

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 27, 1987

SESSION OF 1987

171ST OF THE GENERAL ASSEMBLY

No. 38

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (K. LEROY IRVIS) IN THE CHAIR

PRAYER

REV. DR. DAVID R. HOOVER, chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Eternal Father, we come to Thee in gratitude and praise. We thank Thee for Thy tender mercy which reaches out to us in our every hour of need and Thy loving care which ever watches over and cares for each one of us.

O God, keep us in the hollow of Thy hand and aid us in overcoming the difficulties and anxieties we face so that as stewards of Thine we may show forth in deed and example Thy truth in all of life. Keep us ever striving in the accomplishments we attain, challenge us in undertaking greater opportunities in Thy service, and support us in the goals we achieve before Thee. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was delivered by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. The Chair is informed that the Journal for Tuesday, May 26, 1987, is not yet in print. Without objection, the approval of that Journal will be delayed until it is in print. The Chair hears no such objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1392 By Representatives JAROLIN, KOSINSKI and FREEMAN

An Act imposing a fee upon persons mining or removing coal; and placing restrictions upon the expenditure of certain moneys.

Referred to Committee on MINES AND ENERGY MANAGEMENT, May 27, 1987.

No. 1393 By Representatives FARGO, GEORGE, BRANDT, PICCOLA, KUKOVICH, HASAY, DeWEESE and WOZNIAK

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for small district assistance.

Referred to Committee on EDUCATION, May 27, 1987.

No. 1394 By Representatives LEVDANSKY, GEORGE, MANDERINO, MICHLOVIC, FREEMAN, ARGALL, RYBAK, KUKOVICH, HUGHES, TRELLO, PISTELLA, SHOWERS, LASHINGER, FOX, RITTER, MELIO and McHALE

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," further providing for powers and duties of the department, the Environmental Quality Board and the Environmental Hearing Board, for the management of hazardous waste, for permits and licenses and for enforcement.

Referred to Committee on CONSERVATION, May 27, 1987.

No. 1395 By Representatives MICHLOVIC, GEORGE, MANDERINO, LEVDANSKY, FREEMAN, ARGALL, RYBAK, KUKOVICH, HUGHES, TRELLO, PISTELLA, SHOWERS, LASHINGER, FOX, RITTER and MELIO

An Act amending the act of October 15, 1980 (P. L. 950, No. 164), known as the "Commonwealth Attorneys Act," providing for a Protector General to enforce the environmental laws of this Commonwealth; providing for his powers and duties; and making an appropriation.

Referred to Committee on CONSERVATION, May 27, 1987.

No. 1396 By Representatives FREEMAN, GEORGE, MANDERINO, LEVDANSKY, MICHLOVIC, ARGALL, RYBAK, KUKOVICH, HUGHES, TRELLO, PISTELLA, SHOWERS, LASHINGER, FOX, RITTER and MELIO

An Act amending the act of July 7, 1980 (P. L. 380, No. 97), known as the "Solid Waste Management Act," providing for the cleanup of hazardous waste sites and for compensation therefor; establishing the Hazardous Waste Abandoned Site Cleanup and Compensation Fund; providing for a surcharge on hazardous waste and for claims and awards; and providing penalties.

Referred to Committee on CONSERVATION, May 27, 1987.

No. 1397 By Representatives COHEN, HASAY, PETRONE, BOYES, PISTELLA, O'DONNELL, LEVDANSKY, HUGHES, WESTON, TELEK, KOSINSKI, TRELLO, RYBAK, STABACK, WAMBACH, PRESSMANN, McHALE, MICHLOVIC, VEON and FREEMAN

An Act providing for the protection of the occupational health and safety of employees of the government; conferring powers and duties on the Department of Labor and Industry; creating remedies; providing penalties; waiving sovereign immunity in certain cases; making an appropriation; and making repeals.

Referred to Committee on LABOR RELATIONS, May 27, 1987.

No. 1398 By Representatives O'BRIEN, BOYES, KENNEY, HECKLER, J. TAYLOR, FOX, SCHULER, TIGUE, TRELLO, BUNT, FOSTER, McHALE, RITTER, SHOWERS, BORTNER, MAINE, KOSINSKI, J. L. WRIGHT, ANGSTADT, JADLOWIEC, NAHILL, CLYMER, HOWLETT, MAIALE, BATTISTO, CORRIGAN, SCHEETZ, NOYE, McCLATCHY, HAGARTY, MELIO, WOGAN, ARTY, MAYERNIK, PRESSMANN, BARLEY, PERZEL, HECKLER, McVERRY, HAYDEN, RAYMOND, E. Z. TAYLOR, JOHNSON, LASHINGER, S. H. SMITH, GODSHALL, D. W. SNYDER, KASUNIC and FLICK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for certain sex crimes.

Referred to Committee on JUDICIARY, May 27, 1987.

No. 1399 By Representatives FREIND, ANGSTADT, ARGALL, ARTY, BARLEY, BIRMELIN, BLACK, BOOK, BOWSER, BOYES, BRANDT, BUNT, BURD, BURNS, BUSH, CARLSON, CESSAR, CHADWICK, CIMINI, CIVERA, CLYMER, CORNELL, DAVIES, DeVERTER, DIETTERICK, DeLUCA, DININNI, DISTLER, DORR, DURHAM, FARGO, FARMER, FISCHER, FLICK, FOSTER, FOX, GALLEN, GANNON, GEIST, GLADECK, GODSHALL, GRUPPO, HAGARTY, HASAY, HAYES, HECKLER, HERMAN, HERSHEY, HESS, HONAMAN, JACKSON, JADLOWIEC, JOHNSON, KENNEDY, LANGTRY, LASHINGER, LEH, MANMILLER, McCLATCHY, McVERRY, MERRY, MICOZZIE, MILLER, MOEHLMANN, MOWERY, NAHILL, NOYE, PHILLIPS, PICCOLA, PITTS, PUNT, RAYMOND, REBER,

REINARD, ROBBINS, RYAN, SAURMAN, SCHEETZ, SCHULER, SEMMEL, SERAFINI, SIRIANNI, B. SMITH, S. H. SMITH, D. W. SNYDER, G. SNYDER, STAIRS, STEVENS, E. Z. TAYLOR, TELEK, VROON, WASS, WILSON, J. L. WRIGHT and R. C. WRIGHT

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for payment of an economic supplement and minimum increases.

Referred to Committee on EDUCATION, May 27, 1987.

No. 1400 By Representatives SWEET, DAWIDA, MICHLOVIC, BELFANTI, JOHNSON, RYBAK, MAINE, MAIALE, KUKOVICH, FISCHER, JACKSON, LaGROTTA, COWELL, FOX, MELIO, NAHILL and VAN HORNE

An Act creating the Pennsylvania Industrial Development Finance Corporation.

Referred to Committee on BUSINESS AND COMMERCE, May 27, 1987.

No. 1401 By Representatives BUSH, CARLSON, BELFANTI, PHILLIPS, STABACK, JOHNSON, MARKOSEK, NOYE, ANGSTADT, FISCHER, CLYMER, E. Z. TAYLOR, CORRIGAN, BUNT, GLADECK, MORRIS, BOWSER and CIMINI

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further providing for sales tax exemptions for certain utility services.

Referred to Committee on FINANCE, May 27, 1987.

No. 1402 By Representatives TRELLO, MRKONIC, DAWIDA, HALUSKA, MICOZZIE, McVERRY, CESSAR, LANGTRY, BOOK, FARMER and COLAFELLA

An Act amending the act of July 10, 1986 (P. L. 1914, No. 12A), entitled "A supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled 'An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation with the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh,' making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated," increasing the appropriation for educational and general expenses.

Referred to Committee on APPROPRIATIONS, May 27, 1987.

No. 1403 By Representatives TRELLO, O'DONNELL, PETRARCA, GAMBLE, PERZEL and BOYES

An Act making an appropriation to the Pennsylvania College of Straight Chiropractic.

Referred to Committee on APPROPRIATIONS, May 27, 1987.

No. 1404 By Representatives TRELLO, TIGUE, REBER, LaGROTTA, PISTELLA and BUNT

An Act amending the act of December 18, 1984 (P. L. 1005, No. 205), known as the "Municipal Pension Plan Funding Standard and Recovery Act," further providing for the distribution of the tax on the premiums of foreign fire insurance companies.

Referred to Committee on FINANCE, May 27, 1987.

No. 1405 By Representatives FLICK, RYBAK, GODSHALL, MAIALE, ARGALL, FARGO, PITTS, SCHEETZ, SCHULER, NOYE, SHOWERS, VAN HORNE, COWELL, MORRIS, BOWSER, LaGROTTA, TRUMAN, COY, CARLSON, HECKLER, SAURMAN, HERSHEY, KENNEY, NAHILL, BUSH, CIVERA, DORR, SEMMEL, MERRY, FISCHER, BOYES, FOX, CHADWICK, SIRIANNI, BUNT, GEIST, O'BRIEN, BARLEY, BELFANTI, J. TAYLOR, DISTLER, KASUNIC, E. Z. TAYLOR, TIGUE, GRUPPO, DeLUCA, RITTER, BATTISTO, LANGTRY and R. C. WRIGHT

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a volunteer-in-public-service and nonprofit association negligence standard in the conduct of certain public service programs or projects; and providing a negligence standard for officers, directors and trustees or nonprofit organizations.

Referred to Committee on JUDICIARY, May 27, 1987.

No. 1406 By Representatives DALEY, SWEET, MORRIS, KUKOVICH, STABACK and MELIO

An Act amending the act of December 31, 1965 (P. L. 1257, No. 511), known as "The Local Tax Enabling Act," further providing for fees for dumping by public utilities.

Referred to Committee on FINANCE, May 27, 1987.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 116 By Representatives MORRIS, HAYES, TIGUE, FARGO, KUKOVICH, COLE, BLAUM, DOMBROWSKI, FEE, NOYE, McCALL, MELIO, SCHULER, SALOOM,

BROUJOS, HALUSKA, SEMMEL, RYBAK, ANGSTADT, GRUPPO, SIRIANNI, ARGALL, STABACK, BOWSER, RUDY, HONAMAN, MOEHLMANN, JADLOWIEC, STAIRS, LaGROTTA, CALTAGIRONE, BATTISTO, ROBBINS, COY, HECKLER, CARLSON, YANDRIVEVITS, WASS, BOWLEY, VEON, SHOWERS, HERSHEY, JACKSON, B. SMITH, DISTLER, CHADWICK, HESS, LIVENGOOD, KOSINSKI, BARLEY, ITKIN, SAURMAN, COWELL, DORR, FOX, TRELLO, GODSHALL, STEIGHNER, PETRARCA, KASUNIC, HERMAN, BUNT, BURD, E. Z. TAYLOR, JOHNSON, MAINE and FOSTER

Commemorating the 100th Anniversary of landmark agricultural legislation which established the Pennsylvania Agricultural Experiment Station; and acknowledging those persons involved in the agricultural research vital to the leading industry of this Commonwealth.

Referred to Committee on RULES, May 27, 1987.

No. 117 By Representatives MAYERNIK, MARKOSEK, BOWLEY, BELFANTI, McCALL, SEVENTY and COLAFELLA

Memorializing the Governor to declare the month of June 1987 as "Pennsylvania Travel Month."

Referred to Committee on RULES, May 27, 1987.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Speaker is in receipt of additions and deletions for the sponsorships of bills, which the clerk will file.

The following list was submitted:

ADDITIONS:

HB 405, Veon; HB 406, Veon; HB 584, Arty; HB 623, LaGrotta; HB 824, Leh; HB 950, E. Z. Taylor; HB 951, Ritter; HB 1037, McCall; HB 1065, Foster, Bortner; HB 1140, Book; HB 1187, Fox; HB 1188, Freeman, Rudy; HB 1199, Telek; HB 1227, Fox; HB 1275, Bortner; HB 1276, Bortner; HB 1312, Petrarca, E. Z. Taylor, Battisto, Arty; HB 1313, Arty, E. Z. Taylor, Petrarca, Battisto; HB 1315, Wilson, Hughes, Battisto; HB 1322, E. Z. Taylor, Trello, Battisto; HB 1327, DeLuca, Fox; HB 1334, Davies; HB 1361, Telek, DeLuca, Steighner, Battisto; HB 1362, Telek, DeLuca, Steighner, Battisto; HB 1363, Telek, DeLuca, Steighner; HB 1364, Scheetz, Book, Saurman, Black, Gruppo; HB 1369, Arty, Farmer, Hughes; HB 1390, Arty; HB 1391, E. Z. Taylor, Semmel, J. L. Wright, Baldwin, Kasunic, Johnson; HB 1398, Civera; HR 73, Showers; HR 102, Petrarca; HR 108, Petrarca, Daley.

DELETIONS:

HB 94, Vroon; HB 486, O'Brien; HB 1021, Maiale; HB 1085, S. H. Smith.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

- HB 1;
- HB 2;
- HB 3;
- HB 4;
- HB 5;
- HB 9;
- HB 452;
- HB 547;
- HB 618;
- HB 926; and
- HB 1183.

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

BILLS ON SECOND CONSIDERATION

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

HB 1, PN 1617; HB 2, PN 1621; HB 3, PN 1618; HB 4, PN 1619; HB 5, PN 1620; and HB 9, PN 1586.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, I move that the following bills be recommended for fiscal notes to the Committee on Appropriations:

- HB 1;
- HB 2;
- HB 3;
- HB 4;
- HB 5; and
- HB 9.

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

LEAVES OF ABSENCE

The SPEAKER. Does the gentleman from Lawrence, Mr. Fee, have any requests for leaves of absence?

Mr. FEE. Yes, Mr. Speaker. The gentleman from Washington County, Mr. SWEET, for today.

The SPEAKER. The leave is granted, absenting an objection, and the Chair hears no objection.

The Chair recognizes the minority whip. Do you have any requests?

Mr. HAYES. Yes, Mr. Speaker. I request a leave for the gentleman from Luzerne County, Mr. STEVENS, for the day, and also the gentleman from Lancaster County, Mr. SCHEETZ, for the day.

The SPEAKER. The Chair hears no objection. The leaves are granted.

MASTER ROLL CALL

The SPEAKER. The Speaker is about to take the master roll call for the day. The members will proceed to vote on the master roll.

The following roll call was recorded:

PRESENT—196

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

WELCOMES

The SPEAKER. The Chair is delighted to welcome to the hall of the House the fourth grade class of the McConnellsburg Elementary School and their teachers - Leona Reeder, Jack Keen, Miriam Johnson, and Nancy Younker. The chaplain, Reverend Hoover's grandson, David III, is a member of this fourth grade class, and the fourth grade class is in the gallery. Welcome to the hall of the House. We are delighted to have you here.

Many of you will remember Marl Garlock, who served on the floor of the House. His grandson, Mike, is also in the gallery. Mike, we are glad to have you back here where your grandfather served. Welcome to the hall of the House, Mike.

And you have met before but we are pleased to reintroduce to you the chaplain's wife and his son, David II. They are over to the left of the Speaker. Please rise. Welcome to the hall of the House.

The reason for all the celebration, the chaplain's grandson, David III, played baseball last night and made three or four hits. His team won 18 to 1. So we would suggest that nobody try to play that team again. David, will you rise. Stand up, son. Welcome to the hall of the House, David.

CALENDAR**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 243, PN 1585**, entitled:

An Act providing for a Statewide emergency telephone number "911" system; establishing a telecommunications unit within the Department of General Services; providing for funding of the system, for a referendum and for contributions from telephone subscribers; providing a penalty; making appropriations; and making a repeal.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 243 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 10, PN 1582**, entitled:

An Act authorizing a program for the Department of Education to make technology upgrade and acquisition grants on behalf of full-time equivalent undergraduate students attending institutions of higher education in this Commonwealth for one year; and making an appropriation.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 10 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 222, PN 243**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," increasing reimbursement for school building construction; and making editorial changes.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 222 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 584, PN 633**, entitled:

An Act providing for the creation of a multipurpose program for displaced homemakers; and further providing for powers and duties of the Department of Education.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 584 be recommitted to the Committee on Appropriations for a fiscal note.

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

* * *

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

HB 783, PN 853.

* * *

The House proceeded to second consideration of **HB 860, PN 941**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "approved leave of absence"; defining "maternity leave of absence"; and further providing for creditable nonschool service.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 860 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 960, PN 1583**, entitled:

An Act providing for the creation, establishment, operation and administration of community colleges; imposing additional duties on the State Board of Education, the Department of Education and the Council of Higher Education; authorizing the sponsorship of community colleges; providing for the imposition of additional taxes; authorizing Commonwealth reimbursements; and making repeals.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 960 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 962, PN 1059**, entitled:

An Act amending the act of August 31, 1971 (P. L. 423, No. 101), known as the "Higher Education Equal Opportunity Act," further defining "student" to include part-time students; and making an appropriation.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 962 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

The House proceeded to second consideration of **HB 668, PN 728**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for offenses relating to alcohol; and making a repeal.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. MANDERINO. Mr. Speaker, I move that HB 668 be recommitted for a fiscal note to the Committee on Appropriations.

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

* * *

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

HB 1125, PN 1273; HB 456, PN 1589; and SB 315, PN 686.

WELCOMES

The SPEAKER. We have in the balcony, as the guest of Representative LaGrotta, Wilma Veres; the guest of Representative Robbins, Audrey Shannon; the guest of Representative Veon, Jeannette Liberty; the guest of Representative Bowser and Representative Merry, Linda Kondzielski; and Mr. and Mrs. Billy A. Kaylor of Lawrence County, who are here as the guests of Representative Fee. Welcome to the hall of the House. We are delighted to have you.

We have the fifth and sixth grade students of St. Michael's School here as the guests of Representative Keith McCall. They are here with Father Nahn, Cathy Galacko, Len Nest-rack, and Jim Sauka as their sponsors and teachers. Welcome

to the hall of the House. We are delighted to have the children here.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 169, PN 955**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for intermediate unit boards of directors; requiring certain school employees to pay a fair share fee; and providing for objections to payment of a fair share fee.

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

Mrs. LANGTRY offered the following amendments No. A1116:

Amend Title, page 1, line 7, by striking out "AND"
Amend Title, page 1, line 8, by removing the period after "FEE" and inserting
; and providing for the imposition of fines when a strike or work stoppage results in the loss of instructional days.

Amend Bill, page 7, by inserting between lines 15 and 16
Section 3. The act is amended by adding a section to read:

Section 1501.6. Fines.—(a) Whenever a strike or work stoppage results in the loss of instructional days, the employe shall be fined one one-eightieth (1/180) of his annual salary or wages for each day of the strike or work stoppage. The school district shall be fined a sum equal to the daily wages or salaries of the striking employes from its Equalized Subsidy for Basic Education (ESBE) payments calculated under section 2501 and supplement payments as defined in sections 2502.14 and 2501.15. In the case of an intermediate unit or an area vocational-technical school, the respective agency shall be fined a sum equal to the daily wages or salaries of the striking employes. The constituent districts of the respective agency shall have a sum proportionate to the district's percentage of enrollment deducted from the Equalized Subsidy for Basic Education (ESBE) and supplemental payments pursuant to this act. The amount in fines paid by the employer shall not exceed the total amount of subsidy due.

(b) This section shall not apply in the case of a lockout or work stoppage constituting an unfair labor practice by the employer pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

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

AMENDMENTS WITHDRAWN

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

Mrs. LANGTRY. Mr. Speaker, amendment 1116 is being redrafted because of errors. If I may, I would like to go on to my other two amendments.

The SPEAKER. Which amendment would you like to have read, Mrs. Langtry?

Mrs. LANGTRY. I would like to have read, first, amendment No. 1123; and second, A1124.

The SPEAKER. Do you have A1123, Mr. Clerk? All right. Read A1123.

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

Mrs. LANGTRY offered the following amendments No. A1123:

Amend Title, page 1, line 7, by striking out "AND"
Amend Title, page 1, line 8, by removing the period after "FEE" and inserting
; and further limiting strikes by school employees.

Amend Bill, page 7, by inserting between lines 15 and 16
Section 3. Section 1501 of the act, amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.— All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

Twenty days of actual teaching shall constitute a school month.

The inability of a school district to complete a one hundred eighty (180) day instructional school year by June 30 shall establish a clear and present danger or threat to the health, safety or welfare of the public under the provisions of Article X of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

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

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

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1123 amends section 1501 of the School Code. That section, 1501, is an education law which

requires 180 days of instruction for our school students by June 30 of each year. Amendment 1123 says, "The inability of a school district to complete a one hundred eighty (180) day instructional school year by June 30 shall establish a clear and present danger or threat to the health, safety or welfare of the public—"

The SPEAKER. The Chair apologizes, Mrs. Langtry, for interrupting you.

The lady is trying to explain her amendment, and there are those of you on the floor who seem determined to talk over her. Now if such there be, excuse yourselves from the floor. The lady has a right to the floor.

You may continue.

Mrs. LANGTRY. Thank you, Mr. Speaker.

This amendment says that "The inability of a school district to complete a one hundred eighty (180) day instructional school year by June 30 shall establish a clear and present danger or threat to the health, safety or welfare of the public under...Article X of the... 'Public Employe Relations Act'"; in other words, Act 195.

Mr. Speaker, year after year because of prolonged strikes—and I repeat, prolonged, not a short strike—our students are not getting 180 days of instruction. For example, in 1982-83, 827 school days were lost due to strikes in 37 school districts. In my district of Bethel Park, in this last year my children will not get 180 days of school because of a prolonged strike, even though those students, to make up those strike days, went to school on Thanksgiving Day and they went to school on New Year's Day, and they go to school on other holidays and family days, nor will they have a vacation or a school break from the time the strike ended at the end of October until June 30. No break in the school calendar, and we are talking about kindergarten, elementary, all the way through 11th grade.

Mr. Speaker, my children are not going to receive 180 days but our teachers are going to be paid for 182 days in Bethel Park. How is it that our students will not receive 180 days as required by law in the School Code but our teachers will receive 182 days of pay? Part of the problem lies with both intransigent school boards and intransigent unions. Neither side will compromise adequately or soon enough. In the meantime, our children are being shortchanged. They will not receive 180 days of instruction for which their parents have paid taxes to both the State and the local school district.

The other part of the problem is with Act 195, which as we all know is the labor law. Mr. Speaker, Article I, "Public Policy," of Act 195 says as follows:

The General Assembly of the Commonwealth of Pennsylvania declares that it is the public policy of this Commonwealth and the purpose of this act to promote orderly and constructive relationships between all public employers and their employes subject, however—

please listen to this carefully—

subject, however, to the paramount right of the citizens of this Commonwealth to keep inviolate the guarantees for their health, safety and welfare.

And it goes on to say,

...the General Assembly has determined that the overall policy may best be accomplished by (1)...(2)—

and I will read (3)—

establishing procedures to provide for the protection of the rights of the public employe—

which I believe we have done—

the public employer—

which I believe we have done—

and the public at large.

and I believe that is the part that has not been accomplished.

Act 195 goes on to say in Article X, section 1003:

If a strike by public employes occurs after the collective bargaining processes set forth in sections 801 and 802...of this act have been completely utilized and exhausted, it shall not be prohibited unless or until such a strike creates a clear and present danger or threat to the health, safety or welfare of the public. In such cases the public employer shall initiate, in the court of common pleas of the jurisdiction where such strike occurs, an action for equitable relief including but not limited to...injunctions and shall be entitled to such relief if the court finds that the strike creates a clear and present danger or threat to the health, safety or welfare of the public.

Mr. Speaker, we continue to hear reference to a clear and present danger or threat to the health, safety, and welfare of the public, so what I am saying, Mr. Speaker, is I believe that we have established guarantees for both boards and teachers but not for the public at large. Where is the protection for our children who by State law are entitled to receive 180 days of instruction but do not? Where are the protections stated in Act 195, which I just read, for parents whose children are public school students, who pay taxes, and still their children do not receive 180 days of instruction?

Now, part of the problem, Mr. Speaker, is with the definition of "clear and present danger." Over time the courts have been wishy-washy on the definition of "clear and present danger," which is the definition for issuing an injunction, when considering whether or not to issue that injunction.

Now, I have several examples of court decisions where an injunction has been issued for this reason or that reason such as, for example, loss of education; difficulty for working parents, mothers and so on; loss of special education classes; counseling; and the list goes on and on through each court decision. But finally, Mr. Speaker, in 1986, in the Jersey Shore appeal to Commonwealth Court as the result of a school strike, it was ruled by Commonwealth Court that an injunction should be issued because the strike caused a clear and present danger to the district because the children would not receive 180 days of education. So sometimes injunctions to go back to school are issued and sometimes they are not. It appears to depend upon the discretion of the courts.

What I hope to accomplish with this amendment, Mr. Speaker, is that our children receive 180 days of instruction as

required by law. This amendment provides that the inability of a school district to complete 180 days of instruction shall constitute a clear and present danger or threat to the health, safety, or welfare of the public under Act 195. This would require a court to issue an injunction when it is evident that 180 days will not be received. It would guarantee that our students will receive 180 days of instruction. It would give some meaning to the public protection referred to in Act 195 and would also make universal the Commonwealth Court decision in the Jersey Shore case.

Additionally, Mr. Speaker, the Department of Education—and I have this information in a letter—it is their view that the rights of teachers and boards under Act 195 are circumscribed by the primary right of students to receive an adequate education, and as a result, after a strike passes the critical date—in other words, the 180 days can no longer be met—the department believes that this constitutes a clear and present danger to the health, safety, and welfare of the public.

