

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MARCH 15, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PHYLLIS MUNDY) PRESIDING

PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Father, time passes swiftly, and a day is never promised. We are enjoined to make the most of the moment, whatever it may bring. We are deeply grateful for the many moments that You have given us.

Remind us that what we accomplish in these moments will in large measure determine what the ensuing days, weeks, months, and even years will vouchsafe unto us.

Teach us to never take any time for granted, for we pass this way but once. Therefore, if there is anything that we can do, let us neither ignore nor defer it, for all of our time is in Your hands, and finally, we are accountable not to our constituents but to You alone.

And Thou, O Merciful God, teach us to number our days that we might apply our hearts unto wisdom.

For it is in Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, March 14, 1994, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes Mr. Steighner.

Mr. STEIGHNER. Thank you, Madam Speaker.

Madam Speaker, I would ask for leave for today only for the gentleman from Philadelphia, Mr. EVANS; the gentleman from Philadelphia, Mr. BUTKOVITZ; the gentlelady from Centre, Mrs. RUDY; and the gentleman from Allegheny, Mr. MAYERNIK.

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

Does the gentleman, Mr. Geist, have any leaves?

Mr. GEIST. Thank you, Madam Speaker.

If you could please pass over leaves of absence. We know that we have Representative BUSH for the week, and we do not know of any others right now. So if there are, we will come back and revisit it. Thank you.

The SPEAKER pro tempore. Without objection, leave of absence is granted for Mr. Bush.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—196

| | | | |
|-------------|------------|-----------|---------------|
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimanti |
| Barley | Freeman | Marsico | Semmel |
| Battisto | Gamble | Masland | Serafini |
| Bebko-Jones | Gannon | McCall | Smith, B. |
| Belardi | Geist | McGeehan | Smith, S. H. |
| Belfanti | George | McNally | Snyder, D. W. |
| Birmelin | Gerlach | Melio | Staback |
| Bishop | Gigliotti | Merry | Stairs |
| Blaum | Gladeck | Michlovic | Steelman |
| Boyes | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | Nyce | Sturla |
| Carn | Hasay | O'Brien | Surra |
| Carone | Hennessey | Olasz | Tangretti |
| Cawley | Herman | Oliver | Taylor, E. Z. |
| Cessar | Hershey | Perzel | Taylor, J. |
| Chadwick | Hess | Pesci | Thomas |
| Civera | Hughes | Petrarca | Tigue |
| Clark | Hutchinson | Petrone | Tomlinson |
| Clymer | Itkin | Pettit | Trello |

| | | | |
|--------------|-----------|------------|---------------|
| Cohen, L. I. | Jadlowiec | Phillips | Trich |
| Cohen, M. | James | Piccola | True |
| Colafrilla | Jarolin | Pistella | Tulli |
| Colaizzo | Josephs | Pitts | Uliana |
| Conti | Kaiser | Platts | Vance |
| Cornell | Kasunic | Preston | Van Horne |
| Corrigan | Keller | Raymond | Veon |
| Cowell | Kenney | Reber | Vitali |
| Coy | King | Reinard | Washington |
| Curry | Kirkland | Richardson | Waugh |
| Daley | Krebs | Rieger | Williams |
| DeLuca | Kukovich | Ritter | Wogan |
| Dempsey | LaGrotta | Roberts | Wozniak |
| Dent | Laub | Robinson | Wright, D. R. |
| Dermody | Laughlin | Roebuck | Wright, M. N. |
| Donatucci | Lawless | Rohrer | Yandrisevits |
| Druce | Lederer | Rooney | Yewcic |
| Durham | Lee | Rubley | Zug |
| Egolf | Leh | Ryan | |
| Fairchild | Lescovitz | Santoni | DeWeese, |
| Fajt | Levdansky | Sather | Speaker |
| Fargo | Lloyd | | |

ADDITIONS-1

Acosta

NOT VOTING-0

EXCUSED-5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER pro tempore. The Chair would like to introduce the following guests, who are seated to the left of the Speaker's rostrum on the House floor: Shawn Kachmar, Penn State, Harrisburg; Otto V. Banks, Penn State, Harrisburg; Anthony P. Johnson, Cheyney University; John D. Miller III, Penn State, Harrisburg. The guests are welcomed to the floor of the House.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2398, PN 3013**, entitled:

An Act amending the act of December 19, 1990 (P.L.1391, No.215), known as the Motivational Boot Camp Act, further defining "eligible inmate."

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

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS-195

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fee | Lucyk | Saurman |
| Allen | Fichter | Lynch | Saylor |
| Argall | Fleagle | Maitland | Scheetz |
| Armstrong | Flick | Manderino | Schuler |
| Baker | Freeman | Markosek | Scrimenti |
| Barley | Gamble | Marsico | Semmel |
| Battisto | Gannon | Masland | Serafini |
| Bebko-Jones | Geist | McCall | Smith, B. |
| Belardi | George | McGeehan | Smith, S. H. |
| Belfanti | Gerlach | McNally | Snyder, D. W. |
| Birmelin | Gigliotti | Melio | Staback |
| Bishop | Gladeck | Merry | Stairs |
| Blaum | Godshall | Michlovic | Steelman |
| Boyes | Gordner | Micozzie | Steighner |
| Bunt | Gruitza | Mihalich | Steil |
| Burns | Gruppo | Miller | Stern |
| Buxton | Haluska | Mundy | Stetler |
| Caltagirone | Hanna | Nailor | Stish |
| Cappabianca | Harley | Nickol | Strittmatter |
| Carn | Hasay | Nyce | Sturla |
| Carone | Hennessey | O'Brien | Surra |
| Cawley | Herrman | Olasz | Tangretti |
| Cessar | Hershey | Oliver | Taylor, E. Z. |
| Chadwick | Hess | Perzel | Taylor, J. |
| Civera | Hughes | Pesci | Thomas |
| Clark | Hutchinson | Petrarca | Tigue |
| Clymer | Itkin | Petrone | Tomlinson |
| Cohen, L. I. | Jadlowiec | Petit | Trello |
| Cohen, M. | James | Phillips | Trich |
| Colafrilla | Jarolin | Piccola | True |
| Colaizzo | Josephs | Pistella | Tulli |
| Conti | Kaiser | Pitts | Uliana |
| Cornell | Kasunic | Platts | Vance |
| Corrigan | Keller | Preston | Van Horne |
| Cowell | Kenney | Raymond | Veon |
| Coy | King | Reber | Vitali |
| Curry | Kirkland | Reinard | Washington |
| Daley | Krebs | Richardson | Waugh |
| DeLuca | Kukovich | Rieger | Williams |
| Dempsey | LaGrotta | Ritter | Wogan |
| Dent | Laub | Roberts | Wozniak |
| Dermody | Laughlin | Robinson | Wright, D. R. |
| Donatucci | Lawless | Roebuck | Wright, M. N. |
| Druce | Lederer | Rohrer | Yandrisevits |
| Durham | Lee | Rooney | Yewcic |
| Egolf | Leh | Rubley | Zug |
| Fairchild | Lescovitz | Ryan | |
| Fajt | Levdansky | Santoni | DeWeese, |
| Fargo | Lloyd | Sather | Speaker |
| Farmer | | | |

NAYS-0

NOT VOTING-2

| | |
|--------|-------|
| Acosta | Brown |
|--------|-------|

EXCUSED-5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 1479, PN 3162**, entitled:

An Act providing for dual party relay services and for telecommunication device distribution.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—196

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimenti |
| Barley | Freeman | Marsico | Semmel |
| Battisto | Gamble | Masland | Serafini |
| Bebko-Jones | Gannon | McCall | Smith, B. |
| Belardi | Geist | McGeehan | Smith, S. H. |
| Belfanti | George | McNally | Snyder, D. W. |
| Birmelin | Gerlach | Melio | Staback |
| Bishop | Gigliotti | Merry | Stairs |
| Blaum | Gladeck | Michlovic | Steelman |
| Boyes | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | Nyce | Surla |
| Cam | Hasay | O'Brien | Surra |
| Carone | Hennessey | Olasz | Tangretti |
| Cawley | Herman | Oliver | Taylor, E. Z. |
| Cessar | Hershey | Perzel | Taylor, J. |
| Chadwick | Hess | Pesci | Thomas |
| Civera | Hughes | Petrarca | Tigue |
| Clark | Hutchinson | Petrone | Tomlinson |
| Clymer | Itkin | Pettit | Trello |
| Cohen, L. I. | Jadlowiec | Phillips | Trich |
| Cohen, M. | James | Piccola | True |
| Colafrella | Jarolin | Pistella | Tulli |
| Colaizzo | Josephs | Pitts | Uliana |
| Conti | Kaiser | Platts | Vance |
| Cornell | Kasunic | Preston | Van Horne |
| Corrigan | Keller | Raymond | Veon |
| Cowell | Kenney | Reber | Vitali |
| Coy | King | Reinard | Washington |
| Curry | Kirkland | Richardson | Waugh |
| Daley | Krebs | Rieger | Williams |
| DeLuca | Kukovich | Ritter | Wogan |
| Dempsey | LaGrotta | Roberts | Wozniak |

| | | | |
|-----------|-----------|----------|---------------|
| Dent | Laub | Robinson | Wright, D. R. |
| Dermody | Laughlin | Roebuck | Wright, M. N. |
| Donatucci | Lawless | Rohrer | Yandrisevits |
| Druce | Lederer | Rooney | Yewcic |
| Durham | Lee | Rubley | Zug |
| Egolf | Leh | Ryan | |
| Fairchild | Lescovitz | Santoni | DeWeese, |
| Fajt | Levdansky | Sather | Speaker |
| Fargo | Lloyd | | |

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2193, PN 3144**, entitled:

An Act authorizing the Department of Environmental Resources to grant a restricted right-of-way allowing cable television transmission lines to cross Ohio State Park property.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Madam Speaker, will the maker of the bill stand for a brief inquiry?

The SPEAKER pro tempore. The gentleman, Mr. Roberts, indicates that he will stand for interrogation. Mr. Vitali may proceed.

Mr. VITALI. Thank you.

Madam Speaker, with regard to the restricted right-of-way in this bill for cable transmission lines, will there be any additional cutting or disturbing of vegetation or will it be strictly putting cable lines along rights-of-way that are being used for other lines?

Mr. ROBERTS. This bill will allow cable to go along where the existing lines are currently running. Basically, what this bill does is give the cable the same rights as utility companies on the existing rights-of-way.

Mr. VITALI. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

YEAS—196

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimenti |
| Barley | Freeman | Marsico | Semmel |
| Battisto | Gamble | Masland | Serafini |
| Bebko-Jones | Gannon | McCall | Smith, B. |
| Belardi | Geist | McGeehan | Smith, S. H. |
| Belfanti | George | McNally | Snyder, D. W. |
| Birmelin | Gerlach | Melio | Staback |
| Bishop | Gigliotti | Merry | Stairs |
| Blaum | Gladeck | Michlovic | Steelman |
| Boyes | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | Nyce | Sturla |
| Carn | Hasay | O'Brien | Surra |
| Carone | Hennessey | Olasz | Tangretti |
| Cawley | Herman | Oliver | Taylor, E. Z. |
| Cessar | Hershey | Perzel | Taylor, J. |
| Chadwick | Hess | Pesci | Thomas |
| Civera | Hughes | Petrarca | Tigue |
| Clark | Hutchinson | Petrone | Tomlinson |
| Clymer | Itkin | Pettit | Trello |
| Cohen, L. I. | Jadlowiec | Phillips | Trich |
| Cohen, M. | James | Piccola | True |
| Colafella | Jarolin | Pistella | Tulli |
| Colaizzo | Josephs | Pitts | Uliana |
| Conti | Kaiser | Platts | Vance |
| Cornell | Kasunic | Preston | Van Horne |
| Corrigan | Keller | Raymond | Veon |
| Cowell | Kenney | Reber | Vitali |
| Coy | King | Reinard | Washington |
| Curry | Kirkland | Richardson | Waugh |
| Daley | Krebs | Rieger | Williams |
| DeLuca | Kukovich | Ritter | Wogan |
| Dempsey | LaGrotta | Roberts | Wozniak |
| Dent | Laub | Robinson | Wright, D. R. |
| Dermody | Laughlin | Roebuck | Wright, M. N. |
| Donatucci | Lawless | Rohrer | Yandrisevits |
| Druce | Lederer | Rooney | Yewcic |
| Durham | Lee | Rubley | Zug |
| Egolf | Leh | Ryan | |
| Fairchild | Lescovitz | Santoni | DeWeese, |
| Fajt | Levdansky | Sather | Speaker |
| Fargo | Lloyd | | |

NAYS—0

NOT VOTING—1

Acosta

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 462, PN 3216**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the penalty for violation of the duty of a driver when approaching a school bus displaying flashing red signal lights.

On the question,

Will the House agree to the bill on third consideration?

Mr. WAUGH offered the following amendment No. A0918:

Amend Title, page 1, line 4, by removing the period after "lights" and inserting

; and providing for the designation of an emergency vehicle as an incident command post with appropriate green lights.

Amend Bill, page 4, by inserting between lines 9 and 10

Section 2. Section 4572 of Title 75 is amended by adding a subsection to read:

§ 4572. Visual signals on authorized vehicles.

* * *

(b.1) Flashing or revolving green lights.—One stationary emergency vehicle at the scene of an accident, disaster or other emergency may operate flashing or revolving green lights to indicate that the vehicle is the incident command post at the scene.

* * *

Amend Sec. 2, page 4, line 10, by striking out "2" and inserting

3

Amend Sec. 3, page 4, line 12, by striking out all of said line and inserting

Section 4. This act shall take effect as follows:

(1) The amendment of 75 Pa.C.S. § 4572 shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Waugh.

Mr. WAUGH. Thank you, Madam Speaker.

I will be pursuing this, the language in this amendment, at a later time. However, for today I would like to withdraw this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

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

Mr. TANGRETTI. Thank you, Madam Speaker.

Madam Speaker, my understanding is that this bill was amended in committee to disallow or take away the suspension even though we are increasing the fine from \$100 to \$500 for the purposes of anybody who is convicted of running schoolbus lights. The reason, if you can believe it or not, the reason that we are doing this is because magistrates refuse to prosecute and take away people's driving privileges because they ran schoolbus lights and this is somehow a burden on them. I beg to differ. I think it is wrong. If we have a problem with the justice system, then let us take care of that. Let us not reduce the penalty associate, which was probably the most egregious possible violation, traffic violation, by running schoolbus lights.

Toward that end, Madam Speaker, I make a motion that we revert to the prior printer's number, number 513.

MOTION RULED OUT OF ORDER

The SPEAKER pro tempore. The gentleman, Mr. Tangretti, is out of order. We are on final passage of the bill.

PARLIAMENTARY INQUIRY

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

Mr. COY. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. COY. If the desire of the gentleman and the House would be to revert, what is the proper motion or the proper procedure to revert to the prior printer's number?

The SPEAKER pro tempore. A reconsideration motion can be filed or the Speaker can rescind the announcement that the bill has been agreed to for the third time.

The gentleman, Mr. Coy, is recognized.

Mr. COY. On the question.

The SPEAKER pro tempore. The gentleman is recognized on the question.

Mr. COY. As the prime sponsor of the bill and because Representative Tangretti desires to make the motion, I would ask the Speaker to rescind her statement that the bill has been considered for the third time so that we can make the motion properly.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds her announcement that this bill has been agreed to for the third time.

On the question recurring,

Will the House agree to the bill on third consideration?

BILL REVERTED TO PRIOR PRINTER'S NUMBER

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

Mr. TANGRETTI. Thank you, Madam Speaker, for that consideration.

I would again request that we revert to the prior printer's number, number 513.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The question is on the motion to revert to a prior printer's number.

Does Mr. Vitali wish to speak to that question?

Mr. VITALI. Madam Speaker, I would rise in opposition to that motion.

I bring with me the experience of someone who has represented people in those situations who have been charged with that infraction. Contrary to what Mr. Tangretti might have you believe, in most cases this is simply an infraction of inadvertence as opposed to egregiousness.

The problem with the 60-day license suspension, in my opinion, is that it creates a blip in the punishment scheme for motor vehicle violations. It is totally inconsistent with, I think, equally problematic infractions, such as running red lights and other things that could just as easily cause injury. It really becomes for our constituents a trap for the unwary. There is no question that if someone does commit this infraction, such as passing a schoolbus, they should be sent a strong message, such as a \$500 fine, the message similar to what is sought when you run a red light or speed or do something else.

But the problem here is, the people who I have represented in cases like this, they are the housewife, someone who in fact is driving their kids to school, someone in a hurry, the people who simply through inadvertence, just as many of us have inadvertently run a red light or sped or done something else. But the problem here is that the punishment here, the severe nature of the punishment, the 60-day loss of license, which could result in someone losing their job because they cannot get back and forth, many times it just simply does not fit the crime.

The one thing this bill does provide as stated is—and I think it is a very good provision—is it gives five points. Now, what five points will do is put you one infraction away from a suspension. It is my understanding that you get about seven

points and you do in fact get a suspension and a minimum need to go to safe driving school.

Now, this provision, as the bill is currently constituted, has a very heavy provision of five points, so that if you do have someone who does have a tendency to break the law and has two points on his record already, this is in fact going to give him that suspension. So I think that the makers of the bill when they drafted it were cognizant of that. I do not think it is as bad as it is being described.

I know we are all a bit reluctant to be perceived as being soft on crime, but I can just tell you from my experience I think the bill is in conformance with the rest of the Vehicle Code, and I would urge a "no" vote on the motion to revert to the prior printer's number. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. COY. Madam Speaker, thank you.

Initially, a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. COY. I just want to make certain, Madam Speaker, the motion to revert is to PN 513?

The SPEAKER pro tempore. That is correct.

Mr. COY. And that is the printer's number as the bill was introduced and referred to the committee?

The SPEAKER pro tempore. That is correct.

Mr. COY. Thank you, Madam Speaker.

On the motion.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COY. Thank you, Madam Speaker.

Let me try to frame the issue just a bit, Madam Speaker, if we could.

I introduced HB 462—

Madam Speaker, could we have some order in the House?

The SPEAKER pro tempore. The gentleman is requesting some order. It is a legitimate request. Could we please have some order.

Mr. COY. Thank you, Madam Speaker.

Madam Speaker, I introduced HB 462 with the simple provision of intending to raise the fine for violation of the schoolbus law in Pennsylvania. The current fine for violation of this law, which is the law which protects students entering and leaving schoolbuses from passing motorists, that is the law we are talking about, the law that protects students from passing motorists who would violate the stopping law. I introduced the bill to raise the fine, which is currently \$100, to \$500.

A little bit ago we heard about the fine should fit the crime. With all due respect, let us compare a few fines. The fine for littering in Pennsylvania is \$300. Now, if we are making the fine fit the crime, with all due respect, I believe that the

violation of the schoolbus law in Pennsylvania has a greater severity and the possibility of a much greater impact upon loss of life than the littering law in Pennsylvania. I could cite several other instances, but for the sake of brevity, I will simply say that I think raising the fine to \$500 more accurately fits the nature of the crime than the fine of \$100. That was the reason for the bill's introduction.

In the committee there was a motion made to do away with the 60-day suspension, which also goes along with the violation of the bill. I believe that the crime also merits a 60-day suspension. Now, I understand that some district justices have expressed concern about imposing the 60-day suspension because motorists are saying, oh, if I am suspended for 60 days, I may lose my driver's license. Well, Madam Speaker, I suspect that it all depends on whether or not you feel that violating the schoolbus law in Pennsylvania is worthy of a \$500 fine and the 60-day suspension.

If one of the precious cargo which is carried on that schoolbus is injured because of a passing driver, I do not feel that the fine can be too high and I do not feel that the time for suspension can be too great. I think the message we send with this bill is not only to motorists but to district justices that we believe the nature of the offense, violation of the schoolbus safety law, imperils young children.

You listen to schoolbus drivers in your district if you have not. I have, and they will tell you, on a daily basis, motorists fail to observe the schoolbus safety law. I have even had schoolbus drivers tell me they pass on the right of the schoolbus while the flashing lights are in operation.

Madam Speaker, a message needs to be sent. Too many accidents have happened; too many unfortunate occurrences have occurred; deaths have occurred, Madam Speaker. This bill is about making the violation of the schoolbus law and the fine for that law fit the crime. It is a crime; it is a crime of much greater significance, I submit, than littering or many other violations which cause and carry a lesser degree of a fine, and the need for the 60-day suspension, I think, is also continued to be warranted.

So I submit and I support Mr. Tangretti's motion to revert to the prior printer's number, which would have the effect of raising the fine and keeping the 60-day suspension in place.

One more example of a couple other fines, of a couple other fines, just to keep this all in perspective. A major criminal offense of stripping an abandoned vehicle, the fine starts at \$100. What is more important, the fine of stripping an abandoned vehicle or of imperiling and endangering children's lives for the violation of the schoolbus law? We have a fine of \$50 if you abandon your vehicle along the road. Let us get things in priority. That is what this bill is all about.

So let us revert to the prior printer's number and send a message, both to the motoring public and to district justices who need our guidance in this regard, and make the fine fit the crime. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Blaum.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, what HB 462 seeks to do is to strengthen the laws that we have on the books for those who would approach a schoolbus—we have all seen it, with the flashing red lights; nobody can miss it—and then still drive past that bus and endanger the kids who are either getting on or getting off.

In committee what happened was, the bill was approved strengthening the law against those who would so pass a schoolbus, strengthening it on one end, weakening it on another because they removed the suspension that is also attached to that penalty.

What Representative Tangretti seeks to do in reverting to the prior printer's number is keep the suspension in the law, keep the fine increase, which Representative Coy is attempting to do, and thereby better protect the children of Pennsylvania.

I would ask that we approve Representative Tangretti's motion, which would return this bill to its original form, strong on both ends, and then we could pass it and send it to the Senate. Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Cessar.

Mr. CESSAR. Thank you, Madam Speaker.

I am pleased to support the reversion back to the prior printer's number, and I am delighted that Representative Coy has seen the light and said that that is the right way to go.

So I would urge everybody on this side of the aisle to make sure that they vote in the affirmative on this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Fleagle.

Mr. FLEAGLE. Thank you, Madam Speaker.

Madam Speaker, I rise in support of Representative Tangretti's motion to revert to a prior printer's number.

I heard a previous speaker express a concern that many of the people that are convicted of this violation stand to lose their job.

Now listen, every one of you, I would venture to say every one of you, has had a constituent come into your office who was probably convicted of DUI (driving under the influence) or some other heinous crime and say to you, how am I supposed to get to work, and I would hope that you would tell that person, you should have thought about that before you committed that act.

Madam Speaker, this is serious business. We are talking about our sons and daughters and the sons and daughters of our constituents being placed in danger by people who do not respect that life enough to stop for a schoolbus. What penalty is enough? I think perhaps maybe this is not enough. Maybe this will make people think the next time when they see a schoolbus.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Vitali for the second time.

Mr. VITALI. Thank you, Madam Speaker.

There are really none of us here who have not inadvertently gone through a red light. It is certainly an intolerable thing that could potentially have devastating consequences, but we are human beings, and it happens. And just as we have done that,

I can tell you, there are none of us here who are not beyond inadvertently going by a schoolbus.

What I am telling you is, this is not a crime like DUI where there is a deliberate consuming of alcohol. Crimes like that should be punished severely. There should not be a break given to them. But the problem here with this bill is, it is treating the inadvertent going around a schoolbus on par with the drunk driver, and that is just not the case.

I have no problems with people passing schoolbuses being fined heavily, being given heavy points. That is entirely appropriate. But I would suggest to you that committing this infraction carries the same potential for damage to precious cargo that running a red light or speeding or other infractions of the Vehicle Code do, and they are not punished along these lines.

I know I am going to lose on this one, but I am just telling you, this is a trap for the unwary. There are none of us here who cannot be subject to this. And I do want to reemphasize the point that if you do have a person who does not obey the speed limits, has points on his record already, this legislation is going to cause a license suspension because of the five points.

I think it is a trap for the unwary, it is disproportionate to the crime, and I will again ask for a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Coy.

Mr. COY. Thank you, Madam Speaker.

There is one difference, Madam Speaker, and let me tell you what it is, and if you have heard testimony at some of the public hearings on the bill, you would realize what the difference is. The difference is that people tell us that children feel safe in and around a schoolbus. They feel safe when they are in that schoolbus, because it is a comfortable surrounding. They are used to it, and therefore, when they are in it or around it, they feel safe.

The difference between running a red light and running a red light on a schoolbus is that there are children who feel safe and secure in that environment and for whom motorists must bear a responsibility. The responsibility in this regard is that if you violate the law, therefore violating the safety of that precious cargo, the fine must be significant enough to make you realize and the suspension must be significant enough to make you realize that we in the General Assembly feel that the circumstances are special enough to warrant a fine of this nature.

Children feel safe in that environment. Therefore, we are obligated to make the fine for violation of that safety zone strong enough to make it a deterrent to the violation.

I ask for a "yes" vote on the reversion to the prior printer's number, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion to revert to a prior printer's number, the yeas and nays will now be taken.

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

The following roll call was recorded:

YEAS—179

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fajt | Lynch | Saylor |
| Allen | Fargo | Maitland | Scheetz |
| Argall | Farmer | Manderino | Schuler |
| Armstrong | Fee | Markosek | Scrimenti |
| Baker | Fichter | Marsico | Semmel |
| Barley | Fleagle | Masland | Serafini |
| Battisto | Flick | McCall | Smith, B. |
| Bebko-Jones | Freeman | McGeehan | Smith, S. H. |
| Belardi | Gannon | Melio | Snyder, D. W. |
| Belfanti | Geist | Micozzie | Staback |
| Bishop | George | Mihalich | Stairs |
| Blaum | Gerlach | Miller | Steelman |
| Boyes | Gigliotti | Mundy | Steighner |
| Brown | Gladeck | Nailor | Steil |
| Bunt | Godshall | Nickol | Stern |
| Burns | Gordner | Nyce | Stetler |
| Buxton | Gruitza | O'Brien | Stish |
| Caltagirone | Gruppo | Olasz | Strittmatter |
| Cappabianca | Harley | Oliver | Sturla |
| Carn | Hasay | Perzel | Surra |
| Carone | Herman | Pesci | Tangretti |
| Cessar | Hershey | Petrarca | Taylor, E. Z. |
| Chadwick | Hess | Petrone | Taylor, J. |
| Civera | Hughes | Pettit | Thomas |
| Clark | Hutchinson | Phillips | Tomlinson |
| Clymer | Itkin | Piccola | Trello |
| Cohen, L. I. | Jadlowiec | Pistella | Trich |
| Cohen, M. | James | Pitts | True |
| Colaella | Jarolin | Platts | Tulli |
| Colaizzo | Josephs | Preston | Uliana |
| Conti | Kaiser | Raymond | Vance |
| Cornell | Kasunic | Reber | Van Horne |
| Corrigan | Keller | Reinard | Veon |
| Cowell | Kenney | Richardson | Washington |
| Coy | King | Rieger | Waugh |
| Curry | Kirkland | Ritter | Williams |
| Daley | Kukovich | Roberts | Wogan |
| DeLuca | LaGrotta | Robinson | Wozniak |
| Dempsey | Laughlin | Roebuck | Wright, D. R. |
| Dent | Lawless | Rohrer | Wright, M. N. |
| Dermody | Lederer | Rooney | Yandrisevits |
| Donatucci | Leh | Rubley | Yewcic |
| Druce | Lescovitz | Ryan | Zug |
| Durham | Levdansky | Santoni | DeWeese, |
| Egolf | Lucyk | Sather | Speaker |
| Fairchild | | | |

NAYS—17

| | | | |
|----------|-----------|-----------|---------------|
| Birmelin | Hennessey | Lloyd | Saurman |
| Cawley | Krebs | McNally | Tigue |
| Gamble | Laub | Merry | Vitali |
| Haluska | Lee | Michlovic | Wright, M. N. |
| Hanna | | | |

NOT VOTING—1

Acosta

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—187

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fargo | Lucyk | Saylor |
| Allen | Farmer | Lynch | Scheetz |
| Argall | Fee | Maitland | Schuler |
| Armstrong | Fichter | Manderino | Scrimenti |
| Baker | Fleagle | Markosek | Semmel |
| Barley | Flick | Marsico | Serafini |
| Battisto | Freeman | Masland | Smith, B. |
| Bebko-Jones | Geist | McCall | Smith, S. H. |
| Belardi | George | McGeehan | Snyder, D. W. |
| Belfanti | Gerlach | McNally | Staback |
| Birmelin | Gigliotti | Melio | Stairs |
| Bishop | Gladeck | Michlovic | Steelman |
| Blaum | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | O'Brien | Sturla |
| Carn | Hasay | Olasz | Surra |
| Carone | Herman | Oliver | Tangretti |
| Cawley | Hershey | Perzel | Taylor, E. Z. |
| Cessar | Hess | Pesci | Taylor, J. |
| Chadwick | Hughes | Petrarca | Thomas |
| Civera | Hutchinson | Petrone | Tigue |
| Clark | Itkin | Pettit | Tomlinson |
| Clymer | Jadlowiec | Phillips | Trello |
| Cohen, L. I. | James | Piccola | Trich |
| Cohen, M. | Jarolin | Pistella | True |
| Colaella | Josephs | Pitts | Tulli |
| Colaizzo | Kaiser | Platts | Uliana |
| Conti | Kasunic | Preston | Vance |
| Cornell | Keller | Raymond | Van Horne |
| Corrigan | Kenney | Reber | Veon |
| Cowell | King | Reinard | Washington |
| Coy | Kirkland | Richardson | Waugh |
| Curry | Krebs | Rieger | Williams |
| Daley | Kukovich | Ritter | Wogan |
| DeLuca | LaGrotta | Roberts | Wozniak |
| Dempsey | Laub | Robinson | Wright, D. R. |
| Dent | Laughlin | Roebuck | Wright, M. N. |
| Dermody | Lawless | Rohrer | Yandrisevits |
| Donatucci | Lederer | Rooney | Yewcic |
| Druce | Leh | Rubley | Zug |
| Durham | Lescovitz | Ryan | |
| Egolf | Levdansky | Santoni | DeWeese, |
| Fairchild | Lloyd | Sather | Speaker |
| Fajt | | | |

NAYS—9

| | | | |
|--------|-----------|-------|---------|
| Boyes | Hennessey | Merry | Saurman |
| Gamble | Lee | Nyce | Vitali |
| Gannon | | | |

NOT VOTING—1

Acosta

EXCUSED—5

Bush Evans Mayernik Rudy
Butkowitz

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

ANNOUNCEMENT BY MR. STURLA

The SPEAKER pro tempore. The gentleman, Mr. Sturla, is recognized for the purpose of an announcement.

Mr. STURLA. Madam Speaker, I am proud to announce the arrival of Peter Alexander Sturla into the world at 4:29 a.m. yesterday morning.

The SPEAKER pro tempore. The Chair thanks the gentleman and wishes him the best on the birth of his son.

**BILLS ON THIRD
CONSIDERATION CONTINUED**

The House proceeded to third consideration of **HB 2467, PN 3093**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for special occasion permits.

On the question,

Will the House agree to the bill on third consideration?

Mr. ITKIN offered the following amendment No. A0913:

Amend Title, page 1, line 17, by striking out "further"

Amend Title, page 1, line 17, by striking out "special occasion" and inserting

wine auction

Amend Bill, page 1, lines 20 through 25; page 2, lines 1 through 23, by striking out all of said lines on said pages and inserting

Section 1. The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a section to read:

Section 408.11. Wine Auction Permits.—(a) Upon application of any nonprofit public television station which is a member of the Pennsylvania Public Television Network, any orchestra located in a county of the first or second class which is operated by a nonprofit corporation or any museum located in a county of the first or second class which is operated by a nonprofit corporation and upon payment of a fee of thirty dollars (\$30) per day, the board shall issue a wine auction permit good for a period of not more than four consecutive or nonconsecutive days per calendar year.

(b) Subject to clause (1) of section 493 of this act, such wine auction permit shall authorize the permittee to sell, by auction, wine by the bottle or case to any person on any day for which the permit is issued: Provided, however, That such permit shall only be issued in any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been approved by the electorate. Any wine

purchased under this section shall not be consumed at the place of purchase.

(c) The wine auction permit shall only be valid for the number of days stated in the permit.

(d) Wine auction permits shall only be issued for use at an event which is used by the permittee as a means of raising funds for its operation.

(e) The hours during which the holder of a wine auction permit may sell wine shall be limited to the hours set forth in section 406 of this act which are applicable to hotel and restaurant licensees: Provided, however, That wine auction permittees may sell wine on Sunday between the hours of seven o'clock antemeridian and until two o'clock antemeridian Monday.

(f) Wine auction permits may be issued for sales on premises which are either licensed or unlicensed under this act.

(g) Any wine sold under this section shall be purchased from a Pennsylvania Liquor Store, a Pennsylvania limited winery or any seller authorized to sell wine by the bottle or case in this Commonwealth or shall be donated by a person who is neither a licensee nor a permittee who has legally acquired the wine and legally possesses it in this Commonwealth.

(h) If any wine sold under this section is purchased from a seller other than a Pennsylvania Liquor Store or a Pennsylvania limited winery, the permittee shall provide thirty days' notice to the board of its intent to purchase such wine. The notice shall include a description of the wine to be purchased, the quantity to be purchased, the name of the seller and any other information which the board may require. The permittee shall comply with all board regulations regarding taxes and fees.

(i) The permittee shall be responsible for paying to the board an amount equal to all taxes which would have been paid on such wine if it had been purchased from a Pennsylvania Liquor Store, together with a processing fee to be determined by the board.

(j) The price of any wine sold or to be sold under this section shall not be broadcast by way of radio, television or print media.

(k) Any person selling wine in violation of this section shall, upon summary conviction, be sentenced to pay a fine of two hundred fifty dollars (\$250) for the first offense and a fine of five hundred dollars (\$500) for each subsequent offense. This fine shall be in addition to any other penalty imposed by law for the illegal sale of liquor or malt or brewed beverages.

(l) "Auction," as used in this section, shall mean the offer to sell wine by the permittee to the members of an audience congregated for the purpose of making bids for the purchase of the wine in an effort by the permittee to advance the amount of the bids to obtain the highest or most favorable offer.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Itkin.

