

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 13, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 15

### HOUSE OF REPRESENTATIVES

The House convened at 11:05 a.m., e.s.t.

#### THE SPEAKER (MATTHEW J. RYAN) PRESIDING

#### PRAYER

The SPEAKER. Without objection, the prayer from today's special session will be printed in today's regular session Journal.

REV. JAMES J. FERGUSON, Chaplain of the House of Representatives and pastor of Second Presbyterian Church, Carlisle, Pennsylvania, offered the following prayer:

Eternal God, our Heavenly Father, we thank You for this glorious day in our Commonwealth. We ask Your blessing upon this House as it meets to conduct its business.

We lift up to You in prayer the children, the families, of a little town called Dunblane in Scotland and the atrocities that they suffered.

We think of education as well this day, our Father, and pray Your guidance in our deliberations, that Your spirit will lead us into being vessels of blessing for this Commonwealth and its people. We ask it in Your name, Thou who art the kingdom, the power, and the glory forever. Amen.

#### PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the Pledge of Allegiance will be dispensed with.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, March 12, 1996, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The leaves of absence granted in today's special session will also be granted in the regular session.

### MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's special session will also be the master roll call for the regular session.

The Chair hears no objections.

### ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. 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.)

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1973, PN 2430**, with information that the Senate has passed the same without amendment.

### SENATE MESSAGE

#### HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 37, PN 1729**.

### SENATE MESSAGE

#### AMENDED SENATE BILL RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 140, PN 1804**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

**SENATE MESSAGE****AMENDED HOUSE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, returned **HB 1578, PN 3187**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**BILLS SIGNED BY SPEAKER**

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

**HB 1973, PN 2430**

An Act amending the act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act, further providing for the authorization to pledge the proceeds of certain bonds or notes.

**SB 712, PN 1747**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the renaming of the Department of Military Affairs; providing for the issuance of certificates relating to release or discharge and for the use or recycling of office supplies and materials.

Whereupon, the Speaker, in the presence of the House, signed the same.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2453** By Representatives GIGLIOTTI, TRELLO, PESCI, VAN HORNE, PISTELLA, DeLUCA, WALKO, HALUSKA, OLASZ, TANGRETTI, MELIO, MERRY, FAJT, PETTIT and YOUNGBLOOD

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the number of retail licenses to be used in each municipality.

Referred to Committee on LIQUOR CONTROL, March 13, 1996.

**No. 2454** By Representatives MAITLAND, BAKER, BOSCOLA, PETRONE, M. COHEN, LESCOVITZ, TRELLO, SHANER, FICHTER, McCALL and L. I. COHEN

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

Referred to Committee on STATE GOVERNMENT, March 13, 1996.

**No. 2455** By Representatives MAITLAND, FLEAGLE, STISH, DEMPSEY, SATHER, HASAY, LEH, EGOLF, HENNESSEY, MILLER, KENNEY, CORNELL and MCGILL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the use of interior lights; and further providing for the use of sun screening.

Referred to Committee on TRANSPORTATION, March 13, 1996.

**No. 2456** By Representatives TIGUE, CAWLEY, CAPPABIANCA, STABACK, MUNDY, JAROLIN, MAITLAND, ROBINSON, COY, MARKOSEK, HALUSKA, HERSHEY, TRELLO, READSHAW, ITKIN, STEIL, LEH, GODSHALL, CARONE, FAJT, SCRIMENTI, LAUGHLIN, BELFANTI, E. Z. TAYLOR, SHANER, COLAIZZO, FARMER, MELIO, VAN HORNE, McGEEHAN, THOMAS, KAISER, CORRIGAN, FLICK, DeLUCA, McCALL, ADOLPH, SURRA, HENNESSEY, BROWNE, MERRY, LEVDANSKY, YOUNGBLOOD, STEELMAN, L. I. COHEN, STETLER and PETRARCA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing the tax on the lease of a motor vehicle.

Referred to Committee on FINANCE, March 13, 1996.

**No. 2457** By Representatives REBER, DeLUCA, TRELLO, STERN, FICHTER, SATHER, LYNCH, BAKER, OLASZ, STISH, HENNESSEY, CLARK, FARGO, GEIST, SAYLOR, BROWN, VAN HORNE, HALUSKA, FLICK and NICKOL

An act regulating the imposition of fines and penalties upon municipalities and municipal authorities by the Department of Environmental Protection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 13, 1996.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 298** By Representatives GEORGE, OLASZ, HALUSKA, BELARDI, PESCI, GORDNER, READSHAW, BAKER, COY, FARGO, BATTISTO, SATHER, McCALL, KENNEY, HERSHEY, COLAFELLA, SCRIMENTI, S. H. SMITH, ARGALL, ROONEY, GODSHALL, TIGUE and McGEEHAN

A Resolution requesting the Department of Corrections in conjunction with other Commonwealth agencies to conduct a study and issue a report on the use of prison inmate labor along highways and secondary roads and State and municipal park systems in this Commonwealth.

Referred to Committee on RULES, March 13, 1996.

**No. 299** By Representatives CLYMER, PITTS, L. I. COHEN, DiGIROLAMO, TRELLO, SCHRODER, GODSHALL, DRUCE, ROHRER, M. N. WRIGHT, E. Z. TAYLOR, MCGILL, MELIO, RUBLEY, HERSHEY, FICHTER and YOUNGBLOOD

A Resolution supporting the request of the PENJERDEL Council's Clean Air Coalition to the Environmental Protection Agency (EPA) to reclassify the air quality of the Philadelphia Consolidated Metropolitan Statistical Area (PCMSA) from "severe" to "serious" and supporting the coalition's efforts to reach attainment of the National Ambient Air Quality Standard (NAAQS) for ozone by the 1999 date required of areas classified as "serious."

Referred to Committee on RULES, March 13, 1996.

**SENATE BILLS FOR CONCURRENCE**

The clerk of the Senate, being introduced, presented the following bills for concurrence:

**SB 1220, PN 1425**

Referred to Committee on TRANSPORTATION, March 13, 1996.

**SB 1325, PN 1609**

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, March 13, 1996.

**GUESTS INTRODUCED**

The SPEAKER. The Chair welcomes to the hall of the House today, as the guests of Representatives Marsico and Barley, Mr. Forrest Carlough and Greg Verdelli from Lower Dauphin here in Dauphin County. Will the guests please rise; here to the left of the Speaker.

**FORMER MEMBER WELCOMED**

The SPEAKER. The Chair is pleased to call to the attention of the members the presence on the floor of the House of a former member, longstanding member of the House, Mr. Orville Snare from Huntingdon County. Orville.

**CALENDAR**

**RESOLUTION**

Mr. PERZEL called up **HR 263, PN 2932**, entitled:

A Resolution calling for the advancement of the Irish peace process.

On the question,  
Will the House adopt the resolution?

**RESOLUTION RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HR 263 be recommitted to the Committee on Rules.

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

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. HASAY called up **HR 295, PN 3191**, entitled:

A Resolution designating the week of April 15 through 19, 1996, as "Community Banking Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

**YEAS-197**

Adolph	Egolf	Lucyk	Saylor
Allen	Evans	Lynch	Schroder
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Feese	Markosek	Shaner
Barley	Fichter	Marsico	Sheehan
Battisto	Fleagle	Masland	Smith, B.
Bebko-Jones	Flick	Mayernik	Smith, S. H.
Belardi	Gamble	McCall	Snyder, D. W.
Belfanti	Gannon	McGeehan	Staback
Birmelin	Geist	McGill	Stairs
Bishop	George	Melio	Steelman
Blaum	Gigliotti	Merry	Steil
Boscola	Gladeck	Michlovic	Stern
Boyes	Godshall	Micozzie	Stetler
Brown	Gordner	Miller	Stish
Browne	Gruitza	Mundy	Strittmatter
Bunt	Gruppo	Myers	Sturla
Butkovitz	Habay	Nailor	Surra
Buxton	Haluska	Nickol	Tangretti
Caltagirone	Hanna	Nyce	Taylor, E. Z.
Cappabianca	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Thomas	Thomas
Cawley	Haste	Oliver	Tigue
Chadwick	Hennessey	Perzel	Travaglio
Civera	Herman	Pesci	Trello
Clark	Hershey	Petrarca	Trich
Clymer	Hess	Petrone	True
Cohen, L. I.	Horsey	Pettit	Tulli
Cohen, M.	Hutchinson	Phillips	Vance
Colafella	Itkin	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham	Lloyd	Sather	

**NAYS-0**

NOT VOTING-2

Carn Jadlowiec

EXCUSED-4

Farmer Mihalich Pitts Serafini

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

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Mr. BIRMELIN called up **HR 296, PN 3192**, entitled:

A Resolution designating May 21 as "55 Alive/Mature Driving Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Durham	Lloyd	Sather
Allen	Egolf	Lucyk	Saylor
Argall	Evans	Lynch	Schroder
Armstrong	Fairchild	Maitland	Schuler
Baker	Fajt	Major	Scrimenti
Bard	Fargo	Manderino	Semmel
Barley	Feese	Markosek	Shaner
Battisto	Fichter	Marsico	Sheehan
Bebko-Jones	Fleagle	Masland	Smith, B.
Belardi	Flick	Mayernik	Smith, S. H.
Belfanti	Gamble	McCall	Snyder, D. W.
Birmelin	Gannon	McGeehan	Staback
Bishop	Geist	McGill	Stairs
Blaum	George	Melio	Steelman
Boscola	Gigliotti	Merry	Steil
Boyes	Gladeck	Michlovic	Stern
Brown	Godshall	Micozzie	Stetler
Browne	Gordner	Miller	Stish
Bunt	Gruitza	Mundy	Strittmatter
Butkovitz	Gruppo	Myers	Sturla
Buxton	Habay	Nailor	Surra
Caltagirone	Haluska	Nickol	Tangretti
Cappabianca	Hanna	Nyce	Taylor, E. Z.
Carn	Harhart	O'Brien	Taylor, J.
Carone	Hasay	Olasz	Thomas
Cawley	Haste	Oliver	Tigue
Chadwick	Hennessey	Perzel	Travaglio
Civera	Herman	Pesci	Trello
Clark	Hershey	Petrarca	Trich
Clymer	Hess	Petrone	True
Cohen, L. I.	Horsey	Pettit	Tulli
Cohen, M.	Hutchinson	Phillips	Vance
Colafrilla	Itkin	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic

Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker

NAYS-0

NOT VOTING-1

Jadlowiec

EXCUSED-4

Farmer Mihalich Pitts Serafini

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

DISCHARGE RESOLUTIONS

RESOLUTIONS PASSED OVER

The SPEAKER. Page 4 of today's calendar. All of the resolutions on page 4 are over.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 166, PN 140**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Robert Boguski and Rita Boguski certain land situate in the Township of Canaan, Wayne County.

On the question,  
Will the House agree to the bill on third consideration?  
Bill 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-199

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil

Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colafiglia	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rublely	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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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.

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BILL PASSED OVER

The SPEAKER. HB 2091 is over.

**VOTE CORRECTION**

The SPEAKER. Does the gentleman from Allegheny. Mr. Pistella, desire recognition?

Mr. PISTELLA. Yes, Mr. Speaker.

Mr. Speaker, would it be appropriate for me at this time to correct the record on a vote yesterday, or would you prefer that I defer?

The SPEAKER. No; you may go ahead.

Mr. PISTELLA. Thank you.

Mr. Speaker, I am not recorded as having voted on Tuesday, March 12, 1996, on HB 2118. I wish to have my vote recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Are there any other corrections to the record? Are there any announcements?

### GUESTS INTRODUCED

The SPEAKER. At this time, the Chair would like to welcome to the hall of the House Dorothy McGeehan, who is the mother of Representative Mike McGeehan; his two aunts, Mary Kaeppler and Dorothy Simpson; and his cousin, Anne Fota. These four women were good enough to prepare the Irish potatoes that have been placed on each member's desk. They are seated to the left of the Speaker. Would the ladies please rise.

### ST. PATRICK'S DAY PROGRAM

The SPEAKER. Now, last year, if you remember, Brother Corrigan assumed the responsibilities of Speaker pro tem to recognize St. Patrick's Day. This year he has, in the spirit of bipartisanship, suggested that Representative Lynch preside. So at this time I would ask that the gentleman, Mr. Lynch, come to the rostrum to preside temporarily.

We are going to have a brief 15-minute interlude as part of Arts in Education Week – an extension of it, I guess – and during that period of time, I am going to suggest that the doors to the hall be closed. That does not mean that you cannot come in or go out, but for acoustical purposes I am going to ask the Sergeant at Arms to close the doors.

I am going to also ask that the members take their seats. The members and staff will please be seated. Members and staff will please be seated – or remove themselves. I mean, we do not insist that you listen to Irish music, although if you do not, you will never again be recognized, at least for this term.

The Chair at this time turns the gavel over to the gentleman, Mr. Lynch, to preside temporarily over this portion of today's activities.

### THE SPEAKER PRO TEMPORE (JIM LYNCH) PRESIDING

The SPEAKER pro tempore. Thank you, Mr. Speaker.

About a year ago, Joe Paterno was up here with this gavel in his hand, and do you remember what Joe Paterno said? He said, I kind of like it up here; I might stay for a couple of hours. That is how I feel right here.

But seriously, we are here today to celebrate legislatively St. Patrick's Day. Now, St. Patrick's Day will be happening officially when we are not in session, and the Irish caucus voted to celebrate it today as opposed to next Monday, and Speaker O'Ryan has graciously granted us 15 minutes on the House floor to do this celebration.

First, I would like to introduce Division One, Dauphin County Ancient Order of Hibernians. They are sitting in the back; if you gentlemen would please stand. We have Frank McKamey,

Bob Norton, Frank Morris, Richard Newcomb, Eugene Dorgan, Pat O'Meara, Bill McIntyre, and Christopher Norris. Gentlemen, thank you for coming.

Now, you are not going to have to listen to me speak for 15 minutes. What we have is some entertainment for you. You know, most of that applause came from that side of the aisle, too; that is disgusting. But anyway, we do have with us today — and I will introduce them before they come — we are going to start off with a bagpiper, Brian Riley. Now, Brian is the lead piper with the Philadelphia Emerald Society Pipe Band. He competed and placed high at the world competitions in Ireland last year.

Now, joining him through about 10 minutes of entertainment will be the Coyle Irish Dancers, who are Eileen Coyle Henry, who is founder of the dance troop, past world-competition qualifier; Patsy Wrabley, past Massachusetts State champion, has danced at Radio City Music Hall with Frank Patterson; and Bridget Nolan, who qualified to compete in the world competition in Dublin, Ireland, and has danced for Frank Patterson at Carnegie Hall.

Following the dancers and the piper, we are going to have a singer, an Irish tenor, Tom McCloskey, from Bristol, PA. And with that, I will sit down and we will let the entertainment begin. Thank you.

(A musical program was presented.)

Mr. McCLOSKEY. Thank you.

My name is Tom McCloskey. I am a so-called Irish tenor. Today I am representing myself and Bristol Borough, guest of the Honorable Thomas Corrigan, and I thank you all for yielding the rest of the day to me.

With all due respect, I was asked on the way upstairs where my green was, and I went like this — it is in my heart. There was a time in Ireland when the “wearing’ o’ the Green” was against the law. We all suffered discrimination, persecution. There was an ancient song written — many of them are in Ireland — and I would like to do it for you; it reflects that time.

(“The Wearing o’ the Green” was sung by Thomas J. McCloskey.)

Mr. McCLOSKEY. Thank you very much. Thank you. Thank you very much.

And I understand this is for the Speaker of the House.

(“Danny Boy” was sung by Mr. McCloskey.)

Mr. McCLOSKEY. Thank you very much. Thanks very much. Mr. LYNCH. That was worth waiting for.

I want to thank you all, and I want to thank the AOH (Ancient Order of Hibernians) and P. J. McGill and the Coyle dancers and Brian and Tom. I especially want to thank Speaker Ryan for allowing us this 15 or so minutes on the House floor to celebrate what is important to about 40 percent of Pennsylvania heritage. Thank you very much.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

The SPEAKER. The Chair thanks the gentleman, Mr. Lynch, for presiding. And I am disappointed; if Mr. McCloskey had not done that, I intended to do that one myself.

Would the majority leader come to the rostrum.

(Conference held at Speaker’s podium.)

The SPEAKER. After a brief discussion with the majority leader, he has indicated that the majority side is prepared to break until 1:30.

### REPUBLICAN CAUCUS

The SPEAKER. Will the gentleman, Mr. Fargo, advise the Chair whether or not further caucus is needed by the Republican Caucus?

Mr. FARGO. Thank you, Mr. Speaker.

Yes; we will return to caucus immediately upon the recess, immediately upon the call of the recess. I would say that we come back on the floor at 2 o’clock.

The SPEAKER. All right.

### DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Mr. Speaker, there also is a need for a Democratic caucus on the amendments to the education bills that we will be voting on this afternoon.

The SPEAKER. And are you calling that caucus for immediately upon the declaration of the recess?

Mr. COHEN. Yes. Caucus called immediately upon the declaration of the recess.

The SPEAKER. The Chair thanks the gentleman.

Mr. FARGO. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Fargo.

Mr. FARGO. Yes. I just wanted to make certain — I have had questions here — that we understand that that caucus is immediately upon recess.

The SPEAKER. Yes. Both caucuses will meet on the declaration of the recess, and we will return at 2 o’clock, unless sooner recalled by the Speaker.

### GUESTS INTRODUCED

The SPEAKER. Before we leave, filing in the back of the House is a group of young men who are here today as the guests of Representatives Marsico, Tulli, and Sheila Miller. I would like at this time to welcome them to the hall of the House. They are the Lower Dauphin High School football team. They are recognized as the PIAA Class AAAA State finalists. Gentlemen, we are proud of your record, and we are proud to have you here visiting with us on the House floor.

**ANNOUNCEMENT BY MR. FLICK**

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Since this afternoon we will be debating the issue of teacher sabbaticals, I wanted to direct to the attention of the members a packet of information I have provided to each member. It is on your desk. I would request that you look it over during the break. It will help you to ascertain the elements which we will be debating this afternoon. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. Do the Democratic or Republican floor leaders have any further business? Any further announcements? Any corrections of the record? Any meetings to be called?