Mr. Speaker, my amendment defines a standard for issuing an injunction in a school strike, and that is that it should be issued when it is evident that our children will not receive 180 days because of a long school strike. I would like to point out that this does not preclude school strikes. There is time in the school calendar for strikes. What we are trying to preclude is prolonged strikes where our children do not receive 180 days of instruction.

So to all of my colleagues on the floor, if you are listening, if you believe that our students and their parents are the real victims in a prolonged school strike—and we had one over 2 months in my district, which is 20 percent of the school instruction year—then I urge you to vote for this amendment. When adults, boards, and teachers cannot be reasonable, there is no reason why our children should pay the price.

Please consider this amendment seriously. I urge your support. I want to bring some sanity back to the school strike situation. This is probably one of the few opportunities that we will have, because of the bill that is being addressed here, to get a handle on the school strike situation in Pennsylvania. I do not believe we will see another chance soon.

Mr. Speaker, I urge support of this amendment. Thank you.

The SPEAKER. The Chair thanks the lady.

WELCOME

The SPEAKER. We have in the balcony a fifth grade class from the John F. Kennedy School in Scranton. They are here with their teacher, Janet Meleski. They are all here as the guests of Representative Fred Belardi. We welcome the teacher and the students. We are glad to have you in the House. They are in the gallery.

CONSIDERATION OF SB 169 CONTINUED GERMANENESS QUESTIONED

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, yesterday in dealing with SB 291 and SB 169 we had to confront two kinds of amendments. The first kind of amendment sought to undermine or weaken the provisions of fair share legislation, which is basically what this bill is all about. The second kind of amendment sought to simply divert attention and take up other nonrelated issues. The amendment before us falls into that second category. It deals with an issue not related to fair share fee. In fact, it is not even related to the School Code, and therefore, it is inappropriately addressed today.

I quote the lady who offers the amendment. She said she seeks to, quote, “define a standard for issuing an injunction in a school strike,” unquote. That is a legitimate issue. However, it is not an issue addressed in the School Code. What she seeks to do is to amend Act 195, which is a part of the Public Employe Relations Act; it is not a part of Pennsylvania’s school law, and therefore, this amendment is not germane to the subject before us and I would ask the Chair or the House to so rule.

Mr. Speaker, I challenge the germaneness of this amendment.

The SPEAKER. The gentleman, Mr. Cowell, has challenged the lady’s amendment on the question of germaneness. This is a floor decision.

On the question,

Will the House sustain the germaneness of the amendments?

Mrs. LANGTRY. Mr. Speaker, may I respond to that challenge?

The SPEAKER. The lady may. The question is debatable.

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

Mrs. LANGTRY. Mr. Speaker, the bill that we are dealing with is not an education law. We are dealing with labor law here under fair share. If we can address those issues in the context of the bill before us, surely it is fair to address other labor issues through this bill.

Additionally, Mr. Speaker, I would like to refute Mr. Cowell’s statement that I am trying to divert attention from the issue at hand.

The SPEAKER. Mrs. Langtry?

Mrs. LANGTRY. Yes, sir.

The SPEAKER. At this moment, ma’am, you may only talk on the question of germaneness. If your position is upheld, then the Chair will recognize you again to answer Mr. Cowell. But now you must argue whether or not your amendment is germane, and that is all you may argue.

Mrs. LANGTRY. All right, Mr. Speaker. Thank you.

Then I would repeat what I said, that through this bill we are dealing with collective-bargaining issues. This bill is under the School Code and I am doing the same thing here. And additionally, collective-bargaining issues are addressed in the School Code, and I would say that my amendments are appropriate.

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

Mr. HAYES. Thank you, Mr. Speaker.

The gentleman, Mr. Cowell, has indicated that the lady has brought an amendment to the floor of the House inappropriately in that it should be most appropriately offered to some other piece of legislation, specifically some other law, that being Act 195 of 1970, and he would have, I believe, the members of this House believe that this legislation, SB 169 in its current form, PN 955, somehow does not touch Act 195.

The truth of the matter is, on page 2, the legislation which Mr. Cowell is defending so vigorously itself, on lines 11 through 15, also makes reference to Act 195 of 1970. That is number one. Number two, if you want to address the question of 180 school days, you do not do that through Act 195. The gentleman, Mr. Cowell, who serves as chairman of the House Education Committee, knows full well that the 180-day provision is a School Code provision. So the lady is most appropriate in bringing this amendment to the floor of the House of Representatives.

Whether one wants to support her amendment or not is not material to the question of germaneness. It is clearly germane to SB 169. You may want to skirt the issue and preserve your voting record in some sort of way and hide behind the question of germaneness, but clearly the lady's amendment does not do any more in terms of violating rules of this House than does SB 169 itself. Thank you, Mr. Speaker.

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

Mr. SAURMAN. Thank you, Mr. Speaker.

I would just again like to speak to the germaneness, indicating that it certainly is germane. As employers and as those who are charged with the right to protect and to guarantee an education to our students, this is most germane in the School Code, and I think we should recognize it as such and vote in that fashion. Thank you.

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

Mr. PICCOLA. Thank you, Mr. Speaker.

I would agree with the minority whip that this amendment is clearly germane to SB 291. In fact, it was the gentleman, Mr. Cowell, and the Education Committee that made this amendment germane by inserting into SB 291 and SB 169 as well, which we did yesterday, amendments which were not germane to either the Administrative Code or the Education Code. By inserting this legislation and these amendments into the Education Code, he has opened up those codes for amendment on any issue dealing with Act 195. I think this is a dangerous precedent, but this is what the majority party in the House wanted. I think, however, having done that, we have

clearly established that this amendment is germane to the legislation at hand, and I would ask that the germaneness motion support the lady's amendment. Thank you.

The SPEAKER. On the question of germaneness, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, very briefly on the question of germaneness. The question of germaneness is not a black-and-white issue. The question of germaneness has to be by the very nature of the word a relationship, and this House is the final arbiter on whether or not the relationship that Mrs. Langtry wants to place on the Act 195 section of the bill that she wants to deal with, whether or not the relationship she wants to place on that section and the main body of the bill is something that this House wants to endorse.

Our rules say that germaneness is a matter to be decided by this House, and I have seen this House in the past go both ways on the question of germaneness when we were amending the School Code or a code that has vast and different sections. But it was their judgment whether or not this kind of an amendment dealing with the subject matter that it deals with, strikes and the 180-day rule, should be put into the bill, the main body of which is an agency shop bill for schoolteachers.

Again, there are 100 ways to kill a bill. This is another way to kill it, and I would ask that we vote that the amendment is not germane.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I agree almost wholeheartedly with the gentleman, Mr. Manderino. I agree with a lot of what he said, that the House can go any way it wants, that it is up to the House to make the decision, and that he has seen, as I have seen and you have seen, the House go any number of ways on the question of germaneness. And we do that, us courageous guys and gals, because we do not have the inclination to fight and bite the bullet and face the problem.

This amendment is germane. It deals with the School Code. It deals with 180 days of schooling. Do not try and hide behind that issue by saying it is not germane. And the gentleman is absolutely right when he says it is those of us here in the House who will make that decision, and I would, of course, urge that only those on the floor participate in making that decision. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, it was suggested that elsewhere in SB 169 there is mention made of Act 195. Of course there is. There are several other laws mentioned in SB 169. There is mention made of the Sunshine Law, Act 195. There was mention made of a Federal statute. That is quite typical. The issue is what would this amendment amend, and this amendment clearly amends Act 195.

There is language in Act 195, not in the School Code, that says that judges can issue an injunction to end a work stoppage where there is demonstrated a clear and present danger or threat to the health, safety, and welfare of the public. It is in Act 195. And what this amendment simply tries to do is to

further define in a restrictive way what represents a clear and present danger. It seeks to further define for the judges under Act 195 what will be a clear and present danger. It is not in the School Code; it is Act 195. This clearly is not germane to other provisions of the Public School Code, and I would ask that the House so rule. Thank you.

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

Mrs. TAYLOR. Mr. Speaker, I would point out to my colleagues in the House that we are sent here to debate and to reflect the views of the people that we represent and not to hide behind a parliamentary procedure. I would urge, as our speakers have brought to your attention, that this amendment is certainly germane.

The SPEAKER. The question is, is the Langtry amendment germane?

For the second time on the question, the Chair recognizes the lady from Allegheny, Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, amendment 1123 amends the School Code. The bill that we are dealing with deals with the School Code. In my amendment to the School Code, I do make reference to Act 195. I make reference to Act 195. Section 1501 of the School Code requires 180 days of instruction. Our students do not always get 180 days of instruction, and I pointed out some of the reasons why they do not in Act 195. That is reference material.

Additionally, Mr. Speaker, while we are only speaking to germaneness here, this is not an attempt to kill a bill. This is an opportunity to try to address the serious problem of prolonged school strikes in Pennsylvania. Thank you.

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

Mr. HAYES. Thank you, Mr. Speaker.

I believe it is reasonable to say that the lady could have very easily drafted an amendment which made no reference whatsoever to that Act 195 of the year 1970, and she could have just as easily by eliminating that language established in the School Code a further emphasis upon the need to provide as a guarantee to the young children of this Commonwealth 180 days of instruction.

Let me read the following words in the lady's amendment: "The inability of a school district to complete a one hundred eighty (180) day instructional school year by June 30 shall establish a clear and present danger or threat to the health, safety or welfare of the public...." She could have ended her amendment right there with a period, and we would not have all this chatter about Act 195 of 1970.

The fact remains, Mr. Speaker, that the General Assembly through the years has only been able to guarantee one thing for sure, and that is that the young boys and young girls of this Commonwealth will be given the opportunity to attend school for 180 days, instructional days. Further extending that mandate to indicate that a failure on the part of a school district to offer 180 days is somehow falling short of what this General Assembly believes to be a thorough and efficient

system of education I believe is appropriate at this time. The lady really is not doing anything except putting in stronger bold words the fact that this General Assembly wants to guarantee the young people 180 days of instruction.

Now, some of the previous speakers, speakers whom I respect greatly, have indicated that this somehow kills the bill. We already have in law the 180-day requirement. The lady from Allegheny, Mrs. Langtry, would like to indicate a bit further that a failure to provide this type of instruction for this length of time is a threat to the general public. If we believe all those speeches that we give about the importance of education, somehow if we do fail in providing the young children the 180 days of instruction, there is a threat to our society and our civilization. If we do not persist as a General Assembly in trying to provide that 180-day requirement—

Mr. COWELL. Mr. Speaker?

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

Mr. COWELL. Is the gentleman debating germaneness at this point?

The SPEAKER. In the opinion of the Chair, the gentleman has not drifted too far from the article.

The gentleman may proceed.

Mr. HAYES. Thank you, Mr. Speaker.

The reason I have taken a moment is because others have themselves said things like this amendment tries to kill the bill, and really all we are doing is making sure that the young people have 180 days. And as members of the judiciary try to nibble around the outside periphery of that cookie, as they have done in some instances—and we know that they should not have been doing it that way because it is denying instruction for our young people—it probably is time for the General Assembly to speak with bolder words, in bolder fashion, and say failure to provide the young people with 180 days of instruction every year is a threat to the public, and this General Assembly wants there to be that kind of guarantee. For us to take any other position, we are saying it is all right for one school district to provide 180 days, but it is also all right for another school district to provide maybe 90 days or 120 days or 110 days. And I would ask each mother and father in this chamber, are you going to be satisfied to have your young son or your young daughter have only 90 days of instruction because some judge says so?

I think that we should be more forceful in our persistence and our insistence to guarantee that there are 180 days of instruction. I support germaneness and the lady's amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the General Assembly has indeed established 180 days as the school year for our students, and last year in the Commonwealth every school district save one taught for 180 days. The one school district was the woman, Mrs. Langtry's school district in Bethel Park, I believe, that did not make 180 days and went to court and asked the court to declare a clear and present danger, and the court said there was not a clear and present danger at that time.

Now, what Mrs. Langtry would like us to do is substitute a judgment here for the court's hearing in the matter when he had the facts. He knew how many days it had gone beyond 180 days, and the difficulty with the amendment as an amendment—

POINT OF ORDER

Mr. VROON. Mr. Speaker?

The SPEAKER. Why does the gentleman from Chester, Mr. Vroon, interrupt?

Mr. VROON. Point of order. I thought this vote was on germaneness.

The SPEAKER. Mr. Vroon, you have been here long enough to recognize that when leaders speak, they do not speak necessarily under the same strictures. The Chair permitted the gentleman, Mr. Hayes, to go beyond the point. The Chair will continue to recognize the leaders on both sides of the aisle.

The gentleman, Mr. Manderino, may continue.

Mr. MANDERINO. The court in that case may well have decided that it was a clear and present danger if it had been more than just a few days beyond the 180 days at that time. The court decided that there had not been demonstrated a clear and present danger and made a decision to that effect, and the strike was settled, as I understand it, shortly thereafter.

There is no question that we are dealing with Act 195 and the issue of germaneness. And since I was taken to task verbally by suggesting that there are several ways to kill a bill and it was suggested that the offer of the amendment was pure in motive, I would suggest that this is not the first School Code bill that has gone through the House this year and this amendment did not appear on either or any of the other bills, and there probably will be other bills that you can attach this kind of an amendment to. I am simply looking at what is occurring and making my individual judgment, that this amendment arises at this time for a specific purpose - perhaps the one that Mrs. Langtry alludes to; perhaps the one that I allude to.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Briefly, Mr. Speaker, as we sit and think about the question of germaneness, think about this short statement that I will make. The criticism is that we are fooling around with Act 195 in the School Code bill. The truth of the matter is this bill that is before us, SB 169, is really a labor law bill, is it not? It is how do you collect dues from members of a union. Act 195 in fact is probably where this belongs, because it deals with a labor matter. The amendment that the lady would offer deals with an educational question, an educational matter. Where better it to be than in the School Code?

It seems to me that maybe all of these arguments are a little backwards. The very subject matter of SB 169 is a labor law matter. Act 195 is labor law. One hundred and eighty days of education is Public School Code law, and that is what this amendment is. It is germane, unless you want to make it non-germane for ulterior reasons.

The SPEAKER. The Chair recognizes the gentleman from Luzerne, Mr. Blaum, on the question.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, sometimes the smoke screens get so thick we cannot see what is really happening. I believe, in my opinion, that this amendment and similar amendments are nothing more than an attempt to give one or two Senators a reason to vote to nonconcur on this bill and, therefore, to send it to a conference committee, and we all know that out of a conference committee neither Mrs. Langtry's amendment nor agency shop will be reported.

Now, I do not know whether this amendment is germane or not, but it serves the purposes of this bill to vote that it is not germane and to stop the smoke screens and let us get this bill passed.

The SPEAKER. The question is, is the Langtry amendment germane to SB 169? Those who believe it to be germane will vote "aye"; those who believe it to be nongermane will vote "no." The request has been made by Mr. Ryan that only those presently in their seats at the time of the vote be recorded.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—107

Argall	Durham	Kukovich	Reber
Barley	Fargo	Langtry	Reinard
Birmelin	Farmer	Lashingier	Robbins
Black	Flick	Leh	Rudy
Book	Foster	Levdansky	Ryan
Bortner	Fox	Lloyd	Saurman
Bowley	Freind	McCall	Schuler
Bowser	Gallen	McClatchy	Semmel
Brandt	Gamble	McVerry	Serafini
Broujos	Gannon	Manmiller	Seventy
Bunt	Geist	Markosek	Sirianni
Burd	Gladeck	Merry	Smith, B.
Bush	Godshall	Michlovic	Smith, S. H.
Carlson	Gruppo	Micozzie	Snyder, D. W.
Cawley	Hagarty	Miller	Snyder, G.
Cessar	Haluska	Moehlmann	Taylor, E. Z.
Chadwick	Hayes	Mowery	Taylor, J.
Civera	Heckler	Mrkonic	Vroon
Clymer	Herman	Nahill	Wambach
Cornell	Hershey	Noye	Wass
Coy	Hess	O'Brien	Weston
DeVerter	Honaman	Perzel	Wilson
Dawida	Jackson	Phillips	Wogan
Dietterick	Jadlowiec	Piccola	Wozniak
Dininni	Josephs	Pitts	Wright, J. L.
Distler	Kennedy	Punt	Wright, R. C.
Dorr	Kenney	Raymond	

NAYS—80

Acosta	Donatucci	Linton	Roebuck
Angstadt	Duffy	Livengood	Rybak
Battisto	Evans	Lucyk	Saloom
Belardi	Fattah	McHale	Showers
Belfanti	Fee	Maiale	Staback
Blaum	Fischer	Maine	Stairs
Boyes	Freeman	Manderino	Steighner
Burns	George	Mayernik	Stuban
Caltagirone	Gruitza	Melio	Taylor, F.
Cappabianca	Hasay	Morris	Telek
Clark	Hayden	O'Donnell	Trello

Cohen	Howlett	Olasz	Truman
Colafella	Hutchinson	Oliver	Van Horne
Cole	Itkin	Petrarca	Veon
Corrigan	Jarolin	Petrone	Wiggins
Cowell	Kasunic	Pievsky	Wright, D. R.
DeLuca	Kosinski	Pistella	Yandrisevits
DeWeese	LaGrotta	Pressmann	
Daley	Laughlin	Preston	Irvis,
Davies	Lescovitz	Ritter	Speaker
Dombrowski	Letterman		

NOT VOTING—9

Arty	Cimini	Hughes	Richardson
Baldwin	Deal	Johnson	Rieger
Carn			

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

The majority having voted in the affirmative, the question was determined in the affirmative and the amendments were declared germane.

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

The SPEAKER. Those in favor of adopting the amendment will vote "aye"; those opposed "no." The members will proceed to vote. This is on the amendment itself.

Mr. Cowell, how many times did you speak on the amendment? On the amendment once? You will be recognized one more time. Strike the vote.

For the second time on the amendment itself, the Chair recognizes the gentleman from Allegheny, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, many of the arguments I would make are similar to arguments that were suggested in terms of germaneness. First of all, what we are doing with this language that is offered to the School Code is telling judges for whom we establish criteria in the Public Employe Relations Act how they will make decisions and on what grounds they will make decisions, and we are very narrowly defining the kinds of decisions they will make, particularly in terms of the interpretation of "clear and present danger" in the case of school strikes. We are taking away their discretion. That is effectively what we do because of one case and one case only that occurred in Representative Langtry's district where a judge last year ruled that there was not a clear and present danger although the school district might not be able to complete the 180 days.

I think a far more effective tool that this General Assembly and State Government has available is the withholding of State subsidies to those districts that in fact do not complete 180 days. That is the effective weapon that we have. I think that the use of the withholding of State subsidies to those school districts that do not complete 180 days is a useful and effective and appropriate tool exercised by State Government. I do not think it is appropriate that we take this amendment and add it to the School Code and effectively modify or amend Act 195 and tie the hands of judges where in only one case as far as we know in the whole history of this act, Act

195, did the judge in fact determine that 180 days was not so magical or did not present a clear and present danger, the inability to complete the 180 days. Because of one example in more than 10 years, we would seriously modify the law. I do not think that is an appropriate response.

I would only reflect for a moment on a personal experience I have had in terms of my own sons, who are enrolled in public schools where there was in fact a strike, and I remember to complete the 180 days my sons had to go to school on various kinds of days. I remember that in one particular case they spent most of the school day—

The SPEAKER. Just a moment, Mr. Cowell.

Those members who would persist in interrupting a speaker, I would appreciate it if you would leave the room, those who cannot be quiet. I regret to say this, and I shall not amplify it, but the Speaker has been in receipt of several letters from visitors in the gallery concerning the matter of decorum on this floor, and the letters come from teachers of fourth and fifth grade students. The Chair would suggest to those of you who are incapable of keeping quiet when others are speaking that you leave the floor until you are ready to vote.

The Speaker apologizes for having to interrupt you, Mr. Cowell. Try it again.

Mr. COWELL. Thank you, Mr. Speaker.

I was citing an experience that my own sons had as public school students in a district where a strike occurred a few years ago. That district made every effort to make up the 180 days and in fact succeeded, and to do that my sons and a handful of their classmates, just a handful, sat in a classroom on a particular day that was a traditional holiday, and they ended up watching a Pitt football game. That was the extent of their education experience on that 180th day or one of the 180 days that comprised their school year.

What we will effectively do with this amendment is to put additional pressure on judges and school districts to make sure that at all costs 180 days in fact are completed, even if it means watching a football game with 10 percent of your classmates while the other 90 percent do not show up. I really do not think that we guarantee any education excellence through that kind of requirement. I really do not think that we do any kind of service to students and their families or others who are concerned about the quality of education when we impose that kind of burden on the school district, and that is what this amendment will do. It will make all the more likely that school districts will go to those kinds of extremes to make sure that at least the 180 days can be found somewhere in the calendar.

The amendment is inappropriately addressed in this bill. From an education standpoint, it is not particularly sound; and from the standpoint of fixing a problem, it is fixing a problem that just really does not exist and has existed only in one case in more than 10 years despite the numerous school strikes that have existed among the 501 school districts of the Commonwealth.

I would urge that we defeat this amendment.

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

Mr. GAMBLE. Mr. Speaker, the honorable Representative from Upper Saint Clair has addressed an issue that far exceeds the importance of agency shop in Pennsylvania, and let us take a long, hard look at the Langtry amendment. It deals with the interruption of education in the Commonwealth of Pennsylvania. Those of us who have tried to address this issue by way of introducing legislation, that legislation has never seen the light of day from the Education Committee over the last 10 years. We all know why. So today this lady tries to address this issue and we try to kill it on germaneness, and that was a farce. So I say to you today, we are amending a fair share for the teachers union with a fair shake for the students across this Commonwealth, and I ask you to vote "yes" on the Langtry amendment.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, on the amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to read from the Pennsylvania Constitution, section 14: "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." The Department of Education in its wisdom has established a 180-day rule. We have a constitutional responsibility to see that our students receive that, and the Langtry amendment seeks to do that.

Representative Cowell gave us a scenario which I think is an embarrassment to the education of this Commonwealth. I have never known a time when a teacher could not teach 5 students as well as 15 or 30, and to choose to show a football game because there were not 30 people in the classroom is not a very great tribute to our educational system. If there are five, those five should be taught. If there are 25, they should be taught. And if 180 days is what the Department of Education who sets those rules says is the right amount and we are responsible for that, we have not only the right but we have the responsibility to make certain and to protect our students and make sure they get 180 days of quality education.

I urge you to support this amendment.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, we spoke of the one case in which this matter of 180 days went to court in the woman, Mrs. Langtry's district, the Bethel Park district, I think it was last year. The district went to court asking that the court declare that a clear and present danger to the general welfare of the students and the public existed at that time. That attempt was under the law that this General Assembly has passed and is on the books. We indicate that an injunction can be granted, that school can be ordered to resume in the event that there is a clear and present danger. And what is a clear and present danger in one case is not necessarily a clear and present danger in another.

I indicated that last year all of the school districts save one, save one, topped the 180 days, and that one was Bethel Park.

And when the people of that district went to court to ask that a clear and present danger be declared, there was still a chance to teach 180 days. It was not the fault of the judge's negative decision that 180 days was not taught. It was the failure of the system to complete the agreement, and it only took 4 days. There were 4 days lost, 4 days in that school district.

I think the judge's ruling in that case was right. I think our law allowing an injunction when a clear and present danger exists is right. I think it is wrong to try to impose a stiff and strict standard, because it may not work, and it may not be so in each and every case.

I ask, Mr. Speaker, that we vote in the negative on the Langtry amendment.

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

Mr. COLAFELLA. Mr. Speaker, will Representative Langtry stand for interrogation?

Mrs. LANGTRY. Yes.

The SPEAKER. For the record, the lady has agreed. You may proceed, Mr. Colafella.

Mr. COLAFELLA. Mr. Speaker, could you tell me why June 30 is the last day that instruction can occur?

Mrs. LANGTRY. Because that is set by law by the Commonwealth of Pennsylvania.

Mr. COLAFELLA. Mr. Speaker, is it possible for instruction to occur after June 30?

Mrs. LANGTRY. No.

Mr. COLAFELLA. Do you think instruction can occur after June 30 if an amendment was introduced?

Mrs. LANGTRY. I think that that would create enormous problems for our students and their families what with summer jobs, special education, college requirements, something very simple but also very important, family education. And I think the law is right in designating a date for the end of the school year. I would not want to see the school year extend beyond that date.

Mr. COLAFELLA. Mr. Speaker, that concludes my interrogation. I would like to make a statement.

The SPEAKER. The gentleman has the floor. He may continue.

Mr. COLAFELLA. Mr. Speaker, I think all of us and most of us, I would say, are for a 180-day school year. I think what your amendment will do is to increase school strikes in Pennsylvania. Let me tell you why they will increase in Pennsylvania.

First of all, fewer school boards—and you know, for example, that if a school cannot commence after June 30, you take a different strategy, and the strategy that you take is that you let teachers stay out because you know that they better get back in there. What will happen is that you will increase school strikes.