Mr. ITKIN. Madam Speaker, we receive from time to time a number of requests by various nonprofit organizations to provide for the opportunity to have a wine auction.

Under the current Liquor Code, wine auctions are not permitted, and my amendment today would allow that process of a wine auction to occur in Pennsylvania. It would be limited to nonprofit public television stations which are members of the Pennsylvania Public Television Network, orchestras existing in Allegheny County or in Philadelphia, and similarly to nonprofit museums located in those two major communities.

The permit would be good for a period of not more than 4 days. They could be consecutive or nonconsecutive in a calendar year and would be subject to a permit fee of \$30 per day.

It would in essence have a number of restrictions on what could or could not be done at this auction. The analysis of the amendment is included in your packet, and rather than mention all of these restrictions or conditions, the members are free to look at the summary of the amendment.

Suffice to say that this is something that has been requested from a lot of nonprofits, which are important to the well-being of Pennsylvania and provide good services to our constituents. We have sat down with the Liquor Control Board to insure that this particular amendment conforms to their interests and needs, and, Madam Speaker, I therefore recommend this amendment to the full House today.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Snyder.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, this bill was originally introduced to expand the special occasion permit provisions, but this amendment strikes out those provisions in the original bill and provides a permit that does meet the needs of our public television stations.

As the prime sponsor noted, the Liquor Control Board has reviewed this amendment and they feel that it addresses all of their concerns and needs, and therefore, we ask for support of this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—164

| | | | |
|--------------|-----------|-----------|---------------|
| Adolph | Flick | Manderino | Saurman |
| Allen | Freeman | Markosek | Saylor |
| Argall | Gamble | Marsico | Scrimenti |
| Battisto | Gannon | Masland | Semmel |
| Bebko-Jones | George | McCall | Serafini |
| Belardi | Gerlach | McGeehan | Smith, B. |
| Belfanti | Gigliotti | McNally | Snyder, D. W. |
| Bishop | Gladeck | Melio | Staback |
| Blaum | Godshall | Merry | Stairs |
| Boyes | Gordner | Michlovic | Steelman |
| Brown | Gruitza | Micozzie | Steighner |
| Bunt | Gruppo | Mihalich | Steil |
| Burns | Haluska | Miller | Stetler |
| Buxton | Hanna | Mundy | Stish |
| Cappabianca | Harley | Nailor | Sturla |
| Carn | Hasay | Nickol | Surra |
| Carone | Hennessey | Nyce | Tangretti |
| Cawley | Herman | O'Brien | Taylor, E. Z. |
| Cessar | Hughes | Olasz | Taylor, J. |
| Chadwick | Itkin | Oliver | Thomas |
| Civera | Jadlowiec | Perzel | Tigue |
| Cohen, L. I. | James | Pesci | Tomlinson |
| Cohen, M. | Jarolin | Petrarca | Trello |
| Colafella | Josephs | Petrone | Trich |
| Conti | Kaiser | Pettit | Tulli |
| Cornell | Kasunic | Pistella | Uliana |
| Corrigan | Keller | Platts | Vance |
| Cowell | Kenny | Preston | Van Horne |
| Coy | Kirkland | Raymond | Veon |
| Curry | Kukovich | Reber | Vitali |
| Daley | LaGrotta | Reinard | Washington |

| | | | |
|-----------|-----------|------------|---------------|
| DeLuca | Laub | Richardson | Waugh |
| Dempsey | Laughlin | Rieger | Williams |
| Dent | Lawless | Ritter | Wogan |
| Dermody | Lederer | Roberts | Wozniak |
| Donatucci | Lee | Robinson | Wright, D. R. |
| Druce | Leh | Roebuck | Wright, M. N. |
| Durham | Lescovitz | Rooney | Yewcic |
| Fajt | Levdansky | Rubley | |
| Farmer | Lloyd | Ryan | DeWeese, |
| Fee | Lucyk | Santoni | Speaker |
| Fichter | Maitland | | |

NAYS—32

| | | | |
|-------------|------------|----------|--------------|
| Armstrong | Egolf | King | Scheetz |
| Baker | Fairchild | Krebs | Schuler |
| Barley | Fargo | Lynch | Smith, S. H. |
| Birmelin | Fleagle | Phillips | Stern |
| Caltagirone | Geist | Piccola | Strittmatter |
| Clark | Hershey | Pitts | True |
| Clymer | Hess | Rohrer | Yandrisevits |
| Colaizzo | Hutchinson | Sather | Zug |

NOT VOTING—1

Acosta

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

MEMBER'S PRESENCE RECORDED

The SPEAKER pro tempore. The gentleman, Mr. Acosta, will be added to the master roll.

Mr. ACOSTA. Thank you.

I just want to be on that roll call. Thanks.

CONSIDERATION OF HB 2467 CONTINUED

On the question,

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

Mr. SNYDER offered the following amendment No. A0889:

Amend Title, page 1, line 17, by inserting after "for" secondary service areas and for

Amend Bill, page 1, lines 20 through 23, by striking out all of said lines and inserting

Section 1. Section 406.1 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended to read:

Section 406.1. Secondary Service Area.—Upon application of any restaurant, hotel, club, any stadium as described in section 408.9 or municipal golf course liquor licensee, and payment of the appropriate fee, the board may approve a secondary service area by extending the licensed premises to include one additional permanent structure with dimensions of at least one hundred seventy-five square feet, enclosed on three sides and having adequate seating. Such secondary service area must be located on property having a minimum area of one (1) acre, and must be on land which is immediate, abutting, adjacent or contiguous to the licensed premises with no intervening public thoroughfare. In any stadium as described in section 408.9, only malt or brewed

beverages may be served. There shall be no requirement that the secondary service area be physically connected to the original licensed premises. In addition, there shall be no requirement that the secondary service area be located in the same municipality as the original licensed premises: Provided, however, That the board shall not approve a secondary service area in this case if that secondary service area is located in any municipality where the granting of liquor licenses has been prohibited as provided in this article. Notwithstanding 40 Pa. Code § 7.21(c)(3), the licensee shall be permitted to store, serve, sell or dispense food, liquor and malt or brewed beverages at the board approved secondary service area.

Section 2. Section 408.4(a) of the act, amended July 2, 1993 (P.L.429, No.61), is amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting

3

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

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Snyder.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, this amendment probably only addresses one particular situation in the entire Commonwealth in which a restaurant has a restaurant license and the municipal boundary goes through the building. What they would like to do is to be able to have a secondary service area in the barn behind the restaurant, and the way the Liquor Control Board presently interprets the law, although the licensed establishment meets all the criteria that is already mentioned in section 406.1 for secondary service areas such as setbacks, minimum size, et cetera, the problem of a municipal boundary line going through is not currently addressed in the bill.

This amendment would address that problem where there are two municipalities within a licensed premise to allow that secondary service to be served. Also, Madam Speaker, it does not impact at all on any dry municipalities.

Thank you, and I ask for support.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Donatucci.

Mr. DONATUCCI. This is an agreed-to amendment, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-196

| | | | |
|-------------|---------|-----------|---------------|
| Acosta | Fargo | Lloyd | Sather |
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimenti |
| Barley | Freeman | Marsico | Semmel |
| Battisto | Gamble | Masland | Serafini |
| Bebko-Jones | Gannon | McCall | Smith, B. |
| Belardi | Geist | McGeehan | Smith, S. H. |
| Belfanti | George | McNally | Snyder, D. W. |

| | | | |
|--------------|------------|------------|---------------------|
| Birmelin | Gerlach | Melio | Staback |
| Bishop | Gigliotti | Merry | Stairs |
| Blaum | Gladeck | Michlovic | Steelman |
| Boyes | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | Nyce | Sturla |
| Carn | Hasay | O'Brien | Surra |
| Carone | Hennessey | Olasz | Tangretti |
| Cawley | Herman | Oliver | Taylor, E. Z. |
| Cessar | Hershey | Perzel | Taylor, J. |
| Chadwick | Hess | Pesci | Thomas |
| Civera | Hughes | Petrarca | Tigue |
| Clark | Hutchinson | Petrone | Tomlinson |
| Clymer | Itkin | Pettit | Trello |
| Cohen, L. I. | Jadlowiec | Phillips | Trich |
| Cohen, M. | James | Piccola | Tulli |
| Colafrilla | Jarolin | Pistella | Uliana |
| Colaizzo | Josephs | Pitts | Vance |
| Conti | Kaiser | Platts | Van Horne |
| Cornell | Kasunic | Preston | Veon |
| Corrigan | Keller | Raymond | Vitali |
| Cowell | Kenney | Reber | Washington |
| Coy | King | Reinard | Waugh |
| Curry | Kirkland | Richardson | Williams |
| Daley | Krebs | Rieger | Wogan |
| DeLuca | Kukovich | Ritter | Wozniak |
| Dempsey | LaGrotta | Roberts | Wright, D. R. |
| Dent | Laub | Robinson | Wright, M. N. |
| Dermody | Laughlin | Roebuck | Yandrisevits |
| Donatucci | Lawless | Rohrer | Yewcic |
| Druce | Lederer | Rooney | Zug |
| Durham | Lee | Rubley | |
| Egolf | Leh | Ryan | DeWeese, Speaker |
| Fairchild | Lescovitz | Santoni | |
| Fajt | Levdansky | | |

NAYS-1

True

NOT VOTING-0

EXCUSED-5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

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

Mr. LUCYK offered the following amendment No. A0917:

Amend Sec. 1, page 1, line 20, by striking out "408.4(a)" and inserting

408.4

Amend Sec. 1 (Sec. 408.4), page 2, line 14, by inserting brackets before and after "three-month" and inserting immediately thereafter

twelve-month

Amend Sec. 1 (Sec. 408.4), page 2, line 23, by striking out all of said line and inserting

(b) In any city, borough, incorporated town or township in which the sale of liquor and/or malt or brewed beverages has been

approved by the electorate, such special occasion permit shall authorize the permittee to sell liquor and/or malt or brewed beverages as the case may be to any adult person on any day for which the permit is issued.

(c) Such special occasion permit shall only be valid for the number of days stated in the permit. Only one permit may be issued to any permittee during the [year] twelve-month period. Provided, that a museum operated by a nonprofit corporation in a city of the third class and a nonprofit corporation engaged in the performing arts in a city of the third class may be issued no more than six permits during the year, each permit being valid for only one day, or in the alternative, one permit valid for no more than a total of ten consecutive days per year, which may be issued only during the month of August.

(d) Such permits shall only be issued for use at a special event including, but not limited to bazaars, picnics and clambakes. The special event must be one which is used by the permittee as a means of raising funds for itself.

(d.1) The hours during which the holder of a special occasion permit may sell liquor or malt or brewed beverages shall be limited to the hours set forth in section 406 which are applicable to hotel and restaurant licensees. The hours during which a nonprofit corporation engaged in the performing arts in a city of the third class may sell liquor or malt or brewed beverages pursuant to a special occasion permit shall be limited to those hours set forth in section 408.3(g.1).

(d.2) At least forty-eight hours prior to the sale of any liquor or malt or brewed beverages, the holder of a special occasion permit shall notify the local police department, or in the absence of a local police department, the Pennsylvania State Police, of the times when and place where the sale of liquor or malt or brewed beverages shall occur.

(e) The provisions of this section shall not be applicable to any licensee now or hereafter possessing a caterer's license, nor to any professional fund raiser.

(f) Any person selling liquor or malt or brewed beverages in violation of this section shall, upon summary conviction, be sentenced to pay a fine of two hundred fifty dollars (\$250) for the first offense and a fine of five hundred dollars (\$500) for each subsequent offense. This fine shall be in addition to any other penalty imposed by law for the illegal sale of malt or brewed beverages.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes Mr. Lucyk.

Mr. LUCYK. Thank you, Madam Speaker.

What my amendment does is on special occasion permits, the organizations which are eligible for special occasion permits are eligible for five special occasion permits during the year. However, these permits must be used, once begun, within a 3-month period. What my amendment does is spread the use of the five special occasion permits over the span of 12 months.

The SPEAKER pro tempore. Will the gentleman, Mr. Lucyk, please come to the desk.

(Conference held.)

ANNOUNCEMENT BY MR. MARKOSEK

Mr. MARKOSEK. Madam Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Markosek, rise?

Mr. MARKOSEK. Thank you, Madam Speaker.

I rise to make an announcement.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARKOSEK. I have just been informed that Representative Dave Mayernik—who is not here today—and his wife, Chris, became parents this morning also of a baby girl named Lauren Marie.

The SPEAKER pro tempore. The Chair thanks the gentleman for that announcement.

CONSIDERATION OF HB 2467 CONTINUED

AMENDMENT WITHDRAWN

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

Mr. LUCYK. Madam Speaker, I would like to withdraw this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. STURLA offered the following amendment No. A0791:

Amend Title, page 1, line 17, by removing the period after "permits" and inserting

and for premises to be vacated by patrons.

Amend Bill, page 2, by inserting between lines 23 and 24 Section 2. Section 499(b) of the act, added December 7, 1990 (P.L.622, No.160), is amended to read:

Section 499. Premises to be Vacated by Patrons.—* * *

(b) A licensee may [serve food] remain open between the hours of two o'clock antemeridian and seven o'clock antemeridian for the purpose of serving food on any day if such licensee either possesses or is eligible to purchase a Sunday sales permit [in accordance with section 406] and receives an extended hours food license. The board shall establish an annual fee for the extended hours food license which shall not exceed fifty dollars (\$50).

* * *

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the question, the Chair recognizes Mr. Sturla.

Mr. STURLA. Thank you, Madam Speaker.

This amendment was filed last week, but it is not included in the packet of green sheets. Somehow there was a mix-up on that. It should be being distributed right now.

Essentially what this amendment does is deal with the ability to have an extended-hours permit for establishments which just serve beer.

It is my understanding that when this law was originally established for extended hours, there was a technical problem or a technical mistake in terms of drafting that amendment, and the Liquor Control Board actually believed that everyone was supposed to be able to get an extended-hours permit who

qualified for a Sunday-hours permit. They actually started issuing licenses to people, and then someone raised the question about the technicality and they have since started withdrawing those licenses. So there are businesses which are actually established and running and doing fine in Pennsylvania that are now being told they cannot have the extended hours as a result of the technical problem.

The Pennsylvania Liquor Control Board has issued a statement saying that they do not have a problem with this because they believe that is the way the law was supposed to be in the first place, and so really it is pretty much a technical amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—173

| | | | |
|--------------|-----------|------------|---------------|
| Acosta | Farmer | Maitland | Sather |
| Adolph | Fee | Manderino | Saurman |
| Allen | Fichter | Markosek | Saylor |
| Argall | Flick | Marsico | Scrimenti |
| Baker | Freeman | Masland | Semmel |
| Barley | Gamble | McCall | Serafini |
| Battisto | Gannon | McGeehan | Smith, B. |
| Bebko-Jones | Geist | McNally | Smith, S. H. |
| Belardi | George | Melio | Snyder, D. W. |
| Belfanti | Gerlach | Merry | Staback |
| Bishop | Gigliotti | Michlovic | Stairs |
| Blaum | Gladeck | Micozzie | Steelman |
| Boyes | Godshall | Mihalich | Steil |
| Brown | Gordner | Miller | Stern |
| Bunt | Gruitza | Mundy | Stetler |
| Burns | Gruppo | Nailor | Stish |
| Buxton | Haluska | Nickol | Sturla |
| Caltagirone | Hanna | Nyce | Surra |
| Cappabianca | Harley | O'Brien | Tangretti |
| Cam | Hasay | Olasz | Taylor, E. Z. |
| Carone | Herman | Oliver | Taylor, J. |
| Cessar | Hughes | Perzel | Thomas |
| Chadwick | Itkin | Pesci | Tomlinson |
| Civera | Jadlowiec | Petrarca | Trello |
| Clark | James | Petrone | Trich |
| Cohen, L. I. | Jarolin | Pettit | Tulli |
| Cohen, M. | Josephs | Piccola | Uliana |
| Colafella | Kasunic | Pistella | Vance |
| Conti | Keller | Platts | Van Home |
| Cornell | Kenney | Preston | Veon |
| Corrigan | King | Raymond | Vitali |
| Cowell | Kirkland | Reber | Washington |
| Coy | Kukovich | Reinard | Waugh |
| Curry | LaGrotta | Richardson | Williams |
| Daley | Laub | Rieger | Wogan |
| DeLuca | Laughlin | Ritter | Wozniak |
| Dempsey | Lawless | Roberts | Wright, D. R. |
| Dent | Lederer | Robinson | Wright, M. N. |
| Dermody | Lee | Roebuck | Yandrisevits |
| Donatucci | Jeh | Rohrer | Yewcic |
| Druce | Lescovitz | Rooney | |
| Durham | Levdansky | Rubley | DeWeese, |
| Fairchild | Lloyd | Ryan | Speaker |
| Fajt | Lucyk | Santoni | |

NAYS—22

| | | | |
|-----------|------------|----------|--------------|
| Armstrong | Fargo | Krebs | Schuler |
| Birmelin | Fleagle | Lynch | Strittmatter |
| Cawley | Hennessey | Phillips | Tigue |
| Clymer | Hershey | Pitts | True |
| Colaizzo | Hess | Scheetz | Zug |
| Egolf | Hutchinson | | |

NOT VOTING—2

| | |
|--------|-----------|
| Kaiser | Steighner |
|--------|-----------|

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—168

| | | | |
|--------------|-----------|------------|---------------|
| Acosta | Fichter | Manderino | Saurman |
| Adolph | Flick | Markosek | Saylor |
| Allen | Freeman | Marsico | Scrimenti |
| Argall | Gamble | Masland | Semmel |
| Barley | Gannon | McCall | Serafini |
| Battisto | Gerlach | McGeehan | Smith, B. |
| Bebko-Jones | Gigliotti | McNally | Snyder, D. W. |
| Belardi | Gladeck | Melio | Staback |
| Belfanti | Godshall | Merry | Stairs |
| Bishop | Gordner | Michlovic | Steelman |
| Blaum | Gruitza | Micozzie | Steighner |
| Boyes | Gruppo | Mihalich | Steil |
| Brown | Haluska | Miller | Stetler |
| Bunt | Hanna | Mundy | Stish |
| Burns | Harley | Nailor | Sturla |
| Buxton | Hasay | Nickol | Surra |
| Caltagirone | Hennessey | Nyce | Tangretti |
| Cappabianca | Herman | O'Brien | Taylor, E. Z. |
| Cam | Hershey | Olasz | Taylor, J. |
| Carone | Hughes | Oliver | Thomas |
| Cessar | Itkin | Perzel | Tigue |
| Chadwick | Jadlowiec | Pesci | Tomlinson |
| Civera | James | Petrarca | Trello |
| Cohen, L. I. | Jarolin | Petrone | Trich |
| Cohen, M. | Josephs | Pettit | Tulli |
| Colafella | Kaiser | Piccola | Uliana |
| Conti | Kasunic | Pistella | Vance |
| Cornell | Keller | Platts | Van Home |
| Corrigan | Kenney | Preston | Veon |
| Cowell | Kirkland | Raymond | Vitali |
| Curry | Kukovich | Reber | Washington |
| Daley | LaGrotta | Reinard | Waugh |
| DeLuca | Laub | Richardson | Williams |
| Dempsey | Laughlin | Rieger | Wogan |

| | | | |
|-----------|-----------|----------|---------------|
| Dent | Lawless | Ritter | Wozniak |
| Dermody | Lederer | Roberts | Wright, D. R. |
| Donatucci | Lee | Robinson | Wright, M. N. |
| Druce | Leh | Roebuck | Yandrisevits |
| Durham | Lescovitz | Rooney | Yewcic |
| Fajt | Levdansky | Rubley | |
| Fargo | Lloyd | Ryan | DeWeese, |
| Farmer | Lucyk | Santoni | Speaker |
| Fee | Maitland | | |

NAYS—29

| | | | |
|-----------|------------|----------|--------------|
| Armstrong | Egolf | King | Scheetz |
| Baker | Fairchild | Krebs | Schuler |
| Birmelin | Fleagle | Lynch | Smith, S. H. |
| Cawley | Geist | Phillips | Stern |
| Clark | George | Pitts | Strittmatter |
| Clymer | Hess | Rohrer | True |
| Colaizzo | Hutchinson | Sather | Zug |
| Coy | | | |

NOT VOTING—0

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes Mr. Itkin, who calls an immediate meeting of the Rules Committee.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 255, PN 3271 By Rep. ITKIN

A Resolution designating April 4, 1994, as "Pennsylvania Tree Conservation Day."

RULES.

HR 264, PN 3316 By Rep. ITKIN

A Resolution congratulating The Pocono Record on its 100th birthday.

RULES.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1348, PN 1483 By Rep. OLIVER

An Act establishing the Pennsylvania Commission on Blindness and Visual Impairment and providing for its powers and duties; transferring certain functions; and making repeals.

STATE GOVERNMENT.

HB 1555, PN 1744 By Rep. COLAFELLA
An Act providing for insurance reimbursement for clinical social work practice.

INSURANCE.

HB 1646, PN 1893 By Rep. OLIVER

An Act establishing the State Tax Collectors' Commission; and providing for the certification of State tax collectors and for continuing education.

STATE GOVERNMENT.

HB 2158, PN 3324 (Amended) By Rep. OLIVER

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for creditable non-State service.

STATE GOVERNMENT.

HB 2272, PN 2831 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for pool and billiard rooms.

JUDICIARY.

SB 515, PN 1331 By Rep. COLAFELLA

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, adding provisions relating to speech-language pathologists, audiologists and teachers of persons who are hearing impaired.

INSURANCE.

BILL REREPORTED FROM COMMITTEE

HB 1637, PN 3323 (Amended) By Rep. PETRONE

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for the collection of taxes on real property from rent payable by tenants; further providing for the collection of tax and municipal claims by suit and for the interest rate on contributions when a person is separated from service; providing for the purchase of credit for service immediately following original employment; further providing for eligibility for retirement allowances and for requirements for credit for previous service; providing for deputy fire marshals; and making a repeal.

URBAN AFFAIRS.

BILL ON SECOND CONSIDERATION

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

HB 1637, PN 3323.

COMMITTEE MEETING POSTPONED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Tangretti, for the purpose of an announcement.

Mr. TANGRETTI. Thank you, Madam Speaker.

Madam Speaker, the Appropriations Committee meeting that was scheduled for today has been postponed until

tomorrow at 10:50, tomorrow in the majority caucus room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

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

Mr. PERZEL. Thank you, Madam Speaker.

The Republicans will caucus immediately upon the recess of the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

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

Mr. COWELL. Thank you.

The members of the Education Committee will meet immediately upon the call for the recess in the majority caucus room. This will be an informational meeting. There will be no votes taken, and it will take only about 5 minutes of meeting time. That is immediately upon the call of the recess in the majority caucus room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HOUSE SCHEDULE

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

Mr. COY. Thank you, Madam Speaker.

Just for the purpose of schedule, there is no need for a Democratic caucus. When the House recesses, it is our hope to return to the floor at 1:15, and that will leave time for a caucus, I believe, on the Republican side.

So we will return to the floor at 1:15, and we expect to be in session much of the afternoon for the purpose of votes — much of the afternoon.

The SPEAKER pro tempore. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The gentleman, Mr. Caltagirone, is recognized.

Mr. CALTAGIRONE. Thank you, Madam Speaker.

For the members of the House Judiciary, we had been in recess. We are going to reconvene in the rear of the House here as soon as we recess. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House is in recess until 1:15.

AFTER RECESS

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

THE SPEAKER (H. WILLIAM DeWEESE) PRESIDING

COMMUNICATION

LOBBYIST LIST PRESENTED

The SPEAKER. The Chair acknowledges receipt of the list of lobbyists registered under the Lobbying Registration and Regulation Act, which the clerk will file.

The following communication was submitted:

Senate of Pennsylvania

February 1, 1994

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

In compliance with Act No. 712 of the 1961 Session and Act No. 212 of the 1976 Session of the General Assembly titled the "Lobbying Registration and Regulation Act," we herewith jointly present a list containing the names and addresses of the persons who have registered from January 1, 1994 through January 31, 1994 inclusive, for the 178th Session of the General Assembly. This list also contains the names and addresses of the organizations represented by these registrants.

Respectfully submitted:
Mark R. Corrigan, Secretary
Senate of Pennsylvania

John J. Zubeck, Chief Clerk
House of Representatives

(For list, see Appendix.)

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2249, PN 2808**, entitled:

An Act providing for sale of automobiles owned by the Commonwealth.

On the question,

Will the House agree to the bill on third consideration?

Mr. JAROLIN offered the following amendment No. A4598:

Amend Title, page 1, line 1, by striking out "automobiles" and inserting

vehicles

Amend Sec. 1, page 1, line 6, by striking out "Automobile" and inserting

Vehicle

Amend Sec. 2, page 1, line 13, by striking out "automobile." An automobile" and inserting

vehicle." A vehicle

Amend Sec. 3, page 1, line 14, by striking out "automobiles" and inserting

vehicles

Amend Sec. 3, page 1, line 15, by striking out "automobiles" and inserting

vehicles

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

vehicles

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

vehicles

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

vehicles

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

vehicle

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentleman, Mr. Jarolin, is recognized.

Mr. JAROLIN. Thank you, Mr. Speaker.

It is only a technical amendment transferring it from "automobiles" into "vehicles" for the simple reason that they will be putting maybe possibly trucks on the side or any mechanical piece of equipment that could go up for auction.

The SPEAKER. The Chair thanks the gentleman for his explanation.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—192

| | | | |
|-------------|-----------|-----------|---------------|
| Adolph | Farmer | Lloyd | Sather |
| Allen | Fee | Lucyk | Saurman |
| Argall | Fichter | Lynch | Saylor |
| Armstrong | Fleagle | Maitland | Scheetz |
| Baker | Flick | Manderino | Schuler |
| Barley | Freeman | Markosek | Semmel |
| Battisto | Gamble | Marsico | Serafini |
| Belardi | Gannon | Masland | Smith, B. |
| Belfanti | Geist | McCall | Smith, S. H. |
| Birmelin | George | McGeehan | Snyder, D. W. |
| Bishop | Gerlach | McNally | Staback |
| Blaum | Gigliotti | Melio | Stairs |
| Boyes | Gladeck | Merry | Steelman |
| Brown | Godshall | Michlovic | Steighner |
| Bunt | Gordner | Micozzie | Steil |
| Burns | Gruitza | Mihalich | Stern |
| Buxton | Gruppo | Miller | Stetler |
| Caltagirone | Haluska | Mundy | Stish |
| Cappabianca | Hanna | Nailor | Strittmatter |
| Cam | Harley | Nickol | Sturla |
| Carone | Hasay | Nyce | Surra |
| Cawley | Hennessey | O'Brien | Tangretti |
| Cessar | Herman | Olasz | Taylor, E. Z. |
| Chadwick | Hershey | Oliver | Taylor, J. |

| | | | |
|--------------|------------|------------|---------------|
| Civera | Hess | Perzel | Thomas |
| Clark | Hughes | Pesci | Tigue |
| Clymer | Hutchinson | Petrarca | Tomlinson |
| Cohen, L. I. | Itkin | Petrone | Trello |
| Cohen, M. | Jadlowiec | Pettit | Trich |
| Colaifella | James | Phillips | True |
| Colaizzo | Jarolin | Piccola | Tulli |
| Conti | Josephs | Pistella | Uliana |
| Cornell | Kaiser | Pitts | Vance |
| Corrigan | Kasunic | Platts | Van Horne |
| Cowell | Keller | Preston | Veon |
| Coy | Kenney | Raymond | Vitali |
| Curry | King | Reber | Waugh |
| Daley | Kirkland | Reinard | Williams |
| DeLuca | Krebs | Richardson | Wogan |
| Dempsey | Kukovich | Rieger | Wozniak |
| Dent | LaGrotta | Ritter | Wright, D. R. |
| Dermody | Laub | Roberts | Wright, M. N. |
| Donatucci | Laughlin | Robinson | Yandrisevits |
| Druce | Lawless | Roebuck | Yewcic |
| Durham | Lederer | Rohrer | Zug |
| Egolf | Lee | Rublely | |
| Fairchild | Leh | Ryan | DeWeese, |
| Fajt | Lescovitz | Santoni | Speaker |
| Fargo | Levdansky | | |

NAYS—0

NOT VOTING—5

| | | | |
|-------------|--------|-----------|------------|
| Acosta | Rooney | Scrimenti | Washington |
| Bebko-Jones | | | |

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—194

| | | | |
|-------------|-----------|-----------|---------------|
| Adolph | Fargo | Levdansky | Sather |
| Allen | Farmer | Lloyd | Saurman |
| Argall | Fee | Lucyk | Saylor |
| Armstrong | Fichter | Lynch | Scheetz |
| Baker | Fleagle | Maitland | Schuler |
| Barley | Flick | Manderino | Scrimenti |
| Battisto | Freeman | Markosek | Semmel |
| Bebko-Jones | Gamble | Marsico | Serafini |
| Belardi | Gannon | Masland | Smith, B. |
| Belfanti | Geist | McCall | Smith, S. H. |
| Birmelin | George | McGeehan | Snyder, D. W. |
| Bishop | Gerlach | McNally | Staback |
| Blaum | Gigliotti | Melio | Stairs |
| Boyes | Gladeck | Merry | Steelman |
| Brown | Godshall | Michlovic | Steighner |

| | | | |
|--------------|------------|------------|---------------|
| Bunt | Gordner | Micozzie | Steil |
| Burns | Gruitz | Mihalich | Stern |
| Buxton | Gruppo | Miller | Stetler |
| Caltagirone | Haluska | Mundy | Stish |
| Cappabianca | Hanna | Nailor | Strittmatter |
| Carn | Harley | Nickol | Sturla |
| Carone | Hasay | Nyce | Surra |
| Cawley | Hennessey | O'Brien | Tangretti |
| Cessar | Herman | Olasz | Taylor, E. Z. |
| Chadwick | Hershey | Oliver | Taylor, J. |
| Civera | Hess | Perzel | Thomas |
| Clark | Hughes | Pesci | Tigue |
| Clymer | Hutchinson | Petrarca | Tomlinson |
| Cohen, L. I. | Itkin | Petrone | Trello |
| Cohen, M. | Jadlowiec | Pettit | Trich |
| Colaella | James | Phillips | True |
| Colaizzo | Jarolin | Piccola | Tulli |
| Conti | Josephs | Pistella | Uliana |
| Cornell | Kaiser | Pitts | Vance |
| Corrigan | Kasunic | Platts | Van Horne |
| Cowell | Keller | Preston | Veon |
| Coy | Kenney | Raymond | Vitali |
| Curry | King | Reber | Waugh |
| Daley | Kirkland | Reinard | Williams |
| DeLuca | Krebs | Richardson | Wogan |
| Dempsey | Kukovich | Rieger | Wozniak |
| Dent | LaGrotta | Ritter | Wright, D. R. |
| Dermody | Laub | Roberts | Wright, M. N. |
| Donatucci | Laughlin | Robinson | Yandrisevits |
| Druce | Lawless | Rohrer | Yewcic |
| Durham | Lederer | Rooney | Zug |
| Egolf | Lee | Rubley | |
| Fairchild | Leh | Ryan | DeWeese, |
| Fajt | Lescovitz | Santoni | Speaker |

NAYS—0

NOT VOTING—3

| | | |
|--------|---------|------------|
| Acosta | Roebuck | Washington |
|--------|---------|------------|

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 1245, PN 1362**, entitled:

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 the retention of records.

On the question,

Will the House agree to the bill on third consideration?

Mr. DRUCE offered the following amendment No. A0180:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
and for contract work; and providing for prevailing wage stipulations.

Amend Bill, page 2, by inserting between lines 3 and 4 Section 2. Section 751 of the act is amended by adding a subsection to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—* * *

(e.1) Except as provided in section 753.1, the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," shall not apply to work under this section.

* * *

Section 3. The act is amended by adding a section to read: Section 753.1. Stipulations for Prevailing Wage.—A contract entered into by any school district for the construction, alteration or repair of any public work or improvement may, at the option of the school district, provide for the prevailing wage rate under the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," to be paid by the contractor.

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

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentleman, Mr. Druce, is recognized.

Mr. DRUCE. Thank you, Mr. Speaker.

The amendment that I bring before the House today is a rather simple one, and it is an issue that I think we all can relate to because it speaks directly to the taxpayers of every one of our legislative districts. It is the issue that deals with prevailing wage.

My amendment, let me make clear for the members of the House, does not prohibit prevailing wage in school construction, repair, or renovation projects. My amendment simply leaves this issue to the discretion of our individual school boards and recognizes the uniqueness and diversity of the Commonwealth of Pennsylvania as it relates to these issues.

I give one example to the members of the House which propelled me to offer this amendment. I have a school district which I represent, the Central Bucks School District, who, because of enormous growth projections over the next several years, is looking to spend \$70 million in new construction costs from elementary schools to high schools to accommodate the growth, and it is their estimation that because of the requirement that the contractor must pay prevailing wages, taxpayers in my district and in Representative Joe Conti's district and part of Dave Steil's district are going to have to fork over \$10 to \$20 million more for absolutely nothing — simply the requirement in State law which says prevailing wages must be paid.

Mr. Speaker, my amendment simply says, we will leave this to the local school board; let them decide whether or not they want to initiate prevailing wages on contracts. I recognize that in certain parts of the Commonwealth, that may be more advantageous than allowing out-of-State workers to get the jobs, and in that case, a community may well want to employ prevailing wages if it means employing local union workers, but in my part of Pennsylvania, in the southeast, where the construction industry is very competitive, there really is no need for this.

So I am hoping and ask for an affirmative vote from the House to let school boards, the 501 in our districts, decide what is best for our local taxpayers. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes Representative Lee.

Mr. LEE. Thank you, Mr. Speaker.

I rise to strongly support the Druce amendment to the prevailing wage law and in fact to strongly support any amendment that would repeal the prevailing wage law outright. Mr. Speaker, this is a law that is out of control, because what it does now has no relation whatsoever to what it was originally intended to do, and let me give you two examples.