Hearing none, this House will stand in recess until 2 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(J. SCOT CHADWICK) PRESIDING****SENATE MESSAGE****HOUSE AMENDMENTS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 399, PN 1773**.

**SENATE MESSAGE****AMENDED SENATE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 944, PN 1820**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

**VOTE CORRECTIONS**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Jadlowiec, who indicates that his switch was not operating on the votes on HR's 295 and 296 and that he wishes to be recorded in the affirmative on those two votes.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****HB 2412, PN 3147**

By Rep. WOGAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing school districts of the first class to impose dress codes and require students to wear standard dress or uniforms.

URBAN AFFAIRS.

**BILLS REREPORTED FROM COMMITTEE****HB 216, PN 3223 (Amended)**

By Rep. PITTS

An Act establishing the Office of Physician General; providing for the appointment, term of office and powers and duties of the Physician General and for the Secretary of Health; making an appropriation; and making repeals.

APPROPRIATIONS.

**HB 2217, PN 3186**

By Rep. PITTS

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, defining "advertisement" and "advertiser"; and providing for certain forms of advertisement and for limitations.

APPROPRIATIONS.

**HB 2336, PN 3132**

By Rep. PITTS

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Exton Bypass as a scenic byway.

APPROPRIATIONS.

**HB 2393, PN 3224 (Amended)**

By Rep. PITTS

An Act amending Titles 18 (Crimes and Offenses) and 54 (Names) of the Pennsylvania Consolidated Statutes, requiring the Pennsylvania State Police to receive notification when the court orders a change of name for a person with a criminal record; and regulating change of name after conviction of a felony.

APPROPRIATIONS.

**REPORT OF  
COMMITTEE ON COMMITTEES**

The SPEAKER pro tempore. The clerk will read the following supplemental report from the Committee on Committees.

The following report was read:

March 13, 1996

## REPORT OF COMMITTEE ON COMMITTEES

Joe Conti is appointed to:  
Finance Committee vacancy

George C. Hasay, Chairman  
Committee on Committees

On the question,  
Will the House adopt the resolution?  
Resolution was adopted.

## BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be removed from the tabled calendar:

HB 2240;  
HB 2312;  
HB 2313;  
HB 2314;  
SB 801; and  
SB 1047.

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

## BILLS RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 2240;  
HB 2312;  
HB 2313;  
HB 2314; and  
SB 801.

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

## GUEST INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome Darla Herr to the House today. She is here as a guest of Representative Frank Tulli, Jr., of Dauphin County. She is serving as a guest page and is the 1995-96 State president of the Pennsylvania FFA (Future Farmers of America) Association. Darla, welcome to the hall of the House.

## SUPPLEMENTAL CALENDAR A

## BILLS ON SECOND CONSIDERATION

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

**HB 216, PN 3223; HB 2393, PN 3224; HB 2217, PN 3186; and HB 2336, PN 3132.**

## CALENDAR CONTINUED

## BILLS ON THIRD CONSIDERATION

## BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Return to page 1 of today's calendar, HB 1031, PN 3178.

HB 1031 will go over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 1834, PN 3181**, entitled:

An Act providing for the establishment of charter schools; providing for powers and duties of the Secretary of Education and the State Board of Education; providing for payments to charter schools; and requiring certain reports and recommendations.

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

Mr. EGOLF offered the following amendment No. **A0784**:

Amend Sec. 3, page 3, by inserting between lines 19 and 20 "Charter school review board" or "review board." An independent State board established by the Governor to hear appeals from local school board decisions concerning charters and complaints from charter school constituents concerning violations of the charter. The board shall be composed of five members appointed by the Governor with the Secretary of Education serving as the Chairman. The board shall include at least one member from higher education, one member from the State Board of Education and one member from the business community. Members shall not be employees or members of the board of directors of a school entity. The Department of Education shall provide the necessary staff assistance to the board.

Amend Sec. 4, page 7, line 2, by striking out "secretary" and inserting

review board

Amend Sec. 4, page 7, lines 10 through 30; page 8, lines 1 through 30; page 9, lines 1 through 14, by striking out all of said lines on said pages and inserting

(g) Appeals to the Charter School Review Board.—

(1) The review board shall review an appeal by a charter school applicant or by the board of trustees of an existing charter school of a decision made by the local board of directors not to grant, not to renew or to revoke a charter as provided in this section. In any appeal the review board shall review the written record of the decision-making process that led to the decision of the local board of education and shall consider the reasons of the local board of education in making its decision. The review board shall have the



discretion to allow the local board of education and the charter school applicant to supplement the record.

(2) Not later than 30 days after receipt of the appeal, the review board shall provide reasonable written notice of and hold the review of the record to consider granting the charter school application, the renewal of a charter or the revocation of a charter.

(3) Not later than 30 days following the review of the record conducted pursuant to paragraph (1), the review board shall issue a written decision granting or denying the application, the revocation or the renewal of the charter or remanding the issue to local board of school directors for further review. The written decision shall state the reasons for granting or denying the application, the revocation or the renewal of the charter or remanding the issue to the local board of education for further review. The review board may make recommendations to the local board of school directors concerning a remanded application. A copy of the review board's decision shall be provided to the charter school applicant and the board of the charter school. Within 30 days following the remand of an application to the local board of education and after reasonable public notice pursuant to the Sunshine Act, the local board of school directors, at a public meeting, shall reconsider its decision and make a final decision. A copy of the local board of school directors' final decision shall be provided to the board of trustees of the charter school and the secretary.

(4) If the review board determines that the charter should not be revoked or should be renewed, the review board shall give reasonable notice of the decision to the local board of school directors and the board of trustees of the charter school.

(5) All decisions of the secretary shall be subject to 2 Pa.C.S. (relating to administrative law and procedure).

Amend Sec. 18, page 21, line 7, by inserting after "of"  
up to

Amend Sec. 18, page 21, line 10, by inserting after "teachers,"  
up to

Amend Sec. 18, page 21, lines 16 through 19, by striking out "If the individual or group which" in line 16 and all of lines 17 through 19

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN TEMPORARILY

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

The gentleman, Mr. Egolf, temporarily withdraws amendment A0784 and instead offers the following amendment, which the clerk will read.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. EGOLF offered the following amendment No. A0785:

Amend Sec. 3, page 3, by inserting between lines 19 and 20 "Charter School Review Board" or "review board." An independent State board established by the Governor to hear appeals from local school board decisions concerning charters and complaints from charter school constituents concerning violations of the charter. The board shall be composed of five members appointed by the Governor with the Secretary of Education serving as the chairman. The Governor shall solicit recommendations for membership on the board from the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives, or the President pro tempore of the Senate and

the Minority Leader of the Senate and the Speaker of the House of Representatives and the Minority Leader of the House of Representatives. Members shall not be employees or members of the board of directors of a school entity. The Department of Education shall provide the necessary staff assistance to the board.

Amend Sec. 4, page 7, line 2, by striking out "secretary" and inserting

review board

Amend Sec. 4, page 7, lines 10 through 30; page 8, lines 1 through 30; page 9, lines 1 through 14, by striking out all of said lines on said pages and inserting

(g) Appeals to the Charter School Review Board.—

(1) The review board shall review an appeal by a charter school applicant or by the board of trustees of an existing charter school of a decision made by the local board of directors not to grant, not to renew or to revoke a charter as provided in this section. In any appeal the review board shall review the written record of the decision-making process that led to the decision of the local board of education and shall consider the reasons of the local board of education in making its decision. The review board shall have the discretion to allow the local board of education and the charter school applicant to supplement the record.

(2) Not later than 30 days after receipt of the appeal, the review board shall provide reasonable written notice of and hold the review of the record to consider granting the charter school application, the renewal of a charter or the revocation of a charter.

(3) Not later than 30 days following the review of the record conducted pursuant to paragraph (1), the review board shall issue a written decision granting or denying the application, the revocation or the renewal of the charter or remanding the issue to local board of school directors for further review. The written decision shall state the reasons for granting or denying the application, the revocation or the renewal of the charter or remanding the issue to the local board of education for further review. The review board may make recommendations to the local board of school directors concerning a remanded application. A copy of the review boards' decision shall be provided to the charter school applicant and the board of the charter school. Within 30 days following the remand of an application to the local board of education and after reasonable public notice pursuant to the Sunshine Act, the local board of school directors, at a public meeting, shall reconsider its decision and make a final decision. A copy of the local board of school directors' final decision shall be provided to the board of trustees of the charter school and the secretary.

(4) If the review board determines that the charter should not be revoked or should be renewed, the review board shall give reasonable notice of the decision to the local board of school directors and the board of trustees of the charter school.

(5) All decisions of the secretary shall be subject to 2 Pa.C.S. (relating to administrative law and procedure).

Amend Sec. 18, page 21, line 7, by inserting after "of"  
up to

Amend Sec. 18, page 21, line 10, by inserting after "teachers,"  
up to

Amend Sec. 18, page 21, lines 16 through 19, by striking out "If the individual or group which" in line 16 and all of lines 17 through 19

On the question,

Will the House agree to the amendment?

