	Ritter	Zwinkl
Fischer	Levi	Rocks	
Fisher	Lewis	Rodgers	Seltzer,
Foster, W. W.	Livengood	Ryan	Speaker
Foster, Jr., A.	Lynch, E. R.		

NAYS—38

Barber	Duffy	Klingaman	Pistella
Beloff	Dumas	Levin	Pucciarelli
Berson	Gamble	McMonagle	Rhodes
Borski	Giammarco	McVerry	Richardson
Cohen	Gray	Maiale	Rieger
Cowell	Harper	Mrkonic	Seventy
Cunningham	Helfrick	Murphy	Street
DeVerter	Hutchinson, W.	O'Donnell	Thomas
Dawida	Itkin	Pievsky	Wargo
Donatucci, R.	Johnson, J. J.		

NOT VOTING—8

Chess	Greenfield	McIntyre	Spencer
Geesey	Jones	Shadding	Williams

EXCUSED—4

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

ANNOUNCEMENT BY MINORITY LEADER

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

Mr. IRVIS. Mr. Speaker, I have noticed that a number of members have concluded that we are finished for the day, but we are not. There is still a committee of conference report which must be voted on today if the State Police are to have a payday tomorrow. I would advise those of you, especially those who have licenses to drive on the highways of this Commonwealth, that it might be wise to postpone leaving the floor of the House until we can get that committee of conference report voted on. We better stay here a while.

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

Mr. RYAN. The minority leader is exactly right. There will be no votes other than the adoption of the committee of conference report which will take care of the State Police payday tomorrow. So I would suggest the House be at ease awaiting the printed version of that conference committee report.

REPORT OF COMMITTEE OF CONFERENCE PRESENTED

Mr. PITTS presented the Report of the Committee of Conference on SB 508, PN 1823.

The SPEAKER pro tempore. The report will be laid over for printing under the rules.

BILL REMOVED FROM TABLE

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

Mr. RYAN. Mr. Speaker, I move that HB 822 be removed from the table.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2114, PN 2686, entitled:

An Act amending the "Capital Budget Act for Fiscal Year 1969-1970, Public Improvement Project Itemization Supplement-General State Authority," further providing for a project.

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

BILL TABLED

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

Mr. RYAN. Mr. Speaker, I move that HB 2114 be laid on the table.

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

* * *

The House proceeded to third consideration of **HB 2340, PN 3009**, entitled:

An Act authorizing the Department of Community Affairs to plan and administer a Statewide community conservation and employment opportunities incentive grant program.

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

BILL TABLED

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

Mr. RYAN. Mr. Speaker, I move that HB 2340 be laid on the table.

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

* * *

The House proceeded to third consideration of **SB 68, PN 1581**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating certain parking and providing for the issuance of parking placards.

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

BILL TABLED

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

Mr. RYAN. Mr. Speaker, on page 16 of today's calendar, I move that SB 68 be placed upon the table.

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

ADDITIONS OF SPONSORS

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

Mr. RYAN. I would like to submit at this time a list of additions of sponsors of bills in accordance with our rules.

ADDITIONS: HB 758, Halverson 139; HB 1650, Sirianni 103; HB 1845, Arty 42; HB 2081, Bittle 31; HB 2081, Cappabianca 24; HB 2081, Civera 39; HB 2081, Geist 35; HB 2081, Michlovic 191; HB 2081, Phillips 160; HB 2081, Steighner 71; HB 2081, Stuban 8; HB 2081, Wenger 108; HB 2443, Caltagirone 44; HB 2459, Halverson 139; HB 2507, Wargo 207; HB 2507, Zitterman 73; HB 2511, Cessar 198; HB 2538, Helfrick 85, HB 2545, Fischer, R. R. 195.

BILL TABLED

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

Mr. RYAN. Mr. Speaker, I move that HB 822 be laid on the table.