First of all, the Pennsylvania prevailing wage law is actually entitled the Pennsylvania prevailing minimum wage law. It is not the Pennsylvania minimum wage law now; it is the Pennsylvania maximum wage law. Take the highest wage paid to any union-scale worker in an area, and that is what the prevailing wage becomes. It is totally screwed up to what it was originally intended to do.

Let me give you another example. Let us go back to the original intent of the law, which is right on the legislative record if you go back to when this law was originally adopted, and what the original intent was, was to protect local workers from employers who might come in from the outside and underbid local workers and take away local jobs by outside contractors coming in. Well, Mr. Speaker, at least in my district, the effect of the prevailing wage law today is exactly the opposite, because in my area of the State, we are mainly a nonunionized area, and therefore, outside unionized contractors have very little opportunity or ability to come in and bid against local contractors and take away local jobs. But under the prevailing wage, we basically say to our local folks, our local workers, sorry, you cannot work for your regular scale, your regular wage you are willing to work for; instead, we are going to jack up all of the rates to encourage these other shops from around the State to come in and work on projects in our area.

As a result, I can show you example after example— In fact, I was recently to a building they are constructing, a new jail. I asked the foreman, where are all these workers from? Oh, they are from Allentown. They are driving all the way up from Allentown, their unionized shop in Allentown, because they could get this bid. Nobody local is working on this project.

That is exactly opposite of what was intended by the original prevailing wage law. It is a law out of control, it is a law that should be repealed, and certainly, we should adopt the Druce amendment. Thank you very much.

The SPEAKER. The gentleman, Mr. Marsico, is recognized on the Druce amendment.

Mr. MARSICO. Thank you, Mr. Speaker.

I, too, rise to support the Druce amendment. The prevailing wage law is totally out of date, and keep in mind that this amendment would give your local school districts the option to opt out of the prevailing wage.

This is a local taxpayers issue. It will give relief from the high costs of construction projects and costs that our school districts and our local taxpayers can no longer afford. Prevailing wage artificially inflates the cost of government construction projects.

Nine States have repealed prevailing wage altogether. Florida is a notable case. In 1974 school construction was eliminated from the prevailing wage in that State. A study by the Florida legislature discovered that school districts in that State saved \$37 million over a 4-year period. The State then repealed the entire law. Of the 10 States that have repealed prevailing wage, Virginia, North Carolina, and South Carolina are at the top of the national list for job creation and capital investment over the last 3 years.

A survey shows that the prevailing wage law increases the cost of school construction projects by an average of 15 percent and 30 percent, up to 37 percent, in rural districts.

Also, reliable national studies which focus on the economic impact of prevailing wage on rural areas indicate as much as 37 percent higher rates.

To put things in perspective, in 1992, 77 school building projects in this State, totaling \$526 million, were approved. Figuring prevailing wage increased costs statewide by an average of 15 percent, that means the taxpayers of this State, of your school districts, of your districts, shelled out an additional \$78 million. Now, think about that — \$78 million. This is a tax issue, Mr. Speaker.

I contacted my school districts, Central Dauphin and Lower Dauphin School Districts, who are engaged in school construction projects at the present time, and I calculated a possible savings of this: First of all, they came up with a cost of \$29 million for school construction projects at Central Dauphin. For 1994, if prevailing wage were an option, local taxpayers could be saved \$8.7 million, using a 30-percent reduction; using a 15-percent reduction, the taxpayers of my district would save \$4.35 million in construction costs. Lower Dauphin is considering \$33 million in construction projects. Prevailing wage is costing taxpayers an additional \$9.9 million in the Lower Dauphin School District.

By granting school districts the option, the financial burden on taxpayers for construction projects could be reduced by millions of dollars across this State.

This is unfair to the local taxpayers; it is unfair to our schoolchildren. The Pennsylvania prevailing wage law no longer serves to help labor or taxpayers. It is out of date. With school districts experiencing unprecedented fiscal difficulties and reduced funding from the State, it is time we correct this situation.

I ask for an affirmative vote on the Druce amendment.

The SPEAKER. The gentleman from Mount Carmel, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Druce amendment. Mr. Speaker, this amendment is both ill conceived and untimely.

You heard from a number of the previous speakers how minimum wage is no longer protecting local jobs. That is simply not the case. The prevailing wage law, more than any other single thing, permits local workers to be employed on local, publicly funded work sites. No other bill does more to help your local taxpayers from being able to work on public works positions.

Furthermore, Mr. Speaker, other speakers stated that the prevailing wage law is out of date, but let me tell you what has been happening and is a national trend. States that did not have prevailing wage laws have been enacting them. There are only 18 States in the United States of America that do not have a prevailing wage law; there are only 9 States that have a higher threshold in their prevailing wage law than does Pennsylvania.

I know that I am speaking Greek probably to half of the people in this chamber, but we have debated prevailing wage over and over and over again, and those of you who have been here for the previous debates hopefully will recall some of those arguments.

Very recently, Mr. Speaker, in Alaska, Connecticut, Missouri, Montana, Nevada, and Texas — Texas, a right-to-work State — the prevailing wage laws have been strengthened. As I said, Mr. Speaker, the national trend is to shore up and to improve the States' prevailing wage laws as a way of protecting local workers and putting them in a position to do work on their own taxpayer-funded projects.

Mr. Speaker, the reason I say this amendment is untimely is because of three reasons.

Number one, the Department of Labor and Industry has promulgated prevailing wage regulations which have already once been referred to the Independent Regulatory Review Commission. That commission has made comments on those regulations and has returned them to the Department of Labor and Industry, who is continuing the process of reacting and addressing the concerns of IRRC. We are scheduled this session to receive the Labor and Industry regulations completely recodifying the prevailing wage laws of this State. So it is untimely to be piecemealing prevailing wage today.

Secondly, Mr. Speaker, there is a court ruling, a U.S. District Court ruling, that has been issued in validating Pennsylvania's prevailing wage law. That court ruling is presently under appeal, and we are awaiting this April a decision on that appeal. So this amendment should, at the very least, wait until the court has ruled.

Thirdly, Mr. Speaker, the reason the U.S. District Court ruled Pennsylvania's prevailing wage law unconstitutional was because of a conflict with the ERISA act (Employment Retirement Income Security Act). Senator Arlen Specter, Republican Senator Arlen Specter, GOP Senator Arlen Specter, has introduced legislation, which has cleared the Senate and is presently before the U.S. Congress, which will rectify the conflict between the Federal ERISA act and the Pennsylvania Prevailing Wage Act. I repeat that, Mr. Speaker: U.S. Senator Arlen Specter is the prime sponsor of that legislation. He understands the importance of prevailing wage in States like Pennsylvania.

If we want to give a free hand to what in the construction industry is known as tramps, people who pick up their carpetbag and move around from one construction site to another, and if you want to see your parking lots on your school projects full of cars that say Mississippi and Alabama and Georgia, instead of having a Keystone license plate on it, then you pass the Druce amendment. But if you want to see "You've got a friend in Pennsylvania" or the Keystone State license plates on those construction projects, you better darn well defeat the Druce amendment. Thank you very much, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Waugh, is recognized.
Mr. WAUGH. Thank you, Mr. Speaker.

Mr. Speaker, I rise in full support of the Druce amendment today.

The previous speaker suggested that— I suppose his suggestion was that because I, as a freshman, was not here previously to hear debates, this issue is somehow Greek, I believe was the word used. Well, I am here to tell you, it is not Greek, and I am proud to say that I stand here as a freshman today, and maybe the right way to put it would be, it is Greek to some people who have not been out in the field, where I was, as a contractor, which I was before I came here last year. The prevailing wage amendment does restrict local contractors in operations for local school districts. I can tell you that from experience.

I can also tell you, Mr. Speaker, that this is an educational and taxpayer issue, as some of the previous speakers suggested. I think all of us, at one time or another, have talked with our constituents back home; all 202, I guess, there are of us today have talked to our constituents back home, and we have talked about two very important things when it comes to education: We talk about the costs of operating a school district, and we talk about the very costly mandates. I believe we probably always give that a caveat that we want to eliminate costly mandates. Well, we can do it; we can do it today by supporting the Druce amendment.

I would like to talk just for a second about those two important points.

First of all, with respect to cost, let us talk for a second about the hard costs of school construction. Some have estimated 30- to 40-percent savings without prevailing wage. That may be stretching it a bit. I think we heard a previous speaker say 15 percent. I would like to use some numbers from a study that factor in all the elements of school construction: electrical, heating, ventilating and air conditioning, plumbing, roofing, planning, site work, utilities, et cetera. Now, these are studies that show that an average cost savings could be obtained of 13 percent. That is rather conservative, but I guess that is why I am on this side.

It does not sound like much, but consider this, and I did a survey. I have the documentation here if any of you would like to see it. There are five school districts located in the 93d Legislative District that I represent. I surveyed and met with the business managers and superintendents of those five districts over the last month or so, and when I compiled all the

information, it showed that—and we are, by the way, in a dynamic area; growing districts in all five areas—there have been 66 projects, school projects, completed in my legislative district since the 1986-87 school year; the total cost to the taxpayers of my legislative district of \$88.8 million. If we apply this conservative savings of 13 percent, the total savings to the taxpayers of just one legislative district in this State, the 93d Legislative District, over that 8-year period, would amount to \$11.5 million saved or about \$1.4 million per year, and I think that is a rather impressive savings, even by today's standards.

Again, today we can turn that money back; \$1.4 million per year can be turned back to our local districts.

Now, secondly, with respect to the mandates that we all like to talk about, how we are going to do something about it, I am hear to tell you today that prevailing wage is one of the most onerous—there is no question—probably the most onerous to almost every school district, regardless if it is suburban, rural, urban. I do not care which one you talk about. Prevailing wage mandates inflate the costs of public building projects. The interests of taxpayers are sacrificed, and the students—they always get left behind in these debates—the students, who could reap the benefits of that \$1.4 million per year in the classroom, watch it being spent to build the classroom.

In York County last year—and this is a new survey; again I have the documentation here if anyone would like to see it—last year the Pennsylvania Economy League conducted a survey, an impartial survey, of 20 York County-based contractors. All these contractors do both types of work. They do union work, public work; they also do private work. They were asked to provide the average weighted hourly wage on nonprevailing wage projects, and also, they were asked to provide what they are paying out in hourly rates under prevailing wage determinations for the York County area.

I would like to just go over a couple of these numbers very quickly; show you what the comparison is. By the way, as a contractor, I think even the lowest rate is extremely fair, but here is what it comes out to: Carpenters, on nonprevailing wage projects, have a weighted average hourly wage of \$11.37 an hour; under prevailing wage, \$17.43 per hour, 53-percent increase. A general laborer, \$8.47, weighted average on nonprevailing wage, versus \$14.78 under prevailing wage; 74-percent increase. Millwright, \$15.33, nonprevailing wage, and \$17.93 under prevailing wage—it is not bad—17 percent. Plumber, \$13.59, nonprevailing wage; \$20.63 under the prevailing wage determination; 52-percent increase. Electrician, \$12.57, nonprevailing wage; \$18.88 under prevailing wage; 50-percent increase. Roofer, \$11.29, nonprevailing wage; \$15.50 under prevailing wage; 37-percent increase. I used to do it, too, only not at \$15.50 an hour.

The average increase across the board under prevailing wage is 47 percent. Now, I believe in fair wages, and I believe in good benefits, Mr. Speaker. You can ask anybody that worked for Waugh Construction. They received that. But this is the biggest part of school construction costs in the field. A 47-percent average increase per hour. I can tell you, with no

uncertainty, many times labor, most times labor accounts for about 60 percent of the total contract cost, and we mandate, Mr. Speaker, we mandate this cost increase to the disadvantage of our schools, our taxpayers, and again, the students of our schools.

Mr. Speaker, in closing, simply put—I am going to say it one more time—today we have the opportunity to help our school districts, to help our taxpayers, and to help our students. Today we have the chance to deal with this issue once and for all. It is not Greek to any of us. I ask for your support on the Druce amendment. Thank you.

GUESTS INTRODUCED

The SPEAKER. The Chair interrupts the proceedings for 15 seconds to introduce students from the Cecilian Academy who came in first, second, and third place for essays written for Black History Month. They are the guests of Representative LeAnna Washington of Philadelphia.

Also, we would like LeAnna's daughter, Ms. Washington, to please stand up and be recognized, in the back of the hall.

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. Does the gentleman, Mr. Preston, rise to speak on the amendment?

Mr. PRESTON. Point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman will please state his point.

Mr. PRESTON. I want to ask the Speaker's indulgence and the members' indulgence. I apologize for not being appropriately dressed, and I would need a temporary suspension. I am waiting for the airlines to deliver my luggage so I can be properly attired for the House, and I must apologize for it, sir.

The SPEAKER. The Chair thanks the gentleman. The Chair and, I am sure, the members acquiesce to the difficulty.

CONSIDERATION OF HB 1245 CONTINUED

The SPEAKER. The gentleman, Mr. O'Brien, is recognized.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I rise to support the concept of prevailing wage and oppose this amendment.

I think this is a case of you get what you pay for. I think when you pay the prevailing wage, you get a very professional and highly skilled work force. I know union contractors that go down to Florida, and the problem that they have down there is that someone will represent that they are a plumber or an electrician, and it takes them a couple months to find out that they really do not have that skill. When you have the prevailing wage, I think you have a guarantee that those skills are present, and I think it is important to Pennsylvania.

I also believe that this issue of prevailing wage is going to be dealt with in a comprehensive manner in the upcoming months, and I think that considering this legislation at this time is premature. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wozniak, is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to oppose the Druce amendment.

One thing I learned in an area that had a very tough economy is Economics 101. When there are more people than there are jobs available, wages fall, sometimes dramatically, because people will work and undercut each other. The prevailing wage measure is put in there to protect the prevailing wage of individuals who are doing work on a scale, whether it is the public or the private sector, and I think if we eliminate the prevailing wage, we are going to see in areas of high unemployment, once again, a sliding of our wage scales, which means the opportunity to purchase is reduced and we have competition among unemployed people trying to find positions. When we have the prevailing wage, we are getting competent people that have been trained and have experience in those professions so that we get buildings that are going to last for 100 years out there with very little repairs necessary. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Druce amendment.

There is nothing in the prevailing wage law that prevents a local contractor from bidding on a job. Prevailing wage does not guarantee that a job will be a union job. What prevailing wage does is insure that we have quality work from quality craftsmen on our school construction projects and that we pay these workers a living wage that they can raise their families here in the State of Pennsylvania.

So to insure that we maintain quality craftsmen and to insure that we pay our workers a living wage to support their families and stop the downward spiral of people's incomes, I urge the defeat of the Druce amendment.

Mr. Speaker, unless we want to continue to pay everybody in this country \$4.25 an hour, we must stop this type of legislation. So I urge that we all vote against the Druce amendment. Thank you, Mr. Speaker.

The SPEAKER. Mr. Jarolin.

Mr. JAROLIN. Thank you, Mr. Speaker.

Just going back into my own local community, there was a competition amongst prevailing wage workers and nonprevailing wage workers. When the bids were received, there was such a small amount of difference between the nonunion workers and the union workers that the contractor that is putting the building up decided to go with the most experienced and most qualified individuals. They all accepted, on their own merits, the unionized personnel.

I could understand something on a prevailing rate when the cost of a project in a school system is \$10,000 or \$15,000 or \$20,000. Well, then you are into small businesses with bidding competition. I could possibly agree to give the school districts something like that. But when you are talking millions and millions of dollars and like the maker of the amendment had made a difference of \$20 million on a job difference, it is absolutely astronomical; it is unbelievable. I have been in the

bidding process between unions and nonunions, and we usually come out maybe \$1,000 or more on certain jobs, but to emphasize the fact that it is double and triple the cost of a project is absolutely ridiculous. The cost of the labor does not even come close to the cost of the materials that are utilized on that job.

I am going to ask you to defeat the Druce amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman, Mr. Jarolin.

Does the gentleman, Mr. Daley, seek recognition? The gentleman indicates he does. The gentleman from Washington County is recognized on the Druce amendment.

Mr. DALEY. Thank you, Mr. Speaker.

I think this amendment is a bad amendment. I think what it is doing is smacking at the heart of an effort that has been ongoing for the last 50 years.

Simply, the workers in America, the workers in Pennsylvania, our workers have raised their level in terms of their abilities and their skills to a point where we recognize that these workers deserve a prevailing wage. We recognize that in public works. That is why we are saying that prevailing wages should be applied to all public works projects. This is not prevailing wage; it is fair wage.

Simply, as many other speakers have said, we want quality, not quantity; we want something that is going to be durable and lasting. That is why we have the prevailing wage law. Simply, it is a public works project. We want fair, quality, and the type of work that we want is something that is going to be durable and lasting.

I oppose this amendment. I think it is going to turn back the hands of time on our efforts for the last 50 years to raise the quality of life of Pennsylvanians and especially in southwestern Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, Mr. Daley, and recognizes the gentleman from Allegheny, Mr. Cowell, on the Druce amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose the amendment before us for two reasons. First, Mr. Speaker, there has been a lot of attack on the principles of the prevailing wage law. The makers of the amendment would not have us change the prevailing wage law, did not have us improve it, did not have us modify it, did have us keep it for everybody, all the other existing applicable levels of government, with the exception of school districts. They would have us simply exempt school districts. Nobody in this room should believe that you can get away with exempting school districts and not then be in a position where you have to provide exemption for all the other levels of government, including our municipal governments and including State government itself.

So while that may appeal to some, I suspect that for many who may think about voting for this amendment, you are quickly going to back away from the idea of repealing prevailing wage completely. And how will you distinguish then between taxpayer dollars for municipal governments and

taxpayer dollars for school districts and taxpayer dollars for State government? We are going to have to be consistent. So if you vote for repeal here, you should be prepared to vote for repeal across the board, and I suspect there is considerably—despite the cheerleading that is occurring over there on the sidelines—I suspect that there is considerably less enthusiasm for a broad-based repeal than might be indicated by initial reaction to this amendment.

Secondly, Mr. Speaker, we have heard a lot of discussion about dollars that could be saved, and speaker after speaker has gotten up and said, this school district could save this amount of money and that school district could save that amount of money. Of course you can save money if you pay people less. State government could save money if legislators were paid less. You always can save money if you want to pay people less. The whole notion of prevailing wage is to provide a level of protection so that all individuals in this State will have equal access to work on public works projects and to be able to do so at a competitive, decent wage. While on the one hand some individuals want to focus on the dollars that can be saved, they will do so at sacrifice to other workers, sacrifices that I suspect a lot of men and women in this room would not be willing to impose on themselves.

Mr. Speaker, prevailing wage as it is applied to all levels of government, including school districts, is founded on sound principles. As was suggested by an earlier speaker, those principles are being embraced by rather than rejected by States across this country. More people are embracing, more States, more policymakers are embracing those principles.

I would urge that we maintain those principles for all levels of government and that we reject the amendment before us.

The SPEAKER. The gentleman, Mr. Gladeck, is recognized.

Mr. GLADECK. Thanks.

On the bill, Mr. Speaker?

The SPEAKER. We are on the amendment at this juncture.

Mr. GLADECK. On the amendment; I am sorry.

The SPEAKER. The gentleman may proceed.

Mr. GLADECK. Mr. Speaker, I rise in support of the Druce amendment.

I have listened to the debate with some open-eyed amusement, I think. I think people on this floor ought to understand what this actually is, because I think if your constituents were sitting here today, especially those that may serve on school boards around the State of Pennsylvania, they may wonder why we will not give them the right to save literally millions and millions of dollars in school construction, because I think sometime in the next several months we are all going to talk about tax cuts for business and any other tax cut that we can think about; we are going to talk about holding down the cost of government, yet when we get an opportunity to really hold down the cost of government, we turn our back and we ignore it and we vote "no."

I think everybody here should be clear as to what a vote on this optional amendment would be. If you vote in favor of it, you are voting to reduce your local taxes possibly. If you vote

against it, you are in fact voting to increase your local taxes, and that is about as simple as I can make it, because I think if your constituents were here today and they understood it, then that is exactly the way that they would understand this vote. Thank you.

The SPEAKER. On the Druce amendment, the Chair recognizes the gentleman, Mr. O'Brien, for the second time.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I am going to be very brief.

I just ask for a negative vote on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—87

| | | | |
|--------------|------------|----------|---------------|
| Adolph | Fargo | Lee | Saurman |
| Allen | Farmer | Leh | Saylor |
| Argall | Fichter | Lynch | Scheetz |
| Armstrong | Fleagle | Maitland | Schuler |
| Baker | Flick | Marsico | Semmel |
| Barley | Gamble | Masland | Serafini |
| Battisto | Geist | Merry | Smith, B. |
| Birmelin | Gerlach | Micozzie | Smith, S. H. |
| Brown | Gladeck | Miller | Snyder, D. W. |
| Bunt | Godshall | Nailor | Steil |
| Carone | Hanna | Nickol | Stern |
| Chadwick | Harley | Pettit | Strittmatter |
| Clark | Hasay | Phillips | Taylor, E. Z. |
| Clymer | Hennessey | Piccola | Tomlinson |
| Cohen, L. I. | Herman | Pitts | True |
| Conti | Hershey | Platts | Tulli |
| Cornell | Hess | Reber | Vance |
| Dempsey | Hutchinson | Reinard | Vitali |
| Dent | Jadlowiec | Rohrer | Waugh |
| Druce | Krebs | Rubleby | Wright, M. N. |
| Egolf | Laub | Ryan | Zug |
| Fairchild | Lawless | Sather | |

NAYS—109

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| Acosta | Freeman | Markosek | Staback |
| Bebko-Jones | Gannon | McCall | Stairs |
| Belardi | George | McGeehan | Steelman |
| Belfanti | Gigliotti | McNally | Steighner |
| Bishop | Gordner | Melio | Stetler |
| Blaum | Gruitzza | Michlovic | Stish |
| Boyes | Gruppo | Mihalich | Sturla |
| Burns | Haluska | Mundy | Surra |
| Buxton | Hughes | Nyce | Tangretti |
| Caltagirone | Itkin | O'Brien | Taylor, J. |
| Cappabianca | James | Olasz | Thomas |
| Carn | Jarolin | Oliver | Tigue |
| Cawley | Josephs | Perzel | Trello |
| Civera | Kaiser | Pesci | Trich |
| Cohen, M. | Kasunic | Petrarca | Uliana |
| Colafella | Keller | Petrone | Van Home |
| Colaizzo | Kenney | Pistella | Veon |
| Corrigan | King | Preston | Washington |
| Cowell | Kirkland | Raymond | Williams |
| Coy | Kukovich | Richardson | Wogan |
| Curry | LaGrotta | Rieger | Wozniak |
| Daley | Laughlin | Ritter | Wright, D. R. |
| DeLuca | Lederer | Roberts | Yandrisevits |
| Dermody | Lescovitz | Robinson | Yewcic |
| Donatucci | Levdansky | Roebuck | |

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| Durham | Lloyd | Rooney | DeWeese, |
| Fajt | Lucyk | Santoni | Speaker |
| Fee | Manderino | Scrimenti | |

NOT VOTING—1

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EXCUSED—5

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| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. WAUGH offered the following amendment No. A0042:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

; and providing for a certain matter relating to prevailing wage.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. The act is amended by adding a section to read:

Section 753.1. Prevailing Wage Law.—The definition of "public work" in clause (5) of section 2 of the act of August 15, 1961 (P.L.987; No.442), known as the "Pennsylvania Prevailing Wage Act," shall, when applied to school districts, mean projects of a total estimated cost of one hundred fifty thousand dollars (\$150,000) or more.

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from York County, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

I will keep this one short.

My amendment is rather simple. It is just a matter of current economics. I will be brief.

Currently we all know that there is a \$25,000 threshold when prevailing wage bidding must kick in for school districts. My amendment would increase that threshold to \$150,000. Twenty-five thousand dollars was set in 1961. It has never been changed since. The cost of labor, the cost of material, everything else has risen with inflation, yet this threshold has remained completely stagnant. In fact, I believe if the threshold would be increased to reflect current costs, it would be around \$150,000. I can tell you again, as a former contractor, \$150,000 just does not go far when it comes to working.

As we have heard from some of the members from the other side, this is specialized construction. It takes some real skill to complete work on schools. One hundred and fifty thousand dollars just does not go far; \$25,000 hardly gets you any plans, specifications, or even a crew on the job for a simple Disabilities Act renovation or retrofit. Many of those are happening in all the districts, particularly the more urban

districts with retrofits, walks, ramps, doors, et cetera, for the American Disabilities Act.

Mr. Speaker, it is not antilabor. It is common sense, it is cost savings, and it is an update to current standards. We need to make the threshold realistic for today's economy.

I ask for your support. Thank you.

The SPEAKER. On the Waugh amendment, the gentleman from Allegheny, Mr. Cowell, is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, we have just spoken to this issue in a broader sense. There is no compelling reason for us to make the change that has been recommended in this amendment.

I would urge that we defeat the amendment.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I briefly made mention during the last debate on the previous amendment that the trend nationally is to lower as opposed to raise the thresholds. I would just like to read very briefly the surrounding States, the States that surround Pennsylvania, and what their thresholds are. New York eliminated their threshold. All public works jobs in New York must be prevailing wage; it does not matter what the cost of the job. West Virginia totally eliminated their threshold. All jobs that are public works in nature in that State must be paid by prevailing wage. New Jersey, a Republican State Senate, House, and Governor, reduced their threshold from \$20,000 to \$2,000 to insure good workmanship on their projects. The State of Delaware reduced their threshold to \$5,000.

Mr. Speaker, Pennsylvania, when it established the threshold of \$25,000, was one of the highest thresholds in the United States. The other States have been catching up to us that have raised thresholds, but as I said, most States are lowering them. Of the 38 States that have prevailing wage, 20 of them have a lower threshold than Pennsylvania; 3 of them, the threshold is the same; and only 9 States in the Union have a higher threshold.

I do not believe \$25,000 is outlandish by any stretch of the imagination, particularly when that figure was a high figure when this law was first adopted.

I once again urge the members to defer nitpicking and piecemealing the prevailing wage law today when we will be dealing with prevailing wage as an omnibus issue before the end of this session. Let us see what the Labor and Industry regulations say, let us see what the Specter ERISA bill does, and let us see what the courts through the appeal process have to say about prevailing wage, and let us not toy with this law today. The bills that they are attaching these types of amendments to are far too important to the Commonwealth to be bogging them down and giving the Governor a reason to veto meaningful legislation. I believe all of these amendments are very untimely and ask that this amendment, like the previous amendment, be defeated. Thank you.

The SPEAKER. Does the gentleman, Mr. Daley, seek recognition? The gentleman indicates he does and may proceed on the Waugh amendment.

Mr. DALEY. Would the gentleman, Mr. Waugh, please stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Waugh, indicates he will accede to interrogation. Mr. Daley may proceed as soon as Mr. Waugh finds a convenient microphone. He has. The gentleman may proceed.

Mr. DALEY. Mr. Speaker, why did you choose \$150,000? What was the criteria that you used?

Mr. WAUGH. Well, to be honest, I chose \$250,000, but after talking with some folks from our educational staff and also after sitting down and looking at a survey of 1992 that reflected current costs, the current trend would have been about \$139,000. I frankly thought it would be more realistic to go with the number of \$150,000 to keep up with current inflation.

Mr. DALEY. What types of incentives or taxes are going to be saved in terms of real dollars throughout the State in the 500-plus school districts by enacting this amendment? Do you have any idea?

Mr. WAUGH. I do not have a number to apply to that, but I will simply say that given, again, today's standard, the American Disabilities Act—and I think that is one that probably plays into this more heavily than any—and discussing with a number of my local districts the compliance that they now have to abide by under the Disabilities Act, many of the projects—the ramp cuts, the curb cuts, some of the doorways and hardware-type retrofits that they are doing—involve projects that are 50—in fact, I do not have my numbers in hand; I have them in my folder—but I am saying around \$40,000 to \$50,000. Those projects in going out—of course, we talked about the 13- to 15-percent increase—those projects are being inflated by that much to be completed.

The other thing is, I realize that some are saying that this does not cut out local labor, but I can tell you again, from experience, these projects, the \$30,000 to \$50,000 refit projects in the York County case, many times were being performed by contractors from well outside the county when we had contractors locally who were very capable, good skilled labor. You know, I hear the debate—quality. The reason we need prevailing wage is for quality. That is why we have architects; that is why we have building inspectors and plans. It does not matter who does the work. If the inspectors and architects and planners are doing their job, you are going to get the same standard of quality. I am sorry I got off the point.

Mr. DALEY. Mr. Speaker, on the amendment.

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

Mr. DALEY. Thank you, Mr. Speaker.

I really believe I did not get an answer to my two points of interrogation. I do not think that the maker of this amendment really knows why it is \$150,000. I think it is just arbitrary, this \$150,000. The American Disabilities Act has really no impact upon this, number one; number two is that he does not know what the impact is, really, fiscally of what it is going to impact on throughout the Commonwealth.

I think really what we have here is another salvo from the rich to the poor, against the workingman, against the laborer.

I think this is a robber-baron mentality that needs a change in Pennsylvania before Pennsylvania will grow. It is antiworker, anti-organized labor; it is rich versus poor.

I ask for the defeat of this amendment, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lee, is recognized on the Waugh amendment.

Mr. LEE. Thank you, Mr. Speaker.

I had to rise to contradict the general impression we are getting from the other side over there that somehow Pennsylvania is going the opposite direction from the rest of the country if we would adopt the Waugh amendment here. In fact, nothing could be further from the truth. Yeah, you have a couple States, like New York and New Jersey, who have lowered their threshold, but I ask you, are New Jersey and New York job-producing, low-tax States? I hardly think not.

I mean, let us talk about the States that have actually repealed the prevailing wage law in the last 10 years—Alabama, Florida, Utah, Arizona, Idaho, New Hampshire, Colorado, Kansas, and Louisiana. In addition, Georgia, Iowa, Mississippi, North Carolina, North Dakota, South Carolina, South Dakota, Vermont, and Virginia do not even have a prevailing wage law. Now, you take a look at a list of those States and compare it to New Jersey and New York, and I ask you, which are doing better economically? There is no comparison. Those States that have repealed these types of laws are in a better situation.

Mr. Speaker, I am tired of living in the Rust Belt, and continually we pass enactments here in this body that guarantee that we are going to continue with the same economic condition that we have today. There are a lot of people concerned about keeping union jobs in Pennsylvania, but, Mr. Speaker, pretty soon we are not going to have any union jobs to keep. Thank you very much.

The SPEAKER. The gentleman, Mr. Waugh, for the second time on his amendment.

Mr. WAUGH. Thank you, Mr. Speaker.

I would just like to respond to the previous speaker's comments. I did get my paperwork here now. He suggested that I did not answer his two points of question.

The first question, I believe, was with respect to how I selected \$150,000. First of all, my answer was, I selected \$250,000. In Ohio in 1992, an Ohio State task force recommended a \$250,000 threshold, for whatever that is worth. We are talking about what other States are doing so I am throwing it in. Personally, I do not really care what Ohio or any of the other States are doing. Pennsylvania is our State and Pennsylvania is the State that we are here to represent.

I selected \$150,000 because in a survey completed by, again, the Pennsylvania Economy League, in 1992 dollars based on inflation from 1961 to 1992, the adjusted threshold would have come in at \$123,000. I applied about 2 more years' worth of inflation onto that. In my own sense, yeah, maybe it is hypothetical, maybe it is just a calculator working, but that is what it comes up to and that is the number I chose. So that is my answer on that one.

Again, I just want to make a point, and that is, I heard over and over again from some of the other speakers that prevailing wage somehow protects the quality and integrity of the work that is being performed. I am not here to suggest to you that union-scale wageworkers do not do quality work. They certainly do quality work. I have good friends, personal friends, who work on prevailing wage projects. They are all good craftsmen, but I can tell you I also have good friends who work nonprevailing wage, and to even suggest that those individuals are not craftsmen because they are not making a prevailing wage is ridiculous.

I ask for your support on my amendment. Thank you.

The SPEAKER. The gentleman, Mr. Belfanti, is recognized on the Waugh amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Very briefly, I would like again to reiterate that the trend nationally is to lower, not raise, thresholds, and I did miss one surrounding State, and that is Ohio. Their threshold is \$4,000.

Again, \$25,000 is not unreasonable. If we are going to raise it, it should be done during the omnibus prevailing wage package that we will face later this session, and if we want to come to a compromise figure at that point, far lower than \$150,000, we could talk then, but today is not the day to be doing these amendments. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

| | | | |
|--------------|------------|----------|---------------|
| Adolph | Fargo | Lee | Saurman |
| Allen | Farmer | Leh | Saylor |
| Argall | Fichter | Lynch | Scheetz |
| Armstrong | Fleagle | Maitland | Schuler |
| Baker | Flick | Marsico | Semmel |
| Barley | Gamble | Masland | Serafini |
| Battisto | Geist | Mery | Smith, B. |
| Brown | Gerlach | Micozzie | Smith, S. H. |
| Bunt | Gladeck | Miller | Snyder, D. W. |
| Carone | Godshall | Nailor | Steelman |
| Cessar | Hanna | Nickol | Steil |
| Chadwick | Harley | Pettit | Stern |
| Clark | Hasay | Phillips | Strittmatter |
| Clymer | Hennessey | Piccola | Taylor, E. Z. |
| Cohen, L. I. | Herman | Pitts | Tomlinson |
| Conti | Hershey | Platts | True |
| Cornell | Hess | Reber | Tulli |
| Coy | Hutchinson | Reinard | Vance |
| Dempsey | Jadlowiec | Rohrer | Vitali |
| Dent | Krebs | Rubley | Waugh |
| Druce | Laub | Ryan | Wright, M. N. |
| Egolf | Lawless | Sather | Zug |
| Fairchild | | | |

NAYS—106

| | | | |
|-------------|-----------|-----------|-----------|
| Acosta | Freeman | Markosek | Scrimenti |
| Bebko-Jones | George | McCall | Staback |
| Belardi | Gigliotti | McGeehan | Stairs |
| Belfanti | Gordner | McNally | Steighner |
| Bishop | Gruitza | Melio | Stetler |
| Blaum | Gruppo | Michlovic | Stish |
| Boyes | Haluska | Mihalich | Sturla |
| Burns | Hughes | Mundy | Surra |

| | | | |
|-------------|-----------|------------|---------------|
| Buxton | Itkin | Nyce | Tangretti |
| Caltagirone | James | O'Brien | Taylor, J. |
| Cappabianca | Jarolin | Olasz | Thomas |
| Carn | Josephs | Oliver | Tigue |
| Cawley | Kaiser | Perzel | Trello |
| Civera | Kasunic | Pesci | Trich |
| Cohen, M. | Keller | Petrarca | Uliana |
| Colaifella | Kenney | Petrone | Van Horne |
| Colaizzo | King | Pistella | Veon |
| Corrigan | Kirkland | Preston | Washington |
| Cowell | Kukovich | Raymond | Williams |
| Curry | LaGrotta | Richardson | Wogan |
| Daley | Laughlin | Rieger | Wozniak |
| DeLuca | Lederer | Ritter | Wright, D. R. |
| Dermody | Lescovitz | Roberts | Yandrisevits |
| Donatucci | Levdansky | Robinson | Yewcic |
| Durham | Lloyd | Roebuck | |
| Fajt | Lucyk | Rooney | DeWeese, |
| Fee | Manderino | Santoni | Speaker |

NOT VOTING—2

| | |
|----------|--------|
| Birmelin | Gannon |
|----------|--------|

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DEMPSEY offered the following amendment No. A5123:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

and for work to be done under contract.