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

Mr. EGOLF. Thank you, Mr. Speaker.

What this amendment does is make a board of appeal, and this is the preferred way to do this for appeals for charter schools. This is preferred by the administration.

I would just like to give a little bit of a background on the need for an appeal process for charter schools.

The States that are considered to have strong charter school laws all have a method for appeal. The States that have what are considered weak charter school laws, and which as a consequence do not have very many charter schools, do not have a process for appeal beyond the local school board. The reasoning for this is that in many cases the local school boards will just reject out of hand any applications for charter schools because they do not want to go through the process, in many cases, whereas if they know that there is a chance that they may be overruled, they will take it more seriously, and that has proven to be the case in the States that have charter school laws.

Now, it can be argued that in this bill now, as it was amended in the Appropriations Committee, there is a process. What it is, is if the local board rejects an application, it goes to the Secretary of Education, who then can refer it back or can call for a referendum at the local level, and then it puts it up to the people to vote on it, and this on the surface looks good.

Mr. Speaker, could we have a little attention to this? It is a very serious bill, I think.

The SPEAKER pro tempore. The gentleman, Mr. Egolf, is correct. This is a matter of some importance, and the noise in the hall of the House is too loud.

Members will please take their seats. Conversations in the side aisles will please break up.

The gentleman is in order.

Mr. EGOLF. Thank you, Mr. Speaker.

As I was saying, it may look that this is a good way to go, is to have an appeal essentially go back to the people in the form of a referendum. However, this has not been done in any other States, so it really has not been tested. But it is felt that what this is going to do is politicize the whole process, and you are liable to end up with, for instance, the teachers union taking sides on this and fighting with the school board or other groups that want to have charter schools, and it is going to be a very cumbersome process, when, really, the idea is just to have a procedure in there that will cause the school boards to take an application for a charter school seriously. There have been very few occasions when a Secretary of Education has had to make a decision to overrule a local board. It is hardly ever going to happen, but the fact that it is there would cause the school board to take them more seriously.

In the case of my amendment, what this would do is still take it out of the hands of the Secretary of Education making the decision. It would put it in the hands of a board of appeals, and this board would consist of five members appointed by the Governor who would take recommendations from the legislature, from the majority and minority chairmen of the Education Committee in both the House of Representatives and the Senate. So it would be a board of appeals but not be in the hands of one individual, the Secretary of Education, as a lot of opponents have said this would essentially make the Secretary of Education an education czar and give him too much power. So this does not do that, but it does have a board that can consider these appeals rather than the cumbersome process of having a referendum.

So that is essentially what my amendment does. I would just like to add also, if we keep this as it presently is with a referendum,

this is going to cost some money to the local county, so essentially, when the Secretary orders a referendum, it is going to have an unfunded mandate on the local county. So consider that when you are voting on this. This, having the appeals board, would eliminate that mandate on the local counties. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I certainly appreciate the amendment offered by Representative Egolf, the importance of having an appeal process. That is a very important part of the charter schools, and I certainly support an appeal process, but I do oppose his amendment.

The reason I oppose his amendment is that the bill in front of us, HB 1834, allows for, I think, a very effective and very democratic appeal process. In other words, if a school board turns down a charter application, the recourse for the people seeking a charter would go to the voters of that community, the voters of that school district, and in a democratic fashion, the voters will decide whether or not to have a charter. Unfortunately, the amendment that was just offered takes away the democratic process and takes it out of the local effort of the community. It gives it to the State.

We are creating a new State bureaucracy in a time when I think most of the legislators, other legislators in other States, are looking at ways to cut mandates and reduce State bureaucracy. A State board, a bureaucratic board in Harrisburg, would determine the fate of a local school district upon their charter application, and I think this is wrong. I ask you, what is more democratic, having the local people vote on a referendum issue when they are doing their regular balloting in the spring or the fall elections and decide whether or not they want to have a charter in their school district, or should we let a board, a bureaucratic board in Harrisburg, arbitrarily decide for the people in our district that, yes, you are going to have a charter school or, no, you are not going to have a charter school?

I think this is a local matter versus a State matter, and I hope that we would side with our local constituents rather than a State bureaucracy. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I want to join Representative Stairs in opposing this amendment.

When the House Education Committee worked on the charter school bill, we considered these issues very carefully and we tried to be careful to preserve the principle of local control, and we specifically rejected the idea that somebody in Harrisburg, whether it was an individual or a group in Harrisburg, should be able to impose on any school district and its taxpayers the requirement to help fund a charter school. We said that decision was best left to the local school board, and with the amendment that was approved in the Appropriations Committee, there is an appeal process that ultimately leaves the decision to the voters in the school district. That is as it should be.

The amendment before us represents an erosion of local control and creates the likelihood that somebody in Harrisburg — in this case, this new charter school review board — will make decisions that may be contrary to the will of the local board and its taxpayers but nonetheless impose on them the responsibility to pay for this charter school.

We should not accept that. That is a violation of the local control principles that we have tried to establish in this legislation. I urge that we defeat the amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Egolf, wish to be recognized again? The gentleman is in order and may proceed.

Mr. EGOLF. Thank you, Mr. Speaker.

I would just like to sort of respond to a couple of those concerns.

This still is a local issue. It is still a local issue. It is considered by the local school board. All this is, is just to give the opportunity, in the event they disapprove of a charter, to have somebody else look at it, and in the process, because there is somebody else going to be looking at it, they will hopefully consider, on the first time through, they will consider the charter school rather than just disapproving it out of hand.

Now, the School Boards Association is in favor of this. They would rather have this than have the referendum. They are afraid that the referendum at the local level is going to become politicized. They prefer this board of appeals. They are also concerned that the local board, the school board, knowing that after they go through maybe a number of meetings, months of this process of considering a charter school application, at the end of that, it is just going to be put up to the local voters anyway, that they may just decide not to go through the agonizing process and say, let us just leave it up to the voters, and they will not consider the merits of the charter school and just pass it on through. These are the concerns of the School Boards Association, so I pass that on for your consideration also. Thank you.

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

The following roll call was recorded:

YEAS-30

Armstrong	Flick	Maitland	Sheehan
Browne	Gannon	Markosek	Smith, B.
Clark	Habay	Marsico	Strittmatter
Dempsey	Hutchinson	Masland	Taylor, J.
Dent	King	McGill	True
Egolf	Lawless	Pettit	Waugh
Feese	Leh	Rohrer	Zimmerman
Fleagle	Lynch		

NAYS-168

Adolph	Donatucci	Lloyd	Saylor
Allen	Druce	Lucyk	Schroder
Argall	Durham	Major	Schuler
Baker	Evans	Manderino	Scrimenti
Bard	Fairchild	Mayernik	Semmel
Barley	Fajt	McCall	Shaner
Battisto	Fargo	McGeehan	Smith, S. H.
Bebko-Jones	Fichter	Melio	Snyder, D. W.
Belardi	Gamble	Merry	Staback
Belfanti	Geist	Michlovic	Stairs
Birmelin	George	Miller	Steelman
Bishop	Gigliotti	Mundy	Steil
Blaum	Gladeck	Myers	Stern
Boscola	Godshall	Nailor	Stetler
Boyes	Gordner	Nickol	Stish
Brown	Gruitza	Nyce	Sturla
Bunt	Gruppo	O'Brien	Surra
Butkovitz	Haluska	Olasz	Tangretti

Buxton	Hanna	Oliver	Taylor, E. Z.
Caltagirone	Harhart	Perzel	Thomas
Cappabianca	Hasay	Pesci	Tigue
Carn	Haste	Petrarca	Travaglio
Carone	Hennessey	Petrone	Trello
Cawley	Herman	Phillips	Trich
Chadwick	Hershey	Pistella	Tulli
Civera	Hess	Platts	Vance
Clymer	Horsely	Preston	Van Horne
Cohen, L. I.	Itkin	Ramos	Veon
Cohen, M.	Jadlowiec	Raymond	Vitali
Colafella	James	Readshaw	Walko
Colaizzo	Jarolin	Reber	Washington
Conti	Josephs	Reinard	Williams
Cornell	Kaiser	Rieger	Wogan
Corpora	Keller	Roberts	Wozniak
Corrigan	Kenney	Robinson	Wright, D. R.
Cowell	Kirkland	Roebuck	Wright, M. N.
Coy	Krebs	Rooney	Yewcic
Curry	Kukovich	Rublely	Youngblood
Daley	LaGrotta	Rudy	Zug
DeLuca	Laughlin	Sainato	
Dermody	Lederer	Santoni	Ryan,
DeWeese	Lescovitz	Sather	Speaker
DiGirolamo	Levdansky		

NOT VOTING-1

Micozzie

EXCUSED-4

Farmer                      Mihalich                      Pitts                      Serafini

Less than the majority having voted in the affirmative, 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?

The SPEAKER pro tempore. Does the gentleman, Mr. Egolf, intend to offer his second amendment? The gentleman withdraws the amendment. The Chair thanks the gentleman.