What has happened in Pennsylvania under Act 195 has been a decline in school strikes. In 1970 and 1971 there were 35 school strikes. In 1985 and 1986 there were only 14 school strikes. I think Act 195 works very well, and I think basically what this amendment will do is it will increase school strikes

by mandating that there will be a health threat if children do not attend school by June 30. And let me tell you, there is no difference if a child attends school July 1 or June 30. All the great colleges in this country have summer school. And do not tell me that by kids attending summer school, it causes a health threat, and quite frankly, that is one of the reasons why I am opposed to it. But really what your amendment will do is it will increase school strikes and cause unfair collective bargaining to occur. For those reasons I oppose your amendment.

The SPEAKER. The Chair recognizes the lady from Allegheny, Mrs. Langtry, for the second time on her amendment.

Mrs. LANGTRY. Mr. Speaker, I would respectfully disagree with Representative Colafella. What this amendment does is require that when it is very evident and obvious that not in a strike but in a prolonged, prolonged strike our children are not going to receive 180 days as required by June 30—that is what our law says now—that the courts will issue a back-to-school injunction.

Mr. Speaker, our kids are the ones who are taking a beating in this whole school strike situation. We require 180 days. They do not get it. For example, how about in the California school strike? That was some time ago. The kids lost 44 days. How about in Neshaminy? The kids lost 24 days. Gone. Lost. They will never see those education days again. Ringgold lost 30 days; Elizabeth Forward, 20; Steel Valley, 28, and I can go on and on. We are not just talking about the time lost in my school district in the last year, not to mention a previous strike in 1979; we are talking about all the kids in Pennsylvania, Mr. Speaker.

I would also like to remind us once again that Commonwealth Court last year ruled that an injunction should be issued because the children would not receive 180 days of instruction. My amendment would propose that this be a standard for the courts.

Mr. Speaker, I will never forget the words of Governor Casey on Election Day. He said, and I quote: "The minds of Pennsylvania's children will be our new raw material. We will not accept mediocrity." That message burned in my mind and I will never forget it, and when our children do not get 180 days of instruction and they lose the numbers of days that I have just read, then I think we are accepting mediocrity.

Mr. Speaker, I urge a vote for this amendment so that our kids and their parents are going to be treated fairly in prolonged school strikes. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the minority whip.

Mr. HAYES. Thank you, Mr. Speaker.

I have listened very closely to all the speakers who have spoken in opposition to this particular amendment, and after all of the many words that have come forth, one tells us adoption of this amendment means that the kids will only watch Pitt football games; another one tells us that it is going to bring about more strikes. Mr. Speaker, I have great respect for those distinguished gentlemen who have made those observations, but I really, really believe that in each instance they are tilting at windmills.

The lady's amendment does not guarantee that the children are just going to watch Pitt football games. If there is a problem in a particular school district where they seem to have difficulty teaching something other than Pitt football games, I suggest that it is a problem with that school district and not the lady's amendment, and maybe we should send the Secretary of Education out there to see what the problem is.

As far as the strike question, it hardly deserves an answer. There is nothing in the lady's amendment which begs strikes. What we do see happening now is the fact that the judiciary is starting to equivocate and to place qualification and condition on what this General Assembly historically has said is a necessary minimum, and that is 180 days of instruction. Now that the judiciary has breached that 180-day requirement as found in law, you now run the risk of school districts teaching not 180 days but 110 days, 150 days, 140 days, 175 days, 141 days; you guess the number. But it certainly can now be something a lot less than 180.

If you want to guarantee your children a basic education, it is time this General Assembly speaks forthrightly, persistently, and insists upon 180 days of instruction. I urge support of the lady's amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the only thing that we are going to guarantee if we pass this amendment is that there will be very little negotiations toward a contract.

The School Boards Association opposes agency shop. They are against it. I am ashamed of them for being against it. I do not think just simply because they are the elected officials to direct school policy locally that they ought to be antiteacher and antiunion, but it seems that they think that they ought to be. I am ashamed of my local school board for belonging to the association, and I am going to ask them to drop out, frankly. My people in my hometown are hard-working, blue-collar people, most of them belonging to one union or another, and they do not deserve a school board in an association that is antilabor or antiteacher.

We here in the General Assembly, although we are the elected officials along with the Governor that direct the entire work force of the State, do not necessarily take the position of being anti-State employee. We should not and we do not, and we demonstrated by our vote yesterday that overwhelmingly we believe that they have a right to agency shop and to labor benefits. That is not what the School Boards Association, by its recent letter and communication to us, indicated. They indicated they are against the agency shop but if we are determined here in the General Assembly to enact it, put this amendment in.

Now, what is this amendment going to do? It is going to guarantee that every district, no matter whether the school board sits down and negotiates or not, is going to get 180 days in, get all of their subsidy. So why should they negotiate in good faith? You tell me. You tell me.

Presently we have in the law the safeguard of the judge deciding whether a clear and present danger exists. And yes, and yes, to arrive at last year where there was only one school

district that lost 4 days, to arrive at that we have had some rocky roads getting here. But I do not think we have destroyed the educational system in this Commonwealth. I think it is still viable and I think it is still strong, and I think it is still strong and viable and I think the negotiating procedure works because neither school board nor teacher knows when a judge may say, hey, we have had enough; there is a danger that exists; go back to work; go back into the class. They do not know whether it is going to happen at 180 days, 125, 150, but our experience has not been all that bad. There have been some isolated cases in all of our 505 districts that all of us wish would not have happened, but they are diminishing. They are diminishing to the point that last year we had one loss of time, 4 days.

Do not substitute a procedure through this amendment that will guarantee that no negotiations will take place. If you guarantee every school board that they do not have to worry about whether there is going to be time lost or any turmoil or whether they are going to be criticized for getting 180 days in or negotiating in good faith, if you take all that worry away from them, they have got no reason to negotiate in good faith. Simply make their offer and sit on it until the time goes by when the General Assembly said that they will have to go back to work.

Mr. Speaker, I ask you, think of what you are doing. Do not destroy what was well thought out. Do not destroy the judiciary's power to order them back into the classroom when a clear and present danger exists. Do not place in the antilabor School Boards Association's hands the tool that will allow them to demonstrate further their bias by failing to negotiate until the time has elapsed.

Mr. Speaker, I ask for a negative vote on the amendment.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Mr. Speaker, sitting here and listening to all the debate sort of makes me wonder. We have passed legislation here time and time again limiting the judicial opinion as to setting the minimum and maximum amount of years for crimes that are committed. We are dealing with our youth, with education. We are only trying to set minimums but we are not trying to set maximums here, and I think that we have to take some cause to correct some of the ills that have transpired.

I also think that there are two functions in negotiations. It is a give-and-take proposition. If you give one thing, you should get something in return. All we are asking here is guaranteeing that we give the children 180 days of education. I think there are two basic situations that pertain to any negotiations. One, I think that the people who are negotiating should negotiate for security of their positions, and I think in return they have to guarantee there is productivity. So I think that it is very important that we try to balance this thing off. I think the unions have deserved what they have gotten but we cannot go to excesses. We have to protect the rights of our children, and when you get into a strike situation, you just have to be a representative in one of those areas to see the

clamoring by the people to get something resolved. The judges in turn are politicians. Are they the people who should have the right to say when a child's welfare is being ignored? I think a parent has a lot to say about that, and the parents want some recognition, something passed that will guarantee that their children get a proper education.

I ask for a positive vote on this amendment.

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

Mr. GAMBLE. Mr. Speaker, I just want to ask the Democrats once again to really consider this as part of a couple other amendments which will address an issue that we have been unable to address. And those of you who believe that the people, the same people who elect us and elect the school boards across this Commonwealth, are antiunion, that is a bunch of hogwash and has no place in this debate whatsoever. I know in the five school districts in my area, many of those people who serve on those boards are union members, but what is first and foremost in their mind and in their position is the education, uninterrupted education of our students, and that is what we should be all about here today. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Saurman, for the second time.

Mr. SAURMAN. Thank you, Mr. Speaker.

I just wanted to quote an old African saying that "When bull elephants fight, the grass gets killed." We listened to an eloquent speech deriding the school boards; we listened to an eloquent speech talking of the labor unions. I did not hear much about—except from some other members—our children, our students, those for whom education exists. I would ask that we preserve the grass in this battle.

Mrs. LANGTRY. Mr. Speaker, may I speak again, or have I blown my wad?

The SPEAKER. Sorry. It is not the voice of the floor which rules, but the Speaker has checked - you have spoken now two times and you are limited by the rules to no more than that.

Mrs. LANGTRY. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Beaver, Mr. Colafella, for the second time on the amendment.

Mr. COLAFELLA. Mr. Speaker, I urge a "no" to Mrs. Langtry's amendment because, in my opinion, the school boards, as Mr. Manderino said, will not negotiate and just wait it out, and who will really suffer will be the youngsters because there will be more and more strikes in Pennsylvania where we have seen a decline in strikes in the last few years. Thank you.

The SPEAKER. On the question, will the House adopt the Langtry amendment, those in favor of the amendment will vote "aye"; those opposed will vote "no."

On the question recurring,

Will the House agree to the amendments?

(Members proceeded to vote.)

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan, I am sorry. The vote has been recorded. I told the clerk to record the vote, but I will be fair about it. What was your objection, Mr. Ryan?

Mr. RYAN. Is the gentleman, Mr. Fattah, on the floor and voting?

The SPEAKER. Was Mr. Fattah's vote recorded?

The House will be at ease.

(Conference held at Speaker's podium.)

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—87

Argall	Fargo	Johnson	Punt
Arty	Farmer	Kennedy	Raymond
Barley	Flick	Kenney	Reinard
Birmelin	Foster	LaGrotta	Robbins
Black	Fox	Langtry	Ryan
Book	Freind	Leh	Saurman
Bowser	Gallen	McClatchy	Schuler
Brandt	Gamble	McHale	Semmel
Bunt	Gannon	McVerry	Seventy
Burd	Geist	Markosek	Sirianni
Bush	Gladeck	Mayernik	Smith, S. H.
Carlson	Godshall	Merry	Snyder, D. W.
Cessar	Hagarty	Micozzie	Snyder, G.
Chadwick	Haluska	Miller	Taylor, E. Z.
Cimini	Hayes	Moehlmann	Vroon
Civera	Heckler	Mowery	Wass
Clymer	Herman	Nahill	Weston
Cornell	Hershey	Noye	Wilson
DeVerter	Hess	O'Brien	Wogan
Dietterick	Honaman	Perzel	Wright, J. L.
Distler	Jackson	Phillips	Wright, R. C.
Durham	Jadlowiec	Pitts	

NAYS—103

Acosta	Dawida	Linton	Ritter
Angstadt	Dininni	Livengood	Roebuck
Baldwin	Dombrowski	Lloyd	Rudy
Battisto	Donatucci	Lucyk	Rybak
Belardi	Duffy	McCall	Saloom
Belfanti	Evans	Maiale	Showers
Blaum	Fattah	Maine	Smith, B.
Bortner	Fee	Manderino	Staback
Bowley	Fischer	Manmiller	Stairs
Boyes	Freeman	Melio	Steighner
Broujos	George	Michlovic	Stuban
Burns	Gruitza	Morris	Taylor, F.
Caltagirone	Gruppo	Mrkonic	Taylor, J.
Cappabianca	Hasay	O'Donnell	Telek
Carn	Hayden	Olasz	Trello
Cawley	Howlett	Oliver	Truman
Clark	Itkin	Petrarca	Van Horne
Cohen	Jarolin	Petrone	Veon
Colafella	Josephs	Piccola	Wambach
Cole	Kasunic	Pievsy	Wiggins
Corrigan	Kosinski	Pistella	Wozniak
Cowell	Kukovich	Pressmann	Wright, D. R.
Coy	Laughlin	Preston	Yandrisevits
DeLuca	Lescovitz	Reber	
DeWeese	Letterman	Richardson	Irvis,
Daley	Levdansky	Rieger	Speaker
Davies			

NOT VOTING—6

Deal	Hughes	Lashingner	Serafini
Dorr	Hutchinson		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Ryan, is going to file a reconsideration motion.

Mr. RYAN. Mr. Speaker, I am going to file a reconsideration motion right now. A number of my members, at least two immediately behind me, were pushing on their switches and were unable to be recorded. I was standing for the purpose of challenging votes, and I would greatly appreciate it if we would reconsider this amendment now and not delay. Under ordinary circumstances I think we could have just revoted it, but I understand where the Speaker is coming from and I would like to reconsider it and revote it now.

The SPEAKER. Send the motion up, please.

On the question recurring,

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

AMENDMENT A1123 RECONSIDERED

The SPEAKER. Moved by the gentleman, Mr. Ryan, that the vote by which amendment A1123 to SB 169 was defeated on this the 27th day of May be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—183

Acosta	Distler	Langtry	Reinard
Angstadt	Dombrowski	Lashingner	Rieger
Argall	Donatucci	Laughlin	Ritter
Arty	Dorr	Leh	Robbins
Barley	Duffy	Lescovitz	Roebuck
Battisto	Durham	Letterman	Rudy
Belardi	Evans	Levdansky	Ryan
Belfanti	Fargo	Linton	Rybak
Birmelin	Farmer	Livengood	Saloom
Black	Fee	Lloyd	Saurman
Blaum	Flick	Lucyk	Schuler
Book	Foster	McCall	Semmel
Bortner	Fox	McClatchy	Serafini
Bowley	Freeman	McHale	Seventy
Bowser	Freind	McVerry	Showers
Boyes	Gallen	Maiale	Sirianni
Brandt	Gamble	Maine	Smith, B.
Broujos	Gannon	Manderino	Smith, S. H.
Bunt	Geist	Manmiller	Snyder, D. W.
Burd	George	Markosek	Snyder, G.
Bush	Gladeck	Mayernik	Staback
Caltagirone	Godshall	Melio	Stairs
Cappabianca	Gruppo	Merry	Steighner
Carlson	Hagarty	Michlovic	Stuban
Carn	Haluska	Micozzie	Taylor, E. Z.
Cawley	Hasay	Miller	Taylor, F.
Cessar	Hayden	Moehlmann	Taylor, J.
Chadwick	Hayes	Morris	Telek

Cimini	Heckler	Mowery	Trello
Civera	Herman	Mrkonic	Van Horne
Clark	Hershey	Nahill	Veon
Clymer	Hess	Noye	Vroon
Cohen	Honaman	O'Brien	Wambach
Colafella	Howlett	O'Donnell	Wass
Cole	Itkin	Olasz	Weston
Cornell	Jackson	Perzel	Wiggins
Corrigan	Jadlowiec	Petrarca	Wilson
Cowell	Jarolin	Petrone	Wogan
Coy	Johnson	Phillips	Wozniak
DeLuca	Josephs	Piccola	Wright, D. R.
DeVertter	Kasunic	Pievsky	Wright, J. L.
DeWeese	Kennedy	Pitts	Wright, R. C.
Daley	Kenney	Pressmann	Yandrisevits
Davies	Kosinski	Punt	Irvis,
Dawida	Kukovich	Raymond	Speaker
Dietterick	LaGrotta	Reber	
Dininni			

NAYS—7

Burns	Gruitza	Pistella	Truman
Fischer	Oliver	Preston	

NOT VOTING—6

Baldwin	Fattah	Hutchinson	Richardson
Deal	Hughes		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

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

(Members proceeded to vote.)

VOTES CHALLENGED

The SPEAKER. Are there any questions?

The Chair recognizes the minority leader.

Mr. RYAN. The gentleman, Mr. Carn?

The SPEAKER. I did not hear the name.

Mr. RYAN. Carn. The gentleman, Mr. Carn?

The SPEAKER. The vote is off.

Mr. RYAN. The gentleman, Mr. Petrone?

The SPEAKER. Is Mr. Petrone on the floor? He is not voting.

The clerk will record the vote.

Mr. RYAN. Mr. Speaker, just as you did that, they voted Richardson. Now, I am going to ask to reconsider it again, because the gentleman, Mr. Richardson, is not here and he was voted just as you locked the board.

Mr. MANDERINO. Mr. Speaker, check the gentlemen, Mr. Cimini and Mr. Bunt and Mr. Johnson. See if they are recorded.

Mr. RYAN. Mr. Johnson is sitting here laughing at you, Mr. Manderino.

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

The following roll call was recorded:

YEAS—89

Argall	Farmer	Kennedy	Punt
Barley	Flick	Kenney	Raymond
Birmelin	Foster	Langtry	Reber
Black	Fox	Lashingier	Reinard
Book	Freind	Leh	Robbins
Bowser	Gallen	McClatchy	Ryan
Brandt	Gamble	McHale	Saurman
Bunt	Gannon	Manmiller	Schuler
Burd	Geist	Markosek	Semmel
Bush	Gladeck	Mayernik	Serafini
Carlson	Godshall	Merry	Sirianni
Cessar	Hagarty	Micozzie	Smith, S. H.
Chadwick	Haluska	Miller	Snyder, D. W.
Civera	Hayes	Moehlmann	Snyder, G.
Clymer	Heckler	Mowery	Taylor, E. Z.
Cornell	Herman	Nahill	Vroon
DeVertter	Hershey	Noye	Wass
Dietterick	Hess	O'Brien	Weston
Dininni	Honaman	Perzel	Wilson
Distler	Jackson	Phillips	Wogan
Dorr	Jadlowiec	Piccola	Wright, J. L.
Durham	Johnson	Pitts	Wright, R. C.
Fargo			

NAYS—96

Acosta	Dawida	Levdansky	Rybak
Angstadt	Dombrowski	Linton	Saloom
Battisto	Donatucci	Livengood	Seventy
Belardi	Duffy	Lloyd	Showers
Belfanti	Evans	Lucyk	Smith, B.
Blaum	Fee	McCall	Staback
Bortner	Fischer	Maine	Stairs
Bowley	Freeman	Manderino	Steighner
Boyes	George	Melio	Suban
Broujos	Gruitza	Michlovic	Taylor, F.
Burns	Gruppo	Morris	Taylor, J.
Caltagirone	Hasay	Mrkonic	Telek
Cappabianca	Hayden	O'Donnell	Trello
Cawley	Howlett	Olasz	Truman
Clark	Hutchinson	Oliver	Van Horne
Cohen	Itkin	Petrarca	Veon
Colafella	Jarolin	Pievsky	Wambach
Cole	Josephs	Pistella	Wiggins
Corrigan	Kasunic	Pressmann	Wozniak
Cowell	Kosinski	Preston	Wright, D. R.
Coy	Kukovich	Richardson	Yandrisevits
DeLuca	LaGrotta	Ritter	
DeWeese	Laughlin	Roebuck	Irvis,
Daley	Lescovitz	Rudy	Speaker
Davies	Letterman		

NOT VOTING—11

Arty	Cimini	Hughes	Petrone
Baldwin	Deal	McVerry	Rieger
Carn	Fattah	Maiale	

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

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

Mrs. LANGTRY offered the following amendments No. A1124:

Amend Title, page 1, line 7, by striking out "AND"
Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and further providing for public notice of strikes by school district employees.

Amend Bill, page 7, by inserting between lines 15 and 16

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

Section 1501.6. Public Notice.—Strikes by employes of school districts, intermediate units and area vocational-technical schools as authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall only be permitted after the bargaining unit has given notice of the strike to the president of the board of directors and to two (2) newspapers of general circulation at least twenty-four (24) hours prior to the commencement of the strike. In a district, intermediate unit or area vocational-technical school attendance area where no such newspaper is published, a notice may be posted in at least five (5) public places.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

Mr. RYAN. Mr. Speaker, I think the record should reflect that Mr. Cimini was not voted, and Mr. Punt and Mr. Johnson are here on the floor of the House and were at the time Mr. Manderino—

Mr. MANDERINO. The gentleman's name is Mr. Bunt. Bunt.

The SPEAKER. Mrs. Langtry, they are all enthusiastically greeting your next amendment.

Mrs. LANGTRY. I am sure they are, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady. You may proceed.

Mrs. LANGTRY. Mr. Speaker, amendment 1124 is a very simple amendment, and all it does is require 24-hour public notice be provided prior to the commencement of a strike. The reason for this amendment is that, number one, it is an element of fairness for the students, families, and other community members. It is unfair for parents, especially working parents, and students—

The SPEAKER. Would you yield, Mrs. Langtry?

FILMING PERMISSION

The SPEAKER. We have given permission for Mike Ross of WHTM-TV to record for 10 minutes on the floor of the House.

The Chair has been frustrated this morning, to say the least; at least that is as much as the Chair wants to say publicly. Sit down and remember that you are here to represent the people of this Commonwealth. Now, the next time the Chair is going to invite you individually to leave and may well put your names on record. If that is what it takes, that is what the Chair will do.

CONSIDERATION OF SB 169 CONTINUED

The SPEAKER. You may now proceed.

Mrs. LANGTRY. Thank you, Mr. Speaker.

I will start over again.

Amendment A1124 requires 24-hour public notice prior to the commencement of a strike. Mr. Speaker, existing law does not presently require notice of a strike. The reason I am offering this amendment is that it is simply an element of fairness for students, families, and other community members. If you stop and think about lack of notice before a strike, I think you will have to agree that it is simply unfair for parents, especially working parents, and students to wake up early in the morning to discover that the employee organization and school board have been unable to conclude an agreement and then they have got to scramble to make other arrangements for child care.

There really is no hardship imposed on either side, the boards or the employees, in this requirement. It is simply an amendment that will make life somewhat easier for parents and students. I would just like to add quickly that in the Brownsville school strike the offer was made to provide 24-hour advance notice of a strike.

Mr. Speaker, in this amendment and my other amendment, what I am trying to do is to make life fair and reasonable for our students and parents, and that is also what this amendment does. I urge support. Thank you.

GERMANENESS QUESTIONED

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

Mr. COWELL. Thank you, Mr. Speaker.

If we would follow Representative Langtry's lead today, we will rewrite the Public Employe Relations Act, Act 195, through amendments to the School Code. We ought not to do that.

She was able to persuade a majority in this House a few moments ago that there was some relationship between her prior amendment and the 180-day issue as it is found in the School Code. There is clearly no relationship between this amendment and other provisions of the School Code. This is clearly an amendment to Act 195 and Act 195 only and not appropriately an amendment to the School Code. It deals with advance notice with respect to the right to strike. Those issues are not found in the School Code.

I would argue this amendment is not germane, and I would ask the House to rule that the amendment is not germane to the issue before us.

The SPEAKER. The question of germaneness is for the floor to decide. The question is, is the amendment germane? The gentleman, Mr. Cowell, has suggested it is not germane.

On the question,

Will the House sustain the germaneness of the amendments?

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

Mrs. LANGTRY. Thank you, Mr. Speaker.

I would just repeat what I said earlier on the previous amendment, that the bill that we are dealing with - fair share, agency shop, whatever you want to call it - is a labor issue, Act 195. We are doing that through an amendment to the Education Code, and I am doing exactly the same thing here, not, by the way, with any motive to obscuring the issue, the bill, or wrecking it. What I see is an opportunity; I see a vehicle to bring some fairness into the education system for our kids and our parents, and those are my motives, Mr. Speaker. Thank you.

The SPEAKER. Those who believe the amendment to be germane will vote "aye"; those who believe it to be nongermane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—92

Argall	Dorr	Jadlowiec	Pitts
Arty	Duffy	Johnson	Punt
Barley	Durham	Kennedy	Raymond
Birmelin	Fargo	Kenney	Reinard
Black	Farmer	Langtry	Robbins
Book	Flick	Lashinger	Ryan
Bortner	Foster	Leh	Saurman
Bowley	Fox	McClatchy	Schuler
Bowser	Freind	McVerry	Semmel
Brandt	Gallen	Manmiller	Sirianni
Burd	Gamble	Merry	Smith, B.
Bush	Gannon	Micozzie	Smith, S. H.
Carlson	Geist	Miller	Snyder, D. W.
Cessar	Gladeck	Moehlmann	Snyder, G.
Chadwick	Godshall	Morris	Taylor, E. Z.
Civera	Hagarty	Mowery	Taylor, J.
Clymer	Haluska	Mrkonic	Vroon
Cornell	Hayes	Nahill	Wass
DeVerter	Heckler	Noye	Weston
Dawida	Herman	O'Brien	Wilson
Dietterick	Hershey	Perzel	Wogan
Dininni	Honaman	Phillips	Wright, J. L.
Distler	Jackson	Piccola	Wright, R. C.

NAYS—97

Acosta	Donatucci	Livengood	Roebuck
Angstadt	Evans	Lloyd	Rudy
Baldwin	Fattah	Lucyk	Rybak
Battisto	Fee	McCall	Saloom
Belardi	Fischer	McHale	Seventy
Belfanti	Freeman	Maiale	Showers
Blaum	George	Maine	Staback
Boyes	Gruitza	Manderino	Stairs
Broujos	Gruppo	Markosek	Steighner
Burns	Hasay	Mayernik	Stuban
Caltagirone	Hayden	Melio	Taylor, F.
Cappabianca	Howlett	Michlovic	Telek
Cawley	Hutchinson	O'Donnell	Trello
Clark	Itkin	Olasz	Truman
Cohen	Jarolin	Oliver	Van Horne
Colafella	Josephs	Petrarca	Veon
Cole	Kasunic	Petrone	Wambach
Corrigan	Kosinski	Pievsky	Wiggins
Cowell	Kukovich	Pistella	Wozniak
Coy	LaGrotta	Pressmann	Wright, D. R.
DeLuca	Laughlin	Preston	Yandrisevits

DeWeese	Lescovitz	Reber	
Daley	Letterman	Richardson	Irvis,
Davies	Levdansky	Rieger	Speaker
Dombrowski	Linton	Ritter	

NOT VOTING—7

Bunt	Cimini	Hess	Serafini
Carn	Deal	Hughes	

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

The SPEAKER. Does the lady have any additional amendments?