Amend Bill, page 2, by inserting between lines 3 and 4 Section 2. Section 751 of the act is amended by adding a subsection to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—* * *

(g) The board of school directors of any school district may utilize students enrolled in appropriate vocational education classes in any school district to perform any alterations, construction, reconstruction, repairs, maintenance or work of any nature for school facilities as part of their classroom instruction. The work shall be performed under the direction of classroom teachers and other personnel designated by the district. The provisions of subsections (a) and (a.1) and the provisions of sections 752, 753 and 754 shall not apply to the work performed by vocational education students.

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the gentleman is recognized, the gentleman, Mr. Dempsey.

Mr. DEMPSEY. Thank you, Mr. Speaker.

Mr. Speaker, with the increasing emphasis and expansion of vo-tech programs across the State, it is becoming increasingly difficult, particularly in our rural areas, for heads

of these programs to locate projects for the students. This amendment will allow vo-tech students to work on projects in their school district by waiving some of the restrictions that now apply.

I would appreciate your affirmative vote.

The SPEAKER. On the Dempsey amendment, Mr. Cowell is recognized.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

On first glance, the amendment appears to be rather innocuous and something that might even be a good idea in terms of helping school districts, on the one hand, and providing a richer educational experience for students.

The problem is with the drafting of the amendment, not with the idea, in my opinion. The problem with the drafting of the amendment is that the language before us provides absolutely no limits on the amount of work or the type of work that a student could perform. In fact, in theory, a student or a group of students could build a whole school building under the terms of this amendment. Now again, some may like that idea. They think perhaps that that is the best way of insuring quality work, a safe environment for the students who have to come and learn there and the teachers who will have to work there. That may or may not be true, but let us recognize that the amendment would permit that. The amendment has absolutely no limits at all, and I think that is a shortfall or a deficiency with the amendment.

Secondly, the amendment provides no protections for students. A student, as part of an instructional program, could be told, go build the school, go do this, go do that kind of work in the school building. Again, because there are no limits in terms of the nature of the work, the amount of work, the kind of work, there are no protections for the students themselves.

From the standpoint of this legislature, I think that we should have a primary concern about protecting the interests of students, their health and their well-being, even as we may choose to provide for another opportunity for some type of work experience. I would note that the work experience opportunity already exists to some extent, but the problem, in the view of, I think, the maker of the amendment and others who support it, is that there are too many restrictions, too many limits. But this amendment, as it is before us, will go from one extreme to the other — too many restrictions, too many limits, to none at all — and I think that is dangerous. I think it is wrong.

There are also no protections then for the taxpayers. If a youngster is hurt in this kind of situation, if there is any kind of liability created on the part of the school district because of these circumstances that we will permit, the taxpayers may well end up paying the bill. So I think to protect the student as well as to protect the taxpayers in the district, we should be working to tighten up this amendment, and I think that many of us would be willing to work with Representative Dempsey in that regard. But we need to tighten it up to provide the

protections for student and taxpayer, and then we can proceed with a more carefully, more narrowly drafted amendment.

In the meantime, I would urge that we defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dempsey, for the second time.

Mr. DEMPSEY. Thank you, Mr. Speaker.

Mr. Speaker, I am surprised that the chairman of our Education Committee has such little thought of our local education people, our school board members, and those who are teaching vo-tech education. If he thinks that those people are going to create the problems that he is talking about, then we had better go back and address the vocational education issue and change the whole vocational education. There is no doubt in my mind that the people working at the local level will know how to treat this program and how to use this program as an educational experience.

As far as liability is concerned, we have students now in vo-tech ed. They do not seem to be concerned about liability at that point because the school carries that kind of insurance. So I think most of the arguments, in fact, all of the arguments of Representative Cowell are nothing but a smokescreen that is going to stop our students from having educational experiences that they could have by working on these projects.

I again ask for an affirmative vote.

The SPEAKER. Does the gentleman, Mr. Cowell, seek recognition for the second time on the Dempsey amendment?

Mr. COWELL. Yes, Mr. Speaker.

Just quickly in response, Mr. Speaker.

This is not a question of whether we trust or have confidence in our local officials. We give them a tremendous amount of discretion, and appropriately so, in this State, but we very typically in a variety of laws try to provide protections as well, guidelines and protections. In this case, if we are really concerned about the interests of the student, not just in terms of an instructional experience or a learning experience but also to safeguard their safety, their well-being, and to make sure that if somebody is hurt, if in some unfortunate situation somebody is hurt, the student is adequately protected, and there is no particular reason right now for me or anybody else to be assured or certain that the school district typically carries the kind of liability insurance that would be necessary for a student working in this kind of project, because this is an extraordinary, very unusual additional authority that we would be given.

So let us just use a little common sense. Let us make sure the student is protected. Let us make sure the taxpayer is protected. The next time there is a School Code bill, we can have a more carefully, narrowly drafted amendment that accomplishes this purpose, and I think we will all join together in enthusiastically supporting it at that time. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman from Allegheny and recognizes the gentleman from Washington, Mr. Daley, on the amendment.

Mr. DALEY. Thank you, Mr. Speaker.

Although the maker of this amendment had some good ideas here, I think he is really misrepresenting what is going on in the schools.

The workers' compensation that is offered for employees that do work on the building or for contractors or subcontractors, they would be covered, but I do not think the students would be covered. I mean, basically what we are saying here is an apprentice program, the types of programs that are offered through the trades.

I think this amendment has some merit, but I think it is a bad amendment at this time. I ask for a negative vote.

The SPEAKER. The gentleman from Montgomery, George Saurman, is recognized on the amendment.

Mr. SAURMAN. Thank you, Mr. Speaker.

Mr. Speaker, the difference between the vo-tech students working on a job and someone who is working as a tradesperson after graduation or after dropping out of school is probably not even the matter of a year of age of that individual. But one of the things that we have to do is to prepare our students that are not going on to college, that are learning a trade with some practical application, so that when they get out, they can get a job because they know what it is they have to do, because they have those skills because they have experience. This is an opportunity for that to happen, Mr. Speaker.

Mr. Speaker, we invest in our school districts a considerable amount of money in what are known as solicitors. Solicitors, to those uninformed in this body, are attorneys. Attorneys are there to make sure that the school district is not put at a financial disadvantage, and they are not going to allow the school district to take a chance. They will see that the school district is protected in this kind of a program.

This is a win-win situation, and certainly Mr. Dempsey's amendment deserves support. I would ask for a "yes" vote. Thank you.

The SPEAKER. The gentlelady from Pittsburgh, Barbara Burns, is recognized on the Dempsey amendment.

Ms. BURNS. Thank you, Mr. Speaker.

I am concerned about this amendment. As a past former school director in the Pittsburgh city schools, we have done a number of projects involving our students. In fact, there is a center that our students built in the Pittsburgh Zoo; it is a discovery center. We do a number of projects in rehabbing what we call "three taxing" delinquent properties. When I read this "Work to be Done Under Contract Let on Bids," it makes me think the next thing we will be doing is having them paving parking lots.

I do not understand the need for this. Our school system has been doing community-based projects with the cooperation of our unions and doing many wonderful things that give them very real-life experience. They are done with our teachers, our instructors, and in cooperation with our city and our Urban Redevelopment Authority. So I do not understand why this bill is being offered, because many of us are already doing these very things that you are speaking to.

And I would agree with the chairman of the House Education Committee that maybe this needs more thought in the sense of protection of students who are actually involved in some houses and some other projects where they might get hurt, as well as clearly making sure that this is not some way to undermine the legitimate work that is contracted out to professional people doing professional work for school districts.

So in the Pittsburgh school system we are already and have been doing these wonderful community service-based projects involving our students doing real work, and it is actually done in cooperation with our building trades as well as our instructors, and it has been working fine. Thank you.

The SPEAKER. The gentleman from Lebanon, Mr. Zug, is recognized on the Dempsey amendment.

Mr. ZUG. Thank you, Mr. Speaker.

I would just like to rise to support the Dempsey amendment.

In Lebanon, when I was on city council, we sold to the Lebanon vo-tech school six lots so the students could build houses, houses that were sold in the city of Lebanon at an auction. I do not understand why there is not support for teaching our students a trade. That is what this amendment would do, that is what is going on in some communities, and I think this is a wonderful opportunity for our youth.

The SPEAKER. The gentleman, Mr. Hanna, is recognized on the Dempsey amendment.

Mr. HANNA. Thank you, Mr. Speaker.

I likewise rise to support the Dempsey amendment.

Meaningful work, of course, is the best teacher, and I believe this amendment provides for that meaningful work. So I would urge my colleagues to vote for the amendment.

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

The following roll call was recorded:

YEAS-87

| | | | |
|--------------|------------|----------|---------------|
| Adolph | Farmer | Lynch | Saylor |
| Allen | Fichter | Maitland | Scheetz |
| Argall | Fleagle | Marsico | Schuler |
| Armstrong | Flick | Masland | Semmel |
| Baker | Gamble | Merry | Serafini |
| Barley | Geist | Micozzie | Smith, B. |
| Battisto | Gerlach | Miller | Smith, S. H. |
| Birmelin | Gladeck | Nailor | Snyder, D. W. |
| Brown | Godshall | Nickol | Steil |
| Bunt | Hanna | Perzel | Stern |
| Chadwick | Harley | Pettit | Strittmatter |
| Clark | Hasay | Phillips | Taylor, E. Z. |
| Clymer | Hennessey | Piccola | Tomlinson |
| Cohen, L. I. | Herman | Pitts | True |
| Conti | Hershey | Platts | Tulli |
| Cornell | Hess | Reber | Vance |
| Dempsey | Hutchinson | Reinard | Vitali |
| Dent | Jadlowiec | Rohrer | Waugh |
| Druce | Laub | Rubley | Wogon |
| Egolf | Lawless | Ryan | Wright, M. N. |
| Fairchild | Lee | Sather | Zug |
| Fargo | Leh | Saurman | |

NAYS—110

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Fajt | Lloyd | Santoni |
| Bebko-Jones | Fee | Lucyk | Scrimenti |
| Belardi | Freeman | Manderino | Staback |
| Belfanti | Gannon | Markosek | Stairs |
| Bishop | George | McCall | Steelman |
| Blaum | Gigliotti | McGeehan | Steighner |
| Boyes | Gordner | McNally | Stetler |
| Burns | Gruitza | Melio | Stish |
| Buxton | Gruppo | Michlovic | Sturla |
| Caltagirone | Haluska | Mihalich | Surra |
| Cappabianca | Hughes | Mundy | Tangretti |
| Cam | Itkin | Nyce | Taylor, J. |
| Carone | James | O'Brien | Thomas |
| Cawley | Jarolin | Olasz | Tigue |
| Cessar | Josephs | Oliver | Trello |
| Civera | Kaiser | Pesci | Trich |
| Cohen, M. | Kasunic | Petrarca | Uliana |
| Colafella | Keller | Petrone | Van Home |
| Colaizzo | Kenney | Pistella | Veon |
| Corrigan | King | Preston | Washington |
| Cowell | Kirkland | Raymond | Williams |
| Coy | Krebs | Richardson | Wozniak |
| Curry | Kukovich | Rieger | Wright, D. R. |
| Daley | LaGrotta | Ritter | Yandrisevits |
| DeLuca | Laughlin | Roberts | Yewcic |
| Dermody | Lederer | Robinson | |
| Donatucci | Lescovitz | Roebuck | DeWeese, |
| Durham | Levdansky | Rooney | Speaker |

NOT VOTING—0

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mrs. HARLEY offered the following amendment No. A5088:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
and for work to be done under contract let on bids.

Amend Bill, page 2, by inserting between lines 3 and 4 Section 2. Section 751(a) of the act, amended May 4, 1990 (P.L.164, No.38), is amended to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—(a) All construction, reconstruction, repairs, maintenance or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, or upon any building or portion of a building leased under the provisions of section 703.1, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material, shall exceed [ten thousand dollars (\$10,000)] twenty-five thousand dollars (\$25,000), shall be done under separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared

appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder: Provided, That if due to an emergency a school plant or any part thereof becomes unusable competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the Secretary of Education, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

* * *

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Harley.

Mrs. HARLEY. Thank you, Mr. Speaker.

What this amendment does is this simply increases the cost of the construction from \$10,000 to \$25,000.

What has happened is that it has been a number of years since this has been looked at or amended, and this simply just looks at basically the cost even of inflation so that this is not a large amount of money to increase this. But what this does is this allows school districts to conduct their own construction at their own expense before they have to put it out to bid. So it is really, I believe, just a very practical thing.

As I said, it is not much money. It is just increasing the cap before you have to put it out for bid, and it really just reflects the rate of inflation because this has not been looked at in so many years.

I would ask for your support on this amendment. Thank you.

The SPEAKER. The gentleman from Allegheny, Mr. Cowell, is recognized on the Harley amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

The \$10,000 figure that currently is in law was just recently raised from \$4,000, only 3 or 4 years ago. I believe it was Act 38 of 1990 that made that change. The \$10,000 figure is consistent with all other local government restrictions or caps, if you will, and so the Harley amendment would have us treat differently school districts in contrast to our boroughs and townships.

The \$10,000 figure, or any figure that we put in there, is there to protect taxpayers. It is to insure that the taxpayers of that local government entity, that school district or municipality, in fact are getting the benefit of a competitive bidding process.

This amendment does far more than the maker of the amendment suggested. She suggested that it will allow school districts to do their own work under this cap. Well, it also allows them to award contracts under this cap. So it is not a matter of just doing their own work. They can go out and award a contract under this amendment for some figure up to

\$24,999 without the benefit of, without the taxpayers having the benefit of, a competitive bidding process.

For those reasons, Mr. Speaker, I urge that we defeat the amendment.

The SPEAKER. The gentleman from Allegheny, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I also rise to oppose the Harley amendment.

I was one of those ones who just recently raised the limit from \$4,000 to \$10,000. It had not been raised, I think, since 1981. We had gone through an awful lot of school districts and municipalities and a lot of the boroughs and townships, and at one time, even in my home county, we were looking at \$25,000 and \$50,000. We determined that to be able to protect the taxpayers and also to be able to give them a voice still in their government as far as responsibility to their respective school board districts, that \$10,000 was an adequate increase. What a lot of people were concerned about is, especially in the borough that I have, as far as Wilkesburg was looking at, that the rates were too high. It gives a little bit too much authority and a lot less accountability as far as the respective business people within the communities and school board members possibly being able to inappropriately misdirect a certain amount of contracts.

We thought that \$10,000 was the appropriate limit. Many of you who were involved at that time through the Urban Affairs and Finance Committees will remember that we researched this for quite a bit of time, and it took a long time to get the House and the Senate together. It is for that reason that I feel that the Harley amendment basically hurts the taxpayers. It takes away an awful lot of accountability as far as the bid procedure is concerned, and therefore, I would ask that we would not support the Harley amendment to increase and to give the school boards too much authority without being responsible to the people that elect them.

The SPEAKER. For the second time, the lady from Montgomery, Mrs. Harley, is recognized.

Mrs. HARLEY. Mr. Speaker, I would just like to say that what hurts taxpayers is when they have to pay more taxes—that is really what hurts taxpayers in the end—and when we ask taxpayers to continue to have to pay for things that really are not necessary, based on very arbitrary limits. Because let us face it, when something has to go out for a competitive bid, it costs more money; something that can be done very simply by in-house, by people there on the property. When you go out and you have to go through a bidding process, you get much less work for the same amount of dollars, and if you want something that costs more money, that costs up to \$25,000, it has cost more and will cost the taxpayers more in the end, and their taxes will be raised. So let us be really clear about what costs taxpayers. What costs taxpayers is when things cost most.

I would hope that everyone in this room would support this amendment. This is really a reasonable amendment, and as I said, it really just reflects a reasonable amount of money given the cost of construction today, and I think anybody here in the

construction business would attest to that. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Allegheny, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise, regrettably, to oppose the Harley amendment, and I do so for the following reason.

The previous speaker has indicated that the taxpayers suffer by unneeded or burdensome processes that we place on local government. We in the Local Government Committee have been working on various pieces of legislation, one of which would provide for the ability of local governments to solicit by telephone, or as the language in the particular bill refers to, using electronic methods, which is really another way of saying, allowing them to either (a) fax or to (b) by telephone solicit bids for construction of projects within a certain amount.

My concern is that this particular piece of legislation will suddenly carve out for a category of local government—in particular, school districts—a way of dealing with this problem in a different fashion. That, needless to say, is going to waste our time and the taxpayers' money as we undertake trying to resolve treating everyone in an equal fashion and leveling the playing field. My suggestion is that if the lady is sincere about this effort in undertaking a change, that we look at trying to adapt this language to that legislation that is moving through the process so she can achieve a low-cost bid process that would be legitimate and have safeguards built in for the taxpayers and not unduly burden them.

I would therefore suggest that unless we then drive local governments, such as boroughs, townships, and others, to undertake an effort to raise these limits, we just defeat this amendment and try to address it in another format. Thank you.

The SPEAKER. The gentleman from Delaware County, Mr. Gannon, on the Harley amendment.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise and ask for a "no" vote for this amendment.

Even though the maker of the amendment says, well, this simply increases the limit to \$25,000 for which the school district can do its own work, it goes further than that. It would permit the school district to contract out that work. There is no requirement in this amendment that that work be done by the school district itself. They could let out a contract. But what concerns me the most, Mr. Speaker, we could have a major construction project for a school being done with substandard craft, substandard skills, substandard material. Our children are just too precious to take that risk.

I ask for a "no" vote for this amendment.

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

The following roll call was recorded:

YEAS—80

| | | | |
|--------|---------|-------|---------|
| Adolph | Fargo | Lee | Saurman |
| Allen | Farmer | Leh | Saylor |
| Argall | Fichter | Lynch | Scheetz |

| | | | |
|--------------|------------|----------|---------------|
| Armstrong | Fleagle | Maitland | Schuler |
| Baker | Flick | Marsico | Semmel |
| Barley | Geist | Masland | Serafini |
| Birmelin | Gerlach | Micozzie | Smith, B. |
| Brown | Gladeck | Miller | Smith, S. H. |
| Bunt | Godshall | Nailor | Snyder, D. W. |
| Chadwick | Hanna | Nickol | Steil |
| Clark | Harley | Pettit | Stern |
| Clymer | Hasay | Phillips | Strittmatter |
| Cohen, L. I. | Hennessey | Piccola | Taylor, E. Z. |
| Conti | Herman | Pitts | True |
| Cornell | Hershey | Platts | Tulli |
| Dempsey | Hess | Reinard | Vance |
| Dent | Hutchinson | Rohrer | Vitali |
| Druce | Jadlowiec | Rubley | Waugh |
| Egolf | King | Ryan | Wright, M. N. |
| Fairchild | Laub | Sather | Zug |

NAYS—115

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Fee | Lucyk | Santoni |
| Battisto | Freeman | Manderino | Scrimenti |
| Bebko-Jones | Gamble | Markosek | Staback |
| Belardi | Gannon | McCall | Stairs |
| Belfanti | George | McGeehan | Steelman |
| Bishop | Gigliotti | McNally | Steighner |
| Blaum | Gordner | Melio | Stetler |
| Boyes | Gruitza | Merry | Stish |
| Burns | Gruppo | Michlovic | Sturla |
| Buxton | Haluska | Mihalich | Surra |
| Caltagirone | Hughes | Mundy | Tangretti |
| Cappabianca | Itkin | Nyce | Taylor, J. |
| Carn | James | O'Brien | Thomas |
| Carone | Jarolin | Olasz | Tigue |
| Cawley | Josephs | Oliver | Tomlinson |
| Cessar | Kaiser | Perzel | Trello |
| Civera | Kasunic | Pesci | Trich |
| Cohen, M. | Keller | Petrarca | Uliana |
| Colafrella | Kenney | Petrone | Van Horne |
| Colaizzo | Kirkland | Pistella | Veon |
| Corrigan | Krebs | Preston | Washington |
| Cowell | Kukovich | Raymond | Williams |
| Coy | LaGrotta | Reber | Wogan |
| Curry | Laughlin | Richardson | Wright, D. R. |
| Daley | Lawless | Rieger | Yandrisevits |
| DeLuca | Lederer | Ritter | Yewcic |
| Dermody | Lescovitz | Robinson | DeWeese, |
| Donatucci | Levdansky | Roebuck | Speaker |
| Durham | Lloyd | Rooney | |
| Fajt | | | |

NOT VOTING—2

| | |
|---------|---------|
| Roberts | Wozniak |
|---------|---------|

EXCUSED—5

| | | | |
|-----------|-------|---------|------|
| Bush | Evans | Mayerik | Rudy |
| Butkovitz | | | |

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

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. GEIST offered the following amendment No. A0354:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
and for loans of certain equipment relating to nonpublic school children.

Amend Bill, page 2, by inserting between lines 3 and 4 Section 2. The definition of "textbooks" in section 923-A(b) of the act, amended July 18, 1974 (P.L.475, No.169), is amended to read:

Section 923-A. Loan of Textbooks, Instructional Materials and Equipment, Nonpublic School Children.—* * *

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

* * *

"Textbooks" means books, workbooks, including reusable and non-reusable workbooks, satellite dishes and all essential components for the reception and telecast of satellite transmission, and manuals, whether bound or in looseleaf form, intended for use as a principal source of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each pupil in such class or group. Such textbooks shall be textbooks which are acceptable for use in any public, elementary, or secondary school of the Commonwealth.

* * *

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

3

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

The SPEAKER. On the amendment, the gentleman is recognized, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

These amendments are technical in nature.

At the time we wrote the laws in the General Assembly, nobody ever talked about satellite dishes or fiber-optic hookups or electronic classrooms, and this technical language goes at cleaning up our process of providing for both public and private schools in the textbook area.

I would urge an affirmative vote on these amendments.

The SPEAKER. The gentleman, Mr. Cowell, is recognized on the Geist amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the purpose of Mr. Geist in offering this amendment and the next one that will follow. It is important that we bring these definitions in the law into the 21st century. I think that the technical change that he wants to make is a reasonable change.

I am concerned about the fiscal implications, and I want to put that on the record, because what we do under other sections of the law that we are not amending right now is to require the Secretary of Education to provide certain kinds of assistance, and in broadening these definitions, we are getting into what some people believe will be far more expensive, or relatively more expensive, items that the Secretary is obligated to provide to the students who are affected by this section of the law.

Additionally, the Secretary, nonetheless, is required to make these provisions within certain fiscal constraints that we establish in the law, not just through our budget but through other sections of the School Code that limit these provisions to X number of dollars per student.

I think that it is going to be difficult for the Secretary to provide the expanded kind of equipment and learning

opportunities that Mr. Geist's amendment will provide for. I think that we are going to have to revisit these issues from a fiscal standpoint. But in the meantime, I do support his amendment.

Mr. GEIST. Thank you very much.

Mr. Speaker, may I be recognized for the second time?

The SPEAKER. The gentleman is in order, and the gentleman is recognized for the second time? Or was that an interrogation?

Mr. GEIST. Second.

The SPEAKER. The Chair thanks the gentleman. He may proceed.

Mr. GEIST. Thank you, Mr. Speaker.

I, too, agree with Representative Cowell's assessment as to cost. That was taken into consideration during the drafting of these. The very important thing here, once again, is to change the language, the technical language, so that we do take old laws into the present time and maybe allow for future education.

I also agree that when and if it becomes a cost item, then we have to revisit it here on the floor of the House. But I would urge a "yes" vote. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—190

| | | | |
|--------------|------------|-----------|---------------|
| Adolph | Fargo | Iscovitz | Santoni |
| Allen | Farmer | Ievdansky | Sather |
| Argall | Fee | Lucy | Saurman |
| Armstrong | Fichter | Lynch | Saylor |
| Baker | Fleagle | Maitland | Scheetz |
| Barley | Flick | Manderino | Schuler |
| Battisto | Freeman | Markosek | Semmel |
| Bebko-Jones | Gamble | Marsico | Serafini |
| Belardi | Gannon | Masland | Smith, B. |
| Belfanti | Geist | McCall | Smith, S. H. |
| Birmelin | George | McGeehan | Snyder, D. W. |
| Bishop | Gerlach | McNally | Staback |
| Blaum | Gigliotti | Melio | Stairs |
| Boyes | Gladeck | Merry | Steelman |
| Brown | Godshall | Michlovic | Steighner |
| Bunt | Gordner | Micozzie | Steil |
| Burns | Gruitza | Mihalich | Stern |
| Caltagirone | Gruppo | Miller | Stetler |
| Cappabianca | Haluska | Mundy | Stish |
| Carn | Hanna | Nailor | Strittmatter |
| Carone | Harley | Nickol | Sturla |
| Cawley | Hasay | Nyce | Surra |
| Cessar | Hennessey | O'Brien | Tangretti |
| Chadwick | Herman | Olasz | Taylor, E. Z. |
| Civera | Hershey | Oliver | Taylor, J. |
| Clark | Hess | Perzel | Thomas |
| Clymer | Hughes | Pesci | Tigue |
| Cohen, L. I. | Hutchinson | Petrarca | Tomlinson |
| Cohen, M. | Itkin | Petrone | Trich |
| Colaella | Jadlowiec | Pettit | True |
| Colaizzo | James | Piccola | Tulli |
| Conti | Jarolin | Pistella | Uliana |
| Cornell | Josephs | Pitts | Vance |
| Corrigan | Kaiser | Platts | Van Horne |
| Cowell | Kasunic | Preston | Veon |
| Coy | Keller | Raymond | Vitali |

| | | | |
|-----------|----------|------------|---------------|
| Curry | Kenney | Reber | Waugh |
| Daley | King | Reinard | Williams |
| DeLuca | Kirkland | Richardson | Wogan |
| Dempsey | Krebs | Rieger | Wozniak |
| Dent | Kukovich | Ritter | Wright, D. R. |
| Dermody | LaGrotta | Roberts | Wright, M. N. |
| Donatucci | Laub | Robinson | Yandrisevits |
| Druce | Laughlin | Roebuck | Yewcic |
| Durham | Lawless | Rohrer | Zug |
| Egolf | Lederer | Rooney | |
| Fairchild | Lee | Rublely | DeWeese, |
| Fajt | Leh | Ryan | Speaker |

NAYS—6

| | | | |
|--------|-----------|--------|------------|
| Acosta | Lloyd | Trello | Washington |
| Buxton | Scrimenti | | |

NOT VOTING—1

Phillips

EXCUSED—5

| | | | |
|----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Bukovitz | | | |

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

On the question,

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

Mr. GEIST offered the following amendment No. A0355:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

and for loans of certain equipment relating to nonpublic school children.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Section 923-A(b) of the act, added July 12, 1972 (P.L.863, No.195) is amended to read:

Section 923-A. Loan of Textbooks, Instructional Materials and Equipment, Nonpublic School Children.—* * *

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Instructional equipment" means instructional equipment, other than fixtures annexed to and forming part of the real estate, which is suitable for and to be used by children and/or teachers. The term includes but is not limited to projection equipment, recording equipment, satellite dishes and all essential components for the reception and telecast of satellite transmission, laboratory equipment, and any other educational secular, neutral, non-ideological equipment as may be of benefit to the instruction of nonpublic school children and are presently or hereafter provided for public school children of the Commonwealth.

* * *

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Geist is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

This is basically exactly the same language, and I would urge a "yes" vote.

The SPEAKER. The gentleman, Mr. Cowell, is recognized on the Geist amendment.

Mr. COWELL. Thank you, Mr. Speaker.

I, too, would urge a "yes" vote on this Geist amendment.

The SPEAKER. The Chair thanks the gentleman from Pittsburgh.

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

The following roll call was recorded:

YEAS—194

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Fargo | Levdansky | Sather |
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Semmel |
| Barley | Freeman | Marsico | Serafini |
| Battisto | Gamble | Masland | Smith, B. |
| Bebko-Jones | Gannon | McCall | Smith, S. H. |
| Belfanti | Geist | McGeehan | Snyder, D. W. |
| Birmelin | George | McNally | Staback |
| Bishop | Gerlach | Melio | Stairs |
| Blaum | Gigliotti | Merry | Steelman |
| Boyes | Gladeck | Michlovic | Steighner |
| Brown | Godshall | Micozzie | Steil |
| Bunt | Gordner | Mihalich | Stern |
| Burns | Gruitza | Miller | Stetler |
| Buxton | Gruppo | Mundy | Stish |
| Callagironne | Haluska | Nailor | Strittmatter |
| Cappabianca | Hanna | Nickol | Sturla |
| Carn | Harley | Nyce | Surra |
| Carone | Hasay | O'Brien | Tangretti |
| Cawley | Hennessey | Olasz | Taylor, E. Z. |
| Cessar | Herman | Oliver | Taylor, J. |
| Chadwick | Hershey | Perzel | Thomas |
| Civera | Hess | Pesci | Tigue |
| Clark | Hughes | Petrarca | Tomlinson |
| Clymer | Hutchinson | Petrone | Trello |
| Cohen, L. I. | Itkin | Pettit | Trich |
| Cohen, M. | Jadlowiec | Phillips | True |
| Colafella | James | Piccola | Tulli |
| Colaizzo | Jarolin | Pistella | Uliana |
| Conti | Josephs | Pitts | Vance |
| Cornell | Kaiser | Platts | Van Horne |
| Corrigan | Kasunic | Preston | Veon |
| Cowell | Keller | Raymond | Vitali |
| Coy | Kenney | Reber | Washington |
| Curry | King | Reinard | Waugh |
| Daley | Kirkland | Richardson | Williams |
| DeLuca | Krebs | Rieger | Wogan |
| Dempsey | Kukovich | Ritter | Wozniak |
| Dent | LaGrotta | Roberts | Wright, D. R. |
| Dermody | Laub | Robinson | Wright, M. N. |
| Donatucci | Laughlin | Roebuck | Yandrisevits |
| Druce | Lawless | Rohrer | Yewcic |
| Durham | Lederer | Rooney | Zug |
| Egolf | Lee | Rubley | |
| Fairchild | Leh | Ryan | DeWeese, |
| Fajt | Lescovitz | Santoni | Speaker |

NAYS—2

| | |
|-------|-----------|
| Lloyd | Scrimenti |
|-------|-----------|

NOT VOTING—1

Belardi

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

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

Mr. LAWLESS offered the following amendment No. A0558:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
; and providing for access to personnel files
by boards of school directors.

Amend Bill, page 2, by inserting between lines 3 and 4
Section 2. The act is amended by adding a section to read:
Section 528. Access to Personnel Files.—The board of school directors shall at all times have right of access to the personnel files of all school district employes.

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

3

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman, Mr. Lawless.

The gentleman's remarks have been abbreviated.

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

The following roll call was recorded:

YEAS—195

| | | | |
|--------------|-----------|-----------|---------------|
| Acosta | Fargo | Lloyd | Sather |
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimenti |
| Barley | Gamble | Marsico | Semmel |
| Battisto | Gannon | Masland | Serafini |
| Bebko-Jones | Geist | McCall | Smith, B. |
| Belardi | George | McGeehan | Smith, S. H. |
| Belfanti | Gerlach | McNally | Snyder, D. W. |
| Birmelin | Gigliotti | Melio | Staback |
| Bishop | Gladeck | Merry | Stairs |
| Blaum | Godshall | Michlovic | Steelman |
| Boyes | Gordner | Micozzie | Steighner |
| Brown | Gruitza | Mihalich | Steil |
| Bunt | Gruppo | Miller | Stern |
| Burns | Haluska | Mundy | Stetler |
| Buxton | Hanna | Nailor | Stish |
| Callagironne | Harley | Nickol | Strittmatter |
| Cappabianca | Hasay | Nyce | Sturla |
| Carn | Hennessey | O'Brien | Surra |
| Carone | Herman | Olasz | Tangretti |
| Cawley | Hershey | Oliver | Taylor, E. Z. |

| | | | |
|--------------|------------|------------|---------------|
| Cessar | Hess | Perzel | Taylor, J. |
| Chadwick | Hughes | Pesci | Thomas |
| Civera | Hutchinson | Petrarca | Tigue |
| Clark | Itkin | Petrone | Tomlinson |
| Clymer | Jadlowiec | Pettit | Trello |
| Cohen, L. I. | James | Phillips | True |
| Cohen, M. | Jarolin | Piccola | Tulli |
| Colafella | Josephs | Pistella | Uliana |
| Colaizzo | Kaiser | Pitts | Vance |
| Conti | Kasunic | Platts | Van Home |
| Cornell | Keller | Preston | Veon |
| Corrigan | Kenney | Raymond | Vitali |
| Cowell | King | Reber | Washington |
| Coy | Kirkland | Reinard | Waugh |
| Curry | Krebs | Richardson | Williams |
| Daley | Kukovich | Rieger | Wogan |
| DeLuca | LaGrotta | Ritter | Wozniak |
| Dempsey | Laub | Roberts | Wright, D. R. |
| Dent | Laughlin | Robinson | Wright, M. N. |
| Dermody | Lawless | Roebuck | Yandrisevits |
| Donatucci | Lederer | Rohrer | Yewcic |
| Druce | Lee | Rooney | Zug |
| Durham | Leh | Rubley | DeWeese, |
| Egolf | Lescovitz | Ryan | Speaker |
| Fairchild | Levdansky | Santoni | |
| Fajt | | | |

NAYS—0

NOT VOTING—2

| | |
|---------|-------|
| Freeman | Trich |
|---------|-------|

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkowitz | | | |

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

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

Mr. CLARK offered the following amendment No. A0854:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
and for collective bargaining; and making
repeals.