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

Mr. STURLA offered the following amendment No. A0787:

- Amend Sec. 4, page 5, line 12, by striking out "a" and inserting at least one
- Amend Sec. 4, page 5, line 14, by inserting after "Act."
- At least 30 days must transpire between the first public hearing and the final decision of the board on the charter application.
- Amend Sec. 4, page 5, line 16, by striking out "30" and inserting 60
- Amend Sec. 3, page 5, line 16, by inserting after "the" first
- Amend Sec. 4, page 7, line 4, by striking out "another" and inserting at least one additional
- Amend Sec. 4, page 7, line 6, by striking out "15" and inserting 30

Amend Sec. 21, page 23, line 21, by removing the period after "Act" and inserting

, after the public has had 30 days to provide comments to the board.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, basically what this amendment does is correct what I believe is a problem with the timeframe for which these hearings are set out to either approve or disapprove of a charter school. The way the bill is currently drafted, it is quite possible that somebody puts an application before a local school board; the next day the 2-week notice is posted, as is required by State law; 2 weeks later a hearing is held, one hearing and only one hearing which is required by the bill as currently drafted; and that evening, after the hearing is over, the school board votes yes or no.

Now, I believe we should try and make things as expedient as possible, but giving that short a period of time for something that has as great a potential as a charter school — and I believe there is great potential for charter schools in Pennsylvania — I do not think serves anyone. So what I have set out to do in this amendment is to insure that there is at least 30 days for discussion and that there is a reasoned and rational approach to going through these sets of hearings and the ability for more than one hearing, because as prescribed in this bill, there is actually only the opportunity for one hearing. If there is a need for more, I believe that opportunity should be granted, and I believe everybody should be given the opportunity to make the full argument necessary in some cases to convince a community that this will be good for their community.

So I would hope that I could get the members' support on this amendment. I believe it will be good for charter schools and good for Pennsylvania.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I would encourage the members to support this amendment. This makes some technical changes and makes it a better bill, so I appreciate your support.

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

Mr. COWELL. Mr. Speaker, I urge we support the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-180

Allen	Evans	Lynch	Saylor
Argall	Fairchild	Maitland	Schuler
Armstrong	Fajt	Major	Scrimenti
Baker	Fargo	Manderino	Semmel
Bard	Fichter	Markosek	Shaner
Barley	Fleagle	Marsico	Smith, B.
Battisto	Gamble	Masland	Smith, S. H.
Bebko-Jones	Gannon	Mayernik	Snyder, D. W.
Belardi	Geist	McCall	Staback
Belfanti	George	McGeehan	Stairs

Birmelin	Gigliotti	Melio	Steelman
Bishop	Gladeck	Merry	Stern
Boscola	Godshall	Michlovic	Stetler
Boyes	Gordner	Micozzie	Stish
Brown	Gruitza	Miller	Strittmatter
Browne	Gruppo	Mundy	Sturla
Bunt	Habay	Myers	Surra
Butkovitz	Haluska	Nailor	Tangretti
Buxton	Hanna	Nickol	Taylor, E. Z.
Caltagirone	Hasay	O'Brien	Taylor, J.
Cappabianca	Haste	Olasz	Thomas
Carn	Hennessey	Oliver	Tigue
Carone	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Clark	Horsey	Petrone	True
Clymer	Itkin	Pettit	Tulli
Cohen, M.	Jadlowiec	Phillips	Vance
Colafella	James	Pistella	Van Horne
Colaizzo	Jarolin	Platts	Veon
Cornell	Josephs	Preston	Vitali
Corpora	Kaiser	Ramos	Walko
Corrigan	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Waugh
Coy	King	Rieger	Williams
Curry	Kirkland	Roberts	Wogan
Daley	Krebs	Robinson	Wozniak
DeLuca	Kukovich	Roebuck	Wright, D. R.
Dempsey	LaGrotta	Rohrer	Wright, M. N.
Dent	Laughlin	Rooney	Yewcic
Dermody	Lederer	Rubley	Youngblood
DeWeese	Leh	Rudy	Zimmerman
DiGirolamo	Lescovitz	Sainato	
Donatucci	Levdansky	Santoni	Ryan,
Druce	Lloyd	Sather	Speaker
Durham	Lucyk		

NAYS-18

Adolph	Egolf	Lawless	Schroder
Blaum	Feese	McGill	Sheehan
Civera	Flick	Nyce	Steil
Cohen, L. I.	Harhart	Reinard	Zug
Conti	Hutchinson		

NOT VOTING-1

Raymond

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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The majority having voted in the affirmative, 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. STURLA offered the following amendment No. A0786:

Amend Sec. 3, page 3, lines 23 and 24, by striking out all of said lines  
Amend Sec. 8, page 12, line 13, by striking out "program"

Amend Sec. 12, page 15, by inserting between lines 18 and 19  
 (b) Members of local school boards.—No member of a local board  
 of school directors shall serve on the board of trustees of a charter school  
 that is located in the member's district.

Amend Sec. 12, page 15, line 19, by striking out "(b)" and inserting  
 (c)

Amend Sec. 16, page 19, line 15, by inserting after "charter"  
 school

Amend Sec. 18, page 21, line 12, by striking out ". The" and  
 inserting

; the

Amend Sec. 18, page 21, line 13, by striking out "a representative  
 of the secretary and a representative" and inserting  
 two members

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

The SPEAKER pro tempore. On that question, the Chair  
 recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, again, this has four tiny, little parts, two of which  
 are just purely technical. One just simply adds a paragraph which  
 does not allow for any conflict of interest between a board member  
 and somebody who is a trustee on a charter school. The final one  
 is in making sure that when there is an appeals process, right now  
 it provides for a representative of the Secretary to be on the first  
 appeal process, and that if that fails, that appeal would then go to  
 the Secretary, and I think it would just clean this up by saying that  
 we have board members instead of a representative of the Secretary  
 who appeals the Secretary. I think it is a much cleaner way to do  
 this, and it still gives the Secretary the ultimate and final ruling on  
 this, without the potential conflict in between there.

I appreciate an affirmative vote.

The SPEAKER pro tempore. Does the gentleman, Mr. Cowell,  
 seek recognition ?

Mr. COWELL. Mr. Speaker, I would urge we support the  
 amendment.

The SPEAKER pro tempore. Does the gentleman, Mr. Stairs,  
 seek recognition ? The Chair recognizes the gentleman.

Mr. STAIRS. Likewise, another technical change, and I  
 certainly support this amendment. Thank you.

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

The following roll call was recorded:

YEAS—181

Allen	Durham	Maitland	Schuler
Argall	Evans	Major	Scrimenti
Armstrong	Fairchild	Manderino	Semmel
Baker	Fajt	Markosek	Shaner
Bard	Fargo	Marsico	Smith, B.
Barley	Fichter	Masland	Smith, S. H.
Battisto	Fleagle	Mayernik	Snyder, D. W.
Bebko-Jones	Gamble	McCall	Staback
Belardi	Gannon	McGeehan	Stairs
Belfanti	Geist	Melio	Steelman
Birmelin	George	Merry	Steil
Bishop	Gigliotti	Michlovic	Stern
Blaum	Godshall	Miller	Stetler
Boscola	Gordner	Mundy	Stish
Boyes	Gruitza	Myers	Strittmatter

Brown	Gruppo	Nailor	Sturla
Bunt	Habay	Nickol	Surra
Butkovitz	Haluska	Nyce	Tangretti
Buxton	Hanna	O'Brien	Taylor, E. Z.
Caltagirone	Hasay	Olasz	Taylor, J.
Cappabianca	Haste	Oliver	Thomas
Carn	Herman	Perzel	Tigue
Carone	Hershey	Pesci	Travaglio
Cawley	Hess	Petrarca	Trello
Chadwick	Horsey	Petrone	Trich
Clark	Itkin	Pettit	True
Clymer	Jadlowiec	Phillips	Tulli
Cohen, L. I.	James	Pistella	Vance
Cohen, M.	Jarolin	Platts	Van Horne
Colafella	Josephs	Preston	Veon
Colaizzo	Kaiser	Ramos	Vitali
Cornell	Keller	Readshaw	Walko
Corpora	Kenney	Reber	Washington
Corrigan	King	Rieger	Waugh
Cowell	Kirkland	Roberts	Williams
Coy	Krebs	Robinson	Wogan
Curry	Kukovich	Roebuck	Wozniak
Daley	LaGrotta	Rohrer	Wright, D. R.
DeLuca	Laughlin	Rooney	Wright, M. N.
Dempsey	Lederer	Rubley	Yewcic
Dent	Leh	Rudy	Youngblood
Dermody	Lescovitz	Sainato	Zimmerman
DeWeese	Levdansky	Santoni	
DiGirolamo	Lloyd	Sather	Ryan,
Donatucci	Lucyk	Saylor	Speaker
Druce	Lynch	Schroder	

NAYS—18

Adolph	Feese	Hutchinson	Raymond
Browne	Flick	Lawless	Reinard
Civera	Gladeck	McGill	Sheehan
Conti	Harhart	Micozzie	Zug
Egolf	Hennessey		

NOT VOTING—0

EXCUSED—4

Farmer	Mihalich	Pitts	Serafini
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The majority having voted in the affirmative, 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 ?