Mrs. LANGTRY. Mr. Speaker, I am going to withdraw amendment A1116.

The SPEAKER. The Chair thanks the lady.

Mrs. LANGTRY. Thank you, Mr. Speaker.

On the question recurring,

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

The SPEAKER. The Chair now recognizes the gentleman from Chester, Mr. Flick.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Before we recognize Mr. Flick, the Chair has been informed that the gentleman who normally handles the microphones for us has undergone a triple bypass operation. Those of you who have known him will be glad to know he has survived the operation and is now doing well in the recovery room.

CONSIDERATION OF SB 169 CONTINUED

On the question recurring,

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

Mr. FLICK offered the following amendments No. A1264:

Amend Bill, page 7, by inserting between lines 15 and 16

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

Section 1501.6. Public Notice.—Strikes by employees of school districts, intermediate units and area vocational-technical schools as authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall only be permitted after the bargaining unit has voted to authorize a strike at least twenty-one (21) days prior to the date the strike commences. The bargaining unit shall give notice of the strike by sending a registered letter to the president of the board of directors and to two (2) newspapers of general circulation. In any district where no newspaper is published, said notice may, in lieu of such publication, be posted in at least five (5) public places. If a strike is authorized, fact-finding, as specified in the "Public

Employe Relations Act," shall begin within two (2) days and the report shall be completed within two (2) weeks of the date the strike was announced. Within three (3) days of the issuance of the report of the fact finder, the board of directors and the bargaining unit shall notify the Pennsylvania Labor Relations Board, and each other, whether or not they accept the recommendations in the fact-finding reports. If either party rejects the recommendations, the findings shall be made public. The bargaining unit may not engage in a strike or work stoppage until the bargaining unit has fulfilled its responsibilities under this section. The school district shall forfeit a sum equal to the daily wages or salaries of the striking employes for each day the board of directors has not fulfilled its responsibilities under this section.

Section 1501.7. Secretary Authorized to Seek Injunction.—

(a) If the board of directors does not seek an injunction to halt a strike or work stoppage at the point where one hundred eighty (180) days of instruction cannot be provided based upon the school calendar as originally adopted, without extending the school year or scheduling classes over the vacation period established for the Christmas and New Year's holiday season, then the Secretary of Education shall petition a court of competent jurisdiction for an order to terminate the work stoppage.

(b) This section shall not apply in the case of a lockout or work stoppage constituting an unfair labor practice by the employer pursuant to the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

AMENDMENTS WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick, on the amendment.

Mr. FLICK. Thank you, Mr. Speaker.

The first amendment which I had intended to offer I have decided to withdraw because of the previous voting patterns of my esteemed colleagues. So I would like to withdraw that and move to an amendment which I believe we can all support, the second amendment I offer.

The SPEAKER. Amendment A1264 is withdrawn.

On the question recurring,

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

Mr. FLICK offered the following amendments No. A1265:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting
; and further providing for the minimum number of school days.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. Section 1501 of the act, amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.—

(a) All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred

eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

(b) In the event it appears that a school district will not be able to keep schools open in any school year for a minimum of one hundred eighty (180) days of instruction for pupils as a result of a work stoppage, the Secretary of Education may petition the court of common pleas in which jurisdiction lies to issue an order to terminate the work stoppage. The Secretary of Education shall assist the school district in providing one hundred eighty (180) days of instruction by June 30 of the school year in which the work stoppage took place.

(c) Twenty days of actual teaching shall constitute a school month.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick, on the amendment.

Mr. FLICK. Thank you, Mr. Speaker.

Several minutes ago this chamber chose not to place in law a mandatory 180-day provision for the education of our children. If that is the case, I accept that. This amendment, though, will provide the Secretary of Education with the ability to seek an injunction if he feels or she, in the case of a woman, feels that the 180-day rule will not be met by June 30. It is a "may" provision.

At the present time we in the Commonwealth of Pennsylvania spend several billion dollars for the education of our children, and the only individuals, if a work stoppage occurs, who can seek an injunction are the local school board members. We in the State only have the ability and the authority to withhold funds.

I think that we need to give the Secretary of Education another quill in his quiver. I think we need to give him the ability to go into the courts and seek an injunction when he feels it is appropriate to do so. It does not say he must. It says the Secretary "may," and I would urge my colleagues in the House to support this amendment. Thank you.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, under current law, in any case where there is a work stoppage in a school district, the local school board has the right to seek an injunction. They have standing in court, as was suggested by the maker of this amendment. They can choose to pursue that avenue or, for whatever reasons may be appropriate at that local level, a school board may choose not to pursue that avenue at any given time.

What the amendment would do would be to put the Secretary of Education and the judgment of somebody in Harrisburg before the judgment of our locally elected school board officials. I do not think that is appropriate. There is already relief available under the current law in the case of a work stoppage. Any school board affected by a work stoppage has standing in court. They can go in and ask for injunctive relief. We do not need the Secretary of Education to do it for them. We certainly do not need somebody in Harrisburg to put his or her judgment before the judgment of our locally elected school board officials.

Furthermore, since this is really only a cosmetic change and adds nothing substantial and perhaps takes away from the current law, again I have to characterize this as another roadblock to the real issue before us, the fair-share-fee legislation. Let us not get off the track. Let us not let our attention be diverted to some of these Christmas-tree type issues. Let us reject this amendment and get on with the business.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I disagree with the gentleman in some respects. I think what this amendment does as opposed to the existing law, my understanding of what took place out in the western part of the State with the school district in Mrs. Langtry's district is that the courts came down and said, we are not going to interfere; we are not going to issue an injunction because we do not believe there is a clear and present danger that the health, safety, and welfare of the school district's children is involved. Here you have eliminated that issue, and by specifically giving the Secretary of Education the right to come in, I believe you have said to the courts, it is no longer necessary for this person, this Secretary of Education, to show a clear and present danger. The legislature has said, simply by virtue of the fact that less than 180 days of schooling will be available to these children, the Secretary has the right to come in, and parenthetically that constitutes a clear and present danger.

So I think there is a difference. I think this amendment serves a useful purpose. If we are intending by our actions or if we want to help school districts that have the potential of having less than 180 days of schooling, then I think this amendment addresses that issue.

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

The following roll call was recorded:

YEAS—75

Argall	Duffy	Hess	Piccola
Barley	Durham	Honaman	Pitts
Birmelin	Fargo	Jackson	Punt
Black	Farmer	Jadlowiec	Reinard
Book	Flick	Johnson	Robbins
Bowser	Foster	Kennedy	Ryan
Brandt	Fox	Langtry	Saurman
Burd	Freind	Leh	Schuler
Bush	Gallen	McClatchy	Semmel
Carlson	Gamble	McVerry	Sirianni
Cessar	Geist	Manmiller	Smith, S. H.
Chadwick	Gladeck	Merry	Snyder, D. W.
Clymer	Godshall	Miller	Snyder, G.
Cornell	Hagarty	Mowery	Taylor, E. Z.
Dawida	Haluska	Nahill	Vroon
Dietterick	Hayes	Noye	Weston
Dininni	Heckler	O'Brien	Wilson
Distler	Herman	Perzel	Wright, J. L.
Dorr	Hershey	Phillips	

NAYS—115

Acosta	Evans	Lucyk	Rudy
Angstadt	Fattah	McCall	Rybak
Arty	Fee	McHale	Saloom
Baldwin	Fischer	Maiale	Serafini
Battisto	Freeman	Maine	Seventy
Belardi	Gannon	Manderino	Showers
Belfanti	George	Markosek	Smith, B.
Blaum	Gruitza	Mayernik	Staback
Bortner	Gruppo	Melio	Stairs
Bowley	Hasay	Michlovic	Steighner
Boyes	Hayden	Micozzie	Stuban
Broujos	Howlett	Moehlmann	Taylor, F.
Burns	Hughes	Morris	Taylor, J.
Caltagirone	Hutchinson	Mrkonic	Telek
Cappabianca	Itkin	O'Donnell	Trello
Cawley	Jarolin	Olasz	Truman
Civera	Josephs	Oliver	Van Horne
Clark	Kasunic	Petrarca	Veon
Cohen	Kenney	Petrone	Wambach
Colafella	Kosinski	Pievsky	Wass
Cole	Kukovich	Pistella	Wiggins
Corrigan	LaGrotta	Pressmann	Wogan
Cowell	Lashinger	Preston	Wozniak
Coy	Laughlin	Raymond	Wright, D. R.
DeLuca	Lescovitz	Reber	Wright, R. C.
DeWeese	Levdansky	Richardson	Yandrisevits
Daley	Linton	Rieger	
Davies	Livengood	Ritter	Irvis,
Dombrowski	Lloyd	Roebuck	Speaker
Donatucci			

NOT VOTING—6

Bunt	Cimini	Deal	Letterman
Carn	DeVerter		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

WELCOME

The SPEAKER. The Chair welcomes in the gallery the Chapel Christian Academy Handbell Choir, who are the State champs in this State and they are the second-place champs in the Nation. They are standing. Welcome to the hall of the House. They are the guests of Representative Leh and Representative Reber.

ANNOUNCEMENT BY MR. MICHLOVIC

The SPEAKER. Mr. Duffy wishes to make an announcement.

The Chair recognizes the gentleman from Allegheny, Mr. Michlovic. Are you making the announcement for Mr. Duffy?

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, immediately at the call of the break for lunch there is a meeting of the Allegheny County Democratic delegation in room 123 of the South Office Building. It will be a very short meeting. Thank you, Mr. Speaker.

JUDICIARY COMMITTEE MEETING

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

Mr. DeWEESE. Mr. Speaker, the House Judiciary Committee will meet immediately upon the call of the recess in room 22 of the Annex building, and we would especially welcome Mr. Acosta and Mr. Showers and Mr. Evans. Their bills will be considered. Thank you.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. COHEN. Mr. Speaker, the House Labor Relations Committee will resume the meeting that was recessed earlier this morning in the rear of the hall of the House immediately upon the call of the recess.

RECESS

The SPEAKER. The House will recess for 1 hour - 1 hour and 7 minutes - until 2 p.m.

The House stands in recess until 2 p.m.

AFTER RECESS

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

The SPEAKER. Members please report to the floor of the House for the afternoon session.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 262, PN 283 By Rep. COHEN

An Act amending the act of June 1, 1937 (P. L. 1168, No. 294), known as the "Pennsylvania Labor Relations Act," further providing for unfair labor practices; and imposing an obligation upon persons who acquire certain businesses.

LABOR RELATIONS.

HB 694, PN 753 By Rep. COHEN

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for collective bargaining in school districts of the first class.

LABOR RELATIONS.

BILL REREPORTED AND REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT

HB 994, PN 1096 By Rep. OLIVER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for an opportunity for municipalities to purchase real property being disposed of by public utilities.

STATE GOVERNMENT.

The SPEAKER. Permission is granted for the members to remove their jackets through the spring and summer months without further permission being required. Those members who wish to remove their jackets during the spring and summer months may do so without additional requirements requested of the Chair.

CALENDAR CONTINUED

CONSIDERATION OF SB 169 CONTINUED

On the question recurring,

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

Mr. FREIND offered the following amendments No. A1217:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and further providing for payment of an economic supplement and minimum increases.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. Section 2502.5 of the act is amended by adding a subsection to read:

Section 2502.5. Limitation of Certain Payments.—***

(f) School districts of the first class which do not qualify for the economic supplement as defined in section 2502.11(c) shall not receive a minimum payment increase in the equalized subsidy for basic education as provided in this act.

Section 4. Section 2502.11(c) of the act, amended June 29, 1984 (P.L.438, No.93), is amended and the section is amended by adding a subsection to read:

Section 2502.11. Economic Supplement.—***

(c) For the school year 1982-1983 and each school year thereafter, any district which levies and collects local taxes for school purposes equal to or above the median equalized millage, as defined in section 2501(9.3), in the year for which reimbursement is determined shall qualify for and receive a payment based upon local tax effort and population per square mile in accordance with the following table, except for qualifying districts which include a central city of a Standard Metropolitan Statistical Area and have a district population of less than four thousand (4,000) persons per square mile, which districts shall receive three percent (3%) of their instructional expenditures:

Population Per Square Mile of the Qualifying District	Payment as Percent of Instructional Expenditure
5,950 and over	5
4,000 - 5,949	3
less than 4,000	1

Notwithstanding the provisions of this [subsection,] table, qualifying districts having a general population of five thousand nine

hundred fifty (5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADMs shall be paid nineteen percent (19%) of their instructional expenditures.

(d) Notwithstanding the provisions of subsection (c) and section 2502.5(f), school districts of the first class may, prior to September 1, 1987, reopen the budget for the 1987-1988 school year to levy additional taxes authorized by the city council of a city of the first class, in order to qualify for payments under subsection (c) of this section. For the purposes of determining qualification for payments under subsection (c), additional anticipated tax revenues provided to school districts of the first class between the effective date of this subsection and September 1, 1987, shall be credited for the 1986-1987 school year for payments allocated in the 1987-1988 school year.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Bill, page 7, by inserting after line 30

Section 7. The amendments to sections 2502.5(f) and 2502.11(c) and (d) shall not apply to payments under the act to which this is an amendment made to school districts of the first class prior to the 1987-1988 school year.

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

8

On the question,

Will the House agree to the amendments?

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

Members are advised to get promptly to the floor. The Freind amendment is an amendment which will not be routine, putting it mildly. Mr. Freind, in all fairness, has asked that the members be on the floor. He does not want his amendment run in the absence of some members.

Members are urged to get to the floor promptly so we may proceed.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members who have been asking the Chair about the Pennsylvania young men who died in the tragic "accident," in quotation marks, the destruction of the Stark frigate over in the Persian Gulf, there were three young men from Pennsylvania. We are going to memorialize them next week. We do not have all the information on the third young man, and rather than deal with the deaths of two young Pennsylvanians and then go back for the third, we will wait until next week to take up those condolence resolutions.

If anyone has information on the third young man, Mr. Burns would appreciate getting that information. He has not been able to get all the information we require. If any of you do know about the third young man, please see Mr. Burns.

CONSIDERATION OF SB 169 CONTINUED

The SPEAKER. Very well, Mr. Freind. They have been warned. You may now discuss your amendment.

Mr. FREIND. Thank you, Mr. Speaker.

This amendment is the equity-in-education-funding amendment. Its provisions are identical to the provisions of HB 1399, which was introduced yesterday with 95 sponsors. Each one of you has received two detailed memos and a number of printouts explaining precisely what the present situation is and what we are attempting to correct. Accordingly, I will try to be relatively brief.

You know, every year we fund several billions of dollars to our public school districts, to the 501 of them, and we do it by a formula that varies from year to year, but if you put it on the blackboard, it would look like the formula for the atomic bomb. What we try to do is come up with a formula that helps as many districts as possible.

A number of years ago we came up with the economic supplement. What the economic supplement said was that if you qualified, depending on the size of your district, you would receive 1 percent, 3 percent, 5 percent, or 19 percent of your average instructional expenditure. The only two school districts that qualified for the 19 percent, because of their size, are Philadelphia and Pittsburgh. Fine. No problem. What you had to do to qualify for the economic supplement was have a tax effort that matched at least the State median. The premise of the economic supplement was that God helps those who help themselves. So if your local tax effort, which is sent to Harrisburg and put into equalized mills for purposes of comparison, if your local tax effort was number 1 through 251, half of the school districts, in the top half, then you qualified for the economic supplement.

Three years ago the Philadelphia School District came to this legislature and said, we have a problem. The district said it was a temporary problem. Because of new construction and redevelopment, they were not going to meet the local tax effort median, and they asked to be exempted. We helped them out and we exempted them. Some of us tried to argue, unsuccessfully on the floor, that if their problem was temporary, as Philadelphia said it was, if the problem would be solved in 2 years, as Philadelphia said it would be, we ought to put a 2-year sunset, but we did not. We gave them a permanent blank check exemption. What we said, therefore, and what we are still saying in the law today is you have a dual standard. Five hundred districts, to get the economic supplement, have to tax up to the State median, but you, Philadelphia, you do not. You do not have to meet that local tax effort and you are still getting the money.

How much money are we talking about? In the first year—3 years ago when we gave them the exemption—it was \$111 million they got that they did not earn. The next 2 years it was around \$130 million each year. Right now we are up to about \$350 million, \$360 million. This year, unless we do something, it is another \$140 million, which will mean that in 4 years we have given to the city a half a billion dollars that it did not earn.

Now, I gave you some printouts, and the first printout I gave you listed in rank order how much money per average student each school district got. The No. 1 school district is Chester-Upland. They got \$2,092 per student. That runs all the way down to the last school district, which is Wyomissing, which received \$319. Number 2 on that list is Philadelphia - \$2,051 per student.

The next list I gave you in rank order was the local tax effort of each school district. Now, I said before Chester-Upland was No. 1 in how much it got from the State, but if you look at the printout, in fairness to Chester-Upland they are No. 2 with respect to their local tax effort. It is 35.7 mills. Where is Philadelphia? Now remember, you have to be from 1 to 251 to qualify. Where is Philadelphia? Philadelphia is No. 316. They are 65 spaces below where they should be to qualify. Temporary problem? It is not 2 years anymore; it is 4 years.

Now, what is really irritating is Philadelphia is bragging about it. Look in the newspapers in January and February and they will tell you that the school district has a \$63-million surplus. That is wonderful, except we are paying for it. We are giving them an exemption that no other district has. So what we did was we gave you another printout, and that printout had five columns. The first column said, this is what you got, each school district, last year; the second column said, this is the increase you will get under the Governor's proposal; and the next three columns were three proposals of what we could do with the \$140 million. That is detailed for you in the memo. Column 3 said that what you do is take that, utilize a fee of \$2,197, a 2-percent minimum increase, and fully fund the formula, something every educational group has been trying to do for the last 15 years. Columns 4 and 5, we adopted the recommendations of the Education Coalition. Column 4 has a fee of \$2,242, a 2-percent minimum increase, 10 1/2-percent maximum, a minimum guarantee of 97 percent. The last column uses the ASAP (as soon as possible) proposal of \$2,242, 90-percent guarantee, and a per-pupil payment of \$36.47.

I imagine by now you have looked at those columns. If you look at those columns, you will notice what it does for your school district. Just a couple examples:

Adams County will pick up, depending on which one you use, about an additional \$1.8 million. Beaver County, Frank LaGrotta and Charlie Laughlin, they will pick up an additional almost \$3 million. Crawford County, Connie Maine, will pick up an additional \$1.4 million, depending which option you use. Northampton County, a couple of Frank Yandrisevits' school districts, Northampton will pick up an additional half a million dollars. Pen Argyl will pick up an additional \$150,000. Did I have a request for Lackawanna County? I have a request for Lackawanna County. The Scranton School District will pick up, utilizing column 3, an additional \$2.3 million.

What the amendment does is say no more free ride, no more sacred cow. If you do not tax up to the median, you do not get the money. But just so we are not penalizing Philadel-

phia, we give them a window. We say if on or before September 1 you get your act together, do what the other 251 districts are doing, tax up to the State median by September 1, you do not lose the money.

Now, keep in mind this amendment does not redistribute the money. It denies the \$140 million from Philly, but it does not redistribute it because it is not time yet. The time to redistribute it is at budget time, and it is no problem with our computers. What we can do is come up with a subsidy, a conditional subsidy, as to how much each school district will get if Philadelphia does not qualify and how much if it does qualify.

The majority leader is going to get up and speak eloquently, as he always does, that time and again we help out many districts many different ways, and you are right. We play with the numbers 85 percent up to 90 percent, 2-percent minimum, hold harmless. We have done those things. Density, sparsity, superdensity - we have done those. And you have to do that to get enough votes to pass a subsidy formula, but there have to be limits as to how far you can go, and when you set one school district up to be a sacred cow and penalize the other 500 school districts to the tune of a half a billion dollars in 4 years, something is sadly wrong.

I would ask you to look at the numbers, look at your districts, and I would really appreciate your consideration for this amendment. It happens to be, in my opinion, for all of us the right thing to do. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman who offers the amendment has argued that we must put an end to special treatment for Philadelphia, but even he himself acknowledged that other speakers would be able to rise on the floor of this House and correctly point out that we give special treatment in special ways to many districts. I think anybody that has been around this legislature for more than one budget season recognizes how the budget process works and particularly how the school subsidy process works - basically try to determine equitable ways of driving dollars to the 501 school districts - and sometimes we have to do what may be characterized as pretty strange things to drive the dollars where they are needed.

We created last year an arbitrary new category. We picked school districts that did not have growth in their personal income over the preceding 3 years. Why 3 years? Because we decided among us that that was a fair way of doing it. We drove additional dollars to some 90 districts around this State because they did not have growth in their personal income, and we thought that had some correlation to unemployment in those districts. That was totally arbitrary. We could have probably come up with a dozen ways of doing it. We could have made it 110 districts or 70 districts instead of 90. We could have said 4 years or 2 years instead of 3 years. But we used that last year as a way of driving some additional dollars to some 90 districts that had special needs.

Each year we drive additional dollars to small districts on a very arbitrary basis. We say those districts that have enrollment of 1,500 or less. It could be 1,000. It could be 1,200. It could be 2,000. But in our collective wisdom as we have considered that issue in the context of what we do with all of the ESBE (equalized subsidy for basic education) dollars, we have decided on an annual basis that that was an appropriate way of doing it. And we reevaluate that each year as we pass the budget, not in the context of a School Code debate, not in the context of an agency shop debate, but as we pass the budget during the final days of June.

The gentleman has offered an amendment that no responsible educator in this Commonwealth will support. It is great for a news release. It might even get somebody a few votes, but no responsible educator from any of our 501 school districts would suggest that we seriously consider a proposal that if fully implemented would take one-third of the State dollars away from the largest school district in this Commonwealth. I do not represent that district, but I recognize how foolish that kind of approach would be, and it is totally irresponsible to suggest that we would allow that to be an outcome, because we in this legislature, particularly those of us who do not represent Philadelphia, would not want to begin to think of the costs that ultimately would be incurred if we eliminated that kind of subsidy appropriation for that district and said fend for yourselves. The kinds of costs that might ultimately be incurred - educational costs as well as welfare costs as well as other kinds of things that we could not begin to calculate - would far exceed, I suspect, a \$140-million figure.

The gentleman suggested, however, that we have got something to gain, because there is a printout here that says that one county will get 3 million and another county will get 1 million and another county will get a few million dollars. Do not spend it, and do not let your school districts think they might spend it. And do not do them the disservice even today of even hinting that those dollars might become available, because they will not. We recognize, first of all, that there is no distribution of those \$140 million in this amendment. So you are not by voting for this amendment voting for any additional dollars for your district. You are not. All you are doing is voting to take away, potentially, money from another district, but you are not voting to benefit your district or any other district outside of Philadelphia.

In fact, it would be impossible for us to do what the maker of this amendment suggests. He said the time to distribute these dollars will be at budget time later on in June. We cannot do that. He acknowledged that there is a window in this amendment. Philadelphia would have until September to raise their taxes and to be eligible for the \$140 million. If we put it in the budget at the end of June, if we try to spend it at the end of June, we will seriously risk spending the \$140 million twice, an act of fiscal irresponsibility particularly for those who do not want to put themselves in a position of voting for tax increases to pay for that bill or those dollars that they would choose to spend twice, because in fact you would spend those dollars twice. So we will never get to see

those dollars. They are not included in this amendment for our school districts, and we would not be able to include them in the budget because Philadelphia would have until September to lay claim to the \$140 million.

Let me also suggest that the gentleman's approach is absolutely out of sync with what the professional educators and the leaders of many of our school districts around the Commonwealth in fact are suggesting. Our Education Committee, Republicans and Democrats alike, conducted for the first time five hearings around this State during May on issues related to the budget. We asked school districts and school officials to offer their comments to us, and nobody came before that committee, no representative of any of your districts or any of my districts, because they sought to act responsibly, none of them came and said let us do something akin to the Freind amendment. Instead, the Pennsylvania League of Urban Schools, which represents many of our larger school districts outside of Philadelphia, suggested for serious consideration by the legislature that we simply end this criteria or this test of median level of taxation and instead extend the economic supplement to all of our districts, all 501, rather than just the 50 percent that exceed the median level of taxation. And I think that that kind of suggestion deserves some consideration. It certainly has a lot more merit than this fly-by-the-seat-of-your-pants idea that suddenly we are going to take \$140 million from one district and hold it out there as a promise but not give it to the other 500 districts around the State.

This amendment is irresponsible. It would unfairly treat the largest district in this Commonwealth, something that we have on an annual basis had an opportunity to address as we passed the budget and as we passed School Code amendments dealing with ESBE each year and as we will do later during the month of June. But worse than that, it holds out a false promise. It holds out a false promise that some of our districts will get some additional money. They will never get it. It is not provided for in this amendment. It cannot be provided for in the budget in June, because, as I suggested, we are going to have to put it aside for Philadelphia because they have until September to lay claim to it. And it will not do any good to talk about a contingency distribution of those dollars, because your school districts and my school districts are making decisions during the month of June in terms of how much money they can expect to get from the State and what their responsibilities will be in terms of generating local revenues. We do them a disservice to jerk them around and say, well, we might give you some extra money in September, because they are not going to be able to count on it. And they are not going to risk getting burned, so they are going to make the budgetary and tax decisions in June predicated on what we really put in the budget in June rather than some fancy printout that says you might be eligible for some additional money in September or October. That is a disservice to those school districts. This amendment is irresponsible. I urge that we defeat it.