Amend Bill, page 2, line 4, by striking out all of said line and inserting

Section 2. The definition of "strike" in section 1101-A of the act, added July 9, 1992 (P.L.403, No.88), is amended to read:

Section 1101-A. Definitions.—When used in this article, the following words and phrases shall have the following meanings:

* * *

"Strike" shall mean concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment. [The employe organization having called a strike once and unilaterally returned to work may only call a lawful strike once more during the school year. A written notice of the intent to strike shall be delivered by the employe organization to the superintendent, executive director or the director no later than forty-eight (48) hours prior to the commencement of any strike, and no strike may occur sooner than forty-eight (48) hours

following the last notification of intent to strike. Upon receipt of the notification of intent to strike, the superintendent, executive director or the director may cancel school for the effective date of the strike. A decision to cancel school may, however, be withdrawn by the superintendent, executive director or the director. Any subsequent change of intents to strike shall not affect the decision to cancel school on the day of the intended strike. For the purposes of this article, the decision to cancel school on the day of the intended strike shall not be considered a lockout.]

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

Section 1102-A. Cost-Of-Living Increase.—(a) All employe salaries shall be frozen effective at the expiration of those collective bargaining agreements existing on the effective date of this section.

(b) In lieu of negotiated salary and wage increases, employes shall receive a cost-of-living increase adjusted annually during March at a rate equal to the average percentage change in the All-Urban Consumer Price Index for the Pittsburgh, Philadelphia and Scranton standard metropolitan statistical areas as published by the Bureau of Labor Statistics of the United States Department of Labor, or any successor agency, occurring in the prior calendar year. The base year shall be 1992. The average shall be calculated and certified by the Secretary of Revenue annually by adding the percentage increase in each of the three areas and dividing by three (3). The calculation and resulting new figures shall be published as a notice in the Pennsylvania Bulletin during March. Each annual increase payable under this section shall not exceed three per centum (3%).

(c) The cost-of-living increase provided for in subsection (b) shall be exclusive of any merit compensation paid by school districts to individual employes.

Section 4. Sections 1112-A and 1125-A(m) of the act, added July 9, 1992 (P.L.403, No.88), are amended to read:

Section 1112-A. Matters of Inherent Managerial Policy.—Employers shall not be required to bargain over matters of inherent managerial policy. Those matters shall include, but shall not be limited to, such areas of discretion or policy as the functions and programs of the employer, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel. Employers, however, shall be required to meet and discuss on policy matters affecting [wages,] hours and terms and conditions of employment as well as the impact thereon upon request by employe representatives.

Section 1125-A. Final Best-Offer Arbitration.—* * *

[(m) If the employer or the employe organization rejects the determination of the majority of the arbitrators:

(1) The employe organization may initiate a legal strike or resume a legal strike initiated prior to submission to final best-offer arbitration.

(2) The employer may hire substitutes as provided under subsection (b) of section 1172-A.

(3) The employer may initiate a legal lockout or resume a legal lockout initiated prior to submission to final best-offer arbitration.]

Section 5. The heading of subdivision (d) of Article XI-A of the act, added July 9, 1992 (P.L.403, No.88), is amended to read:

(d) Strikes [and Lockouts].

Section 6. Section 1131-A of the act, added July 9, 1992 (P.L.403, No.88), is amended to read:

[Section 1131-A. Strikes Prohibited in Certain Circumstances.—A strike must cease where the parties request fact-finding for the duration of the fact-finding. A strike must end where the parties agree to arbitration. Strikes are prohibited:

(1) During the period of up to ten (10) days provided for under section 1125-A(a).

(2) During final best-offer arbitration, including the period of up to ten (10) days after receipt of the determination of the arbitrators during which the governing body of the school entity may consider the determination.

(3) When the arbitrators' determination becomes final and binding.]

Section 1131-A. Strikes Prohibited.—Strikes by employes are hereby prohibited.

Section 7. Sections 1132-A and 1172-A of the act are repealed.

Section 8. (a) The act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, is repealed insofar as it is inconsistent with this act.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 9. This act shall take effect as follows:

(1) The amendment or addition of sections 518 and 1102-A of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect July 1, 1994.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, Mr. Clark is recognized.

Mr. CLARK. Mr. Speaker, today I am here to offer an amendment to HB 1245 which I believe will accomplish a number of goals.

Briefly, first, this amendment to the bill would prohibit teacher strikes; second, it would provide for an across-the-board cost-of-living increase capped at 3 percent to begin at the expiration of any current collective-bargaining agreements; and third, it would authorize and permit school districts to provide additional compensation to individual employees on a merit basis.

The cost-of-living adjustment is to guarantee teachers an increase in salary so as to stay in line with rising costs, and it is also patterned after the cost-of-living adjustments which the legislature recently provided to our judges and district justices. The cost-of-living increase is capped at 3 percent; however, there exists additional merit pay to individual teachers who the school district deems are worthy.

I would appreciate the House's support for this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes Mr. Cowell from Allegheny County.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, part of this discussion is about the issue of school strikes, and I think it is important to note that in the view of the Pennsylvania School Boards Association, relatively recent changes that this legislature made to the law that we have called Act 195 have had a positive impact on the issue of school strikes in Pennsylvania.

Many of you—in fact, I think every member of the legislature—received a report last November published by the Pennsylvania School Boards Association wherein the association reported on the impact of Act 88 and noted favorably the impact of that relatively new law. More recently, in the February 1994 edition of the Pennsylvania School Boards Association Bulletin, they again reported on Act 88, and the headline article, if you have had a chance to read it, says, "Act 88 helping to promote settlements, cut school strikes," and in that article, and I certainly will not read the

entire thing, but included in the text is language that says, "The Pennsylvania School Boards Association, which actively supported enactment of the legislation, believes that the law is fulfilling its objectives. We are pleased to take this opportunity to provide a progress report on Act 88, evaluating its performance after more than a full year of operation and examining the charges of its critics."

In that report, the PSBA notes that in the school year 1991-92, the last full school year prior to the enactment of Act 88, there were 36 teacher strikes in Pennsylvania. In contrast, last year, 1992-93, the first full year living under Act 88, that figure was cut by better than half. Last year, there were 17 school strikes in Pennsylvania, and this year to date, I believe it is 13 school districts that have experienced strikes.

In the view of the PSBA, the law is working. In the view of the PSBA, we did make significant improvements, and if you would read more of the article, you would also learn that even where strikes have occurred, they have tended to be shorter strikes, and, of course, as members know, we have outlawed selective strikes, a strike for a tool, if you will, that so many of us consider to be so terribly abusive of kids and their parents. So as a result of changes that this legislature approved only a couple of years ago, we have in this State fewer strikes, we have shorter strikes, and we have no selective strikes.

I recognize, of course, that if a strike occurs in your backyard, if children — your children or constituents' children — are affected, then there is indeed a crisis and there is a tendency for each of us to want to step forward and try to do something more. But I remind you that we have to be cautious about how we step forward and fair about what we propose to do.

We can be particularly proud in this legislature, because those of us who were here over the last couple of years made changes and improvements that our predecessors could not accomplish for more than 20 years. We were able to do that because Republicans and Democrats in the House and Senate together came together and agreed to a consensus document that has been proven now to have a positive effect.

The amendment before us would have us go further. I am not suggesting that the current law is perfect. I am not suggesting and I do not believe that it is the end of the kinds of changes that we ought to make. I believe that there is and there will continue to be in this House and in the Senate very active consideration of other changes. For instance, we have some members of this House and some members of the Senate who are asking that we seriously consider the concept of a statewide contract, that we outlaw strikes or at least remove the possibility of local strikes in 501 school districts and instead address the issue of salary and benefits as part of a statewide contract — a radical change from what we currently have; perhaps the approach that we ought to use if we are also willing to ask and answer tough questions like who gets to decide, and who will pay the bill, and how will we pay or how will we raise the money to pay the bill?

Others have suggested—and this is an opinion I have agreed with for about 10 years—that we ought to eliminate strikes once and for all and that we can do that by replacing strikes and local collective bargaining as we know it today with last-best-offer binding arbitration; if we are serious about keeping kids in school and we want to eliminate strikes completely, use last-best-offer binding arbitration. But clearly there is not a consensus about that as well, and I would suggest to you that there certainly is not any kind of a consensus about the proposal that Mr. Clark brings before us today. This idea has not had the benefit of a broad discussion, an in-depth discussion, in this House and in this legislature and among the general public. It does appear to provide an answer, but I believe it is an inappropriate answer. In fact, I believe it is an answer that is unconstitutional.

CONSTITUTIONAL POINT OF ORDER

Mr. COWELL. Mr. Speaker, I do want to raise the issue of constitutionality on the Clark amendment, and I would argue that that amendment, because it would impose an arbitrary wage freeze on all school employees in this Commonwealth, violates those provisions of the Pennsylvania and Federal Constitutions that deal with equal protection and due process.

It arbitrarily would impose a wage freeze, and we would treat school employees unlike all other public employees and unlike all other employees or workers throughout this State. There is no constitutionally permitted basis for us to do that. We cannot simply pick on school employees, those who work for school districts, be they teachers or the janitor in that district, and say, we are going to freeze your wages. And even though there is other language here that then provides for some other kind of recourse, where we go to these arbitrarily decided, permanent, uniform cost-of-living increases, we would, with this amendment, unconstitutionally freeze the wages of a small group, a relatively small group of employees in this State, because they happen to be public employees and because they happen to work for school districts. As politically popular as that might seem to be, it is unconstitutional, it is morally wrong, it is legally wrong.

I would urge that we declare this amendment unconstitutional.

The SPEAKER. The gentleman, Mr. Cowell, from Allegheny raises the point of constitutionality on the Clark amendment.

The Speaker, under rule 4, is required to submit the question affecting the constitutionality of an amendment to the House for a decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Clark, on the issue of constitutionality.

Mr. CLARK. Mr. Speaker, could you clarify what sections of the Constitution Representative Cowell has cited?

The SPEAKER. It is under rule 4, the equal protection and due process clauses of the Constitution.

Members are only recognized one time on constitutionality.

Mr. CLARK. Mr. Speaker, we have been dealing with issues on local government and strikes, and in particular, with teachers, for a number of years, in association with the agency shop argument, and never once have any of those provisions been called unconstitutional. In fact, we gave the educators of this State the right to strike many years ago, and we did that without amending our Constitution.

This bill is not a wage freeze by any means. There is a rational basis here to determine that my amendment is in fact a rational way to limit school strikes because of the imbalance of power between schoolteachers versus the education of our students.

The equal protection clause and due process is a very broad umbrella part of the amendment, and I believe that the specific parts of our Pennsylvania Constitution should override the more general, and our Constitution reads that "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." School strikes hinder our duty to provide a thorough and effective system of public education.

These school strikes cause a great deal of disruption in our communities. One strike is one strike too many if you look at our children, our parents, our families, and our communities. To strike after strike after strike permanently alters a school year. School years now begin on October 6 and run to June 30 of the next year. School strikes once had a place in our bargaining system but now are dinosaurs on our landscape and should be made extinct.

Today teachers' salaries are on par with other professions. They have starting salaries ranging from \$25,000 to \$32,000. They have job security with tenure. They have—

The SPEAKER. The Chair interrupts the gentleman. The gentleman will please maintain his focus on the constitutionality of the amendment.

Mr. CLARK. Mr. Speaker, I am speaking and relating those remarks to the specific provisions of the State Constitution which impose a duty on the General Assembly to "...provide for the maintenance and support of a thorough and efficient system of public education,..." and in order to fulfill that mandate specifically stated in our Constitution, we must reiterate some of these points. Your indulgence is appreciated. Thank you.

Travel sabbaticals, 3-month vacations to relax and become rejuvenated during the summer months, excellent health benefits, pleasant working surroundings, and less than average workday hours — these were not the conditions that existed when our educators were rightfully given that right to strike many years ago. With all those benefits, strikes continue to cause harm to the quality of education of our children and those strikes are causing trauma to parents, families, and our education system.

That is why I think this amendment is constitutional. That is why I think this Commonwealth is better served without

school strikes. I believe there are provisions in that amendment to provide more than adequate compensation, and I believe that one strike is too many and in violation of our duty under the specific language of the Pennsylvania Constitution. Thank you.

PARLIAMENTARY INQUIRIES

The SPEAKER. The gentleman, Mr. Schuler, on constitutionality.

Mr. SCHULER. Thank you, Mr. Speaker.

Point of parliamentary inquiry.

The SPEAKER. The gentleman will please state his point.

Mr. SCHULER. Mr. Speaker, would it be proper at this time to ask for the amendment to be divided?

The SPEAKER. Not at this juncture, not during the debate on constitutionality. Nothing is in order but the debate on whether this Clark amendment is constitutional or is not constitutional.

Mr. SCHULER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. RYAN. Mr. Speaker?

The SPEAKER. Mr. Ryan is recognized.

Mr. RYAN. Point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. RYAN. Would the Speaker state his source for his ruling that debate is restricted to one time? Yeah, I knew you were going to do that, but I could not find it in our rule book, and I am curious as to where the Parliamentarian found that. I knew he did—

The SPEAKER. The gentleman is in order to make the interrogatory.

Mr. RYAN. —because you would not have found such a thing on a Tuesday.

The SPEAKER. On page 7 of our blue book of rules, at the top, under rule 4, starting on the third sentence, "Questions involving the constitutionality of any matters shall be decided by the House. On questions of order there shall be no debate except on an appeal from the decision of the Speaker or on reference of a question by him to the House. In either case, no member shall speak more than once except by leave of the House."

Mr. RYAN. Thank you.

I will come up for further tutoring at sidebar.

The SPEAKER. The gentleman, Mr. Belfanti, is recognized on constitutionality of the Clark amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I concur with the gentleman, Representative Cowell, that this is at best unconstitutional.

Since such wide latitude was allowed to the maker of the amendment, I would like to just very briefly remind the members that the employees that we are talking about today are not limited to schoolteachers. You would be cutting off any form of redress for a negotiated settlement for janitors. They do not get a 3-month sabbatical or a 1-year sabbatical and 3 months off. The cleaning people, the busdrivers, the cafeteria

workers, in the urban areas the security guards — all of these people are lumped into this amendment. It is not fair. It is not constitutional.

Mr. Speaker, in my committee we have legislation which I have held, at the behest of members from both sides of this aisle, to see whether or not Act 88 was going to be successful. It has been successful. But if this House is determined to end the practice of teachers strikes, just let me know, and we will kick out legislation that will require last-best-offer binding arbitration, much like the police have under the Uniform Fire and Panic Act. If you do not want strikes, we will give you a bill to vote on, but this is an unfair amendment, and it should be voted as being unconstitutional. Thank you.

The SPEAKER. The gentleman, Mr. Masland, is recognized on constitutionality.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise in support of the constitutionality of this amendment.

As I look at the Pennsylvania Constitution, I see, as has been noted, that it is our duty, the duty of the General Assembly, to "...provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." Now, it may be debatable as to whether or not this particular amendment on its merits will ultimately meet that purpose, but I do not believe that it is debatable that that is the intent of the amendment and that therefore the intent of the amendment is purely constitutional.

I would point out for the House that before we had Act 195, before we did all that—and I am looking at a copy of Title 24, the Education Code—this General Assembly used to set minimum salaries. We used to have a salary scale for teachers. Was that unconstitutional? Well, if that was unconstitutional, then maybe this is, but I would suggest to you that that was not unconstitutional.

As far as whether this violates the, I guess the maker of the motion is saying the 14th Amendment, due process, equal protection, under the U.S. Constitution, I would just state very shortly that there is no merit whatsoever in that, and I would be surprised if any attorney would say that there is, but then there are always attorneys that will give you both sides of the issue.

Although I am rising to support the constitutionality, I will look forward to eventually voting against this amendment, probably on much different grounds, on a much different basis, than Mr. Cowell, but I think on the question of constitutionality, this is not an issue, and if we want to make a sham, a real sham, out of questions of constitutionality, then this is one where we can do it. We can easily declare it unconstitutional, avoid the merits, avoid the issue, and pretend that we have dealt with it.

This amendment is constitutional, and I urge you to vote for its constitutionality. Thank you.

The SPEAKER. The gentleman, Mr. Lee, on constitutionality.

Mr. LEE. Thank you, Mr. Speaker.

I would like to recommend that the House find this amendment to be constitutional. I, like Representative Masland,

plan to be voting against this amendment. But I think we have to watch ourselves a little bit here, because as we have done in the past, it gets a bit confusing to the voters if we take a vote on this issue and some of us say, well, we think it is constitutional, and it goes down on constitutional grounds. Well, people will think we were for getting rid of school strikes, things like that. I know Representative McNally had a problem one time like that.

Let us get past this issue. Clearly, this is constitutional. We have done it before. It has never been held to be unconstitutional. Therefore, let us get past this issue, vote it to be constitutional, and then let us get on to the merits of the issue. Thank you very much.

The SPEAKER. On constitutionality, the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield momentarily.

The gentleman is disallowed from speaking because he has already spoken on one occasion.

Mr. COWELL. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. COWELL. Mr. Speaker, if I recall correctly, I was speaking to the Clark amendment initially. I have not spoken subsequent to making the motion that it was unconstitutional.

The SPEAKER. The Parliamentarian advises me that the chairman from Allegheny County made the motion and then continued to speak. It was an abbreviated comment, but you did speak.

Mr. COWELL. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman for his understanding and cooperation.

On the question of constitutionality, those who believe this to be constitutional will vote "aye"; those who believe it to be unconstitutional will vote "no."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—106

| | | | |
|--------------|-----------|-----------|---------------|
| Adolph | Fajt | Lawless | Rohrer |
| Allen | Fargo | Lee | Rubley |
| Argall | Farmer | Leh | Ryan |
| Armstrong | Fichter | Levdansky | Sather |
| Baker | Fleagle | Lynch | Saurman |
| Barley | Flick | Maitland | Saylor |
| Birmelin | Gamble | Manderino | Scheetz |
| Blaum | Geist | Markosek | Schuler |
| Brown | Gerlach | Marsico | Semmel |
| Bunt | Gladeck | Masland | Serafini |
| Carone | Godshall | Merry | Smith, S. H. |
| Cawley | Gordner | Micozzie | Snyder, D. W. |
| Cessar | Haluska | Miller | Steil |
| Chadwick | Hanna | Nailor | Stern |
| Civera | Harley | Nickol | Stritmatter |
| Clark | Hasay | Nyce | Tangretti |
| Clymer | Hennessey | Olasz | Taylor, E. Z. |
| Cohen, J. J. | Herman | Perzel | Tigue |
| Conti | Hershey | Pettit | Tomlinson |

| | | | |
|-----------|------------|----------|---------------|
| Cornell | Hess | Phillips | True |
| DeLuca | Hutchinson | Piccola | Tulli |
| Dempsey | Jadlowiec | Pitts | Uliana |
| Dent | Kaiser | Platts | Vance |
| Druce | King | Raymond | Waugh |
| Durham | Kirkland | Reber | Wright, M. N. |
| Egolf | Krebs | Reinard | Zug |
| Fairchild | Laub | | |

NAYS—90

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Freeman | McNally | Stairs |
| Battisto | Gannon | Melio | Steelman |
| Bebko-Jones | George | Michlovic | Steighner |
| Belardi | Gigliotti | Mihalich | Stetler |
| Belfanti | Gruitza | Mundy | Stish |
| Bishop | Gruppo | O'Brien | Sturla |
| Boyes | Hughes | Oliver | Surra |
| Burns | Itkin | Pesci | Thomas |
| Buxton | James | Petrarca | Trello |
| Caltagirone | Jarolin | Petrone | Trich |
| Cappabianca | Josephs | Pistella | Van Horne |
| Carn | Kasunic | Preston | Veon |
| Cohen, M. | Keller | Richardson | Vitali |
| Colafella | Kenney | Rieger | Washington |
| Colaizzo | Kukovich | Ritter | Williams |
| Corrigan | LaGrotta | Roberts | Wogan |
| Cowell | Laughlin | Robinson | Wozniak |
| Coy | Lederer | Roebuck | Wright, D. R. |
| Curry | Lescovitz | Rooney | Yandrisevits |
| Daley | Lloyd | Santoni | Yewcic |
| Dermody | Lucyk | Scrimenti | |
| Donatucci | McCall | Smith, B. | DeWeese, |
| Fee | McGeehan | Staback | Speaker |

NOT VOTING—1

Taylor, J.

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

Will the House agree to the amendment?

PARLIAMENTARY INQUIRY

REQUEST TO DIVIDE AMENDMENT

The SPEAKER. Does Mr. Schuler seek recognition on the Clark amendment? The gentleman is recognized.

Mr. SCHULER. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. The gentleman will please state his point of parliamentary inquiry.

Mr. SCHULER. Mr. Speaker, would we be able to divide this amendment, page 3, number (3), ending with the word "binding" as one amendment, and then "Section 1131-A" as the second amendment?

The SPEAKER. The Parliamentarian indicates to me that the answer is no, and he indicates that there is no page number

or line number that could be referred to, and that is the reason that he has made that decision.

Mr. SCHULER. Excuse me, Mr. Speaker. I am not sure I understand.

The SPEAKER. Will the gentleman yield momentarily.

Mr. SCHULER. Yes.

The SPEAKER. The test for an amendment to be divided is that the amendment has to be able to stand by itself. If we were to divide where you have indicated, above "Section 1131-A," and use the rest of the amendment as a separate amendment, there is no indicator as to what page or what line that would be inserted into the bill.

Mr. SCHULER. I understand. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington County, Mr. Daley, on the Clark amendment.

Mr. DALEY. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

Basically, what this amendment is doing is taking away the right to bargain from the collective-bargaining units. It is something that many of us worked for many years to provide an equal playing field. What we see here and something we have been striving for is an equal partnership at the table. This takes that away. There will be no longer an equal partnership at the table. There will be no more right to bargain. It puts a cap on people that are teachers in school districts that are making \$80,000 and those teachers making \$22,000. It treats everyone equally.

It is absolutely unfair, it is blatantly wrong, and I ask for a negative vote.

The SPEAKER. Mr. Adolph is recognized on the Clark amendment.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the Clark amendment.

At the present time the Marple Newtown School District is on strike. We have gone through Act 88; they have gone through the measures. Meanwhile, the teachers went out on strike; our children did not go to school.

The previous speaker talked about collective bargaining. Let me explain to the House members the collective-bargaining method in the southeast.

The Marple Newtown Education Association wanted a mere 20 percent over 3 years. Our school board wanted to give them zero percent the first year, 1 percent the second year, and 3 percent the third year. Now, a year and a half later, the teachers are working without a contract; the community is at odds with each other.

I do not believe that this is in the spirit of collective bargaining. I believe Representative Clark has come up with a fair, rational regulation. The teachers will receive a raise, our children will be educated, and once and forever, we will be done with school strikes.

Let us wake up Pennsylvania and join the rest of America. Thank you very much.

The SPEAKER. The gentleman, Mr. Cowell, is recognized on the Clark amendment.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

I just wanted to remind members of what we would do if we would actually pass this amendment and it should become the law of Pennsylvania, and I want members to think about the kinds of inequities that we will be fostering on school employees across the State.

The amendment that is before us will freeze wages after current contracts expire. Now, first of all, what that means is that in some school districts, this freeze is not going to apply for 2 or 3 or maybe 4 years, and in those districts, school employees are going to be able to get whatever kind of contract increase or salary increase they previously negotiated. They are going to get their 4 percent, their 5 percent, their 6 percent. In the meantime, we are going to tell other unfortunate souls who are in districts where, maybe in the interest of keeping kids in school, they agreed to a 1-year contract last year, a contract that will expire soon, and we are going to say, you are going to be penalized, we are going to hold you to a 3-percent increase now, while those other folks that got longer contracts are going to get the benefit of much bigger increases often, certainly bigger than 3 percent. That is the first kind of inequity.

Secondly, Mr. Speaker, if you compare the rural districts of the State and the richer districts of the State, we are going to say that for those folks down in Montgomery County that might have negotiated contracts where at the end of the term of the contract they are going to be making \$80,000 a year, we are going to freeze you at \$80,000 a year, and we are going to make sure you get a \$2,400 increase every year. Those school employees that are working in some other district — a district that might not have been a part of this problem; a district that did not give away money like some of the folks in Montgomery County did, that has been more protective of its taxpayers, perhaps — we are going to say to school employees in that district that if your salary happens to be \$40,000 or \$45,000 or \$50,000 at tops, you are going to be frozen at a 3-percent increase; you are going to get \$1,500 in contrast to those folks in Montgomery County that are going to get the big \$2,400 increase. Even within districts, Mr. Speaker, we are going to say to the clerical staff, we are going to say to the janitorial staff that might be making \$12,000 a year, we are going to freeze you, and we are going to hold you to a 3-percent increase, so that that secretary or that janitor is going to be eligible for a \$360 increase, and meanwhile, the teachers that might be making \$40,000 or \$50,000 or even \$60,000 a year are going to be treated much more generously.

As we try to solve a problem—and it is a real problem, a problem of school strikes—I am suggesting not that we walk away from the issue but that we not, in our zeal to prove as politicians that we are doing something, apply a most inappropriate answer; an answer that is, I think, unconstitutional but certainly an answer that is not fair.

Mr. Speaker, between school districts, within school districts, we are creating inequity. We are even going to cripple the ability of school districts to structure their salary

schedule in such a way that they might be able to create starting salaries that are more attractive to younger people in their community or younger people generally who might want to work in their community. We are going to say, in some way that is not very clear in this legislation, that we are going to apparently freeze those salaries as well.

What is not clear here is, are we freezing the salary of positions or of individuals? Are we saying, if we are freezing the salary of positions, that a school district is never going to somehow be able to readjust the salary schedule so that they can better reward younger folks or folks at other levels within a school district? We are really going to cripple the ability of a school district to structure its salary schedule in a way that will be best serving the interests and needs of that district. Or are we going to say that actually we are just freezing the wages of individuals and then thereby creating a system that works to the advantage of the new person or the person who quits and comes back? This language is very unclear about how we are going to apply this freeze and then this increase to individuals in contrast to positions.

**THE SPEAKER PRO TEMPORE
(KAREN A. RITTER) PRESIDING**

Mr. COWELL. Madam Speaker, I would like to ask the gentleman, Mr. Clark, if he would consent to interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Clark, agrees to stand for interrogation. The gentleman may proceed.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, I think you just heard some of my remarks about whether or not this freeze and this increase applies to individuals or to positions. What is your intent?

Mr. CLARK. This would apply to individuals.

Mr. COWELL. Does that mean then, Madam Speaker, that it would be possible in a school district, particularly a district that wanted to conspire with its employees to circumvent this law, that if, for instance, a secretary who was locked in at \$10,000 a year and, based on your amendment, could not get an increase of more than \$300, if that secretary would leave the position, go away, and then come back into maybe the same position at a later date or some other position in the district, the freeze would not apply to that individual?

Mr. CLARK. I imagine that you can think of any number of horror stories, manipulation, to get around this law. I have not found that to be the case in our school districts with our superintendents, principals, and school boards. I guess any number of conceivable situations could occur with a certain amount of conspiracy and backroom brawling, but I think that in those situations, there are plenty of protections for those individuals through their union and through the Human Relations Commission.

Mr. COWELL. Madam Speaker, do you think it is fair that we tell the clerical staff in the school districts that you represent that we are going to hold them to a 3-percent increase because we are not happy with the teachers' salaries in your district?

Mr. CLARK. No. They would be able to request and be provided with merit pay in excess of the 3 percent.

Mr. COWELL. So the individual teachers also would be able to get the kind of merit pay—

Mr. CLARK. That is correct.

Mr. COWELL. —that you are speaking of?

Mr. CLARK. That is correct.

Mr. COWELL. What keeps everybody in the district from getting merit pay increases?

Mr. CLARK. Nothing.

Mr. COWELL. Well, Madam Speaker, what I am concerned about is the way that districts end up circumventing what I think is your attempt to put a cap on the salary increases that are going to be experienced and paid for in a district.

Mr. CLARK. That is not my attempt at all, Madam Speaker. When I thought through this, we have a problem with teacher strikes. If we take that right away from a teacher, what are we going to provide that teacher because of that loss of right? I propose to give them a cost-of-living increase capped at 3 percent so that they would be able to keep pace with rising costs, and in addition to that, they can be awarded — petition for, request, and be given — a check which would be merit pay and be over and above the 3 percent.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, just in conclusion, I would urge again that we defeat the amendment. The amendment again is well intentioned in terms of trying to deal with the teacher strike issue.

I remind you of my opening remarks where the Pennsylvania School Boards Association says the current law is working, that it is accomplishing its objectives. In addition to fewer strikes and shorter strikes and no selective strikes, the PSBA reports that the negotiated increases that have been experienced this year and last year under Act 88 are less than the kinds of increases that were negotiated under the prior law, and so on all fronts, it appears that the current law is making for improvements.

If we want to further improve the law, in fact, if we want to eliminate strikes, we can do that by appropriately replacing the current process with something that is fair, such as an arbitration process, perhaps such as a statewide contract process, but to put into place this ill-conceived and grossly unfair approach that will treat everybody alike, tell them all, unless they can somehow gain favor with their employer, that they are only going to get 3-percent increases, whether they are the teacher or the janitor, whether they live in the richest district or the poorest district, whether they have been grossly underpaid to date or overpaid to date, whether they live in a district that has had lots of resources and has been very generous with its employees, or whether they live in one of those districts where we are trying to provide some additional State money for school finance equity purposes so employees in those poor districts can be treated more fairly, we are going to treat them all alike and we are going to lock them all into

their current salaries, plus this arbitrary 3-percent increase that will be provided apparently year after year.

Madam Speaker, this is an inappropriate, unfair response to a real issue that we need to address, and I urge that we defeat the amendment. Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you.

The Chair recognizes the gentleman, Mr. Lawless.

Mr. LAWLESS. Thank you, Madam Speaker.

Madam Speaker, I would like to revisit a statement which was made earlier by the previous speaker.

He suggested that teachers from Montgomery County are overpaid and used an example in support and used Montgomery County teachers as an example for his argument. I am glad he, as chairman of the House Education Committee, recognized the problem and hope that he will listen to his own arguments and support the taxpayers in Montgomery County and support the Clark amendment. Thank you.

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

Mr. SNYDER. Thank you, Madam Speaker.

Would the maker of the amendment please be subjected to interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Clark, indicates he will stand for interrogation. Mr. Snyder may proceed.

Mr. SNYDER. Thank you.

Madam Speaker, in the preceding debate you had with the gentleman from Allegheny County, you stated that the cap of 3 percent a year would be based on an individual basis. Is that correct? What the previous speaker had asked you is, how do you apply the 3-percent cap, and you said, on an individual employee—

Mr. CLARK. An individual-named employee; yes.

Mr. SNYDER. Okay.

Madam Speaker, does this provide for a case in which an employee, a teacher, goes from having their bachelor's degree to a master's degree and would move up in the steps? Would this then limit that teacher to the 3-percent increase as well, even though the step may put them in a different job classification?

Mr. CLARK. That certainly can be addressed by the school board through a merit pay increase because that teacher may have proceeded to a higher degree level.

Mr. SNYDER. But if the association had negotiated with the school board for steps in the contract based on longevity and based on educational requirements, you are basically saying that this amendment would eliminate those steps unless the school board decided to do it on an individual basis on merit?

Mr. CLARK. That is correct. This amendment would affect the school district at the end of its current collective-bargaining agreement, and after that, there would not be a contract with the word "steps" in. However, there would be merit pay to address your concern about advanced degree work.

Mr. SNYDER. But, Madam Speaker, merit pay is only optional. Is that not correct?

Mr. CLARK. That is correct.

Mr. SNYDER. Okay.

Madam Speaker, you talked about the contract. Would there still be a contract signed with the association representing the teachers and other employees in the school district?

Mr. CLARK. There certainly could be. That would cover a myriad of other items, such as health insurance coverage, leave days, personal days, the number of days in in-service, and a number of other items.

Mr. SNYDER. So, Madam Speaker, you are not eliminating collective bargaining through this amendment.

Mr. CLARK. That is correct.

Mr. SNYDER. But you are eliminating, Madam Speaker, is that not correct, final-best-offer arbitration; you are eliminating the right to strike, and you are eliminating other means of leverage that a collective-bargaining unit may have to negotiate. Is that not correct?

Mr. CLARK. What I am doing is, I am removing a leverage which many people feel amounts to overreaching.

Mr. SNYDER. Madam Speaker, let me get it clear. If, for instance, a school board decides not to provide medical benefits in the next year, what alternative would the employees have if they decided that they do not wish to work under those types of conditions? What are their alternatives under your amendment?

Mr. CLARK. Their alternative could be to take that issue to the public; their remedies could be to, you know, request additional merit pay to cover that expense. But I think what you are indicating is a possibility but not a probability. We are today living in a more enlightened age than when we first had to introduce and provide teachers with the right to strike because their salaries and benefits were being artificially suppressed by less than enlightened school boards. I believe we are past that stage, and of course, you can come up with a number of scenarios where something horrible would happen and be unjust to the teachers, but I do not believe those scenarios are probable nor will the general public permit them.

Mr. SNYDER. Madam Speaker, that ends my interrogation. I would like to address the amendment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, as a result of the interrogation, I think the members should realize that we are doing more in this amendment than just reducing one of the options available in a bargaining unit and a school board by eliminating the right to strike. We are taking away all opportunities for balance in the negotiating process, and some members may say that that is good, but then let us eliminate the negotiation process totally, if that is what we want to do, and go back to each individual employee working out their own contract with the school district.

Madam Speaker, the maker of the amendment is trying to address a concern that many of us have in our districts concerning the rising costs of salaries and the frustration that taxpayers have about what they see to be the inability to put some controls on those costs, and certainly this idea that he

proposes has some merit, but put in the context of what he is doing, he is basically disarming the entire negotiating process in return for a maximum 3-percent cost-of-living increase each year. As he noted, this does nothing to address the nonmonetary issues — classroom size, hours of work, benefits, other types of working conditions — which are then totally subjected to the will, as he said, of the public.