The Chair recognizes the gentleman, Mr. Stairs.  
 Mr. STAIRS. Thank you, Mr. Speaker.  
 As we are about to vote on this very historic piece of  
 legislation, I just want to say one very brief comment.

Secretary of Education Riley in Washington said, and I am  
 quoting him: "This is a promising new vehicle to raise academic  
 standards, empower educators, involve parents, and boost  
 accountability."

I am looking forward to Pennsylvania joining the other 20 States who have charter schools, and with the local effort between school boards and community leaders, educators, parents, changing education in the Commonwealth, so I really appreciate your support in a very important educational reform measure. Thank you, Mr. Speaker.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, nobody should be misled to believe that charter schools are a panacea with respect to public education, but the passage of this legislation in Pennsylvania can be another important tool for parents and educators and other taxpayers in communities across the State to create different kinds of public schools in their communities. With the consent of their local school board — and as I said earlier, we have been careful to preserve local control in this matter — but with the consent of local school boards, we can see groups of parents and teachers, and perhaps universities and museums and other not-for-profit organizations, bring forward proposals to create public schools in some communities across this State that will operate a bit differently, serve the needs of children a bit differently, but each in their own way be responsive, more responsive to some of the citizens and the students in various areas across the Commonwealth. This is an important new option that we will give to parents and educators and taxpayers and our local school boards.

I want to commend all the members of the Education Committee under Jess Stairs' leadership who have worked hard on this to craft a bill that I think will enjoy nearly unanimous support in this chamber, and I urge that all of us do vote for it. Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

YEAS—199

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feeze	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio

Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colaella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham			

NAYS—0

NOT VOTING—0

EXCUSED—4

Farmer	Mihalich	Pitts	Serafini
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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.

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 2186, PN 2760.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1031, PN 3178, 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 sabbatical leaves and for rights during a leave of absence.

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

Mr. FLICK offered the following amendment No. A0797:

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

; and providing for professional leaves of absence.

Amend Bill, page 3, lines 9 through 30; pages 4 and 5, lines 1 through 30; page 6, lines 1 through 8, by striking out all of said lines on said pages and inserting

Section 1. Section 522 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 29, 1965 (P.L.255, No.147), is amended to read:

Section 522. Payments of Salaries of Professional Employees Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.—Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign country or territory or possession of the United States of America.

Any professional employe, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employe's length of service, the right to receive increments as provided by law, and the right to make contributions as a member of the School Employees' Retirement Fund and continue his or her membership therein, [the right to service credits toward the time necessary for a sabbatical leave,] and the right to accumulate days of leave on account of illness or accidental injury.

Section 2. Section 1166 of the act is repealed.

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

Section 1166.1. Professional Leaves of Absence.—(a) As used in this section, the following words will have the following meanings:

"Employe organization" shall mean an employe organization as defined in section 1101-A of this act.

"School entity" shall mean a school entity as defined in section 1101-A of this act.

(b) The board of directors of any school entity located in this Commonwealth shall adopt policies for the granting of professional leaves for reasons of professional improvement or health. Such policy may, only with the approval of a majority of board members, be a subject of bargaining between the school entity and an employe organization.

Section 1166.2. Retention of Right to Professional Leave.—Nothing in this amendatory act shall be deemed to abridge or abrogate the entitlement of any person to a grant of professional leave of absence for professional improvement or health in accordance with the former provisions of sections 1166, 1167, 1168, 1169, 1170 and 1171 of this act if that person has completed ten (10) years of satisfactory service in the public school system of this Commonwealth, and at least five (5) consecutive years of that service have been in the school district from which the leave is sought, where both of such periods are completed before July 1, 1996.

Section 4. Sections 1167, 1168, 1169, 1170 and 1171 of the act are repealed.

Section 5. Section 1178(d) of the act is amended to read:

Amend Sec. 3 (Sec. 1178), page 6, line 14, by inserting a bracket after "LEAVE." where it appears the first time

Amend Sec. 3 (Sec. 1178), page 6, line 14, by inserting brackets before and after "SABBATICAL" and inserting immediately thereafter  
professional

Amend Bill, page 6, lines 14 through 20, by striking out the bracket after "LEAVE." in line 14, all of lines 15 through 20 and inserting

Section 6. This act shall apply only to any bargaining agreement taking effect on or after July 1, 1996. Bargaining agreements which took effect before July 1, 1996, shall be enforced in accordance with sections 1166, 1167, 1168, 1169, 1170 and 1171 of the act until such agreements expire.

Amend Sec. 5, page 6, line 21, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

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

Mr. FLICK. Thank you, Mr. Speaker.

The amendment before you, A0797, is an amendment I have been working on for the past several weeks. The legislation which is before you today, the issue of teacher sabbaticals, is an issue I have been working on for several years, as well have many of the members in this chamber.

Mr. Speaker, I appreciate the chair of the Education Committee, Representative Stairs, and the chair of the Subcommittee on Basic Education, Representative Schuler, for agreeing to push the proposal through of whether or not we are going to reform the issue of teacher and professional employee sabbaticals.

Under the present law and under the PSEA (Pennsylvania State Education Association) amended proposal, the local school board has little choice in the matter of sabbatical leaves of absence for professional employees. State law mandates this benefit solely on the basis of experience rather than on merit or on need or whether it provides any value to the educational program or, more importantly, to the students. Because of the current State mandate and subsequent case law, school boards are unable to insure that sabbaticals actually benefit the educational process.

As long as professional employee sabbatical leaves of absence remain in the Public School Code, the teachers' associations will continue to echo throughout the Commonwealth, it is easier to legislate in Harrisburg than it is to negotiate with local school districts. And as long as professional employee sabbatical leaves of absence remain in the Public School Code, local school districts will continue to pay without having any say in the matter.

The original language of the bill would remove the entire entitlement to sabbatical leaves of absence from the School Code and allow school boards to grant leaves for professional improvement or for health reasons only. School boards would deal with the issue of leaves through policy or, if they choose to do so, through collective bargaining. That provision is in my amendment, Mr. Speaker.

Only by removing the entitlement from the School Code can we effectively support our local school districts and our taxpayers. While the current language purports to eliminate travel sabbaticals, it does so in name only. A professional school employee would still be able to take what is in essence a travel sabbatical if they can show it is, and I quote, "reasonably related to their professional responsibilities." That is a very large loophole, Mr. Speaker.

The only difference is that under the bill's current language, it would be called a study sabbatical. The same goes for so-called terminal sabbaticals. These are sabbaticals which are taken where an employee is suspended or terminated or, in some cases, retires. In reality, school boards often are forced to give these leaves because the courts have ruled that once a person has served the requisite amount of time, they are entitled to a sabbatical leave, regardless of any other employment conditions that exist.

Essentially the PSEA amendment contained in the present bill preserves current law, including all judicial interpretations.

The automatic entitlement to sabbaticals is one of the costliest requirements imposed on public schools and a clear example of a mandate initially granted by the General Assembly for good purposes but retained today without good cause. Clearly, this entitlement has been retained despite dramatic changes in educational opportunities and compensation for professional employees since its enactment.

Further, the sabbatical entitlement causes school boards to spend tax dollars with no guarantee of enhanced performance upon the employee's return from leave. In addition, when the students must adjust to temporary instructors potentially several times during their years, the resulting long-term disruptions in the continuity of instruction cannot be calculated in dollars and cents.

Clearly, concern with this entitlement has not only been voiced loud and clear by the school districts but by taxpayers as well.

Return control over sabbaticals to elected school directors, allow decisions to be made at the local level, and by doing so, enhance the accountability of the public school system. Locally elected school directors understand their districts and can develop policies which meet local educational needs.

The discussion on this issue really centers on whether this chamber wants to prolong a State mandate of benefit to a group of employees who already enjoy the following benefits that are mandated by the law, mandated by the State: tenure, minimum salary, bereavement leave, retirement health care, a work year of 180 days, restrictions on furloughing, job retention rights for other types of leaves, 10 sick days a year accumulated indefinitely and transferable. These are all State mandates. Some might say these are all unfunded State mandates. If in fact the State funding to the local districts does not increase this year, we will be compounding a problem that already exists.

Numerous other benefits are generally granted through local collective bargaining: yearly salary increases; leave for union-related purposes; tuition and travel reimbursement; retirement bonuses for unused sick leave; disability, jury duty, and personal/emergency leave; health, dental, vision, prescription, and life insurance; advancement on the salary schedule for graduate credits; income protection, severance pay, and liability insurance.

This entitlement, Mr. Speaker, was created in the session of 1937, and I have distributed to each of the members a packet which will support the issues and the points which I raise today. It was Act No. 481, and it was introduced on March 17, 1937. It was passed through the Senate in 10 days, went to the House, was sent to the Education Committee May 18, was reported out and approved by the House June 4. It was concurred in in House amendments by the Senate on June 4, and it was signed into law July 1 by then Governor Earle. Less than 3 months it took.

The act when originally created indicated that after 10 years of satisfactory service, an individual would be entitled to a leave of absence, and the law provides, and still does provide, Mr. Speaker, that "No leave of absence shall be granted unless such person shall agree to return to his or her employment with the school district for a period of not less than one year after such leave of absence."