The SPEAKER. On the amendment, the Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, the gentleman, Mr. Freind, has been here before with this amendment. It is not the first time we have seen it. The last time we saw the amendment I think we refused to suspend the rules to consider the same, and I think we did a wise thing at that time. We in permanent law relieved the largest school district in this State from one of the requirements that all of us must meet. Now, that is not unusual. What we ought to test the Freind amendment by is, is it fair? Is the way that we distribute money at this time fair given all of the circumstances?

First, we have the largest school district by far in the school district of Philadelphia. Probably 13 or 14 percent of the students in public schools are in public schools in the city of Philadelphia. Why is it that one school district under the economic supplement gets a 1-percent reimbursement if it has less than 4,000 WADM's (weighted average daily membership), and if it goes above 4,000 WADM's, it gets 3 percent? What is fair about that? What is fair that one district gets a 1-percent reimbursement under that same section and another district simply because they have 5,900 WADM's will get a 5-percent reimbursement? What is fair about that? What is fair about that is when you look at the whole formula, it is not doing badly across the State. Mr. Freind's own home district does not do badly. With the guarantees of the 2 percent every year, he is probably receiving a lot more money than he would be if we applied the formula without the guarantees to his district. But what is important is that the Philadelphia people in their school district pay about \$356 million towards the support of their school district. That represents about 40 percent of the total cost. Now, how many of you in your school districts have higher reimbursements? I will tell you. Over 60 percent of the people sitting in this room in their school districts have higher reimbursements overall than the school district in Philadelphia.

Now, what are we talking about, equalized mills? Let us talk about equalized mills. How far do they not meet the mark? How far are they off the mark in Philadelphia? Equalized mills across the State—I do not know whether Mr. Freind told you—is 19.3. Is that right, Mr. Freind?

Mr. FREIND. That is right, Mr. Speaker.

Mr. MANDERINO. Philadelphia's is 18.3, 1 equalized mill difference. One mill in the city of Philadelphia raises \$6 1/2 million, \$6 1/2 million. That is what 1 mill raises in the city of Philadelphia. He wants to take off of them \$150 million, which is over one-third of the money we give them or one-third of the money that their budget represents. Now, how are we going to do that to 200,000 kids that the Constitution says it is our responsibility to educate?

We have, as Mr. Cowell indicated, all sorts of funny things, funny in terms of unusual things, done in the school formula. Why, there was a time when the city of Altoona, represented by, as I remember, in the Senate, the pro tempore of the Senate, was in desperate straits and needed extra money, and a piece was put in the formula which still remains there today, spending \$5 million every year, a piece was put in that said if you were in a standard metropolitan statistical area—and

there are five of those in the State, I guess, or ten; I do not know how many—and you were the central city in that SMSA, you got extra money. Altoona got \$500,000 extra through that, and Williamsport got some \$400,000 extra, and about 10 other school districts got the extra money and they are still getting it today, and I think there is good reason for that.

What I am saying to you is, if you would say, well, why do I not get that extra money in my district, it is unfair, I am saying it is not unfair unless the total formula is unfair to you, because those districts that we just mentioned probably do not get any of the small school districts' money we have put in. They do not get any of the moneys in the areas of some of the other special items we have put in the formula.

You know, Mr. Freind keeps, I am afraid, fighting the Sterling Act problem that he has on every piece of legislation that comes up. He wants to bash Philadelphia, get those guys. Well, those guys are our students in Philadelphia; they are our kids. There are 200,000 of them, one-twelfth of the students that we educate. It is one-third of the money we give them that he wants to take off of them because they missed by one the equalized mills that all of us meet. Now, they missed by one because we said it was okay for you to miss. We passed it in the law. It is permanent law that says you do not have to meet that standard. We recognize that you as the largest school district have a special problem, and we said you do not have to meet that standard. And that standard that they do meet is awfully close to what we are all meeting. An equalized mill is a fraction of the moneys raised in Philadelphia and across the Commonwealth. One equalized mill is probably equal to 3 or 3 1/2 mills in the city of Philadelphia, and they impose some 77 mills in the process.

Measure what Philadelphia receives in their school district by standard of fairness. Do not pick this one little element and decide whether it is fair for them to meet certain criteria and others not to meet, because we all meet different criteria in the formula. Small districts do not meet what the big districts do. Big districts do not meet what the small ones do. Metropolitan statistical areas, central cities, do not meet what the rest of us do. WADM's of 4,000 do not meet what 5,000 do, and 5,000 do not meet what 6,000 meet. It is all different. But remember, overall Philadelphia and the people there still pay 40 percent of the costs of educating those children, and 60 percent of us in here do not do the same in our school districts.

Mr. Speaker, I ask that we do what is fair and defeat the Freind amendment.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I do not believe that I have a reputation for being a Philadelphia hater or baiter. Let me tell you what bothers me about this.

I agree with a lot of what Mr. Manderino said, as I usually do, and he has a way of putting things—you know, getting right to the heart of the matter—and he wants to do what is

fair. Well, you know what annoys me probably as much as anything about this whole situation that we find ourselves in now as we look at Mr. Freind's amendment is not that it is fair or unfair, because, as Mr. Manderino points out, we do fair and unfair things on a pretty regular basis depending on who is in the majority, but what bothers me more than anything about this is 2, 3 years ago Philadelphia was up here, and what did they do? I think they conned us. That is what annoys me. They did not come up here and say, hey, we have got a super problem that we need a super solution for for an indefinite term, but rather Philadelphia came up here and said we have got a temporary problem because we are in the process of reassessing our city real estate, or whatever it was, and during that period of reassessment the assessments are so low that we are not getting in enough tax dollars to meet the criteria of this school formula, so give us a couple of years until we can catch up.

Well, we gave them a couple of years till they could catch up, and during those couple of years they had a \$63-million surplus this year, so I guess their assessments picked up. It is 1 mill that generates \$6 million. It just seems to me that they could have done with less than the \$63-million surplus and given that back to us. Why should we let them have a surplus to take care of their temporary problems while we the taxpayers of the State, the school districts of the State, pay for this privilege?

I think what bothers me is the idea that Philadelphia can come up here and con us, maybe even lie to us, and I should not say that, I guess; but when they come up here and tell us they need a 2-year break, give us a break for a couple of years until we straighten out this assessment problem, and then come back and cry the blues that it is unfair now when we went along with them for twice the number of years that they asked for, that is when we become fools. And I think we are fools if we allow ourselves to be conned and then roll over and say, yeah, but they have a special problem. Our schools all have special problems, and we try and address those special problems; and in many cases they are unfair, the solutions that we give. And when we are unfair, it is in good faith; we are trying to act reasonable. But when you come up here and you con me and you tell me one thing and you lie to me, then do not ask for a break now. It is not unlike the man in court who has killed his mother and father, and he is looking for a break because he is an orphan. I think at that point we are stupid.

I am all in favor of the Freind amendment, and I think we should support it.

The SPEAKER. The Chair recognizes the gentleman from Bradford, Mr. Chadwick, on the amendment.

Mr. CHADWICK. Thank you, Mr. Speaker.

I have in my district a school district that is among the top 10 in the State in taxing in terms of equalized mills. It is a poor community. The railroad shops have closed. The Ingersoll-Rand plant has laid off hundreds. The Environmental Protection Agency has mandated a multimillion-dollar secondary treatment plant. It is an older community and they cannot pay

for it. It is very difficult for me to go home and tell the people of that community, the members of the school board and the administrators of this district which is taxing among the top districts in the State, that \$140 million is going to the Philadelphia School District when they are not taxing above the median as every other district is required to do.

I am not here to bash Philadelphia. I like Philadelphia, but I think that they should play by the same rules as the rest of us. They have until September under this amendment to move their taxes above the median.

I think we should support the Freind amendment. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware, Mr. Freind, for the second time.

Mr. FREIND. Just a couple of points, Mr. Speaker.

Mr. Cowell indicated that we could not do this at budget time because of the September 1 window. I think we all know that is no problem whatsoever. It is the easiest thing in the world to do to come up with a conditional subsidy, particularly since the first subsidy payment which comes in August is only a 15-percent payment and it is based on what you got last year. So mechanically there is no problem whatsoever.

Secondly, I want to congratulate the majority leader. I have always had tremendous regard for him. He is extremely effective. He can get up here and tell us that our school districts are not doing badly. Why do you not go back to your school district and tell them that? A formula which is still below the 50-percent full funding of education, a formula that for many districts is not up to being 100 percent of the State effort, a formula that requires our school districts in most parts of the State, particularly in western Pennsylvania with the economic problems they have, to go back to the well time and again and again and increase the millage. Now, if you can convince those people that they are not doing badly, then I think you have a few watches you want to sell them, too.

We talked about an equalized mill, and Mr. Manderino would have you believe that Philly is only 1 mill below. They are 1 equalized mill below. That comes to between 5 and 6 mills. And if Mr. Manderino is correct that it is not that much, then the answer is, as Mr. Ryan said, fine; do what everybody else does; increase the millage by that small amount and you will be able to qualify.

We were not in the leadership—I was not in the leadership; most of you were not—when we developed the economic supplement formula. Now, if you do not like the formula, let us get rid of it. But the formula says, God helps those who help themselves, and it is absolutely inherently wrong to give this type of an exemption.

Sure, I have said before that we play games; we try to help the districts out. We give 19 percent to Philadelphia because of its size and density. No problem. We help Philly out when we jack up the appropriation for nonpublic school transportation, as well as we help a lot of the suburbs because it goes in per capita. The same thing with vo-tech. We do this for a lot of our districts. What we have to ask ourselves though is,

where do you draw the line? Sure there is help, and then there is a rip-off.

I am not a Philadelphia basher. Notice that I paused; notice that I paused. But what I am getting tired of is Philadelphia time and again bashing the rest of this State, and I think it is time that we put an end to the sacred cow status. This amendment, regardless of where you come from when you look at the issue, is absolutely logical, absolutely consistent. It is the right thing to do. I hope for once we do it and we pass the amendment. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

In summary, Mr. Speaker, we have heard discussion about the temporary nature of this exception for Philadelphia. Read the law, the law we passed. There is no mention in there about it being temporary. There is no mention in there that it is just for 1 year or 2 years. We made it permanent. Philadelphia did not make any kind of commitment. We made it a permanent exception. There are no other examples in the law, particularly in terms of school subsidy law, where we have given money to districts in one year and taken it away from them another year. If we would do that to Philadelphia in this case, we set a precedent that could put at risk each and every one of our school districts. We have always tried to guarantee some kind of stability, not because it makes the politicians happy but because it is the best way of insuring sound education, quality education programs in all 501 districts. Let us not jerk around any one district or any group of districts with this kind of gamesmanship.

Mr. Freind suggested that there is no problem with conditional budgets. Can you imagine how you will be laughed at if you go back to your school directors or your school superintendent and tell them, we know you have got to pass a budget in June and we know you have got to set tax rates and we might give you some extra money in October; we might. And they are going to say, what impact is that going to have on the taxes that we have to set in June or the budget that we have to establish in June? It will have absolutely none. At best it will cause confusion; at worst it will cause you embarrassment and cause mayhem in your particular districts if anybody would be so foolish as to count on that conditional appropriation.

If we in fact would pass a conditional appropriation in June, we in fact would pass that \$140 million twice. We would spend it twice. And we remember there is a requirement that the Governor sign a balanced budget, and so that budget is going to be \$140 million out of whack because on the one hand we are going to say Philadelphia is eligible for it and on the other hand, conditionally, we are going to be spending it among the other 501 districts. So right off the bat, the budget is going to be \$140 million out of whack, and somehow you and I will have to provide for that by taking away from other expenditures or perhaps by increasing taxes, if that is what the majority sees fit to do.

Finally, keep in mind that because of the way this amendment is structured, there is not really a single dollar in this amendment for any of our districts. It acts only in a punitive fashion against Philadelphia. It does nothing for any of the 500 districts outside of Philadelphia. Each and every one of us can vote against this amendment and honestly say that we did not vote against any additional dollars for our other 500 districts, because there are no other dollars, no additional dollars in this amendment for the districts outside of Philadelphia.

I urge that we do the responsible thing for education in this Commonwealth and that we defeat this amendment.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it sounded like Mr. Cowell was writing a political brochure there at the end for those of you who vote against the amendment. Vote against the amendment and you do not have to worry about going back to your district and saying that you deprived them of 140 million dollars' worth of distribution. I suggest that it is a little tougher than that to reason your way out of it. I only wish that the only problem that all of us ever had was this terrible, serious problem of going through the summer with the possibility that we may have another \$140 million to give to our school districts in Pennsylvania.

I know that everybody will be voting and on the floor for the vote and would not dare think of voting their neighbor, because they may be voting them out of office. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, again I ask you to be fair in casting your vote on this amendment.

You know, I took the time to look up Mr. Freind's school districts. You know, we judge what we give to school districts by how wealthy that district is. Across the State in all of our districts there is an average of \$80,000 of real estate value behind every student in the school system and an average of \$40,000 behind every student so far as income is concerned; \$80,000 real estate value, \$40,000 income on the average across the State.

Now, in Mr. Freind's school districts—and he has three of them that I have determined touch his district—he has \$157,000 in real estate value as opposed to the statewide average of \$80,000, and he has \$128,000 income as opposed to the statewide average of \$40,000. That is one school district, Haverford. In Radnor he has \$229,000 in real estate as opposed to \$80,000 statewide, and \$156,000 income as opposed to \$40,000 statewide. And in Marple Newtown he has \$198,000 in real estate value as opposed to \$80,000, and \$135,000 in income as opposed to \$40,000. God bless your people.

But we distribute tax dollars, and somehow the formula would give you zero, no dollars from the State. You are rich enough to support yourself, yet we send you \$4 1/2 million every year. What is fair about that? You are supposed to be getting nothing, zero, and you get \$4 1/2 million every year. Well, this General Assembly decided that we ought not to shut

anybody out and we ought to at least recognize that— You know, the \$4 1/2 million only represents 15 percent of their cost down there. They are paying a tremendous cost themselves. But if fairness were the guideline completely and totally, I do not know that we ought to be sending \$4 1/2 million down to those school districts that we do each and every year. You have been here 20 years. Twenty times \$4 1/2 million, if you get it every— That is a nice piece of change. Have you not been here 20 years? Fourteen. Darn, it seems that long.

In any event, if we do what is fair here, we will not try to fix what is not broken; we will vote against the Freind amendment.

The SPEAKER. The Chair recognizes the minority leader. Do you wish to be recognized again?

Mr. RYAN. Just briefly.

I still have not heard an explanation as to why we should be lied to and conned and then roll over and go along with it. I still think we should go with the Freind amendment.

Mr. MANDERINO. I think he is entitled to an explanation.

You were not conned. You were not lied to. I was part of those negotiations. Philadelphia was receiving in density 21 percent when we changed the formula. They went from 21 percent down to 19 percent. They said they would never be able to meet the State equalized mills when we changed that formula, and leaders told them, do not worry about it. We have never hurt Philadelphia in the manner that Mr. Freind wants to hurt them today.

There was no temporary promise. In fact, there was a study being done in Philadelphia at the time that indicated that they would not be able to meet it and would have difficulty at all times meeting it when we talked equalized mill, which gets a little complicated on how you determine it.

That is the answer to the proposition, Mr. Ryan. If anybody was conned, it was Philadelphia - conned into believing that we would not hurt them in the future.

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

Mr. FOSTER. Thank you, Mr. Speaker.

We have heard a lot of speeches in the last 2 days about how everyone should pay their fair share, and I hope that everyone who voted that way yesterday will vote to see that Philadelphia pays its fair share today and support the Freind amendment.

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

Mr. PRESSMANN. I was not going to stand and speak on this issue at all, but a statement made by Mr. Ryan I feel I cannot leave unanswered.

Mr. Ryan said a few minutes ago, be careful about voting your neighbor because you might vote them out of office. During the last election Mr. Ryan, Mr. Hayes, and Mr. Freind poured thousands and thousands and thousands of dollars against me and Mr. Yandrisevits, Mr. Baldwin, Mr. Lucyk, and Mr. Cole, and one of the points of their argument why we should not be returned to office was that we had voted money for the Philadelphia schools.

Well, Mr. Speaker, I had my greatest electoral victory ever after those tactics were used, and so did some of my other colleagues. In fact, I think I increased my victory 12 times what it was in the previous election; I believe Mr. Yandrisevits increased his about 20 times, so I think the threats of Mr. Ryan that you are risking your seat are somewhat not to the point of fact, as the results of the last election showed. In fact, in my area I saw a lot of, shall we say, reverse on that spin, on that curve ball that was thrown by Mr. Freind through his organization that he supports, the Non-Resident Taxpayers Association.

So I am not really sure that the remarks of Mr. Ryan about costing your seat are really applicable in today's age, and I think if we all go home and do our work like we are supposed to, like we all do, we do not have to worry about the threats of Mr. Ryan. In fact, I welcome Mr. Ryan once again into the 132d District.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am truly touched and moved by that kind invitation, and I want to assure the gentleman that should he vote the same way again, he will still see the dollars and still see the campaign running about the same way, and that would be true of all his colleagues. And maybe he will win by 100 times. This may be the greatest service that we could do for you. But you alone and the people in your district can best judge whether or not the dollars should go to your school district or the Philadelphia School District, and if they are that charitable, then God bless you and them. They will have an opportunity.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—126

Angstadt	Distler	Kennedy	Reinard
Argall	Dorr	Langtry	Robbins
Arty	Durham	Lashinger	Ryan
Baldwin	Fargo	Leh	Rybak
Barley	Farmer	Letterman	Saloom
Belardi	Fischer	Levdansky	Saurman
Belfanti	Flick	Lloyd	Schuler
Birmelin	Foster	Lucyk	Semmel
Black	Fox	McCall	Serafini
Blaum	Freeman	McClatchy	Seventy
Book	Freind	McHale	Showers
Bowley	Gallen	Maine	Sirianni
Bowser	Gamble	Manmiller	Smith, B.
Brandt	Gannon	Markosek	Smith, S. H.
Burd	Geist	Mayernik	Snyder, D. W.
Burns	Gladeck	Merry	Snyder, G.
Bush	Godshall	Micozzie	Staback
Caltagirone	Gruitza	Miller	Stairs
Carlson	Gruppo	Moehlmann	Steighner
Cawley	Hagarty	Morris	Stuban
Cessar	Haluska	Mowery	Taylor, E. Z.
Chadwick	Hasay	Nahill	Telek
Civera	Hayes	Noye	Trello
Clymer	Heckler	Olasz	Vroon
Cornell	Herman	Petrone	Wambach
Corrigan	Hershey	Phillips	Wass
Coy	Hess	Piccola	Wilson
DeLuca	Honaman	Pitts	Wozniak
DeVertter	Jackson	Punt	Wright, J. L.
Davies	Jadlowiec	Raymond	Wright, R. C.
Dietterick	Jarolin	Reber	Yandrisevits

Dininni	Johnson		
NAYS—64			
Acosta	Evans	Livengood	Rieger
Battisto	Fattah	Maiale	Ritter
Bortner	Fee	Manderino	Roebuck
Boyes	George	Melio	Rudy
Broujos	Hayden	Michlovic	Taylor, F.
Cappabianca	Howlett	Mrkonic	Taylor, J.
Clark	Hughes	O'Brien	Truman
Cohen	Itkin	O'Donnell	Van Horne
Colafella	Josephs	Oliver	Veon
Cole	Kasunic	Perzel	Weston
Cowell	Kenney	Petrarca	Wiggins
DeWeese	Kosinski	Pievsky	Wogan
Daley	Kukovich	Pistella	Wright, D. R.
Dawida	LaGrotta	Pressmann	
Dombrowski	Laughlin	Preston	Irvis,
Donatucci	Lescovitz	Richardson	Speaker
Duffy	Linton		

NOT VOTING—6

Bunt	Cimini	Hutchinson	McVerry
Carn	Deal		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

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

Mr. FREIND offered the following amendments No. A1118:

Amend Title, page 1, line 5, by inserting after "thereto," providing for minimum participation in a strike vote by school employees;

Amend Sec. 1, page 1, lines 12 and 13, by striking out "A SECTION" and inserting sections

Amend Sec. 1, page 1, by inserting between lines 13 and 14

Section 112. Minimum Participation in Strike Vote.—

(a) It shall be illegal for any bargaining unit of any employees of a school district, intermediate unit or area vocational-technical school to strike unless more than fifty per centum (50%) of the employees represented in a collective bargaining unit by the exclusive representative for purposes of collective bargaining shall have voted in favor of the strike. All votes shall be conducted by secret ballot.

(b) (1) Any school employe who participates in a strike in violation of this section is subject to immediate dismissal by the board.

(2) The board may, by majority vote, resolve to notify the department of any professional employe who participates in a strike in violation of this section. The department shall suspend the certification of the employe for a period of five (5) years if the Pennsylvania Labor Relations Board determines the strike to be in violation of the provisions of this section.

(3) Upon petition of the board, the court may levy a fine upon any school employe participating in a work stoppage in violation of this section or upon an employe organization representing the bargaining unit and the officers thereof.

(4) The board may, by majority vote, resolve to notify the Pennsylvania Labor Relations Board of a work stoppage in violation of this section. The Pennsylvania Labor Relations Board shall determine if the strike is in violation of the provisions of this

section. If it determines the strike violates the provisions of this section, the Pennsylvania Labor Relations Board shall decertify the bargaining unit for a period of five (5) years.

Amend Sec. 4, page 7, line 28, by striking out "SECTIONS 401 AND 705 OF THE" and inserting

The

Amend Sec. 4, page 7, line 30, by striking out "ARE REPEALED INSOFAR AS THEY ARE" and inserting

is repealed insofar as it is

On the question,

Will the House agree to the amendments?

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

Mr. FREIND. Thank you, Mr. Speaker.

After the last vote I considered withdrawing this, but I figure let us run it. It gives you a chance to get me back for the last vote.

It is a lot less controversial, Mr. Speaker. All this one says is, since we are going to extend involuntarily representation to everyone in the unit, that with respect to public school employees, there cannot be any strike unless and until more than 50 percent of all those represented by the bargaining unit, by secret ballot, approve the strike. There are penalties also for violations of this.

Now, believe it or not, this is a pro-rank-and-file-school-employee vote. You know, and Mrs. Langtry very well pointed out, the problem that this State has with school strikes. We lead the Nation every year. It is devastating. We are only one of seven States that permits it. But I will bet you money if you did a survey you would find out that there has never been a strike in any school district that was supported by a majority of the membership of the unit. God knows that is true for the city of Philadelphia where in the last strike it was brought about by about 8 percent of the membership, but they do not attend and the ones who do feel intimidated.

We have, constitutionally, a requirement in this chamber and in the Senate that we cannot pass any bill unless we have the votes of more than 50 percent of the entire membership of this body. What is wrong, when you are dealing with one of the greatest issues facing this State, the strikes that not only affect teachers and taxpayers and dollars but most importantly affect the children, with saying, okay, if you are going to strike, and God knows I do not think they ought to have the right to strike, but if you are going to strike, make sure a majority of your rank and file does it. I think it is fair, and I think to vote against it says that you do not have faith in the rank and file of that membership. It is a prouion vote in the purest sense of the word, and I sincerely hope you will support it.

And, Mr. Speaker, I hope we do not try, although I think we will, to play games with germaneness. This is a labor bill we are considering; this extends representation, whether you want it or not, to everybody in the unit. So this amendment is merely a logical new section saying, fine, if you got that, great; then the entire membership, more than 50 percent of it, has to choose whether or not to go on strike. This more than anything else if it is passed will cure the evil that we did with

the strike problem when we passed Act 195. Thank you, Mr. Speaker.

GERMANENESS QUESTIONED

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

Mr. COWELL. Mr. Speaker, the gentleman said this section, section 112, which he proposes to the School Code, is a logical new section. If you look at section 111 of the School Code, it deals with background checks of prospective employees. Section 110 deals with official visitors' access to public schools. Section 109 deals with the disposition of fines paid to school districts. Section 108 deals with religious or political tests prohibited. There is no section 113. This is not a logical extension. In fact, the Legislative Reference Bureau most likely had a great deal of difficulty deciding where to drop this baby.

This in fact is not germane to the School Code. It again deals, as did several other amendments which we ruled to be nongermane, with Act 195, the Public Employe Relations Act. It is not a part of the School Code. It proposes to amend important items in Act 195.

I would suggest, as I suggested earlier, we not begin to rewrite Act 195 in the School Code. I would further suggest to my colleagues that we ought not to be setting a precedent so that each and every time there is a School Code bill before us—and we get those about once every 2 weeks—that we open up the prospect of debating school strikes and Act 195. We will regret that again and again and again.

I urge that we not set the precedent and that we rule that this amendment is nongermane. Mr. Speaker, I would ask that the House so rule.

The SPEAKER. The question is, is the Freind amendment germane to SB 169?

On the question,

Will the House sustain the germaneness of the amendments?

The SPEAKER. On that question, the gentleman from Delaware, Mr. Freind, is recognized.