Madam Speaker, I think that this issue and the complexity associated with it was made known to this body when we debated Act 88 last session. To try to simplify this process by one amendment and think that it is going to cure the problems that our taxpayers are facing is a fallacy.

I ask the members to oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Kaiser.

Mr. KAISER. Madam Speaker, I would like to interrogate the maker of this amendment.

The SPEAKER pro tempore. Mr. Clark indicates he will so stand. The gentleman, Mr. Kaiser, may proceed.

Mr. KAISER. I have several questions. One is, as far as merit pay, how would that work?

Mr. CLARK. Merit pay would be established on a local level by what I am hoping would be a committee of school board members, teachers, principals, parents, and input from students.

Mr. KAISER. Would that cover everyone from the cafeteria worker, bus driver, schoolteacher, and professional personnel?

Mr. CLARK. Everybody that is currently covered by Act 195 would be covered by this provision because it is an amendment to Act 195.

Mr. KAISER. What would happen if a teacher or an employee thought that they were being unfairly treated during the process of merit pay? How would they— Would there be any remedy to that?

Mr. CLARK. Well, I would assume that they would be able to proceed through their union. However, I do not know or believe that we can address and micromanage at a State level every dispute between a teacher believing that they may be worth more than what a committee of their peers, school board directors, principals, parents, and students believe. You know, in the real world when you have a job and you are looking for a raise or you are looking for a bonus and you may not get what you think you are worth, generally you hitch up your bootstraps and try a little harder.

Mr. KAISER. I agree with some of the things that you say, but you are covering such a large amount— You are doing it in three sentences in a piece of legislation. It is not even three sentences; three lines.

That is the end of my interrogation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clark, for the second time.

Mr. CLARK. Thank you, Madam Speaker.

A number of points were brought up here today, and I would like to address those in some kind of order and semblance.

Despite what our School Boards Association thinks of this current proposal, our current law is not working so long as there is one strike in the Commonwealth of Pennsylvania which hinders our children's education. Act 88 cannot be a solution when there is no closure and it continues year after year after year to the extent that it has permanently altered our school calendar so that school now begins on October 6 each year and ends at June 30.

You talk about inequities. Well, I guess it depends on where those inequities lie. Right now the inequities are with our citizens and our students and our parents and our taxpayers. When you can strike and you can cause the confusion, the anxiety, and the ill will in a community, that is not an equal balance.

My amendment has sought to eliminate the right to strike, still provide salaries and additional salaries through merit pay. The unfortunate souls in today's strike and collective-bargaining agreement are not the teachers or the cafeteria workers; it is our children.

If Montgomery County was perceived to having overpaid their teachers, everything is relative. We are not all alike across the Commonwealth of Pennsylvania. We have different costs of living; we have different communities which can afford to pay different amounts of moneys; and of course, we have different salaries, and I honestly feel that the salaries paid our schoolteachers are in line and on par with the other professionals in our community.

Now, I understand that Mr. Cowell may not like this bill or Mr. Snyder may think this bill needs some refinement, but when is that going to occur? Probably never. I was not sworn in in this legislature yesterday. I know that the only way to address this subject is through an amendment to an education bill. So what I say and what I propose is, let us pass my amendment, let us put it into legislative form, and then I welcome Mr. Cowell and Mr. Snyder to continue to work on this issue, and I will join them to amend my own amendment in legislation when we have reached a consensus.

I would appreciate your support for this most important amendment to the Commonwealth, to our Commonwealth's children, and to our future. Thank you.

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

Mr. DeLUCA. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose this amendment even though I voted for the constitutionality of it, because I think every member here should have a chance to vote on his or her bill.

But if we want to address teacher strikes, we should address teacher strikes. We should not be addressing the cafeteria workers, the bus drivers, the secretaries who are at the bottom end of the scale. Very seldom do we have a secretarial strike or a bus strike or a cafeteria strike, and very seldom are those wages as high as the teachers'. If we want to

in this body address the problems that we have with teacher strikes, then that is what we should be addressing, not the whole administration of the school district, all the workers.

Let me say this: I think the percentage raises no matter who they address are the most unfair thing in our society today, because I know no one, no matter if he is making \$50,000 or if he makes \$20,000, he still has to go out there and pay the same thing for the goods he is buying; he still has to send his children to school, and he is still a worker, and I find it very unfair that we want to put percentage raises, we want to give the schoolteachers, who are making \$60,000, an \$1,800 raise, and we want to give a cafeteria worker, who makes \$15,000, \$450. That is totally unfair.

I personally would ask the members of this body to oppose this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Fajt.

Mr. FAJT. Thank you, Madam Speaker.

I would like to follow my colleague from Allegheny County, Mr. DeLuca, and also voice my concern about this amendment.

I really believe that today the teacher strike should be over. I am looking at legislation to do that, but I do not think that this amendment solves the appropriate problem. I think it goes too far. I am concerned that the provision to eliminate the right to strike does not replace it with anything, there is no last best offer that Mr. Cowell talked about before of binding arbitration, and I also am concerned about the general cost-of-living language in there. I think it is unfair to say that nobody in the State who works for a school district deserves more than a cost of living. I know in my district there are teachers that are well paid; they are very well paid in my district, but there are a lot of teachers in the outlying areas of our State that are not well paid, there are cafeteria workers that are not well paid, and to say to them that they can have no more than a 3-percent raise I think is painting with too broad a brush.

I am going to oppose this amendment, but I will say what I said earlier, that the day of the teacher strike I think should be over, but I do not believe that this bill is the appropriate vehicle to eliminate that right to strike. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Serafini.

Mr. SERAFINI. Thank you, Madam Speaker.

Madam Speaker, I have a district which has a strike that has continued for over a year now. It has strained the students, the taxpayers, the teachers, and the families of all of those individuals. It is an ongoing strike that seems to have no end. It is the school board against the teachers union, and it has strained both the community and the people in it.

I believe Mr. Clark realizes that this is a beginning and it is a sign that something still has to be done. Act 88 does not work, and I do not believe Mr. Clark believes that his amendment will ever become law in the way that it is currently

written. By the time this legislation goes through the Senate, if it ever goes through the Senate, or it gets to the Governor, it will find that it has been changed enormously, but the end, I hope, will be reached, and that will be that we have a final solution to achieve a settlement when teachers, taxpayers, and school boards have a problem that seems to be unsolvable.

I would hope that a conference committee can be formed to achieve this end and design a more formal and more effective manner of handling school strikes and restricting salaries. But until then, this is a message that must be given to the people who are going to make those decisions in the Senate and in the Governor's Office, and I plan to support it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Pettit.

Mr. PETTIT. Thank you, Madam Speaker.

I had not intended to speak on this subject, but after listening to the debate, I feel compelled to.

In 1970 the General Assembly passed Act 195, the beginning of a noble experiment. We had resisted granting teachers the right to strike for many years. For the next 22 years the teachers enjoyed the right to strike. Pennsylvania has had the dubious distinction of leading the Nation in teacher strikes, an unbroken streak of 22 years. Act 88 was passed with a promise that it would reduce the number of strikes, and of those that occurred, it would limit their duration. Unfortunately, it has done neither.

Clearly, as Representative Cowell pointed out, the number of teacher strikes since Act 88 has declined, but it has declined throughout the United States, not just in Pennsylvania, and as a result, even with the lower number of Pennsylvania teacher strikes since the passage of Act 88, Pennsylvania has clung to its lead. We still lead the Nation in teacher strikes.

I agree with Representative Fajt that it is time that we do something about teacher strikes. We have experimented with our children and with our taxpayers for 24 years, and I think it is time that we start the process of stopping the abuse of our children and of our school system by eliminating the right of teachers to strike. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—35

| | | | |
|--------------|-----------|-----------|---------------|
| Adolph | Gamble | Jarolin | Phillips |
| Blaum | Gerlach | Laub | Pitts |
| Civera | Gladeck | Lawless | Platts |
| Clark | Godshall | Levdansky | Rubley |
| Cohen, L. I. | Hanna | Markosek | Saurman |
| Durham | Harley | Micozzie | Serafini |
| Fairchild | Hasay | Miller | Taylor, E. Z. |
| Fichter | Hennessey | Mundy | Zug |
| Flick | Hershey | Pettit | |

NAYS—161

| | | | |
|-------------|------------|------------|---------------|
| Acosta | Fajt | Marsico | Smith, B. |
| Allen | Fargo | Masland | Smith, S. H. |
| Argall | Farmer | McCall | Snyder, D. W. |
| Armstrong | Fee | McGeehan | Staback |
| Baker | Fleagle | McNally | Stairs |
| Barley | Freeman | Melio | Steelman |
| Battisto | Gannon | Merry | Steighner |
| Bebko-Jones | Geist | Michlovic | Steil |
| Belardi | George | Mihalich | Stern |
| Belfanti | Gigliotti | Nailor | Stetler |
| Birmelin | Gordner | Nickol | Stish |
| Bishop | Gruenza | Nyce | Strittmatter |
| Boyes | Gruppo | O'Brien | Sturla |
| Brown | Haluska | Olasz | Surra |
| Bunt | Herman | Oliver | Tangretti |
| Buxton | Hess | Perzel | Taylor, J. |
| Callagirono | Hughes | Pesci | Thomas |
| Cappabianca | Hutchinson | Petrarca | Tigue |
| Carn | Itkin | Petrone | Tomlinson |
| Carone | Jadlowiec | Piccola | Trello |
| Cawley | James | Pistella | Trich |
| Cessar | Josephs | Preston | True |
| Chadwick | Kaiser | Raymond | Tulli |
| Clymer | Kasunic | Reber | Uliana |
| Cohen, M. | Keller | Reinard | Vance |
| Colafella | Kenney | Richardson | Van Home |
| Colaizzo | King | Rieger | Veon |
| Conti | Kirkland | Ritter | Vitali |
| Cornell | Krebs | Roberts | Washington |
| Corrigan | Kukovich | Robinson | Waugh |
| Cowell | LaGrotta | Roebuck | Williams |
| Coy | Laughlin | Rohrer | Wogan |
| Curry | Lederer | Rooney | Wozniak |
| Daley | Lee | Ryan | Wright, D. R. |
| DeLuca | Leh | Santoni | Wright, M. N. |
| Dempsey | Iescovitz | Sather | Yandrisevits |
| Dent | Lloyd | Saylor | Yewcic |
| Dermody | Lucyk | Scheetz | |
| Donatucci | Lynch | Schuler | DeWeese, |
| Druce | Maitland | Scrimenti | Speaker |
| Egolf | Manderino | Semmel | |

NOT VOTING—1

Burns

EXCUSED—5

Bush Evans Mayernik Rudy
Butkovitz

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

On the question recurring,

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

Mr. TANGRETTI offered the following amendment No. A1031:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

and for transferred programs and classes.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Section 1113 of the act, amended August 5, 1991 (P.L. 219, No.25), is amended to read:

Section 1113. Transferred Programs and Classes.—(a) When a program or class is transferred as a unit from one or more

school entities to another school entity or entities, professional employes who [were assigned to the class or program immediately prior to the transfer and are classified as teachers as defined in section 1141(1) and are suspended as a result of the transfer and who are properly certificated shall be offered employment in the program or class by the receiving entity or entities when services of a professional employe are needed to sustain the program or class transferred, as long as there is no suspended professional employe in the receiving entity who is properly certificated to fill the position in the transferred class or program.] are classified as teachers as defined in section 1141(1) and who are properly certified and paraprofessional employes who were assigned to the class or program immediately prior to the transfer and who are suspended as a result of the transfer shall be offered employment in the program or class by the receiving entity or entities when services of professional or a paraprofessional employe are needed to sustain the program or class transferred as long as there is no suspended professional employe or paraprofessional in the receiving entity who is properly certificated or qualified to fill the position in the transferred class or program.

(a.1) Transfers under the provisions of this act shall only occur once a year at the beginning of each school year and shall be included in the district's special education plan if the receiving entity is a school district. Special education program transfers may not be implemented unless the transfers are approved by the Department of Education on or before March 31 of the year preceding the proposed transfer.

(b) Transferred professional and paraprofessional employes shall be credited by the receiving entity only for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for purposes of sabbatical leave eligibility and placement in the salary schedule: [Provided, however, That such]

(1) Provided, That these employes shall not utilize the sabbatical leave until they have taught in the receiving entity for a period of three (3) years. [Such]

(2) Provided, That these employes shall transfer their accrued seniority in the area of certification required for the transferred program or class only[.] or, in the case of paraprofessionals, seniority in the intermediate unit.

(3) Provided, That these employes shall not be paid less than what their salary was in the sending entity. In the event that, in order to satisfy this provision the receiving entity must place the transferred employe on a higher step on its salary schedule than the employe would otherwise have been entitled, such placement may be maintained by the receiving entity until the employe's years of service in the receiving entity are sufficient to place the employe at the salary step at which the employe was placed at the time of transfer.

(b.1) Professional employes who are classified as teachers and paraprofessional employes who are not transferred with the classes to which they are assigned or who have received a formal notice of suspension shall form a pool of employes within the school entity. No new professional employe who is classified as a teacher or paraprofessional employe shall be employed by a school entity assuming program responsibility for transferred students while there is:

(1) a properly certificated professional employe who is classified as a teacher or paraprofessional employe suspended in the receiving entity; or

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool. Refusal to accept work under this subsection shall not be grounds for denial of unemployment compensation under sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law."

(c) Nothing contained in this section shall be construed to supersede or preempt any provision of a collective bargaining agreement in effect on February 4, 1982, and negotiated by a

school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(c.1) If a receiving entity returns a unit to the sending entity within two academic years of the first transfer, professional and paraprofessional employes assigned to the unit shall be given the opportunity to return with the unit.

(d) (1) As used in this section, the term "school entity" or "school entities" shall mean an intermediate unit and its participating school districts or an area vocational-technical school and its sending school districts.

(2) As used in this section, the term "unit" shall mean a program or class whose membership falls within the minimum and maximum class size as defined in Department of Education standards and where the program or class can be identified as being substantially intact in accordance with standards of the department.

(3) As used in this section, the term "paraprofessional employe" shall mean an instructional aide, classroom aide, special education aide, teaching assistant or associate teacher who is not defined as a professional employe.

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

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Madam Speaker.

Madam Speaker, a few years ago when the funding stream for special education was changed, there was a companion bill that worked its way through the legislature that protected teachers in terms of them losing their positions as a result of special ed classes being transferred to school districts. It was called the transfer-of-entities bill.

Inadvertently, I think, the paraprofessionals, the teachers' aides, were left out of that consideration. I think it was eminently unfair, and I believe that they should be included; they should be afforded the same rights that their special ed teachers, whom they work with every day, have if their classrooms are in fact transferred to the districts.

As a consequence, Madam Speaker, this amendment would deal with that issue by amending the transfer-of-entities act and include the paraprofessionals, and I would ask my colleagues for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose the amendment.

I understand that Representative Tangretti is motivated by a sense of fairness when he offers this amendment, and it is hard to quarrel with that, but I want to remind members that when we in this House, along with our colleagues in the Senate, made a decision to provide transfer-of-entity protection to professionals a couple of years ago, we did not inadvertently leave out the aides, or the paraprofessionals. That was a conscious decision that was made by the legislature when we decided to reserve or restrict this extraordinary protection to the professional staff, and we did it not just because there was

concern about job protection, if you will, but because there was concern about program protection and children protection. There was concern that even as school districts would take back these programs, these special education programs from intermediate units, that those districts would not then in some wholesale fashion slash away at the staff and replace a professional staff, a staff that in many cases, in many areas, was a staff with longstanding experience, and replace them with new, young, cheap hired help, and so we provided that extraordinary protection for that transition period.

The question now is whether we should apply that same kind of protection to some paraprofessionals in the future, because if I understand the amendment correctly, this is prospective in nature; it is not retroactive. So all of those paraprofessionals who have not had this protection during the last couple of years will not be helped, and it really was during the last couple of years that we probably have seen the greatest changes occur.

Now, I understand that in the case of the Westmoreland Intermediate Unit, part of which is represented by Mr. Tangretti, there is consideration being given to school districts taking back some programs. So for some individuals, particularly in the Westmoreland IU, this prospectively creates a crisis in their lives, but we will help them through this amendment while we provide no help to the many others across this State who were already disadvantaged, if you will, by the changes that occurred with how we treat special education.

So our decision was not inadvertent; it was very conscious. It had student protection and program protection as much as teacher protection in mind, and this amendment does not help the many, many paraprofessionals who have already been disadvantaged.

The other problem with this amendment, Madam Speaker, is that this amendment will perpetuate some of the problems that we have with the transfer-of-entity law. It was only a couple of months ago that this House approved Representative Jarolin's amendment that sought to cure some of the problems in the system. Keep in mind that we have got some problems in this system that I do not think those of us who helped to craft the transfer-of-entity language a couple of years ago anticipated or intended.

For instance, under the current transfer-of-entity law, a school district that takes back a program is obligated to a pool of employees, professional now and paraprofessional with the amendment before us, forever. It is a perpetual obligation, not just to the pool that is created when the school district takes back employees and programs but to any other pool that happens to be created sometime in the future. But I do not think it is fair to obligate any one of our school districts that takes back a program and does what it should do—it draws from the pool, the professional staff, to staff that program they took back and perhaps even helps to exhaust the pool—to then tell that same district that forever, under the current law, they have got an obligation to subsequent pools and professionals, and now paraprofessionals, who get dropped into those pools

in the future because of what some other districts do. We never intended that, it is not fair, and we certainly should not be making that piece of the problem worse.

We also have a problem where some of our professionals literally shop around. They get put into a pool and a school district offers them a job, and they say, no, I do not want that job, and they do not want the next one, and they do not want the next one, and in some cases, they even go out of State. Under the current law, they claim, and the courts have upheld their position, they claim they have a right to some future position in some school district where they might want to work. So for years and years and years under the current law, these professionals, and now these paraprofessionals under this amendment, can literally shop around waiting till the right position in the right school district opens up. That is not fair to the districts; it is not fair to most of the other employees that we tried to protect and help through the transfer-of-entity language.

So with those kinds of problems with the current law still needing to be corrected, I think it is a mistake to compound the problem. I think it is a mistake to create this additional mandate for our school districts that really is not necessary and that really will enhance or broaden a system that is not working the way we intended it to work in all cases, because the courts and others have too liberally construed it and to too great a degree are now hamstringing the ability of our school districts to employ the very best teachers, the very best staff that they need and want, not just for their special ed programs now but for all of their programs.

So, Madam Speaker, while I express some sympathy and empathy for the purpose of the Tangretti amendment, and I understand that he is trying to protect some constituents in Westmoreland County in particular as well as others around the State and he is doing so out of a sense of fairness, we really are not being very fair if we adopt this amendment, and we are inappropriately and unnecessarily encumbering our school districts' ability when it comes time to hiring staff.

I would urge that we defeat the amendment.

The SPEAKER pro tempore. Will the House agree to the amendment? On that question, the Chair recognizes the gentleman, Mr. Roberts.

Mr. ROBERTS. Thank you, Madam Speaker.

I rise in support of the amendment.

Representative Cowell spoke of fairness, and I have to stand and support Representative Tangretti on his amendment, because when we speak of fairness, we have to think about how this affects our children. I have been approached in my district by a number of paraprofessionals, and they tell me that the children's sake is at hand here.

I believe that we need to look at this amendment for what it is worth. If we have paraprofessionals who could move with the students and keep the program working the way it was designed to work, then I think that would be good — good for Pennsylvania and good for our students.

I would suggest that we support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Will the House agree to the amendment? On that question, the Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Madam Speaker.

I certainly rise to support this amendment. This legislation has been in the Education Committee for a long time now, and I certainly am glad we have an opportunity to vote on this.

A while back we enabled the professional employees the equity of transferring, and so I think it is only fair that the paraprofessionals, those people, the teachers' aides who work very diligently and work very hard with the special needs children, also are able to go to the local school districts if indeed there is a transfer from the IU.

So I support this idea, and I think it is a plus for special education to help strengthen our education program in Pennsylvania. Thank you.

The SPEAKER pro tempore. Will the House agree to the amendment? On that question, the Chair recognizes the gentleman, Mr. Tangretti, for the second time.

Mr. TANGRETTI. Thank you, Madam Speaker.

I would just like to address a couple of the issues that Representative Cowell has raised.

It is prospective; certainly we cannot go back, but I would suggest and submit that the recent proposal by the Governor in terms of early intervention would have a very negative effect on the paraprofessionals if in fact that were to sustain itself through the budget process. The possibility of additional paraprofessionals losing their jobs as a result of this new change would be very, very significant to that group of individuals.

Additionally, let us talk for a moment about what these folks do for a living. They are in a classroom along with a teacher, and they are there every day trying to maintain the discipline of those children while the teacher teaches. Now, maintaining discipline in the kinds of classrooms that they have is a little more difficult, and perhaps significantly more difficult, than it would be in a regular classroom with kids of the same age.

In addition to that, they perform other duties that you and I would not perhaps even consider. They do hygienic kinds of things for those kids that perhaps are very distasteful for some of us, but they do them without complaint. They do it because they like their job, they like the kids, and they want to continue to do it.

And I will tell you something else. They sure are not doing it for the money. These folks are just earning barely minimum wage as it is, between \$5 and \$6 an hour at the most; \$11,000, \$12,000 a year, and if they are lucky, they may have benefits. But I will tell you, when the school district takes back the classrooms, they do not even get the benefits. So although I appreciate Representative Cowell about shopping around, I do not know what they would shop around for — whether they are going to get 10 cents more an hour or not?

It is a question of fairness, it is a question of what we should have done 3 years ago, and I think we need to do it

now. I would ask my colleagues to support the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—47

| | | | |
|-------------|-----------|----------|--------------|
| Argall | Dent | Melio | Stelman |
| Bebko-Jones | Gigliotti | Mihalich | Steighner |
| Belardi | Gruppo | Mundy | Stish |
| Belfanti | Haluska | Nyce | Tangretti |
| Bishop | Hanna | Olasz | Tigue |
| Blaum | Hennessey | Pesci | Trich |
| Boyes | Jarolin | Petrarca | Uliana |
| Buxton | Kasunic | Roberts | Van Horne |
| Cappabianca | Kukovich | Robinson | Veon |
| Cawley | Levdansky | Semmel | Wozniak |
| Cohen, M. | Markosek | Staback | Yandrisevits |
| Daley | McCall | Stairs | |

NAYS—149

| | | | |
|--------------|------------|------------|---------------------|
| Acosta | Farmer | Leh | Santoni |
| Adolph | Fee | Lescovitz | Sather |
| Allen | Fichter | Lloyd | Saurman |
| Armstrong | Fleagle | Lucyk | Saylor |
| Baker | Flick | Lynch | Scheetz |
| Barley | Freeman | Maitland | Schuler |
| Battisto | Gamble | Manderino | Scrimenti |
| Birmelin | Gannon | Marsico | Serafini |
| Brown | Geist | Masland | Smith, B. |
| Bunt | George | McGeehan | Smith, S. H. |
| Burns | Gerlach | McNally | Snyder, D. W. |
| Caltagirone | Gladeck | Mery | Steil |
| Carn | Godshall | Michlovic | Stern |
| Carone | Gordner | Micozzie | Stetler |
| Cessar | Gruitza | Miller | Strittmatter |
| Chadwick | Harley | Nailor | Sturla |
| Civera | Hasay | Nickol | Surra |
| Clark | Herman | O'Brien | Taylor, E. Z. |
| Clymer | Hershey | Oliver | Taylor, J. |
| Cohen, L. I. | Hess | Perzel | Thomas |
| Colafiglia | Hughes | Petrone | Tomlinson |
| Colaizzo | Hutchinson | Pettit | Trello |
| Conti | Itkin | Phillips | True |
| Cornell | Jadlowiec | Piccola | Tulli |
| Corrigan | James | Pistella | Vance |
| Cowell | Josephs | Pitts | Vitali |
| Coy | Kaiser | Platts | Washington |
| Curry | Keller | Preston | Waugh |
| DeLuca | Kenney | Raymond | Williams |
| Dempsey | King | Reber | Wogan |
| Dermody | Kirkland | Reinard | Wright, D. R. |
| Donatucci | Krebs | Richardson | Wright, M. N. |
| Druce | LaGrotta | Rieger | Yewcic |
| Durham | Laub | Ritter | Zug |
| Egolf | Laughlin | Roebuck | |
| Fairchild | Lawless | Rohrer | DeWeese, Speaker |
| Fajt | Lederer | Rublely | |
| Fargo | Lee | Ryan | |

NOT VOTING—1

Rooney

EXCUSED—5

Bush Evans Mayernik Rudy
Butkovitz

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the lady, Ms. Burns. For what purpose does the lady rise?

Ms. BURNS. Thank you.

I was not in my seat at the time of the vote, and I wanted the record to indicate that I would have voted in the negative on the Clark amendment, which is 854.

The SPEAKER pro tempore. The lady's remarks will be spread upon the record. Thank you.

Ms. BURNS. Thank you.

CONSIDERATION OF HB 1245 CONTINUED

On the question recurring,

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

Mr. BELFANTI offered the following amendment No. A1044:

Amend Title, page 1, line 6, by removing the period after "records" and inserting
and for certain arbitration with injunctive relief.

Amend Bill, page 2, by inserting between lines 3 and 4 Section 2. Section 1161-A of the act, added July 9, 1992 (P.L.403, No.88), is amended to read:

Section 1161-A. Injunctive Relief.—(a) When an employe organization is on strike for an extended period that would not permit the school entity to provide the period of instruction required by section 1501 by June 30, the Secretary of Education may initiate, in the appropriate county court of common pleas, appropriate injunctive proceedings providing for the required period of instruction.

(b) If the court of common pleas grants injunctive relief pursuant to the request of the employer or of the Secretary of Education, it may, in addition to any other equitable relief granted, require the parties, notwithstanding anything in section 804 of the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," to the contrary, to submit to arbitration under section 804 of the "Public Employe Relations Act." The court shall specify what type of arbitration shall be employed and what procedures and timelines shall be followed.

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

3

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

Madam Speaker, that amendment was drafted in case the Clark amendment was adopted. Since the Clark amendment was defeated, I am withdrawing that amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Mr. FAIRCHILD offered the following amendment No. A4858:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

and for liability for tuition, enforcement of payment and cost of tuition; and making editorial changes.

Amend Bill, page 2, line 4, by striking out all of said line and inserting

Section 2. Section 1305 of the act, amended February 17, 1956 (1955 P.L.1065, No.342) and January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1305. Non-resident Child Placed in Home of Resident.—(a) When a non-resident child is placed in the home of a resident of any school district by order of court or by arrangement with an association, agency, or institution having the care of neglected and dependent children, such resident being compensated for keeping the child, any child of school age so placed shall be entitled to all free school privileges accorded to resident school children of the district, including the right to attend the public high school maintained in such district or in other districts in the same manner as though such child were in fact a resident school child of the district.

(b) Any resident of any school district, before accepting custody of a non-resident child of school age for compensation by order of court or by arrangement with an association, agency, or institution having the care of dependent or neglected children, must secure, from the superintendent of schools or school board in that district, a statement in writing that the child can be accommodated in the schools of the district or that the child can not be accommodated and the reasons therefor. If such statements are not furnished within two weeks after a request in writing has been made to the board's secretary, the superintendent of schools, the board's assent shall be assumed, and the child shall be admitted to the schools of the district as a pupil. If such statement sets forth conditions such as to exempt the district under this section from accepting the child as a pupil, and if such exemption is not disapproved on appeal by the [Superintendent of Public Instruction] Secretary of Education, and if other arrangement for the child's schooling satisfactory to the district superintendent is not made, the child may not be placed in the district.

(c) Appeal from the claim of any school district for exemption, as provided in this section, may be taken to the Superintendent of Public Instruction, and his decision thereon after investigation shall be final.

(d) If a bill submitted under sections 2561 and 2562 for students attending a district under subsection (a) and (b) remains unpaid for more than sixty (60) days, the district submitting the bill may request that the Secretary of Education transfer the amount billed. Upon receipt of such request, the Secretary of Education shall withhold, from any moneys due, the amounts owed by the district charged under this section and sections 2561 and 2562, and shall pay that amount to the requesting district. Such action of the Secretary of Education shall be final.

(e) The provisions of other sections notwithstanding, if a child attending a school district under subsections (a) and (b) is an exceptional child, the district in which the institution is located may charge the district of residence, and the district of residence shall pay a special education charge in addition to the applicable tuition charge. This special education charge, when added to the

generally applicable tuition charge, shall equal the actual cost of educating such children.

Section 3. The amendment of section 1305 of the act shall be retroactive to July 1, 1993.

Section 4. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The remainder of this act shall take effect in 15 days.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Fairchild.

Mr. FAIRCHILD. Thank you, Madam Speaker.

I am withdrawing that amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that the bill has been agreed to for the third time and is in possession of a reconsideration motion.

On the question recurring,

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

AMENDMENT A1031 RECONSIDERED

The SPEAKER pro tempore. It has been moved by the gentleman, Mr. Nyce, that the vote by which amendment No. 1031 was defeated should be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

| | | | |
|-------------|---------|-----------|--------------|
| Acosta | Fargo | Lescovitz | Ryan |
| Adolph | Farmer | Levdansky | Santoni |
| Allen | Fee | Lloyd | Sather |
| Argall | Fichter | Lucyk | Saurman |
| Armstrong | Fleagle | Lynch | Saylor |
| Baker | Flick | Maitland | Scheetz |
| Barley | Freeman | Manderino | Schuler |
| Battisto | Gamble | Markosek | Scrimenti |
| Bebko-Jones | Gannon | Marsico | Semmel |
| Belardi | Geist | Masland | Serafini |
| Belfanti | George | McCall | Smith, B. |
| Birmelin | Gerlach | McGeehan | Smith, S. H. |

| | | | |
|--------------|------------|------------|---------------|
| Blaum | Gigliotti | McNally | Staback |
| Boyes | Gladeck | Meio | Stairs |
| Brown | Godshall | Merry | Steelman |
| Bunt | Gordner | Michlovic | Steighner |
| Burns | Gruitza | Micozzie | Steil |
| Buxton | Gruppo | Mihalich | Stern |
| Caltagirone | Haluska | Miller | Stetler |
| Cappabianca | Hanna | Mundy | Stish |
| Carn | Harley | Nailor | Strittmatter |
| Carone | Hasay | Nickol | Sturla |
| Cawley | Hennessey | Nyce | Surra |
| Cessar | Herman | O'Brien | Tangretti |
| Chadwick | Hershey | Olasz | Taylor, E. Z. |
| Civera | Hess | Oliver | Taylor, J. |
| Clark | Hughes | Perzel | Thomas |
| Clymer | Hutchinson | Pesci | Tigue |
| Cohen, L. I. | Itkin | Petrarca | Tomlinson |
| Cohen, M. | Jadlowiec | Petrone | Trello |
| Colafella | James | Pettit | Trich |
| Colaizzo | Jarolin | Phillips | True |
| Conti | Josephs | Piccola | Tulli |
| Cornell | Kaiser | Pistella | Uliana |
| Corrigan | Kasunic | Pitts | Vance |
| Cowell | Keller | Platts | Van Home |
| Coy | Kenney | Preston | Veon |
| Curry | King | Raymond | Vitali |
| Daley | Kirkland | Reber | Washington |
| DeLuca | Krebs | Richardson | Waugh |
| Dempsey | Kukovich | Rieger | Williams |
| Dent | LaGrotta | Ritter | Wogan |
| Dermody | Laub | Roberts | Wozniak |
| Donatucci | Laughlin | Robinson | Wright, D. R. |
| Druce | Lawless | Roebuck | Wright, M. N. |
| Durham | Lederer | Rohrer | Yandrisevits |
| Egolf | Lee | Rooney | Yewcic |
| Fairchild | Leh | Rubley | Zug |
| Fajt | | | |

NAYS—0

NOT VOTING—4

Bishop Snyder, D. W.
Reinard DeWeese,
Speaker

EXCUSED—5

Bush Evans Mayernik Rudy
Butkovitz

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. A1031:

Amend Title, page 1, line 6, by removing the period after "records" and inserting

and for transferred programs and classes.

Amend Bill, page 2, by inserting between lines 3 and 4

Section 2. Section 1113 of the act, amended August 5, 1991 (P.L.219, No.25), is amended to read:

Section 1113. Transferred Programs and Classes.—(a) When a program or class is transferred as a unit from one or more school entities to another school entity or entities, professional employees who [were assigned to the class or program immediately prior to the transfer and are classified as teachers as defined in

section 1141(1) and are suspended as a result of the transfer and who are properly certificated shall be offered employment in the program or class by the receiving entity or entities when services of a professional employe are needed to sustain the program or class transferred, as long as there is no suspended professional employe in the receiving entity who is properly certificated to fill the position in the transferred class or program.] are classified as teachers as defined in section 1141(1) and who are properly certified and paraprofessional employes who were assigned to the class or program immediately prior to the transfer and who are suspended as a result of the transfer shall be offered employment in the program or class by the receiving entity or entities when services of professional or a paraprofessional employe are needed to sustain the program or class transferred as long as there is no suspended professional employe or paraprofessional in the receiving entity who is properly certificated or qualified to fill the position in the transferred class or program.

(a.1) Transfers under the provisions of this act shall only occur once a year at the beginning of each school year and shall be included in the district's special education plan if the receiving entity is a school district. Special education program transfers may not be implemented unless the transfers are approved by the Department of Education on or before March 31 of the year preceding the proposed transfer.

(b) Transferred professional and paraprofessional employes shall be credited by the receiving entity only for their sick leave accumulated in the sending entity and also for their years of service in the sending entity, the latter for purposes of sabbatical leave eligibility and placement in the salary schedule: [Provided, however, That such]

(1) Provided, That these employes shall not utilize the sabbatical leave until they have taught in the receiving entity for a period of three (3) years. [Such]

(2) Provided, That these employes shall transfer their accrued seniority in the area of certification required for the transferred program or class only[,] or, in the case of paraprofessionals, seniority in the intermediate unit.