Now, in 1937 when this originally was placed in the School Code, and which my amendment would repeal from the School Code, the person on leave of absence would receive only the difference between his or her regular salary and the salary paid to any substitute teacher. An amendment was adopted during that session which provided that in the event the difference between the salary of the full-time teacher who was taking a sabbatical and the

salary of the substitute teacher exceeded \$1,600, the balance of the difference would go to the school treasury.

There is also provided in the School Code, and continues in the School Code since 1937, a provision that no school district shall limit the number of leaves of absence granted in any school year to less than 10 percent of the number of persons eligible for such leave of absence. In any given school year, up to 10 percent of the professional employees, teachers and other professional employees, could request a sabbatical leave and would have to be granted a sabbatical leave by the school board based on the entitlement that is in the School Code, the past practices, arbitrator decisions, and court decisions.

The original law in 1937 provides that "...during the period of said leave, the Commonwealth shall pay to the school district" — and it is still contained in the School Code — "the Commonwealth shall pay to the school district for each member of the teaching and supervisory staff thereof, who is on sabbatical leave of absence, the same per centum or share of salary provided for by law, as if the employe was in regular daily full-time attendance in the position from which the sabbatical leave of absence was taken..."

Mr. Speaker, I have shared with you and the members of the House some of the debate that took place on both May 25 and June 4 of 1937, and I would only reference portions of the debate.

A Mr. Brownfield, who was supporting the bill, indicated that "...it would not cost the school district a dollar." Mr. Harkins said, "If these school districts were private corporations it would be a different situation, but we are now forcing an extra burden upon the real estate owners, upon the taxpayers who support the public schools..."

Mr. Speaker, the issues of 1937 were no different then than they are now. This is a costly measure.

And, Mr. Speaker, today we, the members in the 1995-96 session of the House of Representatives, can give some relief to the taxpayers, to the local school districts, if we support the amendment which I propose. Well, how can we do that, Mr. Speaker? Mr. Speaker, we can allow the local elected officials to make decisions which they believe are in the best interests of their school district, which they believe are in the best interests of their students. Mr. Speaker, they do not have that opportunity now.

Over the years court cases have interpreted the 1937 law to mean that when any individual — professional employee or teacher — has attained the minimum of 10 years' service with 5 consecutive years of service in the district in which they are now employed, that school district may not deny that individual a sabbatical for travel, for study, for health reasons, or for other reasons as the school board may choose.

Mr. Speaker, the bill before you as now written does none of that. As I say, the bill, while it removes— And I want to show you a copy of the School Code, which I have here. Mr. Speaker, I am having prepared for each member a copy of the comments which I made, and I am also having distributed on the floor a copy of the School Code with reference to professional employee leaves of absence known as teacher sabbaticals, chapter 11, section 1166; chapter 11, section 1167; chapter 11, sections 1169 and 1170 and section 1171.

Mr. Speaker, if you do not, if the General Assembly here, if the chamber does not support my amendment and this bill goes through unamended, you will change one word in section 1166; you will eliminate one word in the 1937 law. You will eliminate "or travel." That is all the bill does. It eliminates the phrase



“or travel.” Then it eliminates a section further on, “provided further,” which is what we did in 1986, which was to limit travel sabbaticals to one school year. So really what you are doing, you are eliminating the word, the phrase, “or travel,” and then you are adding only one other section, which states that “The board of school directors may adopt rules and regulations providing that sabbaticals for study be reasonably related to professional responsibilities of the educator.” Mr. Speaker, that is not enough. That is not enough to allow this bill to go through unamended.

Mr. Speaker, I urge you to support my amendment. Thank you.

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

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Flick, indicates that he is willing to stand for interrogation. The gentleman is in order and may proceed.

Mr. NYCE. Thank you, Mr. Speaker.

Mr. Speaker, I want to make sure I understand the changes you are addressing with regard to sabbatical leaves, in particular, travel sabbaticals, health sabbaticals, and professional enhancement sabbaticals, and what your amendment would do in terms of the local control that does not exist today. Are you suggesting that your amendment would eliminate the mandated required sabbatical that exists in the law today?

Mr. FLICK. Yes, Mr. Speaker. My amendment would remove all sections relating to sabbaticals from the Public School Code, thus eliminating the State entitlement. It would then insert the provision that would allow local school districts to determine the rules and regulations that they would consider for professional improvement or health sabbaticals.

Mr. NYCE. In other words, your amendment would provide for a paid or unpaid leave of absence at the discretion of the local school board; paid or unpaid.

Mr. FLICK. That is in the School Code. That is not in the sabbatical area; that is not in section 1166.

But in terms of, if they wish to adopt a policy that they would allow professional leaves for improvement or for health and they did not wish to pay for them, that would be their decision.

I should point out, Mr. Speaker, though, that there is a provision in the amendment, section 1166.2, which provides that those individuals who as of July 1 of 1996 would have otherwise been entitled to a sabbatical had we not changed the law would continue to be eligible for consideration under the new provision, that it be for professional improvement or health.

Mr. NYCE. Do you anticipate, if your amendment were to pass, that the issue of leaves of absence would become a local contract issue with the local school board and the supporting agency representing the staff?

Mr. FLICK. Mr. Speaker, there are two groups of individuals that would be affected by the amendment I have submitted to you. Those who have attained the 10-year minimum service with 5 consecutive years in the school districts in which they presently teach would be eligible for sabbaticals for professional improvement or health as if they were under the old terms. The issue of travel sabbaticals would be eliminated. Any individual who had not met the minimum requirements of 10 years of service and 5 years' continuous service as of July 1, 1996, they would come under whatever rules and regulations were adopted by the local boards of school directors.

Mr. NYCE. Just to make sure, are you suggesting then that it would be a negotiable issue at the table, moving forward, not for the people who are covered under your grandfather clause, but—

Mr. FLICK. My amendment provides that the school board shall adopt through policy the issues of leaves of absence for professional improvement or health, or by a majority vote of the school board, it may become a matter for collective bargaining.

Mr. NYCE. All right. Thank you, Mr. Speaker.

Mr. Speaker, in the area— When you did the research that you use to support your amendment, was there any information relating to health sabbaticals in particular that would indicate school districts are paying more than once for this kind of benefit?

Let me further indicate what I am driving at. If a school district already provides sick days, short-term disability, long-term disability protection, and a health sabbatical, in your opinion do you see that as a doubling or a tripling of the cost of that particular benefit?

Mr. FLICK. Mr. Speaker, as the law now is written, if an individual would be entitled to a health sabbatical, they could take a health sabbatical. They could receive a minimum of half their salary, all their benefits, and would not yet have touched any of the sick-day leave accumulation I referred to in my opening remarks.

Mr. NYCE. All right. Thank you, Mr. Speaker.

I would like to comment on the amendment.

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

Mr. NYCE. Mr. Speaker, the issue of sabbatical leaves as originally proposed back in the 1930's was certainly one that was very important to the teaching profession because of the working conditions and the benefit packages of the time.

In today's working environment, we are finding personal days provided; we are finding sick days provided; we are finding a 180-day working requirement; teachers' salaries have been significantly improved over the years; there are pension benefits. All of the issues, including the professional improvement that is given in inservice, the tuition reimbursement programs that exist — all of these are improvements over the years which now make sabbatical leaves unnecessary in terms of the employee benefit packages that are presented at the table.

In particular, I focused on health care because it is, in some cases, a doubling, tripling, and quadrupling of the cost of providing a singular benefit, and that is allowing an injured or ill worker time off with some compensation to recuperate. Now, a health sabbatical while receiving sick-day accruals, while receiving short-term disability, while receiving long-term disability is an absolute absurdity in today's employment environment. And I do not particularly care whether you are a teacher or in the private sector; you cannot ask employers to pay for these benefits over and over again with duplicating insurance coverages or anything else.

Personally, I would think that there are some improvements that could help the amendment, make it even better, but I think as a first step in modifying the current law, this amendment does a lot to improve not only the working environment for those people who have to administer our schools but also the employees and taxpayers. There is absolutely no reason to accrue unlimited sick days to be paid at the end of one's career and give someone a health sabbatical during their term of employment. It does not make any sense. Why would we do that?

The idea of sick days is to compensate someone when they are ill. To get away from that premise by allowing, in addition, paid time off makes no sense, especially when you are going to pay that

out at the end of, you know, the period of employment – at retirement or whatever. And for those school districts that have gone the extra mile and are paying for short-term disability insurance and long-term disability insurance coverage, this is just stacking up one on top of the other. The appropriate place to deal with this is in school policy and at the bargaining table.

I would encourage all of the members to take a very hard look at supporting this amendment. This is critical. In today's working environment, we need to treat our teaching professionals just like all other employees are treated. That is the intent of the amendment, that is why I support it, and I hope the other members will as well. Thank you very much, Mr. Speaker.

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

Mr. SCHULER. Thank you, Mr. Speaker.

I rise in opposition to the amendment proposed by Representative Flick.

Over a period of time, I have heard constantly from the taxpayers, your constituents, the fact that they are upset with teachers taking travel sabbaticals and also the waivers that are given by school districts to different members of their professional staff and not returning to perform that function in the school district. Those are the two major items that are always argued by the man on the street. My amendment that I inserted into HB 1031 addresses those two issues.