Mr. FREIND. To say that this is not a labor bill is to say, as was said a few minutes ago, that our school districts are doing fine. The whole purpose of this bill is agency shop or fair share. We have never attempted to amend this type of legislation into anything that did not have labor relations in it. The last time we tried to do it also was labor relations. What you are doing is deciding whether or not there should be a labor policy in the bill, a labor policy that everybody pays to the union, that in fact you make union like government and allow them the power to tax. Okay. That is fine. It is a labor bill. This is a labor amendment saying that if you do it, fine; you are therefore involuntarily representing the entire membership; then the entire membership is called into consideration, on the most important issue of any collective-bargaining unit—whether or not you strike.

If you do not like the amendment, fine, no pride of authorship here, but I hope we will have the courage to say, yes, it is germane, and to stand on the dime like we are all supposed to and vote on the issue one way or the other.

I hope you will vote "yes" on germaneness. Thank you, Mr. Speaker.

The SPEAKER. Those who believe the amendment to be germane will vote "aye"; those who believe it to be nongermane will vote "no." If you believe it to be germane, vote in the affirmative; if you do not, vote in the negative.

On the question recurring,

Will the House sustain the germaneness of the amendments?

The following roll call was recorded:

YEAS—93

Argall	Dorr	Honaman	Raymond
Arty	Durham	Jackson	Reber
Barley	Fargo	Jadlowiec	Reinard
Birmelin	Farmer	Johnson	Robbins
Black	Fischer	Kennedy	Ryan
Book	Flick	Langtry	Saurman
Bortner	Foster	Lashinger	Schuler
Bowley	Fox	Leh	Semmel
Bowser	Freind	McClatchy	Serafini
Brandt	Gallen	McVerry	Sirianni
Bunt	Gamble	Manmiller	Smith, S. H.
Burd	Gannon	Merry	Snyder, D. W.
Bush	Geist	Micozzie	Snyder, G.
Caltagirone	Gladeck	Miller	Stairs
Carlson	Godshall	Moehlmann	Taylor, E. Z.
Cessar	Gruppo	Mowery	Taylor, J.
Chadwick	Hagarty	Nahill	Telek
Civera	Haluska	Noye	Vroon
Clymer	Hayes	Petrone	Wass
Cornell	Heckler	Phillips	Wilson
DeVerter	Herman	Piccola	Wozniak
Dietterick	Hershey	Pitts	Wright, J. L.
Dininni	Hess	Punt	Wright, R. C.
Distler			

NAYS—99

Acosta	Evans	Lloyd	Ritter
Angstadt	Fattah	Lucyk	Roebuck
Baldwin	Fee	McCall	Rudy
Battisto	Freeman	McHale	Rybak
Belardi	George	Maiale	Saloom
Belfanti	Gruitza	Maine	Seventy
Blaum	Hasay	Manderino	Showers
Boyes	Hayden	Markosek	Smith, B.
Broujos	Howlett	Mayernik	Staback
Burns	Hughes	Melio	Steighner
Cappabianca	Hutchinson	Michlovic	Stuban
Cawley	Itkin	Morris	Taylor, F.
Clark	Jarolin	Mrkonic	Trello
Colafella	Josephs	O'Brien	Truman
Cole	Kasunic	O'Donnell	Van Horne
Corrigan	Kenney	Olasz	Veon
Cowell	Kosinski	Oliver	Wambach
Coy	Kukovich	Perzel	Weston
DeLuca	LaGrotta	Petrarca	Wiggins
DeWeese	Laughlin	Pievsky	Wogan
Daley	Lescovitz	Pistella	Wright, D. R.
Davies	Letterman	Pressmann	Yandrisevits
Dawida	Levdansky	Preston	
Dombrowski	Linton	Richardson	Irvis,
Donatucci	Livengood	Rieger	Speaker
Duffy			

NOT VOTING—4

Carn	Cimini	Cohen	Deal
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EXCUSED—6

Harper Murphy	Scheetz Stevens	Sweet	Tigue
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Less than the majority having voted in the affirmative, the question was determined in the negative and the amendments were declared not germane.

On the question recurring,

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

Mr. RYAN offered the following amendment No. A1317:

Amend Sec. 1 (Sec. 527), page 6, by inserting between lines 3 and 4

(o) Each exclusive representative shall, as a result of any legal action instituted by a nonmember against the public employer arising out of or by reason of any good faith action taken by the public employer for the purpose of complying with this section, indemnify and hold harmless the public employer, including each elected and appointed official of the public employer, against any and all reasonable costs including any and all damage awards or judgments or other forms of liability arising therefrom.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, there was some thought that this amendment would be an agreed-to amendment, so put me on the floor with a different hat on. I am not trying to ruin anything now. I never try and do that; I am trying to improve something.

The School Boards Association has evidenced great concern with the agency shop bill, should it pass and become law, as to the question of personal liability of any of the members for suits that might be filed by a nonmember—see if I get this straight—by a nonmember but a dues-paying member of this new union to be formed or that they are forced into by making payments. They might bring an action against the school board on it.

What this particular amendment does is it takes care of the exposure that the school entities might have to lawsuits brought by nonunion employees. The attorney for the Pennsylvania School Boards Association has sent me a letter saying that he believes—and I quote—“Certainly, school entities would be required to endure a number of legal challenges before a definitive answer could be provided.” That is as to lawsuits. Now, although this man happens to be opposed to the agency shop proposal, he goes on to say, “However, if the House of Representatives intends to pass Senate Bill 169, I believe the indemnification amendment to be offered by Rep. Matthew Ryan is needed in order to ensure adequate protection of the legal interests of affected school entities.”

I do not believe this is a controversial amendment and would appreciate it if it was given favorable treatment. Thank you.

The SPEAKER. The Chair recognizes the majority leader on the amendment.

Mr. MANDERINO. Mr. Speaker, Mr. Ryan is asking that we provide indemnification protection from any claim, suits, et cetera, in the agency shop bill where we never require that kind of indemnification in any other kinds of laws that we pass here at the Commonwealth. Many times we pass laws that may in remote possibilities—and I even think this is remote—place some responsibility of either going to court, defending action, or bringing action in court, and we do not pay those costs. That is the price you pay for being a legal entity entitled to the benefits of doing business in Pennsylvania, existing in Pennsylvania.

Mr. Speaker, Mr. Ryan would have you believe that this is a fair amendment. It is an amendment designed, like all the other amendments that have emanated from the other side of the aisle so far, to kill this bill. If you believe in agency shop, you will stop voting for these amendments. If you do not believe in agency shop, you will continue to vote.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I think the gentleman, Mr. Manderino, oversimplifies his position. He would argue with really just a couple of phrases. If you believe in agency shop, you vote against Ryan’s amendment; if you are against agency shop, you vote for Ryan’s amendment. It is not that simple. I think maybe it could just as easily be explained that if you want to totally expose your school districts to legal problems which they may or may not be able to afford, then vote against Ryan’s amendment.

I have some interest in the school districts and the school boards of this Commonwealth as well as the interest of the members of the union. This is designed to take care of those lawsuits that might be brought against your school board by people who do not feel like paying union dues now that we have mandated it, and it is directed to their salvation and indemnification that this amendment is being offered.

The SPEAKER. The Chair recognizes the gentleman from Cumberland, Mr. Broujos, on the amendment.

Mr. BROUJOS. Mr. Speaker, could I interrogate the speaker, Mr. Ryan?

The SPEAKER. Mr. Ryan indicates he will stand for interrogation. You may proceed.

Mr. BROUJOS. Mr. Speaker, are there any situations which may arise in this provision whereby the union, exclusive representatives—

The SPEAKER. Mr. Broujos, would you yield for a moment?

WELCOME

The SPEAKER. We have some guests who apparently must leave and I do not want them to leave without having them introduced on the floor. They are Marianne Morrump, Wendy Woodman, Paul Petricic, Todd Newberry, John Silks, and Scott Hummer. They are from the Wissahickon High School and they are here as the guests of Representatives Saurman

and Gladeck. They are standing to the left of the Speaker. They are here with their teacher, Bill Rzycka. We welcome you to the floor of the House. We did not want you to leave unannounced. Thank you for coming.

CONSIDERATION OF SB 169 CONTINUED

The SPEAKER. Thank you for yielding, Mr. Broujos. You may continue.

Mr. BROUJOS. Mr. Speaker, are there any situations where the union would be required to indemnify the school board when there was no fault on the part of the union?

Mr. RYAN. Yes. Yes, there would be.

Mr. BROUJOS. Then you are saying that the nonmember who may bring some action or do some act may do it completely outside the scope of control or authority of the union and the union would still be responsible for indemnifying the school board?

Mr. RYAN. The quick answer to your question would be that the purpose of this amendment is to make a determination as to who pays the costs as between two innocent parties, the innocent parties being the school board and school district and these members of the school board and the other innocent party being the union.

Mr. BROUJOS. Thank you.

Mr. RYAN. But that union, which I am granting you is an innocent party, as is the school board, they have benefited by these additional dues. The suit that we are talking about, the action, the legal action that we are referring to here, is brought about because of the collection of those dues from nonmembers of the union. That is why this amendment is prompted and suggested by the School Boards Association.

Mr. BROUJOS. Mr. Speaker, I would like to make a comment.

The SPEAKER. The gentleman has the floor, and he may proceed.

Mr. BROUJOS. Mr. Speaker, the effect then of this is that a completely innocent party union would be responsible, without fault, for paying indemnification fees and costs to the school board as a result of a nonunion member who could act under any condition, either intentionally or negligently, and I think that is a good reason to vote against this amendment. I ask the floor to vote against the amendment.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Haluska, on the amendment.

Mr. HALUSKA. Mr. Speaker, over the years we have passed legislation such as financial disclosure that has discouraged a lot of very responsible people from serving on school boards as well as local governments. This bill will have a tendency to relieve some of that responsibility. People who are giving of their time and their services should not be obligated to responsibility of this nature. I think that the amendment here will sort of encourage more people to participate, and I ask for a favorable vote on this amendment.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, in further response to the gentleman who had me under interrogation, "nonmember" refers not to John Q. Public but rather by definition "nonmember" is a paying-dues member of the union under the agency shop bill. They are one of the fair sharers, if you will.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Union, Mr. Showers.

Mr. SHOWERS. Thank you, Mr. Speaker.

I would like to urge my colleagues to support the Ryan amendment. Time and time again we are criticized back home by our school board members who speak of the mandates that we pass here in Harrisburg that they are forced to carry out. This is one more, and I think the least we can do is give them some tools to deal with the situation we will be dumping on their laps.

I would urge that we vote for the indemnification amendment as offered by Mr. Ryan. Thank you.

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

Mr. McHALE. Mr. Speaker, would the gentleman, Mr. Ryan, stand for brief interrogation?

The SPEAKER. Mr. Ryan indicates he will so stand. You may proceed, Mr. McHale.

Mr. McHALE. Mr. Speaker, is the indemnification called for in the amendment dependent upon any proof of fault on the part of the collective-bargaining agent?

Mr. RYAN. No.

Mr. McHALE. So as I read your amendment, even if the union has been guilty of no impropriety, no fault, in effect the union is the insurer on behalf of the public employer.

Mr. RYAN. Well, I do not know that "insurer," is proper. If I take away the word "insurer," I am going to repeat essentially my answer that I gave to the gentleman, Mr. Broujos, and that is that under the set of facts that is most charitable to all involved, you have a lawsuit— If I am a teacher who is not a member of PSEA (Pennsylvania State Education Association), for sake of argument, or AFT (American Federation of Teachers), now all of a sudden because of this bill I have to make payments to my union or to the union that represents this school district that I teach in, and I get mad and I say, I am not going to do it; it is illegal, it is unconstitutional, it is something; I am going to sue the school board because that school board is deducting from my wages the union dues, which is what they are going to be required to do. The school board is going to be deducting union dues if this becomes law. Me, I am mad, and I am saying, hey, you do not have the right to take my money from me; you cannot do it, and the school board is saying, I have to do it; these people in Harrisburg made this the law; I have to do it. Well, we will see you in court. So now all of a sudden we are in court and we have the school directors personally sued, we have the school board, the school district, you know, the whole schmeer under suit, and there is either a judgment or there are legal fees or whatever happens. Now the question comes up, should this director whom Dr. Haluska is worried about, should he have to pay his legal fees and costs—and a judgment

perhaps?—or should the school district do it or should the union do it? They are both innocent, but the union is the one that has been gaining from this action on the part of the school board in that it is out of this act, this withholding of moneys to the teacher who was not a member, and it is that kind of a situation that we are addressing.

Mr. McHALE. Mr. Speaker, if I may speak on the amendment.

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

Mr. McHALE. I thank the gentleman, Mr. Ryan, for his explanation of the amendment, and I have a great deal of sympathy with regard to the proposition that there ought to be indemnification of the public employer who, acting in a good-faith effort to comply with this law, ends up being sued. I do not understand the logic of shifting that responsibility to the union.

I think the gentleman, Mr. Ryan, hit it on the head in that if we here in Harrisburg pass the law, we ought to accept the responsibility, and if we pass the law and the public employer in a good-faith effort to comply with the law ends up being sued, we ought to accept the responsibility for that. To say that the costs of that litigation ought to be shifted to the collective-bargaining agent whether or not there has been any fault on the part of the collective-bargaining agent is to require indemnification by the wrong party.

I have sympathy for the public employer. I think there ought to be indemnification, but the costs of that indemnification should not be shifted to the collective-bargaining agent. I ask for the defeat of the amendment.

The SPEAKER. For the second time on the question, the Chair recognizes the gentleman from Cumberland, Mr. Broujos.

Mr. BROUJOS. Mr. Speaker, I want to bring to the attention of the members before they vote on this amendment the serious consequences of a blanket indemnification provision. The mischief that can arise out of this is manifold, and one of the mischiefs is that a disgruntled nonmember can bring frivolous actions and cause all kinds of damages and liability and awards and expenses knowing that they are in fact bringing that action effectively against the union with which they are disgruntled.

I think that there are so many problems with a blanket indemnification and this extraordinary act of indemnification that again you should think seriously before you vote for it, and in fact you should vote against it.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

Argall	Dininni	Jackson	Reber
Baldwin	Distler	Jadlowiec	Reinard
Barley	Dorr	Johnson	Robbins
Birmelin	Durham	Kennedy	Rudy
Black	Fargo	Kenney	Ryan
Book	Farmer	Langtry	Saurman
Bortner	Fischer	Lashingier	Schuler
Bowley	Flick	Leh	Semmel

Bowser	Foster	McClatchy	Serafini
Brandt	Fox	Manmiller	Showers
Bunt	Freind	Merry	Sirianni
Burd	Gallen	Micozzie	Smith, B.
Bush	Gamble	Miller	Smith, S. H.
Caltagirone	Geist	Moehlmann	Snyder, D. W.
Carlson	Gladeck	Mowery	Snyder, G.
Cessar	Godshall	Nahill	Stairs
Chadwick	Hagarty	Noye	Taylor, E. Z.
Cimini	Haluska	O'Brien	Taylor, J.
Civera	Hayes	Perzel	Vroon
Clymer	Heckler	Phillips	Wass
Cornell	Herman	Piccola	Weston
Coy	Hershey	Pitts	Wogan
DeVerter	Hess	Punt	Wright, J. L.
Dieterick	Honaman	Raymond	Wright, R. C.

NAYS—94

Acosta	Donatucci	Levdansky	Preston
Angstadt	Duffy	Linton	Richardson
Arty	Evans	Livengood	Rieger
Battisto	Fattah	Lloyd	Ritter
Belardi	Fee	Lucyk	Roebuck
Belfanti	Freeman	McCall	Rybak
Blaum	Gannon	McHale	Saloom
Boyes	George	Maiale	Seventy
Broujos	Gruitza	Maine	Staback
Burns	Gruppo	Manderino	Steighner
Cappabianca	Hasay	Markosek	Stuban
Cawley	Hayden	Mayernik	Taylor, F.
Clark	Howlett	Melio	Telek
Cohen	Hughes	Michlovic	Trello
Colafella	Itkin	Morris	Truman
Cole	Jarolin	Mrkonic	Van Horne
Corrigan	Josephs	O'Donnell	Veon
Cowell	Kasunic	Olasz	Wambach
DeLuca	Kosinski	Oliver	Wozniak
DeWeese	Kukovich	Petrarca	Wright, D. R.
Daley	LaGrotta	Petrone	Yandrisevits
Davies	Laughlin	Pievsky	
Dawida	Lescovitz	Pistella	Irvis,
Dombrowski	Letterman	Pressmann	Speaker

NOT VOTING—6

Carn	Hutchinson	Wiggins	Wilson
Deal	McVerry		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. I had days like that, too.

The SPEAKER. They do come.

On the question recurring,

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

Mr. GAMBLE offered the following amendments No. A1164:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and further providing for the minimum number of days schools are required to be kept open.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. Section 1501 of the act, amended June 30, 1980 (P.L.279, No.80), is amended to read:

Section 1501. Minimum Number of Days; School Month.—
(a) (1) All public kindergartens, elementary and secondary schools shall be kept open each school year for at least one hundred eighty (180) days of instruction for pupils. No days on which the schools are closed shall be counted as days taught, and no time shall be counted as a pupil session for any activity to which admission is charged. No school district shall be required to change its graduation schedule or require graduating students to return to school after graduation to make up class days lost due to severe weather conditions or, in the school year 1979-1980 for situations beyond the control of the school district as a result of major construction and renovation to the school building. No district which makes a bona fide effort as determined by the Secretary of Education to provide one hundred eighty (180) days of instruction for graduating students shall receive less subsidy payments or reimbursements than it would otherwise be entitled to receive on account of the school year because of the provisions of this section. Unless otherwise provided by this act, the board of school directors in any district or joint board may keep such other schools or departments as it may establish open during such time as it may direct.

(2) Twenty days of actual teaching shall constitute a school month.

(b) In the event of a teacher work stoppage the board of school directors shall not extend the school year beyond June 15 or the originally scheduled closing date of school whichever is later, or schedule classes over the vacation period originally scheduled for the Christmas and New Year's holiday season. No school district may construct the school calendar in such a way as to interfere with good faith collective bargaining or a legal work stoppage.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

4

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

5

Amend Bill, page 7, by inserting after line 30

Section 6. Section 3 of this amendatory act, amending section 1501 of the act, shall be applicable to school years beginning on or after July 1, 1987.

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendments?

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

Mr. GAMBLE. Mr. Speaker, this amendment simply provides that in the event of a teacher work stoppage the school board shall not extend the school year beyond June 15 or the originally scheduled school closing date, whichever is later. Also, classes shall not be scheduled over originally scheduled Christmas and New Year's vacations.

Current law provides June 30 as the end of the school year. The purpose of this amendment is to provide an incentive for settlement of a strike in a reasonable time period so as not to force children to continue going to school at a time when most families are vacationing and to enable teachers who work over summers not to lose the opportunity to gain employment over this time period. In the past when classes have been resched-

uled, there has been a high rate of absenteeism among both students and teachers alike. Therefore, the amendment basically moves up 2 weeks the end of the school year and hopefully the date when a teachers strike will be settled.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, when this House earlier today rejected the Langtry amendment dealing with the 180-day issue, arguments were made against that amendment on the basis that it would put an extraordinary burden on unions and allow school boards the luxury of sitting back and waiting not very long until a magic date came along when teachers would have to go back to school if they in fact were going to meet the 180-day requirement. It really would disrupt the current balance that does exist in the school law and most importantly in Act 195.

This amendment would have the same effect. It arbitrarily picks June 15 as a magical date, and what it does is have the same effect as telling people they cannot start school until September 15 or sometime far into September in terms of compacting that period of time during which good-faith negotiations can occur and have an opportunity to occur.

This is a very arbitrary date that is established. It would be very inconsistent. The law says school districts can run until June 30, and suddenly we are saying, but if you have a strike you cannot go beyond June 15. What is the rationale for that? And what happens if a school year is interrupted in part because of a strike but later on is interrupted because of some natural emergency, whether it is snow or a tornado or flood or all of the kinds of natural disasters that have disrupted school years? According to this, we would severely tie the hands of the school directors in that district and tell them that despite the flood and the strike or despite the tornado or the snow-storm and the strike, they had to end their year by June 15 while the neighbors next door who had no interruption at all could go on to June 30. It simply does not make any sense.

I would urge that we defeat this amendment.

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

Mrs. LANGTRY. Thank you, Mr. Speaker.

Mr. Speaker, I strongly support the Gamble amendment. This is another opportunity that we have on the floor of the House to get a handle on prolonged teachers strikes. We all agree, probably, that the right to strike is here. We live with it and it should be permitted. What we are trying to get a handle on is prolonged teachers strikes, those strikes that last 25, 30, 40 days and our kids are not in school. This is wrong. The Gamble amendment would help to correct this, and I support that amendment. And I might ask a question while I am here: I missed the argument on germaneness. Thank you, Mr. Speaker.

The SPEAKER. Mr. Gamble, do you wish to speak for the second time?

Mr. GAMBLE. Yes, Mr. Speaker.

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

Mr. GAMBLE. The amendment simply moves up the process. We all know that there is no incentive to settle a strike presently, as the teachers union does not suffer any penalty through a strike. We are trying to move up the process, bring both sides to the board in a more readily fashion, and get on with it. I urge your support for this amendment. Thank you.

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

Mr. COWELL. Mr. Speaker, one other thing occurred to me in terms of the amendment. Some of the same people who argue on behalf of this amendment are the same folks who have argued that 180 days are very important and that we must insure that students have 180 days of school. By moving up the final day for which school may be offered in the situation where a strike has occurred, we in fact make it more difficult for those school districts that have experienced some disruption to in fact complete the 180 days. So some people have the luxury of speaking out of both sides of their mouths on different kinds of amendments on the floor of this House.

This in fact would make it more difficult, in some cases, for districts to complete the 180 days. Again, it takes discretion away from school districts and school directors in terms of how they will complete the year. And as I suggested earlier, it does put a disproportionate share of the burden on teachers, who more readily—as this process gets moved up—more readily might be required to return to the classroom where they want to help participate in insuring that 180 days are offered, return to the classroom without the benefit of a contract. So it is antieducation and it is also antiteacher. I would urge we defeat this amendment.

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

The following roll call was recorded:

YEAS—75

Barley	Dininni	Hess	Noye
Birmelin	Distler	Honaman	Perzel
Black	Fargo	Hutchinson	Phillips
Book	Farmer	Jackson	Piccola
Bowser	Flick	Jadlowiec	Pitts
Brandt	Foster	Johnson	Punt
Broujos	Fox	Kennedy	Reinard
Bunt	Freind	Langtry	Robbins
Burd	Gallen	Lashingner	Ryan
Bush	Gamble	Leh	Saurman
Caltagirone	Geist	McClatchy	Schuler
Carlson	Gladeck	McVerry	Sirianni
Cessar	Godshall	Manmiller	Smith, S. H.
Chadwick	Hagarty	Merry	Stairs
Cimini	Haluska	Micozzie	Taylor, E. Z.
Clymer	Hayes	Miller	Vroon
Cornell	Heckler	Moehlmann	Weston
DeVerter	Herman	Mowery	Wright, J. L.
Dawida	Hershey	Nahill	

NAYS—118

Acosta	Dorr	Lloyd	Rybak
Angstadt	Duffy	Lucyk	Saloom
Argall	Durham	McCall	Semmel
Arty	Evans	McHale	Serafini

Balwin	Fattah	Maiale	Seventy
Battisto	Fee	Maine	Showers
Belardi	Fischer	Manderino	Smith, B.
Bellantini	Freeman	Markosek	Snyder, D. W.
Blaum	Gannon	Mayernik	Snyder, G.
Bortner	George	Melio	Staback
Bowley	Gruitza	Michlovic	Steighner
Boyes	Gruppo	Morris	Stuban
Burns	Hasay	Mrkonic	Taylor, F.
Cappabianca	Hayden	O'Brien	Taylor, J.
Cawley	Howlett	O'Donnell	Telek
Civera	Hughes	Olasz	Trello
Clark	Itkin	Oliver	Truman
Cohen	Jarolin	Petrarca	Van Horne
Colafella	Josephs	Petrone	Veon
Cole	Kasunic	Pievsky	Wambach
Corrigan	Kenney	Pistella	Wass
Cowell	Kosinski	Pressmann	Wiggins
Coy	Kukovich	Preston	Wogan
DeLuca	LaGrotta	Raymond	Wozniak
DeWeese	Laughlin	Reber	Wright, D. R.
Daley	Lescovitz	Richardson	Wright, R. C.
Davies	Letterman	Rieger	Yandrisevits
Dietterick	Levdansky	Ritter	
Dombrowski	Linton	Roebuck	Irvis,
Donatucci	Livengood	Rudy	Speaker

NOT VOTING—3

Carn	Deal	Wilson
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EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

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

DEMOCRATIC CAUCUS

Mr. MANDERINO. Mr. Speaker, I believe that we have completed all the amendments on this bill that have been scheduled.

The SPEAKER. That is correct.

Mr. MANDERINO. There are two reconsiderations that have been filed.

The SPEAKER. That is correct.

Mr. MANDERINO. Prior to taking those reconsiderations up, Mr. Speaker, I would like to ask for a recess for the purpose of a caucus for the Democratic members of the Assembly. Everybody; everybody - until 4:15.

The SPEAKER. Until 4:15.