(3) Provided, That these employes shall not be paid less than what their salary was in the sending entity. In the event that, in order to satisfy this provision the receiving entity must place the transferred employe on a higher step on its salary schedule than the employe would otherwise have been entitled, such placement may be maintained by the receiving entity until the employe's years of service in the receiving entity are sufficient to place the employe at the salary step at which the employe was placed at the time of transfer.

(b.1) Professional employes who are classified as teachers and paraprofessional employes who are not transferred with the classes to which they are assigned or who have received a formal notice of suspension shall form a pool of employes within the school entity. No new professional employe who is classified as a teacher or paraprofessional employe shall be employed by a school entity assuming program responsibility for transferred students while there is:

(1) a properly certificated professional employe who is classified as a teacher or paraprofessional employe suspended in the receiving entity; or

(2) if no person is qualified under clause (1), a properly certificated member of the school entity pool who is willing to accept employment with the school entity assuming program responsibility for transferred students. Members of the pool shall have the right to refuse employment offers from such school entity and remain in the pool. Refusal to accept work under this subsection shall not be grounds for denial of unemployment compensation under sections 401 and 402 of the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the "Unemployment Compensation Law."

(c) Nothing contained in this section shall be construed to supersede or preempt any provision of a collective bargaining agreement in effect on February 4, 1982, and negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act."

(c.1) If a receiving entity returns a unit to the sending entity within two academic years of the first transfer, professional and paraprofessional employees assigned to the unit shall be given the opportunity to return with the unit.

(d) (1) As used in this section, the term "school entity" or "school entities" shall mean an intermediate unit and its participating school districts or an area vocational-technical school and its sending school districts.

(2) As used in this section, the term "unit" shall mean a program or class whose membership falls within the minimum and maximum class size as defined in Department of Education standards and where the program or class can be identified as being substantially intact in accordance with standards of the department.

(3) As used in this section, the term "paraprofessional employe" shall mean an instructional aide, classroom aide, special education aide, teaching assistant or associate teacher who is not defined as a professional employe.

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

3

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

The following roll call was recorded:

YEAS—34

Table with 4 columns of names: Argall, Bebko-Jones, Belardi, Belfanti, Blaum, Boyes, Buxton, Cappabianca, Cawley, Cohen, M., Gighotti, Gruppo, Hanna, Hennessey, Jarolin, Kasunic, Levdansky, McCall, Melio, Mihalich, Mundy, Olasz, Pesci, Roberts, Semmel, Staback, Stairs, Steelman, Stish, Tangretti, Tigue, Trich, Van Horne, Wozniak

NAYS—162

Table with 4 columns of names: Acosta, Adolph, Allen, Armstrong, Baker, Barley, Battisto, Birmelin, Bishop, Brown, Bunt, Burns, Caltagirone, Cam, Carone, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Colafella, Colaizzo, Conti, Cornell, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Farmer, Fee, Fichter, Fleagle, Flick, Freeman, Gamble, Gannon, Geist, George, Gerlach, Gladeck, Godshall, Gordner, Gruitza, Haluska, Harley, Hasay, Herman, Hershey, Hess, Hughes, Hutchinson, Itkin, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, King, Lescovitz, Lloyd, Lucyk, Lynch, Maitland, Manderino, Markosek, Marsico, Masland, McGeehan, McNally, Merry, Michlovic, Micozzie, Miller, Nailor, Nickol, Nyce, O'Brien, Oliver, Perzel, Petrarca, Petrone, Pettit, Phillips, Piccola, Pistella, Pitts, Platts, Preston, Raymond, Ryan, Santoni, Sather, Saurman, Saylor, Scheetz, Schuler, Scrimenti, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Steil, Stern, Stetler, Strittmatter, Sturla, Surra, Taylor, E. Z., Taylor, J., Thomas, Tomlinson, Trello, True, Tulli, Uliana, Vance, Veon, Vitali, Washington, Waugh

Table with 4 columns of names: Dempsey, Dent, Dermody, Donatucci, Druce, Durham, Egolf, Fairchild, Fajt, Fargo, Kirkland, Krebs, Kukovich, LaGrotta, Laub, Laughlin, Lawless, Lederer, Lee, Leh, Reber, Reinard, Richardson, Rieger, Ritter, Robinson, Roebuck, Rohrer, Rooney, Rubley, Williams, Wogan, Wright, D. R., Wright, M. N., Yandrisevits, Yewcic, Zug, DeWeese, Speaker

NOT VOTING—1

Steighner

EXCUSED—5

Table with 4 columns of names: Bush, Butkovitz, Evans, Mayernik, Rudy

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

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—196

Table with 4 columns of names: Acosta, Adolph, Allen, Argall, Armstrong, Baker, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boyes, Brown, Bunt, Burns, Caltagirone, Cawley, Carone, Cessar, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Colafella, Fargo, Farmer, Fee, Fichter, Fleagle, Flick, Freeman, Gamble, Gannon, Geist, George, Gerlach, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Haluska, Hanna, Harley, Hasay, Hennessey, Herman, Hershey, Hess, Hughes, Hutchinson, Itkin, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, King, Lloyd, Lucyk, Lynch, Maitland, Manderino, Markosek, Marsico, Masland, McCall, McGeehan, McNally, Melio, Merry, Michlovic, Micozzie, Mihalich, Miller, Mundy, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Pettit, Phillips, Piccola, Pistella, Sather, Saurman, Saylor, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steighner, Steil, Stern, Stetler, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Trello, Trich, True, Tulli, Uliana

| | | | |
|-----------|-----------|------------|---------------|
| Colaizzo | Josephs | Pitts | Vance |
| Conti | Kaiser | Platts | Van Horne |
| Cornell | Kasunic | Preston | Veon |
| Corrigan | Keller | Raymond | Vitali |
| Cowell | Kenney | Reber | Washington |
| Coy | King | Reinard | Waugh |
| Curry | Kirkland | Richardson | Williams |
| Daley | Krebs | Rieger | Wogan |
| DeLuca | Kukovich | Ritter | Wozniak |
| Dempsey | LaGrotta | Roberts | Wright, D. R. |
| Dent | Laub | Robinson | Wright, M. N. |
| Dermody | Laughlin | Roebuck | Yandrisevits |
| Donatucci | Lawless | Rohrer | Yewcic |
| Druce | Lederer | Rooney | Zug |
| Durham | Lee | Rublely | |
| Egolf | Leh | Ryan | DeWeese, |
| Fairchild | Lescovitz | Santoni | Speaker |
| Fajt | Levdansky | | |

NAYS—0

NOT VOTING—1

Tomlinson

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **SB 375, PN 398**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for use of funds by the State Public School Building Authority; and providing for financing for school building property and for leasing of telecommunications and distance learning equipment.

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

RULES SUSPENDED

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

Mr. COWELL. Madam Speaker, I move for a suspension of the rules for the immediate consideration of amendment A1086.

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

The following roll call was recorded:

YEAS—178

| | | | |
|--------|-----------|-----------|-----------|
| Acosta | Egolf | Lloyd | Saurman |
| Adolph | Fairchild | Lucyk | Saylor |
| Allen | Fajt | Manderino | Schuler |
| Argall | Fee | Markosek | Scrimenti |

| | | | |
|--------------|-----------|------------|---------------|
| Armstrong | Fichter | Marsico | Semmel |
| Baker | Fleagle | McCall | Serafini |
| Barley | Flick | McCeehan | Smith, B. |
| Battisto | Freeman | McNally | Smith, S. H. |
| Bebko-Jones | Gamble | Melio | Snyder, D. W. |
| Belardi | Gannon | Merry | Staback |
| Belfanti | Geist | Michlovic | Stairs |
| Birmelin | George | Micozzie | Steighner |
| Bishop | Gerlach | Mihalich | Stem |
| Blaum | Gigliotti | Miller | Stetler |
| Boyes | Gladeck | Mundy | Stish |
| Brown | Godshall | Nailor | Sturla |
| Bunt | Gordner | Nyce | Surra |
| Burns | Gruitza | O'Brien | Tangretti |
| Buxton | Gruppo | Olasz | Taylor, E. Z. |
| Caltagirone | Haluska | Oliver | Taylor, J. |
| Cappabianca | Harley | Pezzel | Thomas |
| Carn | Hasay | Pesci | Tigue |
| Cawley | Hennessey | Petrarca | Tomlinson |
| Cessar | Herman | Petrone | Trello |
| Chadwick | Hess | Pettit | Trich |
| Civera | Hughes | Phillips | True |
| Clark | Itkin | Piccola | Tulli |
| Clymer | Jadlowiec | Pistella | Uliana |
| Cohen, L. I. | James | Pitts | Vance |
| Cohen, M. | Jarolin | Preston | Van Horne |
| Colaifella | Josephs | Raymond | Veon |
| Colaizzo | Kaiser | Reber | Vitali |
| Conti | Kasunic | Reinard | Washington |
| Cornell | Keller | Richardson | Waugh |
| Corrigan | Kenney | Rieger | Williams |
| Cowell | King | Ritter | Wogan |
| Coy | Kirkland | Roberts | Wozniak |
| Curry | Kukovich | Robinson | Wright, D. R. |
| Daley | LaGrotta | Roebuck | Wright, M. N. |
| DeLuca | Laub | Rohrer | Yandrisevits |
| Dempsey | Laughlin | Rooney | Yewcic |
| Dermody | Lederer | Rublely | Zug |
| Donatucci | Leh | Ryan | |
| Druce | Lescovitz | Santoni | DeWeese, |
| Durham | Levdansky | Sather | Speaker |

NAYS—18

| | | | |
|--------|------------|----------|--------------|
| Carone | Hutchinson | Maitland | Scheetz |
| Dent | Krebs | Masland | Steelman |
| Fargo | Lawless | Nickol | Steil |
| Farmer | Lee | Platts | Strittmatter |
| Hanna | Lynch | | |

NOT VOTING—1

Hershey

EXCUSED—5

| | | | |
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| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

A majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,
Will the House agree to the bill on third consideration?
Mr. COWELL offered the following amendment No. A1086:

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

Amend Title, page 1, line 8, by removing the period after "equipment" and inserting
and for the weather emergency of 1994.

Amend Sec. 2 (Sec. 784.1), page 2, line 10, by inserting before "Any"

(a)

Amend Sec. 2 (Sec. 784.1), page 2, line 21, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 2, line 30, by inserting before "Any"

(a)

Amend Sec. 2 (Sec. 784.2), page 3, line 14, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 3, line 28, by inserting before "Any"

(c)

Amend Bill, page 4, by inserting between lines 21 and 22 Section 4. The act is amended by adding a section to read:
Section 1501.6. Weather Emergency of 1994.—(a) This section applies only to the school year 1993-1994 as a result of the weather emergency of 1994.

(b) All school entities shall keep open for at least one hundred eighty (180) days of instruction for students by using all available days through June 30, 1994, and by using the provisions of this section and section 1502(b).

(c) As an alternative to providing one hundred eighty (180) days of instruction, the Secretary of Education shall authorize, without need of application, each school entity to have the option of computing instructional time on an hourly basis, rather than a daily basis, of nine hundred (900) hours for elementary and nine hundred ninety (990) hours for secondary schools. Each school entity which elects to compute instructional time on an hourly basis shall submit documentation to the Secretary of Education verifying the completion of the required hours of instruction.

(d) For purposes of computing instructional time pursuant to this section, the Secretary of Education shall calculate instructional days or time related to the weather emergency of 1994 prior to calculating any other lost instructional time.

(e) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall, upon the written request of a parent or guardian, excuse any student from school attendance if such student has the opportunity to receive a program of advanced instruction, to participate in academic or skills competition or to engage in leadership development activities. The request shall identify and describe the instruction, competition or leadership development activities and the dates and hours for which the absence is requested. The parent or guardian shall, following each such absence, furnish in writing to the chief commissioned officer a statement attesting to the student's participation, including the dates and hours of such participation.

(f) The chief commissioned officer of a school district, intermediate unit or area vocational-technical school shall excuse a student to observe or participate in a religious activity or function, upon the written notification of such observance or participation by the student's parent or guardian. A student's absence from school pursuant to this subsection shall be considered an instructional day and shall not be recorded as an absence on the student's attendance record or on the record of any group or class of which the student is a member. There shall be no penalty attached for any such absences pursuant to this subsection.

(g) As used in this section, a school entity shall be any public, private or nonpublic school a child attends in order to fulfill the compulsory attendance requirements of this act.

Section 5. Section 1502 of the act, amended January 24, 1966 (1965 P.L. 1508, No. 529), is amended to read:

Section 1502. Days Schools not to be Kept Open.—[No] (a) Except as provided in subsection (b), no school shall be kept open on any Saturday for the purpose of ordinary instruction, except

when Monday is fixed by the board of school directors as the weekly holiday, or on Sunday, Memorial Day, Fourth of July, or Christmas nor shall any school be kept open in any district during the time of holding the teachers' institute for such district. Whenever Memorial day shall be on a Sunday, the following Monday shall be a holiday.

(b) For the school year 1993-1994 only, the board of school directors shall have the option of rescheduling instructional days on Saturday, but for not more than one Saturday per month, to make up instructional days lost from the adopted school calendar because school was closed as a result of the weather emergency of 1994. Notwithstanding the provisions of subsection (a), if the board of school directors reschedules an instructional day on Saturday, the schools may be open the following Monday.

Amend Sec. 4, page 4, line 22, by striking out all of said line and inserting

Section 7. This act shall take effect as follows:

(1) The amendment or addition of sections 1501.6 and 1502 of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Madam Speaker.

Madam Speaker, I want to thank the members of the House for the courtesy in suspending the rules so that we could consider this amendment today.

This amendment, amendment A1086, is intended to deal with the problem that many school districts are facing as a result of the weather crisis this year, that problem being, how will they get a full school year in as required by the law by June 30 and remain eligible for their full State subsidy?

In crafting this amendment, Madam Speaker, we have tried to balance two primary concerns: one, the concern that we do everything possible to maintain the 180-day requirement and insure that children in all school districts across this State have the advantage of a full school year prior to June 30. At the same time, we have tried to balance a desire that I think is shared by all members of this House — that we not cause districts and their taxpayers some type of financial penalty because they cannot fit the 180 days of school in as we would usually require under the School Code provisions.

This amendment, we hope, can be approved today. Obviously we are amending a Senate bill. If we manage to keep this bill relatively noncontroversial, it is our hope that the Senate will very promptly approve the amendment that we add today and send the bill on to the Governor for his signature so that we will very clearly indicate to school districts the rules of the game for the remainder of this school year.

In an attempt to help school districts get a full school year in prior to June 30 and remain eligible for their full subsidy, we would provide them some additional flexibility.

First of all, school districts would be able to offer school on no more than one Saturday per month during April, May, and June and have that Saturday count toward the calculation of the school year for subsidy purposes. I want to emphasize,

this is permissive; it is not mandatory. The school district does not have to do it. It will be up to a local school district to decide if they want to use that optional authority.

Secondly, we provide that a school district can meet the full requirements of the law for a full school year if they will meet the definition of "school year" or "full school year" as we find it elsewhere in the law aside from the 180-day requirement that we are most familiar with.

The law requires that school districts have 900 hours of education or instruction for elementary children and 990 hours of instruction per year for secondary students, and this amendment would make that 900 hours and 990 hours the ultimate test for whether a school district has had a full year or not and whether they will get their full subsidy or not. So by putting the emphasis on the 900 hours, we create the possibility that a school district can get 900 hours in for elementary and 990 for secondary in something less than 180 days if they extend the school year in some fashion, and some school districts have requested permission to do that.

So in a really unprecedented way, we are providing flexibility to school districts to expand the schoolday or to use Saturdays, in some cases or to a limited extent, to get the 900- and 990-hour requirement met.

There are two other protections, if you will, for students that are built into the amendment. There is language in the amendment that says that in circumstances where a student has an opportunity to participate in some postsecondary ed program or some type of academic competition and where, with notification from the parent to the school district, a request is made for the student to be excused from school, and that typically will occur in the latter part of June, the school district will give permission for the student to be excused from school.

And it also provides protection for those students who may in fact miss school for religious reasons. It says—and this is really language that we have taken from Representative Lita Cohen's legislation—it says that a student who misses school, perhaps on one of these Saturdays, for instance, for religious reasons and that absence is requested by the parent or guardian, that the student will be excused, and in fact it will be an unrecorded absence so that it will not appear on the student's record that he or she missed school that day where they have missed for religious reasons.

So that is the essence of this amendment. I think it is language that Representative Stairs has agreed to as well as representatives over in the Senate. We have been having ongoing discussions with them. Although we do not have a formal okay from the Department of Education at this moment, I think it is language that is consistent with our discussion with the department last week, and I think they will be able to agree to it.

I urge that we approve the amendment. Thank you, Madam Speaker—or Mr. Speaker.

THE SPEAKER PRO TEMPORE (FRED A. TRELLO) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady, Mrs. Cohen.

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment stand for interrogation, please?

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

Mrs. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the language in there which will not penalize a student and not count as an absence if, for religious purposes, a student does not attend these classes if the school district opts for one Saturday per month.

My question, Mr. Speaker, is, not only will the student not be marked absent, but will that student be permitted to make up any tests or receive any awards or be granted any other opportunities that he may miss by being absent on that Saturday or by not attending on that Saturday session?

Mr. COWELL. In response to the question of whether a student who misses school for religious reasons and is granted this unrecorded absence will also be protected from any inadvertent penalties, it is the intent of the language in paragraph (f), the last sentence, to provide that protection where it says, "There shall be no penalty attached for any such absences pursuant to this subsection," and I think it is important that we put on the record, as you suggest with your question, that we mean that in its broadest sense. Students should not be penalized for missing a test or any other school activities, and I will be asking and I am sure Representative Stairs will join me in asking the department to make it clear in their notifications to school districts that that be the principle that is applied, that no penalty of any form whatsoever will be experienced by that student.

Mrs. COHEN. Thank you, Mr. Speaker. I appreciate the courtesy.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly support this amendment that is offered, because many people from my district and I am sure each one of the legislators here today have had many contacts and requests to offer assistance or to provide a way for our school districts to resolve this dilemma that they are now facing.

By keeping the 180 days intact, we are sending a very important signal regarding the integrity of education and not letting any reduction in the number of days in referring to hours that they can make up by extending the schoolday and also by going a limited number of Saturdays.

I am particularly pleased that there is a part of this amendment that addresses activities that school students may take part in during the month of June when activities are scheduled that would normally be thought of the school to be over, and these activities are educational activities. I think of the FFA (Future Farmers of America) as a good example

where they take part in their State day programs, and other groups, I am sure, would also be included here that they would not be declared an absence from school.

I really think this is a great idea and I would like it to pass today, because time is of the essence. Each day we prolong this and each time we delay doing something on this makes it that much more difficult for our school districts to make up these days. So I would hope that we could speedily vote on this today, send it to the Senate, and they can also be expeditious and also get this to the Governor's desk to get this into law to help our school districts resolve a very critical problem that they will be facing if we do not give them relief. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Leh.

Mr. LEH. Thank you, Mr. Speaker.

May I speak on the amendment, please?

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

Mr. LEH. I would just like to rise to support the Cowell amendment and to inform the members, those members that cosponsored my bill, HB 2584, that this would do basically the same things, and that is lengthen the schoolday by transmitting the 180 days to 900 hours for primary education, 990 hours for secondary education; transmit that to allow the local school districts to lengthen their days if they wish. Also, it includes the Chick Tulli amendment to opt to use Saturday once a month to also make up those snow days.

Should the Cowell amendment pass, and I would hope that it does, I will be withdrawing my amendment, which is amendment 1000, to this bill.

So I would encourage my colleagues to support this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Nyce.

Mr. NYCE. Thank you, Mr. Speaker.

I wonder if the maker of the amendment would stand for interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Cowell, indicates that he will stand for interrogation. The gentleman may proceed.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, in the amendment, is there any effect on existing teacher contract obligations?

Mr. COWELL. Mr. Speaker, the question is, is there any effect in this amendment on teacher contracts? You said negotiations, but I think you meant contracts?

Mr. NYCE. Yes. I am sorry. Contracts; yes.

Mr. COWELL. The answer is no. This does not speak to district contracts. It does not supersede or override or in any way direct any attention to the issue of contracts.

Mr. NYCE. Mr. Speaker, then is it fair to assume that, for example, if a contract required 183 days of contractual work and, by comparison, the number of days of instruction are

shortened but the hours of the day are lengthened, the district could deal with that on its own?

Mr. COWELL. I think it is fair to understand or think that if school districts are going to use the additional flexibility that we are giving to them, particularly with respect to a longer day that might be in lieu of a full, separate set of 180 schooldays, they are probably going to have to talk to their employees about that, and they are going to have to come to some kind of mutually agreed-to arrangement to use the additional authority.

We are silent on that issue. We are providing flexibility for school districts to work things out. We really think because of the variables in place in 501 different districts, it would be erroneous and probably impossible for us to address that issue. We are silent on the issue.

Mr. NYCE. Mr. Speaker, then I believe I heard you say earlier that this is not a mandate, this is completely optional for the districts, and that it would not prevent any district that wanted to go 180 days from doing so, without altering their schedule, as long as they can do it before June 30. Is that correct?

Mr. COWELL. Absolutely, Mr. Speaker. Everything in this language is optional. A school district may use those three Saturdays or one of them if they wish. A school district may extend the schoolday if they wish. A school district can keep on doing what they have planned to do and get 180 separate days in before June 30. Our objective is to give them reasonable, additional flexibility to make sure that kids get a full 900 hours of schooling and to make sure the district and its taxpayers get their full State subsidy.

Mr. NYCE. Thank you, Mr. Speaker.

On the amendment.

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

Mr. NYCE. Mr. Speaker, I think that the winter we have just experienced certainly does drive us to install specific regulations that would help us to deal with these circumstances, and I think that Representative Cowell attempts to do that and leaves the option of dealing with contractual obligations at the local district, where it belongs, and I would urge the members to support the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I make a brief interrogation of the maker of the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Cowell, indicates that he will stand for interrogation.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, on page 2, section 4, letter (e), of your amendment, it suggests that they will "...excuse any student from school attendance if such student has the opportunity to receive a program of advanced instruction..." Could you tell me or clarify for me if this does include a summer college

program of early entrance into a college or university of that student's choice?

Mr. COWELL. Mr. Speaker, in the case of a student who is in a grade earlier than their senior year, if I understood your question correctly, the answer is yes; this would provide the flexibility for a student to begin their college courses or a college course without penalty. In the case of a senior, you might construe this language that way, but in fact, the situation affecting graduating seniors is already taken care of outside of this law through other authority that the Department of Education already has and that they are exercising in cooperation with school districts.

Mr. LAWLESS. So therefore, you do not foresee a problem with any early entrance into colleges or universities.

Mr. COWELL. That is correct. I do not foresee a problem, and I think between this language for undergraduates and the action of the department for seniors, the problem is taken care of.

Mr. LAWLESS. Thank you, Mr. Speaker, and I support this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The gentleman indicates he will stand for interrogation.

Mr. GODSHALL. I just have two questions that I want to make absolutely sure that I understand in this amendment.

The first question I have deals with the top line on page 2, where it says that this "...applies only to the school year 1993-1994 as a result of the weather emergency of 1994." This would indicate to me that the school year can be extended, the days can be extended, the hours can be extended, only because of the weather emergency, not because of school strikes or anything in that line. Is that a correct statement?

Mr. COWELL. That is correct, Mr. Speaker. The extra authority that we are giving to school districts to use Saturdays or to extend the schoolday is intended to accommodate the needs of school districts to make up days lost because of the weather problems.

Mr. GODSHALL. Thank you, Mr. Speaker.

And then also another question: If indeed the school cannot make up or, say, chooses not to make up the 180 days by going on Saturdays and so forth, then they lose reimbursement. Is that correct?

Mr. COWELL. Mr. Speaker, if I understood your question correctly, you asked what happens if a school district cannot make up the days or chooses not to make up the days.

Mr. GODSHALL. That is correct.

Mr. COWELL. If they do not make up the days—and we are talking about weather days, I assume—

Mr. GODSHALL. Right.

Mr. COWELL. —and they do not get in the 900 hours or 990 hours, then they will lose a portion of their State subsidy, as provided by law.

Mr. GODSHALL. Thank you, Mr. Speaker.

That is all the questions I have. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Fargo | Lloyd | Saurman |
| Adolph | Farmer | Lucyk | Saylor |
| Allen | Fee | Lynch | Scheetz |
| Argall | Fichter | Maitland | Schuler |
| Armstrong | Fleagle | Manderino | Scrimanti |
| Baker | Flick | Markosek | Semmel |
| Barley | Freeman | Marsico | Serafini |
| Battisto | Gamble | Masland | Smith, B. |
| Bebko-Jones | Gannon | McCall | Smith, S. H. |
| Belardi | Geist | McGeehan | Snyder, D. W. |
| Belfanti | George | McNally | Staback |
| Birmelin | Gerlach | Melio | Stairs |
| Bishop | Gigliotti | Merry | Steelman |
| Blaum | Gladeck | Michlovic | Steighner |
| Boyes | Godshall | Micozzie | Steil |
| Brown | Gordner | Mihalich | Stern |
| Bunt | Gruitza | Miller | Stetler |
| Burns | Gruppo | Mundy | Stish |
| Buxton | Haluska | Nailor | Strittmatter |
| Caltagirone | Hanna | Nickol | Sturla |
| Cappabianca | Harley | Nycc | Surra |
| Cam | Hasay | O'Brien | Tangretti |
| Carone | Hennessey | Olasz | Taylor, E. Z. |
| Cawley | Herman | Oliver | Taylor, J. |
| Cessar | Hershey | Perzel | Thomas |
| Chadwick | Hess | Pesci | Tigue |
| Civera | Hughes | Petrarca | Tomlinson |
| Clark | Hutchinson | Petrone | Trelo |
| Clymer | Itkin | Pettit | Trich |
| Cohen, L. I. | Jadlowiec | Phillips | True |
| Cohen, M. | James | Piccola | Tulli |
| Colafrella | Jarolin | Pistella | Uliana |
| Colaizzo | Josephs | Pitts | Vance |
| Conti | Kaiser | Platts | Van Horne |
| Cornell | Kasunic | Preston | Veon |
| Corrigan | Keller | Raymond | Vitali |
| Cowell | Kenney | Reber | Washington |
| Coy | King | Reinard | Waugh |
| Curry | Kirkland | Richardson | Williams |
| Daley | Krebs | Rieger | Wogan |
| DeLuca | Kukovich | Ritter | Wozniak |
| Dempsey | LaGrotta | Roberts | Wright, D. R. |
| Dent | Laub | Robinson | Wright, M. N. |
| Dermody | Laughlin | Roebuck | Yandrisevits |
| Donatucci | Lawless | Rohrer | Yewcic |
| Druce | Lederer | Rooney | Zug |
| Durham | Lee | Rubley | |
| Egolf | Leh | Ryan | DeWeese, |
| Fairchild | Lescovitz | Santoni | Speaker |
| Fajt | Levdansky | Sather | |

NAYS—0

NOT VOTING—0

EXCUSED—5

Bush Evans Mayernik Rudy
Butkovitz

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

On the question,

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

Mr. D. R. WRIGHT offered the following amendment No. A0309:

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

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

and for the Center for Rural Pennsylvania.

Amend Sec. 2 (Sec. 784.2), page 2, line 30, by striking out "Maintenance.—Any" and inserting

Maintenance.—(a) The General Assembly finds and declares as follows:

(1) Due to a small population base, rural schools and businesses are often unable to provide the specialized courses or training needed for tomorrow's economy.

(2) Telecommunications offer a largely untapped potential to cross-geographic boundaries to connect specialized teachers and instructors to remote or distant rural settings.

(3) Current telecommunications development efforts, which are the key to the economies of the future, have not been coordinated. This has resulted in duplication of efforts in some areas of this Commonwealth and the exclusion of many rural areas in telecommunications development.

(b) Any

Amend Sec. 2 (Sec. 784.2), page 3, line 14, by inserting before "Any"

(c)

Amend Sec. 2 (Sec. 784.2), page 3, line 28, by inserting before "Any"

(d)

Amend Sec. 2, page 4, by inserting between lines 3 and 4 Section 784.3. Center.—(a) The center shall provide State-wide coordination and training necessary for teachers, school administrators and businesspeople to participate effectively in distance learning. This subsection includes distance learning concepts, transport systems, scheduling needs and opportunities and pilot programs.

(b) The center may continue to provide grants to training centers, postsecondary institutions, intermediate units or other appropriate organizations in order to provide local technical support and training coordination for the program on a regional basis.

(c) The center shall provide coordination, training and advice to the Department of Education and the Public School Building Authority concerning distance learning opportunities.

(d) For the purposes of this section, "center" means the Center for Rural Pennsylvania.

On the question,

Will the House agree to the amendment?

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

Mr. D. R. WRIGHT. Mr. Speaker, I have withdrawn amendments 216, 217, 218, 220, 221, 222, 223, and we are now considering 309. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman for his withdrawal, and you may proceed on the amendment.

Mr. D. R. WRIGHT. Mr. Speaker, my amendment has a single virtue, and that is that it is at least one amendment today that is related specifically to the bill that we have before us.

It is a simple amendment; it simply does two things: First of all, it clarifies the purpose of the bill, and the second thing that it does is that the amendment requires that the Center for Rural Pennsylvania act in an advisory capacity in providing training and coordination to help districts utilize the distance teaching technology that this bill proposes.

For that reason I would simply ask that we adopt the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—194

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Fargo | Levdansky | Sather |
| Adolph | Farmer | Lucyk | Saurman |
| Allen | Fee | Lynch | Saylor |
| Argall | Fichter | Maitland | Scheetz |
| Armstrong | Fleagle | Manderino | Schuler |
| Baker | Flick | Markosek | Scrimenti |
| Barley | Freeman | Marsico | Semmel |
| Battisto | Gamble | Masland | Serafini |
| Bebko-Jones | Gannon | McCall | Smith, B. |
| Belardi | Geist | McGeehan | Smith, S. H. |
| Belfanti | George | McNally | Snyder, D. W. |
| Birmelin | Gerlach | Melio | Staback |
| Bishop | Gigliotti | Merry | Stairs |
| Blaum | Gladeck | Michlovic | Steelman |
| Boyes | Godshall | Micozzie | Steighner |
| Brown | Gordner | Mihalich | Steil |
| Bunt | Gruitza | Miller | Stern |
| Burns | Gruppo | Mundy | Stetler |
| Buxton | Haluska | Nailor | Stish |
| Caltagirone | Hanna | Nickol | Strittmatter |
| Cappabianca | Harley | Nyce | Sturla |
| Carn | Hasay | O'Brien | Surra |
| Cawley | Hennessey | Olasz | Tangretti |
| Cessar | Herman | Oliver | Taylor, E. Z. |
| Chadwick | Hershey | Perzel | Taylor, J. |
| Civera | Hess | Pesci | Thomas |
| Clark | Hughes | Petrarca | Tomlinson |
| Clymer | Hutchinson | Petrone | Trello |
| Cohen, L. I. | Itkin | Pettit | Trich |
| Cohen, M. | Jadlowiec | Phillips | True |
| Colafrilla | James | Piccola | Tulli |
| Colaizzo | Jarolin | Pistella | Uliana |
| Conti | Josephs | Pitts | Vance |
| Cornell | Kaiser | Platts | Van Horne |
| Corrigan | Kasunic | Preston | Veon |
| Cowell | Keller | Raymond | Vitali |
| Coy | Kenney | Reber | Washington |
| Curry | King | Reinard | Waugh |
| Daley | Kirkland | Richardson | Williams |
| DeLuca | Krebs | Rieger | Wogan |
| Dempsey | Kukovich | Ritter | Wozniak |
| Dent | LaGrotta | Roberts | Wright, D. R. |
| Dermody | Laub | Robinson | Wright, M. N. |

| | | | |
|-----------|-----------|---------|--------------|
| Donatucci | Laughlin | Roeback | Yandrisevits |
| Druce | Lawless | Rohrer | Yewcic |
| Durham | Lederer | Rooney | Zug |
| Egolf | Lee | Rubley | |
| Fairchild | Leh | Ryan | DeWeese, |
| Fajt | Lescovitz | Santoni | Speaker |

NAYS—3

| | | |
|--------|-------|-------|
| Carone | Lloyd | Tigue |
|--------|-------|-------|

NOT VOTING—0

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

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

Mr. WAUGH offered the following amendment No. A0041:

Amend Title, page 1, line 5, by inserting after "thereto," providing for certain matters relating to prevailing wage;

Amend Bill, page 1, by inserting between lines 10 and 11 Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 753.1. Prevailing Wage Law.—The definition of "public work" in clause (5) of section 2 of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall, when applied to school districts, mean projects of a total estimated cost of one hundred fifty thousand dollars (\$150,000) or more.

Amend Sec. 1, page 1, line 11, by striking out "1" and inserting

2

Amend Sec. 1, page 1, lines 11 and 12, by striking out "of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949"

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

3

Amend Sec. 2 (Sec. 784.1), page 2, line 10, by inserting after "Property.—"

(a)

Amend Sec. 2 (Sec. 784.1), page 2, line 21, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 2, line 30, by inserting after "Maintenance.—"

(a)

Amend Sec. 2 (Sec. 784.2), page 3, line 14, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 3, line 28, by inserting before "Any"

(c)

Amend Sec. 3, page 4, line 4, by striking out "3" and inserting

4

Amend Sec. 4, page 4, line 22, by striking out "4" and inserting

5

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

The SPEAKER pro tempore. Mr. Waugh on the amendment.

Mr. WAUGH. Thank you, Mr. Speaker.

I am going to be brief. This is the same amendment that I offered earlier on HB 1245, I believe it was. We have been through all the arguments. I only hope that folks have thought a little bit since earlier. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I am searching through my book here, but my understanding is, this is language very similar to what we just defeated in the context of the prior bill.

Again I would urge, for all the reasons that we stated a couple of hours ago, that we defeat the amendment in the context of SB 375. It was inappropriate and it was rejected by the members of the House earlier. I suggest we take the same action now. Thank you, Mr. Speaker.

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

Mr. WAUGH. Thank you, Mr. Speaker.

Just to clarify, this would increase the threshold for prevailing wage from \$25,000 to \$150,000, as the earlier amendment did.