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

BILLS REMOVED FROM TABLE

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

Mr. RYAN. Mr. Speaker, I move that the following bills be removed from the table:

HB 2114; and
HB 2340.

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

BILL REMOVED FROM TABLE

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

Mr. RYAN. Mr. Speaker, I move that SB 68 be removed from the table.

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

**REPORT OF COMMITTEE
OF CONFERENCE PRESENTED**

Mr. McCLATCHY presented the Report of the Committee of Conference on **HB 1924, PN 3367**.

**REPORT OF COMMITTEE
OF CONFERENCE CONSIDERED**

Mr. McCLATCHY called up for consideration the following Report of the Committee of Conference on **HB 1924, PN 3367**:

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (P. L. 626, No. 9A), adding certain appropriations and changing certain other appropriations and language.

On the question,
Will the House adopt the Report of the Committee of Conference?

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

Mr. ITKIN. Mr. Speaker, would the House stand at ease for about a minute or two?

The SPEAKER pro tempore. The House will be at ease for a moment.

The Chair recognizes the gentleman from Mifflin, Mr. DeVERTER.

Mr. DeVERTER. Mr. Speaker, for what purpose are we at ease?

The SPEAKER pro tempore. The gentleman from Allegheny, Mr. Itkin, asked that the House be at ease for a moment.

I think he is ready now. The gentleman may proceed.

Mr. ITKIN. Mr. Speaker, the members from Philadelphia County are off the floor. They have asked me if the House would just stand at ease for a minute. They will be back shortly.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

(A rollcall vote was taken.)

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

Mr. IRVIS. Mr. Speaker, I have been informed that the gentleman, Mr. Richardson's switch was voted in the negative, and, if that is so, I want that corrected. He obviously was not in his seat. The gentleman is on the floor, and I would appreciate the Chair recognizing him so the mistake can be corrected in the record.

REMARKS ON VOTE

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

Mr. RICHARDSON. Mr. Speaker, I would like to ask that that vote on the conference committee report on HB 1924 be scratched so that I have an opportunity to vote. I was in the back of the House, and somehow my switch was locked in the negative position, and I would like to be recorded in the affirmative, Mr. Speaker. I, also, respectfully would ask for an opportunity to vote on the bill and ask for another roll call vote on that bill.

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

VOTE STRICKEN

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

Mr. GREENFIELD. Mr. Speaker, the courtesy was requested for the Philadelphia delegation, which was out at the moment. Some members were not able to get in on that vote. Some were voted in error. I would ask for a reconsideration, that the vote be taken over again, please.

The SPEAKER pro tempore. The clerk will strike the vote.

The Chair recognizes the minority leader.

Mr. IRVIS. Mr. Speaker, if the members would be quiet for a moment, I want to read to them, so that they know that we are not putting over any flimflam on them. Some have said, what is in the conference committee report? I would like to briefly tell them what is in it so that they know what they are voting on.

The SPEAKER pro tempore. The minority leader is in order and may proceed.

Mr. IRVIS. The conference committee report is in three sections. What it does simply is to give an appropriation for

the operation and maintenance for the Afro-American Museum in Philadelphia. That is because this was a bill which originally gave that \$50,000 to the Afro-American Museum in Philadelphia, and it gives to the Pennsylvania State Police \$18,312,000 from the motor license fund for traffic control and traffic safety programs transferred to the motor license fund for the payment of salaries. The sum of \$18,312,000 is hereby appropriated for appropriation to the Pennsylvania State Police and Traffic Safety Facilities Program, and the funds herein appropriated and transferred are in addition to the funds appropriated for the same purpose by the Act of July 4, 1979. That is all there is to it, and I recommend that we adopt the committee of conference report.

On the question recurring,

Will the House adopt the Report of the Committee of Conference?