Mr. MANDERINO. Mr. Speaker, I want to urge all the members of the caucus to be there. We are going to take away something from them if they do not come. I do not know what it is yet.

The SPEAKER. We will take reports of committees and then we will recess until 4:15.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 6, PN 9 By Rep. COHEN

An Act providing for a grant program for innovative job training projects; and establishing requirements and criteria for such projects.

LABOR RELATIONS.

HB 7, PN 1624 (Amended) By Rep. COHEN

An Act providing for temporary programs to provide dislocated workers with vocational training, job search assistance and other supportive services, and for the use of certain State and Federal funds for such purposes; creating the Pennsylvania Economic Crisis Intervention Task Force; and authorizing the payment of tuition costs for occupational training.

LABOR RELATIONS.

HB 8, PN 11 By Rep. COHEN

An Act providing that certain funds received under the Federal Job Training Partnership Act shall be used to provide support services related to job training; and providing for eligibility for such services.

LABOR RELATIONS.

HB 349, PN 382 By Rep. COLE

An Act providing for concurrent jurisdiction between the United States and the Commonwealth over certain parks and historic sites.

FEDERAL-STATE RELATIONS.

HB 350, PN 383 By Rep. COLE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, permitting municipalities and the Pennsylvania State Police to enter into cooperative agreements with the National Park Service relating to enforcement of Vehicle Code provisions.

FEDERAL-STATE RELATIONS.

HB 1066, PN 1625 (Amended) By Rep. DeWEESE

An Act amending Title 18 (Crimes and offenses) of the Pennsylvania Consolidated Statutes, further providing for penalties for certain offenses relating to cruelty to animals.

JUDICIARY.

HB 1254, PN 1626 (Amended) By Rep. DeWEESE

An Act amending the act of August 21, 1953 (P. L. 1273, No. 361), known as "The Private Detective Act of 1953," defining the term "patrol agency"; further providing for employees and penalties; and regulating the carrying of deadly weapons.

JUDICIARY.

SB 252, PN 263 By Rep. DeWEESE

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," extending the permissible time period in which to file a crime victim compensation claim.

JUDICIARY.

RECESS

The SPEAKER. This House stands in recess until 4:15.

RECESS EXTENDED

The time of recess was extended until 4:30 p.m.; further extended until 4:45 p.m.

AFTER RECESS

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

The SPEAKER. Members are urged to come promptly on the floor of the House so we may continue the business of the day.

CALENDAR CONTINUED

CONSIDERATION OF SB 169 CONTINUED

On the question recurring,

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

AMENDMENT A1217 RECONSIDERED

The SPEAKER. The Chair has before it a motion signed by the majority leader whereby he moves that the vote by which the Freund amendment to SB 169 was passed on this the 27th day of May be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—183

Acosta	Dininni	Kosinski	Punt
Angstadt	Distler	Kukovich	Raymond
Argall	Dombrowski	LaGrotta	Reber
Arty	Donatucci	Langtry	Reinard
Baldwin	Dorr	Lashingier	Richardson
Barley	Duffy	Laughlin	Rieger
Battisto	Durham	Leh	Ritter
Belardi	Evans	Lescovitz	Robbins
Belfanti	Fargo	Letterman	Roebuck
Birmelin	Farmer	Levdansky	Rudy
Black	Fattah	Linton	Ryan
Blaum	Fee	Livengood	Rybak
Book	Fischer	Lloyd	Saloom
Bortner	Flick	Lucyk	Saurman
Bowley	Foster	McCall	Schuler
Bowser	Fox	McClatchy	Serafini
Boyes	Freeman	McHale	Seventy
Brandt	Freind	Majale	Showers
Broujos	Gallen	Maine	Sirianni
Bunt	Gamble	Manderino	Smith, B.
Burd	Gannon	Manmiller	Smith, S. H.
Burns	Geist	Markosek	Snyder, G.
Bush	George	Mayernik	Staback
Caltagirone	Gladeck	Melio	Stairs
Cappabianca	Godshall	Merry	Steighner
Carlson	Gruitza	Michlovic	Stuban
Carn	Hagarty	Micozzie	Taylor, E. Z.
Cawley	Haluska	Miller	Taylor, F.
Cessar	Hayden	Moehlmann	Taylor, J.

Chadwick	Hayes	Morris	Telek
Civera	Heckler	Mowery	Trello
Clark	Herman	Mrkonic	Truman
Clymer	Hershey	Nahill	Van Horne
Cohen	Hess	Noye	Veon
Colafiglia	Honaman	O'Donnell	Wambach
Cole	Howlett	Olasz	Wass
Cornell	Hughes	Oliver	Wiggins
Corrigan	Itkin	Petrarca	Wilson
Cowell	Jackson	Petrone	Wozniak
Coy	Jadlowiec	Phillips	Wright, D. R.
DeLuca	Jarolin	Piccola	Wright, J. L.
DeVerter	Johnson	Pievsky	Wright, R. C.
DeWeese	Josephs	Pistella	Yandrisevits
Daley	Kasunic	Pitts	
Davies	Kennedy	Pressmann	Irvis,
Dawida	Kenney	Preston	Speaker
Dietterick			

NAYS—0

NOT VOTING—13

Cimini	Hutchinson	Perzel	Vroon
Deal	McVerry	Semmel	Weston
Gruppo	O'Brien	Snyder, D. W.	Wogan
Hasay			

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A1217:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and further providing for payment of an economic supplement and minimum increases.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. Section 2502.5 of the act is amended by adding a subsection to read:

Section 2502.5. Limitation of Certain Payments.—***

(f) School districts of the first class which do not qualify for the economic supplement as defined in section 2502.11(c) shall not receive a minimum payment increase in the equalized subsidy for basic education as provided in this act.

Section 4. Section 2502.11(c) of the act, amended June 29, 1984 (P.L.438, No.93), is amended and the section is amended by adding a subsection to read:

Section 2502.11. Economic Supplement.—***

(c) For the school year 1982-1983 and each school year thereafter, any district which levies and collects local taxes for school purposes equal to or above the median equalized millage, as defined in section 2501(9.3), in the year for which reimbursement is determined shall qualify for and receive a payment based upon local tax effort and population per square mile in accordance with the following table, except for qualifying districts which include a central city of a Standard Metropolitan Statistical Area and have a district population of less than four thousand (4,000) persons per square mile, which districts shall receive three percent (3%) of their instructional expenditures:

Population Per Square Mile of the Qualifying District	Payment as Percent of Instructional Expenditure
5,950 and over	5
4,000 - 5,949	3
less than 4,000	1

Notwithstanding the provisions of this [subsection.] table, qualifying districts having a general population of five thousand nine hundred fifty (5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADMs shall be paid nineteen percent (19%) of their instructional expenditures.

(d) Notwithstanding the provisions of subsection (c) and section 2502.5(f), school districts of the first class may, prior to September 1, 1987, reopen the budget for the 1987-1988 school year to levy additional taxes authorized by the city council of a city of the first class, in order to qualify for payments under subsection (c) of this section. For the purposes of determining qualification for payments under subsection (c), additional anticipated tax revenues provided to school districts of the first class between the effective date of this subsection and September 1, 1987, shall be credited for the 1986-1987 school year for payments allocated in the 1987-1988 school year.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Bill, page 7, by inserting after line 30

Section 7. The amendments to sections 2502.5(f) and 2502.11(c) and (d) shall not apply to payments under the act to which this is an amendment made to school districts of the first class prior to the 1987-1988 school year.

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

8

On the question recurring,

Will the House agree to the amendments?

The SPEAKER. We are now on the Freind amendment.

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

Mr. COWELL. Mr. Speaker, when this amendment was previously considered, there was discussion about the fiscal chaos that would be created in the Philadelphia School District and the chaotic conditions that would be created in the education system for tens of thousands of students in this Commonwealth if in fact this amendment were fully implemented and the State would withdraw some \$140 million from the Philadelphia School District. As I indicated earlier, this legislature has always been sensitive to the need to maintain some type of consistency with respect to the dollars that we provide the school districts, and in fact we have generally from year to year assured school districts that we would not disrupt their financial condition, and most importantly, not disrupt the education program in those districts through any reduction in State subsidy. So we have always tried to hold harmless all the 501 school districts.

This amendment would very much violate that principle. In fact, I believe this amendment would violate the constitutional obligation that this Commonwealth has to provide a thorough and efficient system of education for all students throughout the Commonwealth, regardless of the school district in which they live. If we withdraw \$140 million from the Philadelphia School District or any similar proportion from any of the school districts of the Commonwealth, we in fact would seriously disrupt the quality of the education program and violate our obligation to provide a thorough and efficient system of education.

CONSTITUTIONAL POINT OF ORDER

Mr. COWELL. I believe this amendment is unconstitutional, and I would ask the Chair to raise that question and have it considered by the members of the House.

The SPEAKER. The gentleman, Mr. Cowell, has suggested that the Freind amendment is unconstitutional. The question of constitutionality is to be decided on the floor of the House. However, although it may be debated, no member may speak more than once under rule 4 on this question.

The Chair will state the question in the positive: Is the Freind amendment constitutional? Those believing it to be constitutional will vote "aye"; those believing it to be unconstitutional will vote "no."

On the question,

Will the House sustain the constitutionality of the amendments?

The SPEAKER. On the question, the Chair recognizes the minority leader.

Mr. RYAN. Thank you, Mr. Speaker.

Boy, we really got some constitutional research done during caucus. Well, now all the Mr. and Mrs. Rural Americans from Pennsylvania - from the rural areas, from the suburban areas, and from the western part of this State, the areas around Mr. Trello, the areas around Mr. Gamble - they are all going to learn some constitutional law now that in the period of 1 hour the Supreme Court interpretation as given by the majority leader, Mr. Manderino, would have all of you people who did what was right an hour ago say, well, maybe it is unconstitutional. And do you really think, Mr. Bowley, that you are going to be able to go back to Forest County and say that in an hour's time Mr. Manderino showed me that giving this money to Philadelphia one time when they conned us, and we now know what is right, would be unconstitutional to take away from them today the way we were about to do? And do you think that is going to work, Mr. Lloyd, back in your area, despite the Harvard Law School education? I will bet some of those people are going to have trouble figuring out what you are saying and what that legal theory is that at one point of time today it was constitutional and an hour later it was unconstitutional.

The SPEAKER. Will the gentleman, Mr. Ryan, yield.

POINT OF ORDER

The SPEAKER. Why does the gentleman from Philadelphia, Mr. Fattah, rise?

Mr. FATTAH. Point of order.

Is the gentleman in order?

The SPEAKER. In the opinion of the Chair, the gentleman, as a leader, is.

The gentleman may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

I would hope that despite the fact that I am a leader I would be in order when I question and quarrel with the element raised by the gentleman, Mr. Cowell, as to the constitution-

ality of the Freind amendment, because really what Mr. Freind has done is this by his amendment: He said, we are going to take money away from you, Philadelphia, unless you comply with the law.

Now, if I follow Mr. Cowell's argument properly, and I am sure I did not because I cannot believe that even Mr. Cowell would go so far as to say it is unconstitutional for this legislature to take back from anyone something that it has given, particularly when what was given—and that is this break to Philadelphia—was done by us on an assurance of the Philadelphians that it was to alleviate or take care of a 2-year problem brought about by reassessment. Now, if you are going to bite on that one, I think it is just absolutely crazy. It is crazy to go with an argument like that. If you do not want to do it, stand up and vote and say I want Philadelphia to get this money because it is right or because it is fair or whatever the reason is, but do not try and hang constitutionality on it.

Even the people whom we have fooled for so many years with some of the shenanigans we have pulled up here, they are not going to believe this line when you go back and try and tell them that in an hour's time in caucus the big-city majority leader came in and convinced us poor rural folk and suburban folk that that is unconstitutional. Now, I could believe that you would be persuaded when I get a look at the majority leader in action, but you are not going to be able to walk him through your districts and show those people just how persuasive he can be. You have got to say that it is unconstitutional after you just said it was constitutional an hour ago, and I think it is just a copout, a sellout, and it is a sham. I really believe you will be ashamed of yourselves if you hang your hat on this particular gimmick, and that is all it is, is a gimmick, and you all know it who change your votes. And you will all hear it again, too.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, this big-city majority leader represents 10 different communities, the largest of which is my hometown that has 11,000 people in it. Big-city majority leader.

Let me say what the big-city majority leader really wants to say, though, and that is that we have a duty under the Constitution to provide, as the Constitution says—and I do not know whether I am paraphrasing, but I am close—we have a duty here in the General Assembly to provide a thorough and efficient system of education for our children. And what Mr. Cowell is saying is to take one-third of the moneys provided in the past over a long period of time from the city of Philadelphia, which represents better than 12, 13, 14 percent of the children in Pennsylvania, is not providing a thorough and efficient system, and therefore we are not following the Constitution.

Mr. Ryan knows that the argument is a good argument, so he starts raising the election specter - you know, Mr. Lloyd, Mr. Trello, Mr. Ryan, Mr. Ryan. Let me say to you, Mr. Ryan, that if this was not a labor issue, you would not be raising the question that is being raised. We have had several other School Code-proper bills that could have been addressed with this issue, and they were not addressed.

Again, let us vote that this is unconstitutional, and let me go on my fishing trip.

The SPEAKER. Those who believe the Freind amendment to be constitutional will vote "yes"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendments?

The following roll call was recorded:

YEAS—117

Angstadt	Dininni	Jadlowiec	Reber
Argall	Distler	Johnson	Reinard
Arty	Dorr	Kennedy	Robbins
Baldwin	Durham	Langtry	Rudy
Barley	Fargo	Lashingner	Ryan
Belardi	Farmer	Lef	Saurman
Birmelin	Fischer	McCall	Schuler
Black	Flick	McClatchy	Semmel
Book	Foster	McHale	Serafini
Bortner	Fox	McVerry	Showers
Bowley	Freeman	Maine	Sirianni
Bowser	Freind	Manmiller	Smith, B.
Brandt	Gallen	Mayermik	Smith, S. H.
Broujos	Gamble	Merry	Snyder, D. W.
Burd	Gannon	Micozzie	Snyder, G.
Burns	Geist	Miller	Staback
Bush	Gladeck	Moehlmann	Stairs
Caltagirone	Godshall	Morris	Stuban
Carlson	Gruppo	Mowery	Taylor, E. Z.
Cawley	Hagarty	Mrkonic	Telek
Cessar	Haluska	Nahill	Trello
Chadwick	Hasay	Noye	Vroon
Civera	Hayes	Olasz	Wambach
Clymer	Heckler	Petrone	Wass
Cornell	Herman	Phillips	Wilson
Coy	Hershey	Piccola	Wozniak
DeLuca	Hess	Pitts	Wright, J. L.
DeVerter	Honaman	Punt	Wright, R. C.
Davies	Jackson	Raymond	Yandrisevits
Dietterick			

NAYS—75

Acosta	Fattah	Linton	Rieger
Battisto	Fee	Livengood	Ritter
Belfanti	George	Lloyd	Roebuck
Blaum	Gruitza	Lucyk	Rybak
Boyes	Hayden	Maiale	Saloom
Cappabianca	Howlett	Manderino	Seventy
Carn	Hughes	Markosek	Steighner
Clark	Itkin	Melio	Taylor, F.
Cohen	Jarolin	Michlovic	Taylor, J.
Colafella	Josephs	O'Brien	Truman
Cole	Kasunic	O'Donnell	Van Horne
Corrigan	Kenney	Oliver	Veon
Cowell	Kosinski	Perzel	Weston
DeWeese	Kukovich	Petrarca	Wiggins
Daley	LaGrotta	Pievsky	Wogan
Dawida	Laughlin	Pistella	Wright, D. R.
Dombrowski	Lescovitz	Pressmann	
Donatucci	Letterman	Preston	Irvis,
Duffy	Levdansky	Richardson	Speaker
Evans			

NOT VOTING—4

Bunt	Cimini	Deal	Hutchinson
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EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the amendments was sustained.

The SPEAKER. The House has decided that the Freind amendment to SB 169 is constitutional. Therefore, the House now has before it the question whether the House will adopt the Freind amendment to SB 169.

On the question recurring,

Will the House agree to the amendments?

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

Mr. COWELL. Mr. Speaker, I would simply remind the members of the House that this amendment if adopted would create chaos in the Philadelphia district, not from only a financial standpoint but from an education standpoint. We would not even think of doing this to any other district in the Commonwealth. We would not even think of doing it to any other district in the Commonwealth, but it is okay to do it in the minds of some folks to Philadelphia. From an education standpoint, it is absolutely wrong.

Secondly, the proposal that is put forward by responsible education leaders, not legislators or politicians but education leaders, is if we are to do anything with the economic supplement, we ought to make it available to everybody rather than to penalize a Philadelphia district by taking it away from them. That is the direction we really ought to be examining if we want to do anything with this particular issue, and that is a proposal put forward by the Pennsylvania League of Urban School Districts.

I also have to remind everybody that there is not a single penny in this amendment for any other district, and the argument about conditional budgets later on is just so much political rhetoric. There is not a single penny in this amendment for any other district. If we were to provide any dollars to other districts, everybody in this House would have a chance to vote, one, on an appropriation bill, that is, the budget; and secondly, everybody would have an opportunity to vote on a School Code bill amending the ESBE formula that would in fact provide for the distribution of dollars. And all of us will vote on two such bills before we go home at the end of June, and that is what will count, and that is what our school districts and school officials will take seriously - what we put in the budget and what we vote for in terms of an ESBE formula in a Public School Code bill later on in June.

Today's action is so much rhetoric; it is so much political posturing. At best, it is simply going to mislead some of our local school officials who might jump to those printouts that were circulated that have nothing to do with this amendment. I hope that all one need do will not be to simply wave paper and printouts in the faces of folks saying you might get X number of dollars if we did A, B, and C later on. That is irrelevant to our school districts. It has nothing to do with this particular amendment.

This amendment acts only in a punitive way. It takes money away from Philadelphia. It provides not a single penny to any

other district in this State. On that basis, I would urge we defeat the amendment.

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

Mr. FREIND. Thank you, Mr. Speaker.

Nothing has changed in an hour. The issue is the same. The numbers which all of you have are the same.

No one is trying to penalize anyone. What we are saying is, Philadelphia, if you want the money, you have to do what everyone else does; you have to raise your taxes to meet the median. We are not forcing them to, and if they do not want to, that is fine. But what we are saying is enough and enough. Three years and \$360 million is enough. It is time to stop being lied to, and yes, by God, Philadelphia did come up here and did say it was a temporary problem and did tell us it would take 2 years to resolve, and it is now 3 1/2 years and counting. It is time to stop being lied to; it is time to stop the gravy train; it is time to stop the Philadelphia school officials from waving around their \$63-million surplus; and it is time to stop Wilson Goode from saying that once again he has got a balanced budget and he does not have to raise taxes—has to sell a couple buildings, but he does not have to raise taxes. It is time to treat all 501 school districts the same.

Nothing has changed at all, Mr. Speaker, and I hope that once again we approve this logical, consistent, and fair amendment. Thank you.

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

Mr. FATTAH. Mr. Speaker, I rise to oppose the Freind amendment. It would seem to me that if we were to pass this amendment this evening, this would be one of the darkest days in the history of this House. I have an 11-year-old daughter who is a student at a school in Philadelphia, public school in the city of Philadelphia, and as I am reminded of the 14th amendment of this State's Constitution, we do have a responsibility to guarantee not just to her but to the other 200,000 students who are there.

The speaker keeps talking about the school district and the mayor and his political career that he has spent a lifetime building, bashing Philadelphia, and we seem to have forgotten, Mr. Ryan, that we are talking about 200,000 kids in the city of Philadelphia. It seems to me that the difference between politicians and statesmen is that some of us have to be concerned about the next election, but God help us if none of us are concerned about the next generation.

I would ask that we vote "no" on the Freind amendment.

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, the gentleman mentioned my name as if I am against education and all in favor of politics, politicians, and the like. I would like simply to remind the gentleman that the problem is caused, in my judgment, by your mayor who has known this problem has existed for the past 3 years, whose administration came up here and told us it was a 2-year temporary problem, and who had the ability to raise the taxes a couple of mills for \$6 million and has not seen

fit to do it to save \$120 million or \$140 million. So I think when you start pointing the finger, you better have some of it going 180 degrees.

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

Mr. MANDERINO. Mr. Speaker, I do not know who this was from Philadelphia who came up and made these promises, but I stated before that I never heard those promises. What I heard was that there was an assessment study going on as a result of a court-ordered reassessment, and that study was called, as I remember, Coleman-Green; and as a result of that court suit, the assessments were ordered in Philadelphia to be changed in the downward direction. That is what has caused this gap that exists. And we recognized that that was the problem, or otherwise, why did we place into permanent law the exemption?

If it would have been as the gentlemen are trying to say, that they came up here and asked for 2 years, we certainly would have put 2 years in the statute. Mr. Freind has been here long enough to know how to do that, and I am sure that it would have been there. It is not there. They did not ask us for temporary relief. They told us that the court case and the decision that had been made that required them to reassess downward would give them a permanent problem, and it did, and it has, and we have lived with that problem.

Let us not do this dastardly thing this afternoon. Let us vote in the negative against the Freind amendment.

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

(Members proceeded to vote.)

The SPEAKER. We are running a stopwatch on it. We will wait until we are ready to take the final vote, but we cannot exceed 10 minutes.

VOTES CHALLENGED

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. The gentleman, Mr. Rieger? The gentleman, Mr. Carn?

The SPEAKER. Mr. Rieger, struck. Mr. Carn? Mr. Carn's vote has been struck.

Mr. RYAN. Mr. Speaker, is the gentleman, Mr. Bowley's switch broken?

The SPEAKER. Mr. Bowley has voted in the affirmative on the board.

Mr. RYAN. I did not know if perhaps Mr. Bowley, Mr. Caltagirone, and some of the others, perhaps they were voting and it was registering up there, but I could not see that it was registering here.

The SPEAKER. Mr. Caltagirone is not registered. Mr. Bowley is.

Mr. MANDERINO. Mr. Speaker, real quick, Dininni, Arty, and Book?

The SPEAKER. Mr. Dininni?

Mr. RYAN. Are not voted.

The SPEAKER. Yes, Mr. Dininni's vote is on the board. Mr. Book? Mr. Book?

Mr. MANDERINO. It kind of changed the vote a little bit, did it not, Mr. Ryan?

Mr. RYAN. Yeah.

Mr. Staback? Is his switch broken, Mr. Speaker?

Mr. MANDERINO. It is working. It is working.

Mr. RYAN. I am sorry about that.

Is the gentleman, Mr. Petrarca, voted?

The SPEAKER. He is voted in the negative, yes. He is on the board.

Mr. RYAN. Well, is he here?

The SPEAKER. The Chair saw him earlier. The Chair does not know if he is out. Is Mr. Petrarca on the floor?

Mr. RYAN. The gentleman, Mr. Petrarca, is still voted, Mr. Speaker.

The SPEAKER. We will have to strike Mr. Petrarca's vote. He must be on the floor.

The clock has been running just about 4 minutes now.

Have all the members voted? The clerk will record the vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—92

Angstadt	Fargo	Honaman	Raymond
Argall	Farmer	Jackson	Reber
Barley	Fischer	Jadlowiec	Reinard
Birmelin	Flick	Johnson	Robbins
Black	Foster	Kennedy	Ryan
Bowley	Fox	Langtry	Saurman
Bowser	Freeman	Lashinger	Schuler
Brandt	Freind	Leh	Semmel
Burd	Gallen	McClatchy	Serafini
Burns	Gamble	McHale	Showers
Bush	Gannon	Maine	Sirianni
Carlson	Geist	Manmiller	Smith, B.
Cessar	Gladeck	Merry	Smith, S. H.
Chadwick	Godshall	Micozzie	Snyder, D. W.
Civera	Gruppo	Miller	Snyder, G.
Clymer	Hagarty	Moehlmann	Stairs
Cornell	Haluska	Mowery	Taylor, E. Z.
DeVerter	Hasay	Nahill	Telek
Davies	Hayes	Noye	Vroon
Dietterick	Heckler	Phillips	Wass
Distler	Herman	Piccola	Wilson
Dorr	Hershey	Pitts	Wright, J. L.
Durham	Hess	Punt	Wright, R. C.