I would appreciate your support. Thanks.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—91

| | | | |
|--------------|------------|----------|---------------|
| Adolph | Fairchild | Lee | Saurman |
| Allen | Fargo | Leh | Saylor |
| Argall | Farmer | Lynch | Scheetz |
| Armstrong | Fichter | Maitland | Schuler |
| Baker | Fleagle | Marsico | Semmel |
| Barley | Flick | Masland | Serafini |
| Birmelin | Gamble | Merry | Smith, B. |
| Brown | Geist | Micozzie | Smith, S. H. |
| Bunt | Gerlach | Miller | Snyder, D. W. |
| Carone | Gladeck | Nailor | Steelman |
| Cessar | Godshall | Nickol | Steil |
| Chadwick | Hanna | Pettit | Stern |
| Civera | Harley | Phillips | Strittmatter |
| Clark | Hasay | Piccola | Taylor, E. Z. |
| Clymer | Hennessey | Pitts | Tomlinson |
| Cohen, L. I. | Herman | Platts | True |
| Conti | Hershey | Raymond | Tulli |
| Cornell | Hess | Reber | Vance |
| Coy | Hutchinson | Reinard | Vitali |
| Dempsey | Jadlowiec | Rohrer | Waugh |
| Dent | Krebs | Rubley | Wright, M. N. |
| Druce | Laub | Ryan | Zug |
| Egolf | Lawless | Sather | |

NAYS—106

| | | | |
|-------------|-----------|------------|---------------|
| Acosta | Freeman | Manderino | Scrimenti |
| Battisto | Gannon | Markosek | Staback |
| Bebko-Jones | George | McCall | Stairs |
| Belardi | Gigliotti | McGeehan | Steighner |
| Belfanti | Gordner | McNally | Stetler |
| Bishop | Gruitza | Melio | Stish |
| Blaum | Gruppo | Michlovic | Sturla |
| Boyes | Haluska | Mihalich | Surra |
| Burns | Hughes | Mundy | Tangretti |
| Buxton | Itkin | Nyce | Taylor, J. |
| Caltagirone | James | O'Brien | Thomas |
| Cappabianca | Jarolin | Olasz | Tigue |
| Carn | Josephs | Oliver | Trello |
| Cawley | Kaiser | Perzel | Trich |
| Cohen, M. | Kasunic | Pesci | Uliana |
| Colafrilla | Keller | Petrarca | Van Home |
| Colaizzo | Kenney | Petrone | Veon |
| Corrigan | King | Pistella | Washington |
| Cowell | Kirkland | Preston | Williams |
| Curry | Kukovich | Richardson | Wogan |
| Daley | LaGrotta | Rieger | Wozniak |
| DeLuca | Laughlin | Ritter | Wright, D. R. |
| Dermody | Lederer | Roberts | Yandrisevits |
| Donatucci | Lescovitz | Robinson | Yewcic |
| Durham | Levdansky | Roebuck | |
| Fajt | Lloyd | Rooney | DeWeese, |
| Fee | Lucyk | Santoni | Speaker |

NOT VOTING—0

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

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

Mr. STRITTMATTER offered the following amendment No. A4207:

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

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

Amend Title, page 1, line 8, by removing the period after "equipment" and inserting and for the awarding of a contract or contracts, specifications and lowest responsible bids for the construction or lease or purchase of buildings.

Amend Bill, page 1, lines 11 and 12, by striking out all of said lines and inserting

Section 1. Section 701.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added June 27, 1973 (P.L.75, No.34), is amended to read:

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.—(a) Except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or

leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public hearing shall be held before the Department shall give its final approval.

(b) The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

(c) The State Board of Education shall, by regulation, establish for leased buildings a method for determination of standards of measurement, including, without limitation, the maximum building construction cost, the maximum project cost and the aggregate building expenditure standard, which are comparable to those required by this section for the construction of buildings. Pending adoption and publication of final rules and regulations, the State Board of Education shall have the power and authority to promulgate, adopt, publish and use interim regulations for the implementation of this provision for a period of one year immediately following the effective date of this subsection or until the effective date of final rules and regulations, whichever first occurs. Notwithstanding any other provision of law to the contrary, the interim regulations proposed under the authority of

this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(d) For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

Section 2. Section 703.1 of the act, added December 6, 1972 (P.L.1445, No.323), is amended to read:

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.—(a) The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(b) The lease agreement must be executed prior to the commencement of any work on the construction of a new building or the commencement of any work for the alteration or renovation of any existing building. The term of the lease agreement must begin at any time prior to the occupancy of the building. Any provision of the lease agreement providing for assignment must require prior written consent of the board of school directors.

(c) The board of school directors shall not execute any lease agreement under the authority of this or any other provision of this act unless the lease agreement requires by its express terms that prevailing minimum wages shall be paid in accordance with the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act," to all persons employed for the construction, reconstruction, alteration or renovation of the building subject to the lease, including, without limitation, improvements made during the term of the lease.

Section 3. Section 751 of the act, amended July 13, 1979 (P.L.94, No.41), October 10, 1980 (P.L.924, No.159) and May 4, 1990 (P.L.164, No.38), is amended to read:

Section 751. Work to be Done Under Contract Let on Bids; Exception.—(a) (1) All construction, reconstruction, repairs, maintenance or work of any nature, including the introduction of plumbing, heating and ventilating, or lighting systems, upon any school building or upon any school property, or upon any building or portion of a building leased under the provisions of section 703.1, made by any school district, where the entire cost, value, or amount of such construction, reconstruction, repairs, maintenance or work, including labor and material, shall exceed ten thousand dollars (\$10,000), shall be done under a lease contract or separate contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. [Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a

particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder:] The board of school directors shall, in its discretion, have prepared separate specifications for construction, plumbing, heating and ventilating and electrical work, or separate bids on each of the branches of work or combinations thereof or a single bid on all the work. The board of school directors shall award the contract or contracts to the lowest responsible bidder or bidders: Provided, That if due to an emergency a school plant or any part thereof becomes unusable, a competitive bid or competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the Secretary of Education, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

(2) For the purposes of this subsection, "emergency" means an unforeseen event such as a fire, tornado, flood, explosion or other unforeseen event as may be determined by the Secretary of Education.

(a.1) Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested by the board of school directors for all contracts that exceed four thousand dollars (\$4,000) but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price. Written price quotations, written records of telephonic price quotations and memoranda shall be retained for a period of three years.

(b) The board of school directors in any school district may perform any construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is less than five thousand dollars (\$5000), by its own maintenance personnel. The board of school directors in any school district may authorize the secretary of the board or other executive to award contracts for construction, reconstruction, repairs, or work of any nature, where the entire cost or value, including labor and material, is ten thousand dollars (\$10,000) or less, without soliciting competitive bids, subject, however, to the provisions of subsection (a.1).

(c) Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the "Steel Products Procurement Act."

(d) The board of school directors of any school district may, in addition to the power granted in subsection (b), utilize also its own maintenance or other personnel to perform maintenance work irrespective of the entire cost or value of such work.

(e) No person, consultant, firm or corporation contracting with a school district for purposes of rendering personal or professional services to the school district shall share with any school district officer or employe, and no school district officer or employe shall accept, any portion of the compensation or fees paid by the school district for the contracted services provided to the school district except under the following terms or conditions:

(1) Full disclosure of all relevant information regarding the sharing of the compensation or fees shall be made to the board of school directors.

(2) The board of school directors must approve the sharing of any fee or compensation for personal or professional services prior to the performance of said services.

(3) No fee or compensation for personal or professional services may be shared except for work actually performed.

(4) No shared fee or compensation for personal or professional services may be paid at a rate in excess of that commensurate for similar personal or professional services.

(f) No board of school directors shall evade the provisions of this section as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under ten thousand dollars (\$10,000) upon transactions which should, in the exercise of reasonable discretion and prudence, be conducted as one transaction amounting to more than ten thousand dollars (\$10,000). This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transaction involved should have been made as one transaction for one price.

Section 4. Section 783 of the act, added May 9,

Amend Sec. 2, page 2, line 9, by striking out "2" and inserting

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Amend Sec. 2 (Sec. 784.1), page 2, line 10, by striking out "Property.—Any" and inserting

Property.—(a) Any

Amend Sec. 2 (Sec. 784.1), page 2, line 21, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 2, line 30, by striking out "Maintenance.—Any" and inserting

Maintenance.—(a) Any

Amend Sec. 2 (Sec. 784.2), page 3, line 14, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 3, line 28, by inserting before "Any"

(c)

Amend Sec. 3, page 4, line 4, by striking out "3" and inserting

5

Amend Bill, page 4, line 22, by striking out all of said line and inserting

Section 6. Section 791 of the act is amended by adding subsections to read:

Section 791. Grants, Conveyances, Appropriations to, Contracts with, and Leases from, Profit or Nonprofit Corporations, Partnerships, Associations, or Persons.—* * *

(c) A lease agreement authorized by this section must be executed prior to the commencement of any work on the construction of a new building or the commencement of any work for the alteration or renovation of any existing building. The term of the lease agreement must begin at any time prior to the occupancy of the building. Any provision of the lease agreement providing for assignment must require prior written consent of the board of school directors.

(d) The board of school directors shall not execute any lease agreement under the authority of this or any other provision of this act unless the lease agreement requires by its express terms that prevailing minimum wages shall be paid during and throughout the term of the lease in accordance with the provisions of the act of August 15, 1961 (P.L.987, No.442), known as the "Pennsylvania Prevailing Wage Act."

Section 7. Section 2574.2 of the act, added December 6, 1972 (P.L.1445, No.323), is amended to read:

Section 2574.2. Approved Reimbursable Annual Rental for Leases of Buildings and Facilities for School Use.—(a) For extended leases of buildings and facilities for school use authorized under the provisions of section 703.1 which have been approved by the Secretary of Education, the Department of Education shall calculate an approved reimbursable annual rental charge.

(b) Approved reimbursable annual rental for such approved leases of building facilities constructed for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity as determined by the Department of Education at the time of initial lease times one hundred sixty

dollars (\$160) for elementary schools, two hundred twenty dollars (\$220) for secondary schools, or two hundred seventy dollars (\$270) for area vocational-technical schools.

(c) Annual approved rental payable for approved leases of existing facilities altered for school use shall be the lesser of (i) the product of the annual rental payable under the provisions of the approved lease agreement times the ratio of the pupil scheduled area to the architectural area, or (ii) the product of the rated pupil capacity, as determined by the Department of Education at the time of initial lease, times one hundred twelve dollars (\$112) for elementary, one hundred fifty-four dollars (\$154) for secondary, or one hundred eighty-nine dollars (\$189) for area vocational-technical schools.

(d) The State Board of Education shall, by regulation, establish for leased buildings a method for calculating reimbursement for leases relating to construction projects contracted for after the effective date of this act which shall provide reimbursement comparable to the reimbursement allowable for the construction of buildings. Pending adoption and publication of final rules and regulations, the State Board of Education shall have the power and authority to promulgate, adopt, publish and use interim regulations for the implementation of this provision for a period of one year immediately following the effective date of this subsection or until the effective date of final rules and regulations, whichever first occurs. Notwithstanding any other provision of law to the contrary, the interim regulations proposed under the authority of this subsection shall not be subject to review pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

Section 8. (a) All provisions of prior acts with respect to the separation of construction specifications, construction bids or construction contracts are hereby repealed insofar as they are inconsistent with the amendment of sections 701.1, 751, 791 and 2574.2 of the act.

(b) All additional and otherwise applicable statutory provisions relating to projects of public work, public construction, school construction or public buildings are applicable to projects undertaken under the amendment of sections 701.1, 751, 791 and 2574.2 of the act, except to the extent to which the amendment of sections 701.1, 751, 792 and 2574.2 of the act are specifically inconsistent.

Section 9. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman, Mr. Strittmatter, is in order and may proceed.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, A4207, is an amendment that we have had before us before in the subject matter in order to save money for our taxpayers in our school districts. What this would do is, it is a "may" provision for school board directors to help them meet the needs of tight fiscal finances. What this would do is, with school construction for buildings, it would allow those school districts to have the option to have a lease acquisition of the school building. It would allow them to not have to go through the traditional Separations Act.

The AFL-CIO incorrectly over the years has said, well, we are against this because this is prevailing wage. On two occasions we have put in the provision where it would be prevailing wage on that, so I would hope that the Democratic members especially would not be worried about voting for this amendment at this time.

I would ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I do not know if this is like just a *deja vu* day or what, but we keep voting on things we have been voting and voting and voting on, and if the members of the House will recall, on June 23 of last year, we had this amendment before us; we spoke resoundingly against it by a vote of 75 to 124. Nothing has changed, Mr. Speaker.

It is critical to this State that heating and ventilating, electrical and plumbing contractors be allowed to separately bid on large construction projects. If we had a good Mechanics Lien Law in this State, which we have been working on since I have been here, it may not be that critical, but to force all of these specialty contractors to have to submit bids to a general contractor and thereby make them all subcontractors — whether they be union heating contractors or nonunion heating contractors, whether they are a union electrical contractor or a nonunion electrical contractor — to put them under the thumb of a general contractor in all instances on school construction projects is a big mistake. The work will not be done as correctly, it will not be done by as qualified of people, and we will have the same problems that all the other subcontractors in this State have now, trying to collect from the general contractors after their work has been performed.

Once again, we have a lousy Mechanics Lien Law, and that makes this proposal even worse.

As I said, we defeated this by over 50 votes the last time it ran. I would hope we can increase the margin of defeat this time. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I also rise to oppose this legislation, specifically for the reasons that were enunciated by Representative Belfanti.

I have served on my local school board for 17 years and went through numerous building projects. We have always bid out the general contracts, sheet metal, electric, and plumbing, and I really think that is the way to do it.

With this bill, you would have the general contractor become all powerful, and all other contractors would be subcontractors, and these people do have a hard time getting paid. I serve on the Business and Economic Development Committee. We have had at least two hearings on this subject. Subcontractors have a hard time getting paid, and this would put your electricians, your plumbers, and your sheet metal workers at a serious disadvantage.

I would ask for a negative vote on this bill. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, a few moments ago we took a big step forward in resolving a problem that is confronting school districts all over this State: what they need to do now, what

kind of decisions must they begin to make now, to reshape their calendars for the next several months so that the taxpayers in those districts will get their full share of State funds and kids will get their full share of instruction. This amendment, if it were to be approved today, because of the tremendous controversy about this issue, will get in the way of us expeditiously sending this bill to the Governor.

We have rejected this language in the past, as recently as 8 or 9 months ago. It is very controversial. It raises issues around which there is no consensus. I urge that we defeat this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

Just to correct a couple of the members' statements from before.

There have been things that have changed. One of the members talked about, well, nothing has changed since this amendment was defeated. I think that there is a change. The taxpayers know that they are tired of paying extra when they do not need to. It is ridiculous that just because we do a school building, you pay twice as much as what needs to be done. This could equate into a 20-percent savings on every school construction project. That affects a lot of members.

The School Boards Association has made this one of their top priorities when we are talking about mandates. They come and they always complain about the fact that we have all these mandates. This is one of those areas where you can respond to your education community. Help out the education community — the teachers, the school boards, and the taxpayers — by voting for this bill and this amendment to this bill.

The other thing that has changed is—and I would hope for a positive vote, not being dilatory about this—because what has changed since the last time we brought this up is, other legislation that Representative Cowell and others and, I think, most members voted for was to allow school districts to have building construction managers. Now, why do they need to have building construction managers? Because they found that there was all this waste. The other times when this amendment was voted down, they said, oh, there are not going to be any savings; oh, there is no waste; oh, nothing could be done. Well, it turns out that a lot of school construction projects have saved money by having building managers. Where did they find this? Because they have too many cooks in the kitchen by having all these prime contractors on it. You need somebody in order to sort through all the people that are on this job and no one in control.

What we found was, in one school district alone, they paid \$1.2 million for a building construction manager to take care of their building. Now, obviously, there is a lot of waste if you can afford to pay somebody \$1.2 million to take care of a construction project. It would be the same—The analogy would be, in your home, if you wanted to put an addition onto your home and all of a sudden you had to have four or five prime contractors in order to do your home, and then you would have

to go out and you would have to hire somebody else then to watch over those four or five people that are supposed to be in charge of your project. That is what our school districts are up to now.

I would have hoped that all the school board directors, the teachers, would have been coming to all of us on this floor and saying, hey, enough is enough; it has been demonstrated that it saves.

We did the same thing with building the prisons. We even had the Department of General Services that advocated that we should be doing all public buildings the way we did with the prisons. This is one avenue of doing that.

I think it is ridiculous to not pass this amendment. The reason it is on this bill now is, for 3 years we have been trying to do this; there has never been a good time to do it. This is a Senate bill; this is a bill that can get action; this is a bill with construction season starting. That is why we need to do it now and we cannot wait.

I understand, you know, the plight of the building trades. I do not think it helps the working men and women of the building trades when they do not get any work. I do not think it helps when you get contractors coming in from Arkansas and other parts of the Nation, coming into our State, taking away jobs that could be held by working men and women. It does not help when we delay school building construction jobs and we force the children into churches rather than into the school buildings. Why? Because of these outdated laws.

It is time that we stand up and stop it. I was hoping in an election year, now with people running for primaries, that they would be more conscious of the tax dollars. That is why I think there is a change now and why I would hope that we would be able to pass this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Belfanti for the second time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Like I said, Mr. Speaker, nothing has changed in the past year since we defeated this amendment by 50 votes. Maybe the gentleman, Mr. Strittmatter's hopes have been elevated somewhat. I do not know why. We did not defeat this amendment like we did prevailing wage because of the bad timing. That argument was used under prevailing wage, but Separations Act changes are a lousy idea. It has nothing to do with timing.

We believe that these four sets of contractors should be independently liable for any problem that they cause on a construction site. They should also be independently responsible to do a professional job. They should also independently be allowed to bid on separate specifications that the architects and engineers lay out for those types of projects.

I worked on construction, Mr. Speaker, and I was a contractor as well. This is not a union-nonunion issue. It is an issue that many contractors, either union or nonunion, do not want to see changed. The only people that would like to see this changed are a few general contractors out there that would like to be able to bid everything and then not pay their bills,

not pay the subs. We have a big problem with that in this State, and we do not have a good Mechanics Lien Law to straighten that problem out.

Many of you back in your districts have heard about your problems with mechanics liens. If the Strittmatter amendment goes in, those problems are going to quadruple, and we are going to find ourselves back here on the floor trying to fix something that is already half broke, that is going to be shattered. We need to defeat the Strittmatter amendment not just now, not just 6 months from now, but every time it comes up.

There is a reason we have specialty construction trades. These people are specially trained. They use special equipment. They go through special apprenticeships. The contractors make sure that the employees working for them are specialists. They are not simply laborers. We cannot afford to allow laborers to be doing electrical work or laborers doing plumbing and heating and ventilation work. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—67

| | | | |
|-----------|------------|----------|---------------|
| Adolph | Flick | Masland | Schuler |
| Allen | Gamble | Micozzie | Semmel |
| Argall | Geist | Miller | Smith, B. |
| Armstrong | Gerlach | Nailor | Smith, S. H. |
| Baker | Gladeck | Nickol | Snyder, D. W. |
| Barley | Hennessey | Perzel | Steil |
| Birmelin | Herman | Piccola | Stern |
| Chadwick | Hershey | Pitts | Strittmatter |
| Clark | Hess | Platts | Taylor, E. Z. |
| Clymer | Hutchinson | Reinard | Tomlinson |
| Conti | Jadlowiec | Rohrer | True |
| Dent | Krebs | Rubley | Tulli |
| Druce | Lawless | Ryan | Vance |
| Egolf | Lee | Sather | Waugh |
| Fargo | Leh | Saurman | Wright, M. N. |
| Fichter | Maitland | Saylor | Zug |
| Fleagle | Marsico | Scheetz | |

NAYS—130

| | | | |
|-------------|-----------|-----------|------------|
| Acosta | Durham | Lescovitz | Roebuck |
| Battisto | Fairchild | Levdansky | Rooney |
| Bebko-Jones | Fajt | Lloyd | Santoni |
| Belardi | Farmer | Lucyk | Scrimenti |
| Belfanti | Fee | Lynch | Serafini |
| Bishop | Freeman | Manderino | Staback |
| Blaum | Gannon | Markosek | Stairs |
| Boyes | George | McCall | Steelman |
| Brown | Gigliotti | McGeehan | Steighner |
| Bunt | Godshall | McNally | Stetler |
| Burns | Gordner | Melio | Stish |
| Buxton | Gruitza | Merry | Sturla |
| Caltagirone | Gruppo | Michlovic | Surra |
| Cappabianca | Haluska | Mihalich | Tangretti |
| Carn | Hanna | Mundy | Taylor, J. |
| Carone | Harley | Nyce | Thomas |
| Cawley | Hasay | O'Brien | Tigue |
| Cessar | Hughes | Olasz | Trelo |
| Civera | Itkin | Oliver | Trich |

| | | | |
|--------------|----------|------------|---------------|
| Cohen, L. I. | James | Pesci | Uliana |
| Cohen, M. | Jarolin | Petrarca | Van Horne |
| Colafranca | Josephs | Petrone | Veon |
| Colaizzo | Kaiser | Pettit | Vitali |
| Cornell | Kasunic | Phillips | Washington |
| Corrigan | Keller | Pistella | Williams |
| Cowell | Kenney | Preston | Wogan |
| Coy | King | Raymond | Wozniak |
| Curry | Kirkland | Reber | Wright, D. R. |
| Daley | Kukovich | Richardson | Yandrisevits |
| DeLuca | LaGrotta | Rieger | Yewcic |
| Dempsey | Laub | Ritter | |
| Dermody | Laughlin | Roberts | DeWeese, |
| Donatucci | Lederer | Robinson | Speaker |

NOT VOTING—0

EXCUSED—5

Bush Evans Mayernik Rudy
Butkovitz

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

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A1028:

Amend Title, page 1, line 7, by striking out "and" and inserting a comma

Amend Title, page 1, line 8, by removing the period after "equipment" and inserting
and for the weather emergency of 1994.

Amend Sec. 2 (Sec. 784.1), page 2, line 10, by inserting before "Any"

(a)

Amend Sec. 2 (Sec. 784.1), page 2, line 21, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 2, line 30, by inserting before "Any"

(a)

Amend Sec. 2 (Sec. 784.2), page 3, line 14, by inserting before "Any"

(b)

Amend Sec. 2 (Sec. 784.2), page 3, line 28, by inserting before "Any"

(c)

Amend Bill, page 4, line 22, by striking out all of said line and inserting

Section 4. The act is amended by adding a section to read:
Section 1501.6. Weather Emergency of 1994.—Due to the weather and energy emergency declared for January 19, 20 and 21, 1994, the minimum number of days requirement described in section 1501 shall be set at one hundred seventy-seven (177) days for the 1993-1994 school year.

Section 5. This act shall take effect as follows:

(1) The addition of section 1501.6 of the act shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The gentleman, Mr. Freeman, is in order and may proceed on the amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would excuse school districts from those 3 days when the State declared an energy emergency. As members are well aware, there was a very severe weather condition. The State closed down its offices and encouraged other public institutions to close down those offices for 3 days this year to conserve energy.

I do not feel we should lightly reduce the 180-day requirement, but this has been a very unusual winter, and we are only talking about 3 days that were the result of very severe weather conditions. I think we should not be in a position to hold the school districts responsible for trying to meet a 180-day requirement under the current weather conditions that we suffered this winter.

There is precedent for this amendment as well. In 1985, 4 schooldays were excused, reducing the 180-day requirement to 176, as a result of severe flooding conditions that occurred in that year.

I think this is only fair to the school districts. I do not think those 3 days will make that significant a factor, but it will obviously be a significant factor in the budgets of the school districts, and this will give them some leeway.

I urge the membership to support this amendment and to grant them those 3 days of grace because of the severe weather conditions. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Freeman amendment.

Mr. Speaker, a number of members of this House have spent a considerable amount of time over the last couple of weeks trying to find a way that we could accommodate the needs of school districts to make sure they get their full subsidy while at the same time, as Representative Stairs said earlier, preserving the integrity of the 180-day requirement. We should not easily back away from the 180-day requirement, and we do not need to do it at all.

A few moments ago we gave school districts unprecedented flexibility to make up the days, and particularly to make up the hours, that are necessary for kids to get a full school year and for taxpayers to get their full State subsidy. We do not need to do this. We send all the wrong messages if after we have provided flexibility so nobody is going to miss the 180 days because of the flexibility we provided, after having done that, to back away and say, well, June 30 really is not so important; if you want to just get 177 days of school in so you can get out early, it will be okay.

Mr. Speaker, I know the excuse that is being used is that the Governor declared these days to be emergency days. If he would not have done that, schools would have been closed anyway. It is not that the Governor forced them to close. The

weather conditions forced them to close, as weather conditions did on several other days during the winter.

It is important for a lot of reasons, but especially for education reasons, that we maintain the 180-day requirement. The other reason why we ought to be consistent is that a majority of the members of this House and Senate, year after year after year, has said, if you have a strike, it is still important to have 180 days. How do we say in the one breath that if you have a strike, you have to have 180 days, but if you have a storm, you do not need 180 days?

If 180 days are important from an education standpoint, we need to be consistent, and we have provided the flexibility so that it is a realistic target for every school district in this State now. There is no reason to back away from it. It is educationally unsound. It is going to catch us speaking out of both sides of our mouth when we have to start to talk about reactions to strikes in contrast to reactions to weather, and we ought not to put ourselves in that position.

I urge that we defeat the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Tulli.

Mr. TULLI. Thank you, Mr. Speaker.

I rise to oppose this amendment and any amendment that shortens the 180-day requirement.

I want you to think, Mr. Speaker, of the message that you are sending to kids, the message that you are sending to the young people of Pennsylvania that the school year is not that important; do not worry about it. We have consistently supported the 180-day rule telling the kids that it is important, their education is important, and I think we should not back down from that position. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Allegheny County, Ms. Burns.

Ms. BURNS. Thank you.

As a former school director of 10 years, kids need more time in school. I urge you not to vote for this.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman for the second time, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to clarify once again, I am a strong supporter of the 180-day rule, but we must realize that this has been a very severe winter; this has been an extremely unusual winter in terms of the weather conditions. This legislature recognized that back in 1985 when it declared an emergency situation and forgave 4 days in light of flooding.

All I am asking for in this amendment is that this legislature once again recognize that it has been an extraordinary winter, that not only schools but other facilities came to a grinding halt as a result of the severe weather conditions. I feel it is only fair to these school districts that we forgive these 3 days which the Governor saw as so severe that he declared an energy emergency, that he called upon all

public facilities to shut their doors. We should not be holding the school districts responsible because of weather conditions.

The gentleman, Mr. Cowell, referred to the situation that occurs with strikes. That is a once-in-a-while occurrence that comes up in the cycle of the contract negotiation. We are talking about an act of nature here in terms of my amendment.

I would urge the members to be consistent with what they did in 1985 and forgive these 3 days based upon the severe weather conditions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—12

| | | | |
|----------|--------|--------|---------------|
| Birmelin | Gamble | Laub | Snyder, D. W. |
| Buxton | Hanna | Pettit | Stern |
| Freeman | Kaiser | Reber | Trich |

NAYS—182

| | | | |
|--------------|------------|-----------|---------------|
| Acosta | Fairchild | Lloyd | Saurman |
| Adolph | Fajt | Lucyk | Saylor |
| Allen | Fargo | Lynch | Scheetz |
| Argall | Farmer | Maitland | Schuler |
| Armstrong | Fee | Manderino | Scrimenti |
| Baker | Fichter | Markosek | Semmel |
| Barley | Fleagle | Marsico | Serafini |
| Battisto | Flick | Masland | Smith, B. |
| Bebko-Jones | Gannon | McCall | Smith, S. H. |
| Belardi | Geist | McGeehan | Staback |
| Belfanti | George | McNally | Stairs |
| Bishop | Gerlach | Melio | Steelman |
| Blaum | Gigliotti | Merry | Steighner |
| Boyes | Gladeck | Michlovic | Steil |
| Brown | Godshall | Micozzie | Steler |
| Bunt | Gordner | Mihalich | Stish |
| Burns | Gruitza | Miller | Strittmatter |
| Caltagirone | Gruppo | Mundy | Sturla |
| Cappabianca | Haluska | Nailor | Surra |
| Carn | Harley | Nickol | Tangretti |
| Carone | Hasay | Nyce | Taylor, E. Z. |
| Cawley | Hennessey | O'Brien | Taylor, J. |
| Cessar | Herman | Olasz | Thomas |
| Chadwick | Hershey | Oliver | Tigue |
| Civera | Hess | Perzel | Tomlinson |
| Clark | Hughes | Pesci | Trello |
| Clymer | Hutchinson | Petrarca | True |
| Cohen, L. I. | Itkin | Petrone | Tulli |
| Cohen, M. | Jadlowiec | Phillips | Uliana |
| Colafella | James | Piccola | Vance |
| Colaizzo | Jarolin | Pistella | Van Horne |
| Conti | Josephs | Pitts | Veon |
| Cornell | Kasunic | Platts | Vitali |
| Corrigan | Keller | Preston | Washington |
| Cowell | Kenney | Raymond | Wagh |
| Coy | King | Reinard | Williams |
| Curry | Kirkland | Rieger | Wogan |
| Daley | Krebs | Ritter | Wozniak |
| DeLuca | LaGrotta | Roberts | Wright, D. R. |
| Dempsey | Laughlin | Robinson | Wright, M. N. |
| Dent | Lawless | Roebuck | Yandrisevits |
| Dermody | Lederer | Rohrer | Yewcic |
| Donatucci | Lee | Rublely | Zug |
| Druce | Leh | Ryan | |

| | | | |
|--------------|------------|----------|----------|
| Durham | Lescovitz | Santoni | DeWeese, |
| Egolf | Levdansky | Sather | Speaker |
| NOT VOTING—3 | | | |
| Kukovich | Richardson | Rooney | |
| EXCUSED—5 | | | |
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

YEAS—197

| | | | |
|--------------|------------|------------|---------------|
| Acosta | Fargo | Lloyd | Saurman |
| Adolph | Farmer | Lucyk | Saylor |
| Allen | Fee | Lynch | Scheetz |
| Argall | Fichter | Maitland | Schuler |
| Armstrong | Fleagle | Manderino | Scriminti |
| Baker | Flick | Markosek | Semmel |
| Barley | Freeman | Marsico | Serafini |
| Battisto | Gamble | Masland | Smith, B. |
| Bebko-Jones | Gannon | McCall | Smith, S. H. |
| Belardi | Geist | McGeehan | Snyder, D. W. |
| Belfanti | George | McNally | Staback |
| Birmelin | Gerlach | Melio | Stairs |
| Bishop | Gigliotti | Merry | Steelman |
| Blaum | Gladeck | Michlovic | Steighner |
| Boyes | Godshall | Micozzie | Steil |
| Brown | Gordner | Mihalich | Stern |
| Bunt | Gruitza | Miller | Stetler |
| Burns | Gruppo | Mundy | Stish |
| Buxton | Haluska | Nailor | Strittmatter |
| Caltagirone | Hanna | Nickol | Sturla |
| Cappabianca | Harley | Nyce | Surra |
| Carn | Hasay | O'Brien | Tangretti |
| Carone | Hennessey | Olasz | Taylor, E. Z. |
| Cawley | Herman | Oliver | Taylor, J. |
| Cessar | Hershey | Perzel | Thomas |
| Chadwick | Hess | Pesci | Tigue |
| Civera | Hughes | Petrarca | Tomlinson |
| Clark | Hutchinson | Petrone | Trello |
| Clymer | Itkin | Pettit | Trich |
| Cohen, L. I. | Jadlowiec | Phillips | True |
| Cohen, M. | James | Piccola | Tulli |
| Colafigliola | Jarolin | Pistella | Ultiana |
| Colaizzo | Josephs | Pitts | Vance |
| Conti | Kaiser | Platts | Van Horne |
| Cornell | Kasunic | Preston | Veon |
| Corrigan | Keller | Raymond | Vitali |
| Cowell | Kenney | Reber | Washington |
| Coy | King | Reinard | Waugh |
| Curry | Kirkland | Richardson | Williams |
| Daley | Krebs | Rieger | Wogan |

| | | | |
|-----------|-----------|----------|---------------|
| DeLuca | Kukovich | Ritter | Wozniak |
| Dempsey | LaGrotta | Roberts | Wright, D. R. |
| Dent | Laub | Robinson | Wright, M. N. |
| Dermody | Laughlin | Roebuck | Yandrisevits |
| Donatucci | Lawless | Rohrer | Yewcic |
| Druce | Lederer | Rooney | Zug |
| Durham | Lee | Rubley | |
| Egolf | Leh | Ryan | DeWeese, |
| Fairchild | Lescovitz | Santoni | Speaker |
| Fajt | Levdansky | Sather | |

NAYS—0

NOT VOTING—0

EXCUSED—5

| | | | |
|-----------|-------|----------|------|
| Bush | Evans | Mayernik | Rudy |
| Butkovitz | | | |

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

The SPEAKER pro tempore. The Chair would like to inform the members that there will be no further votes taken today.

VOTE CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the lady, Teresa Brown.

Mrs. BROWN. To correct the record.

Thank you, Mr. Speaker.

I was not recorded on final passage of HB 2398. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

The Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

On HB 1245, amendment 0354, I was not recorded. I would like to be recorded in the affirmative.

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

The Chair recognizes the gentleman, Mr. Raymond.

Mr. RAYMOND. Thank you, Mr. Speaker.

On SB 375, amendment A0041, I was recorded in the affirmative. I would like to be recorded in the negative.

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

The Chair recognizes the gentleman, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

On SB 375, amendment A0041, the Waugh amendment, I was reported in the affirmative. I would like to be reported in the negative.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 2329, PN 3327 (Amended)

By Rep. CALTAGIRONE

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, providing for the power of police officers to make arrests.

JUDICIARY.

VOTE CORRECTION

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

Mr. BUXTON. Mr. Speaker, on HB 1245, amendment 0354, I inadvertently voted "no." I would like the record to show that I would support the amendment.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I move that this House do now adjourn until Wednesday, March 16, 1994, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:25 p.m., e.s.t., the House adjourned.