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

YEAS—195

Alden	Foster, W. W.	Levin	Richardson
Anderson	Foster, Jr., A.	Lewis	Rieger
Armstrong	Freind	Livengood	Ritter
Arty	Fryer	Lynch, E. R.	Rocks
Austin	Gallagher	McCall	Rodgers
Barber	Gallen	McClatchy	Ryan
Belardi	Gamble	McIntyre	Scheaffer
Beloff	Gannon	McKelvey	Schmitt
Bennett	Gatski	McMonagle	Schweder
Berson	Geesey	McVerry	Serafini
Bittle	Geist	Mackowski	Seventy
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	Wachob
DeMedio	Irvis	Peterson	Wargo
DeVerter	Itkin	Petrarca	Wass
DeWeese	Johnson, E. G.	Phillips	Wenger
DiCarlo	Johnson, J. J.	Piccola	White
Davies	Kanuck	Pievsky	Wilson
Dawida	Klingaman	Pistella	Wilt
Dietz	Knepper	Pitts	Wright, D. R.
Dininni	Knight	Polite	Wright, Jr., J.
Dombrowski	Kolter	Pott	Yahner
Donatucci, R.	Kowalshyn	Pratt	Yohn
Dorr	Kukovich	Pucciarelli	Zeller
Duffy	Lashingner	Punt	Zitterman
Dumas	Laughlin	Pyles	Zord
Durham	Lehr	Rappaport	Zwikl
Earley	Lescovitz	Rasco	
Fee	Letterman	Reed	Seltzer,
Fischer	Levi	Rhodes	Speaker

NAYS—0

NOT VOTING—3

Jones Shadding Williams

EXCUSED—4

Hayes, D. S. Salvatore Vroon Weidner

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the Report of the Committee of Conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

WELCOMES

The SPEAKER pro tempore. The Chair welcomes to the balcony the mother and father-in-law and friends of Mr. Geist, from Blair County, as well as members of the First Church of the Brethren, Altoona, Pennsylvania.

The Chair also welcomes in the balcony a group from the Central United Methodist Church of Reading, Pennsylvania, and their pastor, Dave Fife, who are here today as the guests of Mr. Gallen and other members of the Berks County delegation.

The Chair also welcomes and wishes to make special notice of Mrs. Melba Gallen and the sister-in-law of Mr. Gallen and some of her eight pints.

The Chair welcomes to the front of the House Mr. Clyde Kinzey, a student from Greencastle-Antrim School District, who is here today as a part of his state government program. He is here today as the guest of Mr. Punt.

The Chair welcomes to the balcony a group of 7th- and 8th-grade students from the New Cumberland Middle School and their teacher, Jane Scheaffer. They are here today as the guests of Mr. Geesey.

At this time the Chair would like to recognize a group from the North Side of Pittsburgh who are guests of Mr. Murphy.

The Chair also welcomes a group of 3d-grade students from the Rainbow Elementary School, Coatesville, Chester County, who are visiting the Capitol today with their teacher, Alice Zimmerman. They are the guests of Mr. Earl Smith.

HOUSE SCHEDULE

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

Mr. RYAN. Mr. Speaker, I would hope that the members will listen to me for one moment with respect to the balance of the week. I have been asked a number of times whether we will or will not be in session on Thursday. My stock reply was, we will not know, probably, until 1 or

2 o'clock tomorrow afternoon. So make arrangements accordingly. In other words, vacillate until 2 o'clock tomorrow afternoon.

The SPEAKER pro tempore. The House will be at ease. There will be no rollcall vote.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

SENATE MESSAGE

SENATE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Senate informed that it has adopted the Report of the Committee of Conference on **HB 1924, PN 3367**.

BILL SIGNED BY SPEAKER

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

HB 1924, PN 3367

An Act amending the "General Appropriation Act of 1979," approved July 4, 1979 (P. L. 626, No. 9A), adding certain appropriations and changing certain other appropriations and language.

ADJOURNMENT

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

Mr. ANDERSON. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 21, 1980, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 7:31 p.m., e.d.t., the House adjourned.