NAYS—92

Acosta	Donatucci	Livengood	Rudy
Baldwin	Duffy	Lloyd	Rybak
Battisto	Evans	Lucyk	Saloom
Belardi	Fattah	McCall	Seventy
Belfanti	Fee	Maiale	Staback
Blaum	George	Manderino	Steighner
Bortner	Gruitza	Markosek	Stuban
Boyes	Hayden	Mayernik	Taylor, F.
Broujos	Howlett	Melio	Taylor, J.
Caltagirone	Hughes	Michlovic	Trello
Cappabianca	Hutchinson	Morris	Truman
Cawley	Itkin	O'Brien	Van Horne
Clark	Jarolin	O'Donnell	Veon
Cohen	Josephs	Olasz	Wambach
Colafella	Kasunic	Oliver	Weston
Cole	Kenney	Perzel	Wiggins
Corrigan	Kosinski	Pievsky	Wogan

Cowell	Kukovich	Pistella	Wozniak
Coy	LaGrotta	Pressmann	Wright, D. R.
DeLuca	Laughlin	Preston	Yandrisevits
DeWeese	Lescovitz	Richardson	
Daley	Letterman	Ritter	Irvis,
Dawida	Levdansky	Roebuck	Speaker
Dombrowski	Linton		

NOT VOTING—12

Arty	Carn	Dininni	Petrarca
Book	Cimini	McVerry	Petrone
Bunt	Deal	Mrkonic	Rieger

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

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

AMENDMENT A1317 RECONSIDERED

The SPEAKER. The Chair has before it a motion of reconsideration signed by the gentleman, Mr. Manderino, whereby the Ryan amendment A1317, which was passed on this the 27th day of May, be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—185

Acosta	Duffy	Lashinger	Richardson
Angstadt	Durham	Laughlin	Rieger
Argall	Evans	Leh	Ritter
Arty	Fargo	Lescovitz	Robbins
Baldwin	Farmer	Letterman	Roebuck
Barley	Fee	Levdansky	Rudy
Battisto	Fischer	Livengood	Ryan
Belardi	Flick	Lloyd	Rybak
Belfanti	Foster	Lucyk	Saloom
Black	Fox	McCall	Saurman
Blaum	Freeman	McClatchy	Schuler
Book	Freind	McHale	Semmel
Bortner	Gallen	McVerry	Serafini
Bowley	Gamble	Maiale	Seventy
Bowser	Gannon	Maine	Showers
Boyes	Geist	Manderino	Sirianni
Brandt	George	Manmiller	Smith, B.
Broujos	Gladeck	Markosek	Smith, S. H.
Burd	Godshall	Mayernik	Snyder, D. W.
Burns	Gruitza	Melio	Snyder, G.
Bush	Gruppo	Merry	Stairs
Caltagirone	Hagarty	Michlovic	Steighner
Carlson	Haluska	Micozzie	Stuban
Cawley	Hasay	Miller	Taylor, E. Z.
Cessar	Hayden	Moehlmann	Taylor, F.
Chadwick	Hayes	Morris	Taylor, J.
Civera	Heckler	Mowery	Telek
Clark	Herman	Nahill	Trello
Clymer	Hershey	Noye	Truman
Cohen	Hess	O'Brien	Van Horne
Colafella	Honaman	O'Donnell	Veon
Cole	Howlett	Olasz	Vroon
Cornell	Hughes	Oliver	Wambach
Corrigan	Hutchinson	Perzel	Wass
Cowell	Itkin	Petrarca	Weston
Coy	Jackson	Petrone	Wiggins

DeLuca	Jadlowiec	Phillips	Wilson
DeVertter	Jarolin	Piccola	Wogan
DeWeese	Johnson	Pievsky	Wozniak
Daley	Josephs	Pistella	Wright, D. R.
Davies	Kasunic	Pitts	Wright, J. L.
Dawida	Kennedy	Pressmann	Wright, R. C.
Dietterick	Kenney	Preston	Yandrisevits
Distler	Kosinski	Punt	
Dombrowski	Kukovich	Raymond	Irvis,
Donatucci	LaGrotta	Reber	Speaker
Dorr	Langtry	Reinard	

NAYS—1

Birmelin

NOT VOTING—10

Bunt	Cimini	Fattah	Mrkonic
Cappabianca	Deal	Linton	Staback
Carn	Dininni		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. A1317:

Amend Sec. 1 (Sec. 527), page 6, by inserting between lines 3 and 4

(o) Each exclusive representative shall, as a result of any legal action instituted by a nonmember against the public employer arising out of or by reason of any good faith action taken by the public employer for the purpose of complying with this section, indemnify and hold harmless the public employer, including each elected and appointed official of the public employer, against any and all reasonable costs including any and all damage awards or judgments or other forms of liability arising therefrom.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I am not going to take up a great deal of time of the members. If you recall, this is an amendment that I offered that has the effect of indemnifying your school board members, as individuals, and your school board against any suits that are brought by reason of trying to comply with this act. It would put the cost of such a suit and the cost of such a judgment, should it be successful, on the union; that is, the beneficiary of this particular bill.

I think you are all aware of it. Your school boards all want this. Your School Boards Association prepared this amendment and sent it down here, and I am introducing it on their behalf.

PARLIAMENTARY INQUIRY

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. On the Ryan amendment, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the point.

Mr. McHALE. Mr. Speaker, is it appropriate at this point to raise the question of constitutionality?

The SPEAKER. That point may indeed be raised at this point in the debate.

Mr. McHALE. Mr. Speaker, I do raise that question.

The SPEAKER. The gentleman, Mr. McHale, raises a question as to whether or not the Ryan amendment A1317 is constitutional. The matter of constitutionality is to be decided on the floor of the House. Members are permitted to debate it but only one time each.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh, Mr. McHale.

Mr. McHALE. Thank you, Mr. Speaker.

Mr. Speaker, I believe this amendment is unconstitutional in that it provides for an improper taking from a union treasury. During earlier interrogation I asked Mr. Ryan if in order to impose liability under this amendment there had to be any showing of fault on the part of the affected union. The gentleman indicated to me that there need not be any fault.

What this amendment says is this: If a disgruntled employee, who might be a member of the bargaining unit, brings even a frivolous lawsuit against a public employer and that public employer in good faith attempts to implement this act and in so doing suffers a monetary loss through that lawsuit, if a judgment or indeed even something short of a judgment—because there is no requirement in this amendment that the suit be successful—if any cost is incurred by that public employer, the cost is shifted at the conclusion of that litigation to the union, even if the union did absolutely nothing wrong, even if the union did nothing which gave rise to the litigation, which is why when we earlier debated this issue I used the term “insurer.” This would impose costs upon a union in the event of a frivolous lawsuit, even if the union did nothing wrong.

I believe, Mr. Speaker, that for us statutorily to impose those costs on a union treasury is a taking without just compensation. It imposes a cost without a requirement of fault, and to take that money from a union under those circumstances is not only unfair; it is, in my opinion, unconstitutional.

The SPEAKER. The Chair recognizes the minority leader on the question.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I respectfully disagree with the statement the gentleman made. In fact, I found it a little bit incredible to liken this particular amendment to almost an act of condemnation. I do not think it is that at all. If we look—Mr. Speaker, may I have order?

The SPEAKER. You may now proceed, Mr. Ryan.

Mr. RYAN. Mr. Speaker, if we look to what I am trying to accomplish and what the School Boards Association is trying

to accomplish with this, it is the following: The PSEA and AFT—and they are the two major unions—I believe, according to the information that I have, that this— Mr. Speaker, I apologize. I cannot hear myself think.

The SPEAKER. Just a moment, Mr. Ryan.

Quiet down.

Try it now, Mr. Ryan.

Mr. RYAN. The two major unions representing the school-teachers, as I understand it, are AFT and PSEA. It is my information that approximately 26,000 or 29,000 of the teachers are not members of either PSEA or AFT. It is my further information that the dues—and I would be happy to be corrected by anyone who has good information on this point—it is my further information that the dues are approximately, I have been told, \$200. Now, if this is multiplied out, there is some \$5 million, \$6 million in dues that will be coming in to these organizations that they have not heretofore earned or had to account for because they did not have this revenue.

Now, as between the two innocent parties— And I am saying that the unions are innocent parties—I am not quarreling with that—but so are the members of your school board, the unpaid members of your school board, innocent parties, and the school board itself and the school district itself are innocent parties that are under this law collecting these dues for this union, and that is what they are doing. They are really being sued— If you can liken it to condemnation, then I am going to liken it to agency, and I am saying that this school board and these school board members are in effect acting, because of us and this law, as agents for the union for the purpose of collecting dues. So you have a school board and school board members, following this law that we are passing, extracting or collecting on behalf of this union, another innocent party, dues, and they get sued for collecting these dues because a nonmember, a person who is being “forced” to kick into the dues under the fair share of this legislation, brings suit. Now, it may be frivolous as to us, it may be frivolous as to the school board, but it may not be frivolous as to that particular person who brings the suit.

I disagree with the gentleman’s statement that it is not right to take from this union. If you want to liken this to an agency-type situation where the school board— And they really are acting as agents. They are collecting on behalf of their principal, their principal being the AFT or the PSEA. So if there is litigation resulting from it, then the principal, the AFT or PSEA, should pay for it. And that is—

The SPEAKER. Just a moment, Mr. Ryan. I apologize for interrupting you so frequently.

The Chair realizes that the hour is growing late and all of us are getting tired. The Chair would suggest that if you quiet down for a few minutes, we will be finished much sooner. Mr. Ryan has a right to the floor and the right to make his argument.

Continue, Mr. Ryan.

Mr. RYAN. Mr. Speaker, if there was complete silence and I made my argument, I would never get a vote. I depend to a great extent on the confusion, and then I feel that I get votes because I am just such a nice guy.

The fact remains that you have two innocent parties. I believe that we can easily justify having the union pay for these lawsuits, because really, the school boards are acting in the nature of agents collecting for, collecting under our law for the union, and under those circumstances, I think of the two innocent parties, that one that is getting the money - i.e., the union - should pay the bill for the litigation. Thank you, Mr. Speaker.

I am sorry to have taken so much time on the issue.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman from Chester, Mr. Morris.

Mr. MORRIS. Thank you, Mr. Speaker.

I do not care how thin you slice it, it is still a taking, and I might say it is baloney.

I voted against this amendment before because I thought it was thoroughly unjust and against the principle of this legislation. But I had not thought then—this poor, old, broken-down lawyer. I have been in this House too long, as far as legal stuff goes—I had not thought of this aspect of it. There is no question about it. You are authorizing somebody to take property from this union without due process of law. In addition to that, it absolutely refutes the purpose of this bill.

This is a very bad situation. I urge you to vote that this amendment is seriously unconstitutional.

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, I listened to both gentlemen. They sit next to each other. I think they were comparing notes. They disavow that.

But the argument of the two gentlemen is that you are taking something against the will of the union. This whole bill does that. This whole bill, under your line of reasoning, is unconstitutional because you are taking money against the wishes of the nonmembers of the union. I mean, that is a crazy argument on this bill. I mean, use it some other day, but, boy, this whole bill deals with extracting money from union members who do not want to pay it.

The SPEAKER. The question is, is the Ryan amendment constitutional? Those who believe it to be constitutional will vote “aye”; those who believe it to be nonconstitutional will vote “no.” If you believe it to be constitutional, you vote in the affirmative. If you believe it to be unconstitutional, you vote in the negative.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. MANDERINO. Mr. Speaker, I do not see a couple of people whom I called before in their seats.

The SPEAKER. Mr. Dininni is not voting. Who are the others?

Mr. MANDERINO. Mrs. Arty?

The SPEAKER. Arty?

Mr. RYAN. Maybe he is referring to Mr. Petrarca.

The SPEAKER. Arty is not voted, and Bunt is not voted.
 Mr. MANDERINO. How about Mrs. Arty?
 The SPEAKER. Mrs. Arty is not voted.
 Mr. MANDERINO. Is Mr. Book hiding somewhere, or is he here?
 The SPEAKER. Is Mr. Book on the floor? If he is not, strike the vote.
 Mr. MANDERINO. Lock it.
 Mr. RYAN. The gentleman, Mr. Petrone?
 The SPEAKER. Mr. Petrone is on the floor.

On the question recurring,
 Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—93

Argall	Farmer	Kenney	Ryan
Barley	Fischer	Langtry	Saurman
Birmelin	Flick	Lashingier	Schuler
Black	Foster	Leh	Semmel
Bowley	Fox	McClatchy	Serafini
Bowser	Freind	McVerry	Showers
Brandt	Gallen	Manmiller	Sirianni
Burd	Gannon	Merry	Smith, B. H.
Bush	Gamble	Micozzie	Smith, S. H.
Carlson	Geist	Miller	Snyder, D. W.
Cessar	Gladeck	Moehlmann	Snyder, G.
Chadwick	Godshall	Mowery	Stairs
Civera	Gruppo	Nahill	Taylor, E. Z.
Clymer	Hagarty	Noye	Taylor, J.
Cornell	Hayes	O'Brien	Telek
DeVerter	Heckler	Perzel	Vroon
Dietterick	Herman	Phillips	Wass
Distler	Hershey	Piccola	Weston
Dorr	Hess	Pitts	Wilson
Durham	Honaman	Punt	Wogan
Fargo	Jackson	Raymond	Wozniak
	Jadlowiec	Reber	Wright, J. L.
	Johnson	Reinard	Wright, R. C.
	Kennedy	Robbins	
		Rudy	

NAYS—94

Acosta	Donatucci	Letterman	Pressmann
Angstadt	Duffy	Levdansky	Preston
Baldwin	Evans	Linton	Richardson
Battisto	Fattah	Livengood	Ritter
Belardi	Fee	Lloyd	Roebuck
Belfanti	Freeman	Lucyk	Rybak
Blaum	George	McCall	Saloom
Bortner	Gruitza	McHale	Seventy
Boyes	Haluska	Maiale	Staback
Broujos	Hasay	Maine	Steighner
Burns	Hayden	Manderino	Stuban
Caltagirone	Howlett	Markosek	Taylor, F.
Cappabianca	Hughes	Mayernik	Trello
Cawley	Hutchinson	Melio	Truman
Clark	Itkin	Michlovic	Van Horne
Cohen	Jarolin	Morris	Veon
Collafella	Josephs	Mrkonic	Wambach
Cole	Kasunic	O'Donnell	Wiggins
Corrigan	Kosinski	Olasz	Wright, D. R.
Cowell	Kukovich	Oliver	Yandrisevits
Coy	LaGrotta	Petrone	
Davies	Laughlin	Pievsky	Irvis,
DeLuca	Lescovitz	Pistella	Speaker
DeWeese			
Daley			
Dawida			
Dombrowski			

NOT VOTING—9

Arty	Carn	Deal	Petrarca
Book	Cimini	Dininni	Rieger
Bunt			

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

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

AMENDMENT A1217 RECONSIDERED

The SPEAKER. The Chair has before it a motion to reconsider the vote, signed by the gentleman, Mr. Ryan, by which the Freind amendment A1217 to SB 169 was defeated on this the 27th day of May.

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

The following roll call was recorded:

YEAS—162

Angstadt	Dorr	Lashingier	Rieger
Argall	Duffy	Laughlin	Robbins
Arty	Durham	Leh	Rudy
Baldwin	Fargo	Blescovitz	Ryan
Barley	Farmer	Levdansky	Rybak
Battisto	Fattah	Linton	Saloom
Belardi	Fee	Livengood	Saurman
Belfanti	Fischer	Lloyd	Schuler
Birmelin	Flick	Lucyk	Semmel
Black	Foster	McCall	Serafini
Blaum	Fox	McClatchy	Seventy
Book	Freind	McHale	Showers
Bortner	Gallen	McVerry	Sirianni
Bowser	Gamble	Maiale	Smith, B.
Boyes	Gannon	Manderino	Smith, S. H.
Brandt	Geist	Manmiller	Snyder, D. W.
Broujos	George	Markosek	Snyder, G.
Burd	Gladeck	Mayernik	Stairs
Burns	Godshall	Merry	Steighner
Bush	Gruppo	Michlovic	Stuban
Caltagirone	Hagarty	Micozzie	Taylor, E. Z.
Cappabianca	Haluska	Miller	Taylor, F.
Carlson	Hasay	Moehlmann	Taylor, J.
Cawley	Hayes	Mowery	Telek
Cessar	Heckler	Mrkonic	Trello
Chadwick	Herman	Nahill	Van Horne
Cimini	Hershey	Noye	Vroon
Civera	Hess	O'Brien	Wambach
Clymer	Honaman	O'Donnell	Wass
Colafella	Howlett	Olasz	Weston
Cornell	Itkin	Perzel	Wiggins
Cowell	Jackson	Petrone	Wilson
DeLuca	Jadlowiec	Phillips	Wogan
DeVerter	Jarolin	Piccola	Wozniak
DeWeese	Johnson	Pievsky	Wright, D. R.
Davies	Kasunic	Pitts	Wright, J. L.
Dawida	Kennedy	Preston	Wright, R. C.
Dietterick	Kenney	Punt	Yandrisevits
Distler	Kosinski	Raymond	
Dombrowski	LaGrotta	Reber	Irvis,
Donatucci	Langtry	Reinard	Speaker

NAYS—28

Acosta	Daley	Kukovich	Pistella
Bowley	Freeman	Letterman	Pressmann
Clark	Gruitza	Maine	Ritter
Cohen	Hayden	Melio	Roebuck
Cole	Hughes	Morris	Staback
Corrigan	Hutchinson	Oliver	Truman
Coy	Josephs	Petrarca	Veon

NOT VOTING—6

Bunt	Deal	Evans	Richardson
Carn	Dininni		

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

On the question recurring,

Will the House agree to the amendments?

The clerk read the following amendments No. A1217:

Amend Title, page 1, line 7, by striking out "AND"

Amend Title, page 1, line 8, by removing the period after "FEE" and inserting

; and further providing for payment of an economic supplement and minimum increases.

Amend Bill, page 7, by inserting between lines 15 and 16

Section 3. Section 2502.5 of the act is amended by adding a subsection to read:

Section 2502.5. Limitation of Certain Payments.—* * *

(f) School districts of the first class which do not qualify for the economic supplement as defined in section 2502.11(c) shall not receive a minimum payment increase in the equalized subsidy for basic education as provided in this act.

Section 4. Section 2502.11(c) of the act, amended June 29, 1984 (P.L.438, No.93), is amended and the section is amended by adding a subsection to read:

Section 2502.11. Economic Supplement.—* * *

(c) For the school year 1982-1983 and each school year thereafter, any district which levies and collects local taxes for school purposes equal to or above the median equalized millage, as defined in section 2501(9.3), in the year for which reimbursement is determined shall qualify for and receive a payment based upon local tax effort and population per square mile in accordance with the following table, except for qualifying districts which include a central city of a Standard Metropolitan Statistical Area and have a district population of less than four thousand (4,000) persons per square mile, which districts shall receive three percent (3%) of their instructional expenditures:

Population Per Square Mile of the Qualifying District	Payment as Percent of Instructional Expenditure
5,950 and over	5
4,000 - 5,949	3
less than 4,000	1

Notwithstanding the provisions of this [subsection,] table, qualifying districts having a general population of five thousand nine hundred fifty (5,950) or more persons per square mile and at least thirty-five thousand (35,000) WADMs shall be paid nineteen percent (19%) of their instructional expenditures.

(d) Notwithstanding the provisions of subsection (c) and section 2502.5(f), school districts of the first class may, prior to September 1, 1987, reopen the budget for the 1987-1988 school year to levy additional taxes authorized by the city council of a city of the first class, in order to qualify for payments under subsection (c) of this section. For the purposes of determining qualification for payments under subsection (c), additional anticipated

tax revenues provided to school districts of the first class between the effective date of this subsection and September 1, 1987, shall be credited for the 1986-1987 school year for payments allocated in the 1987-1988 school year.

Amend Sec. 3, page 7, line 16, by striking out "3" and inserting

5

Amend Sec. 4, page 7, line 28, by striking out "4" and inserting

6

Amend Bill, page 7, by inserting after line 30

Section 7. The amendments to sections 2502.5(f) and 2502.11(c) and (d) shall not apply to payments under the act to which this is an amendment made to school districts of the first class prior to the 1987-1988 school year.

Amend Sec. 5, page 8, line 1, by striking out "5" and inserting

8

On the question recurring,

Will the House agree to the amendments?

REQUEST FOR RECESS

The SPEAKER. The Chair recognizes the minority leader on the amendment.

Mr. RYAN. No. Mr. Speaker, I apologize. A number of my members have asked me if we, too, might now have the same opportunity the majority party had an hour or so ago and allow us to have a half-hour caucus so we might, too, review the Constitution.

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. I would have had no objection had they taken the time to caucus when we caucused. Having wasted that time, I oppose their caucus.

The SPEAKER. Let us get on with the voting and let us stop some of the nonsense. We have to decide this question one time or another.

The question is, will the House adopt the Freind amendment?

MOTION TO RECESS

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. The question is, are you and the majority party going to honor my request for a half-hour caucus?

The SPEAKER. The gentleman, Mr. Manderino, has objected to that. If you wish to pursue it, then it must go to the vote of the floor.

Mr. RYAN. Mr. Speaker, I forget the proper motion, but you know what I want to say for a half hour. I want to recess for a half hour. I would ask that the House recess until 6:05, plus however many minutes of debate go on top of that.

Mr. MANDERINO. Mr. Speaker, I can remember not so long ago on a Wachob amendment on welfare reform we were refused the same courtesy by the majority at that time.

The SPEAKER. On the motion of the leader of the Republican Party, those in favor of a recess until 6:05 will vote "aye"; those opposed will vote "no."

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

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Is Mr. Petrarca on the floor, Mr. Speaker?
The SPEAKER. Not voting.

Have all the members voted?

Mr. MANDERINO. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mrs. Arty? Mr. Book?

The SPEAKER. Not voted.

Mr. RYAN. Is the gentleman, Mr. Mrkonic, on the floor?

The SPEAKER. Mr. Mrkonic? If he is not on the floor, strike the vote.

Mr. RYAN. Mr. Speaker, you will add a couple of minutes to my 6:05 to cover the 20 minutes that you—

The SPEAKER. The Chair recognizes that you will get 35 minutes after all the debate.

Mr. RYAN. Thank you.

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

The following roll call was recorded:

YEAS—92

Angstadt	Fargo	Johnson	Reinard
Argall	Farmer	Kennedy	Robbins
Barley	Fischer	Kenney	Ryan
Birmelin	Flick	Langtry	Saurman
Black	Foster	Lashingner	Schuler
Bowser	Fox	Leh	Semmel
Boyes	Freind	McClatchy	Serafini
Brandt	Gallen	Manmiller	Sirianni
Burd	Gannon	Merry	Smith, B.
Burns	Geist	Micozzie	Smith, S. H.
Bush	Gladeck	Miller	Snyder, D. W.
Carlson	Godshall	Moehlmann	Snyder, G.
Cessar	Gruppo	Mowery	Stairs
Chadwick	Hagarty	Nahill	Taylor, E. Z.
Civera	Hasay	Noye	Taylor, J.
Clymer	Hayes	O'Brien	Telek
Cornell	Heckler	Perzel	Vroon
DeVerter	Herman	Phillips	Wass
Davies	Hershey	Piccola	Weston
Dietterick	Hess	Pitts	Wilson
Distler	Honaman	Punt	Wogan
Dorr	Jackson	Raymond	Wright, J. L.
Durham	Jadlowiec	Reber	Wright, R. C.

NAYS—93

Acosta	Donatucci	Levdansky	Ritter
Baldwin	Duffy	Linton	Roebuck
Battisto	Evans	Livengood	Rudy
Belardi	Fattah	Lloyd	Rybak
Belfanti	Fee	Lucyk	Saloom
Blaum	Freeman	McCall	Seventy
Bortner	Gamble	McHale	Showers
Bowley	George	Maiale	Staback
Broujos	Gruitza	Maine	Steighner
Caltagirone	Haluska	Manderino	Stuban
Cappabianca	Hayden	Markosek	Taylor, F.
Cawley	Howlett	Mayernik	Trello
Clark	Hughes	Melio	Truman
Cohen	Hutchinson	Michlovic	Van Horne
Colafella	Itkin	Morris	Veon
Cole	Jarolin	O'Donnell	Wambach
Corrigan	Josephs	Olasz	Wiggins

Cowell	Kasunic	Oliver	Wozniak
Coy	Kosinski	Petrone	Wright, D. R.
DeLuca	Kukovich	Pievsky	Yandrisevits
DeWeese	LaGrotta	Pistella	
Daley	Laughlin	Pressmann	Irvis,
Dawida	Lescovitz	Preston	Speaker
Dombrowski	Letterman	Richardson	

NOT VOTING—11

Arty	Carn	Dininni	Petrarca
Book	Cimini	McVerry	Rieger
Bunt	Deal	Mrkonic	

EXCUSED—6

Harper	Scheetz	Sweet	Tigue
Murphy	Stevens		

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

The SPEAKER. The House has decided to go on with the torture.

The Chair again places the question before the House, will the House adopt the Freind amendment?

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

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. It is my understanding, Mr. Speaker, that Mr. Reber desired to interrogate the gentleman, Mr. Freind. I accordingly would yield to Mr. Reber.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader.

Mr. MANDERINO. Mr. Speaker, parliamentary inquiry, please?

The SPEAKER. What is the parliamentary inquiry?

Mr. MANDERINO. Is there anything that must come before this House before we adjourn for the day?

The SPEAKER. No. There is no "must" list here. We can finish now.

Mr. MANDERINO. Will the gentleman yield over there? Will you yield?

The SPEAKER. Mr. Ryan yielded to Mr. Reber, but the floor—

Mr. MANDERINO. Mr. Speaker, it is obvious that the minority leader wants to delay until he brings two or three of his Harrisburg members who are not here back here. Let us bring everybody back next week or whenever we are in and we will vote on the issue with our people here and your people here.

Mr. RYAN. That is a good idea, Mr. Speaker.

BILL PASSED OVER

The SPEAKER. Without objection, the Chair passes over SB 169. The Chair hears no objection.

BILLS AND RESOLUTION PASSED OVER

The SPEAKER. All the bills, unless there be objection, currently on the calendar will be over. The Chair hears no objection.

ADJOURNMENT

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

Mr. HUGHES. Mr. Speaker, I move that this House do now adjourn until Monday, June 1, 1987, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:44 p.m., e.d.t., the House adjourned.