Representative Flick mentioned the fact of saving taxpayers money. Over 50 percent – and that is where it came from, the Secretary of Education – over 50 percent of the leaves given are sabbaticals for travel. We are eliminating that. Mr. Flick's amendment does not address the issue of waivers that are given to people to leave and never come back. That is not the purpose of sabbatical leave. Sabbatical leaves are given for people to come back and provide some better information to their students and to the school district as a whole. I think that is a situation that should be stopped. The present bill stops that type of activity.

Mr. Flick's amendment would have you believe that all sabbaticals will be gone. I do not think that is going to happen. I think school districts will, to be competitive, will have to have sabbaticals. But the problem arises now, the wealthy school district who can give a sabbatical for 5 years, where the school district without the funds and the smaller school district may not be able to meet those demands. So what is happening, it is going to be a competitive situation where the best teachers are going to where the best deal is.

Even at the present time, under existing law, it is difficult for your smaller school districts to meet the sabbatical requirements. Mr. Flick's amendment does not address that issue. Mr. Flick's amendment would allow 501 school districts to set their own policy throughout the Commonwealth of Pennsylvania. I do not think that is good policy. I believe we should have some uniformity.

I think the fact is we have before us a bill that I believe has the greatest possibility of passing. I am not 100 percent satisfied. I have some feelings, like Representative Nyce has, about the medical, but I think I am a political realist, and I think we have to look at what is possible.

Now, you can go for the full loaf and go down the tube, or you can go for half a loaf and possibly get a winner. So I rise in opposition to Mr. Flick's amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I want to rise in opposition to the Flick amendment.

The Education Committee approved an amendment offered by Representative Schuler which addressed the two main issues and two main objections to sabbaticals, that being travel sabbaticals and terminal sabbaticals. HB 1031 as reported from our committee eliminates the entitlement to travel sabbaticals, and it prohibits the school districts from waiving the requirement that a person on a sabbatical leave, that they return to the school district for at least 1 year.

I would urge the members to oppose this amendment and certainly make significant education reform by supporting the bill as it is presently stated. So I would appreciate your support in opposition to this amendment.

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

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, urge that we defeat the amendment. Just three quick points.

One, there was a long list of benefits that was read by one of the previous speakers who was advocating that we turn more responsibility back to the local school boards. In fact, most of the benefits on that long list are not found in State law. They in fact were negotiated by local school boards, local school districts, across the State. That is what we got by turning those responsibilities back to the local school boards.

Secondly, on the cost issue, let us remember that many school districts tell us that they use and will continue to use sabbaticals for a variety of reasons, including the fact that they save money. They find it cost efficient to encourage professionals not only to go out and improve their skills, but in the process, for that year, for that moment, the school district actually saves money. And so this is not all a cost-to-the-school-district issue.

And thirdly and most importantly on the sabbatical issue, I think we should not try to treat this just as another employee benefit. I think that we ought to be honest about it and treat it as an interest of public policy, treat it as a professional development issue. This State and its taxpayers invest hundreds of millions of dollars a year in the training of teachers and administrators through our colleges and universities, and then this State through its taxpayers at the local and State levels spend more than \$13 billion a year for this system of public education with more than \$5 billion coming from the State.

We have an interest in the professional development issues. We have an interest in promoting continued professional development of our school professionals. We have an interest in fair and uniform opportunities across the State for those professionals that we have paid to train and whose salaries we continue to pay, either with local or State dollars. We have an interest in making sure they are as good as they can be and that their skills are upgraded and their knowledge is upgraded periodically, and that is why we have a sabbatical law, and we should not shirk from that or apologize for that. We want to make sure that it is fairly applied, fairly utilized, and that is what the bill does as a result of Representative Schuler's amendment.

It eliminates the travel option, which some people believe was not consistent with the professional development purposes, and it has eliminated the abusive practices that some school districts engaged in where they basically used this as part of a retirement package. If this is about professional development – and it should be – the employee should be required to come back to the

school district, and that is what Representative Schuler's amendment has already done in the bill, an issue ignored by the amendment before us.

And very importantly, this also gives additional authority and responsibility to our school districts to set rules for sabbaticals in their district and to set rules that will link the use of this professional development sabbatical to the ongoing professional responsibilities of that employee, and that is a linkage that is very appropriate, and it is part of the legislation that is very appropriate.

This amendment is off target. The bill in its current form is right on target in terms of addressing the legitimate public policy interests of this Commonwealth. I urge that we defeat the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Fajt.

Mr. FAJT. Thank you, Mr. Speaker.

Mr. Speaker, I would like to rise in support of the Flick amendment. I have a bill in the House chamber to do exactly what this amendment is attempting to do.

The making of the sabbatical a local option is not anti-teacher, Mr. Speaker; it is pro-taxpayer. Mr. Flick and I were talking about this earlier today, and both of us agreed that this is something that the public clearly wants this body to do.

We all know that our taxpayers are finding an ever-increasing property tax burden on their homes. One of the reasons for that burden is the cost of unfunded mandates. I do not care how you look at it, how you justify it; these sabbaticals to a large extent are an unfunded mandate. If a school board wants to offer a sabbatical to the teachers in their district, then by all means they should be allowed to do that, and this amendment will allow them to do that. But it will take off the mandate, it will take off the shackle from the State government.

We owe it to the taxpayers of this Commonwealth today to do something about bringing down the cost of property taxes and bringing the education system into what the real world is experiencing right now. Most people out there in the private sector do not get sabbaticals. Mr. Flick gave you a good recitation of how this came to be. When sabbaticals were put into this State School Code many years ago, teachers were low paid, they were underpaid. That is no longer the case today. Teachers are adequately paid, and this type of benefit, in my opinion, no longer makes sense in this State, not when property taxes are increasing to unheard-of levels and forcing people out of their homes.

In conclusion, I would just like to say that this is one of those amendments that makes all the sense in the world. I think you are going to see bipartisan support on this amendment. And truly, we have the chance today to do something for the taxpayers of this Commonwealth that they have been clamoring about for many, many years. Thank you, Mr. Speaker.

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

Mr. SATHER. Thank you, Mr. Speaker.

For just brief comments.

It is my understanding that the current bill before us, HB 1031 in its present form, addresses a concern that I have and that has been expressed to me by many of my constituents in central Pennsylvania. That deals with granting a professional leave to an employee as a condition for the termination or resignation of such employee. My understanding with the current amendment that is being offered is that would not be addressed. Therefore, I stand in opposition to this amendment. Thank you.

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Flick amendment.

Mr. Speaker, for too long the Commonwealth and the taxpayers of Pennsylvania have been paying for an entitlement called sabbaticals. We have all heard from our local school districts that they want less mandates. This is truly real reform in Pennsylvania if we are able to get this legislation through.

Currently in my legislative district, there are two middle school physical education teachers, married to each other, obviously, who are currently on sabbatical. Both are in Florida. The cost to taxpayers, for both of their salaries for this year, will be over \$84,000.

I think it is time we put this back in the hands of the local school boards and support the Flick amendment. Thank you.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Is the maker of the amendment willing to be interrogated?

The SPEAKER pro tempore. The gentleman, Mr. Flick, indicates that he is willing to stand for interrogation. The gentleman, Mr. Adolph, is in order and may proceed.

Mr. ADOLPH. Thank you.

Mr. Speaker, the purpose of this amendment is obviously to allow the school boards to make the sound fiscal decisions that they have to make when they are preparing their budgets. I would like to ask you, Mr. Speaker, what is the tax saving statewide on your amendment?

Mr. FLICK. Mr. Speaker, I have distributed to each member information which was prepared for me by the House Appropriations Committee.

Let us just refer to an assumption where 5 percent — that is half of those individuals who are entitled to take a sabbatical leave of absence — let us just assume half of them, 5 percent, took a sabbatical. There are 126,735 teachers and professional employees. Five percent would be 6,337. The average salary for professional staff is \$45,810. Half of that would be \$22,905. You multiply that by the number of teachers, 6,337. You have a cost of 145 million-plus dollars. You have benefit costs to be added to that. That is about 30 percent of average salary. You have a total figure of \$245 million, Mr. Speaker. Now, from that you would subtract the cost of a substitute teacher, and you would have to pay fringe benefits to that substitute teacher. But the net cost — would be over \$100 million across the Commonwealth.

But I do not ask you to accept my figure. It is what matters to each of your individual school districts that should matter to you. And I have information where the value of 1 mill in many school districts, if you have 1 mill of taxing authority, in some cases it is \$20,000. So you would have to have several mills of school tax allocated in some districts to pay the cost of one sabbatical leave. This is a significant impact on local residents, on local taxpayers, and I hope I have answered your question, Mr. Speaker.

Mr. ADOLPH. Well, I want to clarify this net saving, because Governor Ridge got up there when he addressed the joint session a couple of weeks ago and said that the saving was going to be \$255 million. As we all know now, that was not going to be the saving; that was going to be the cost across the board. I believe if we eliminate sabbaticals altogether and everybody who qualifies for the sabbatical takes it, we are talking about maybe somewhere

between \$40 to \$50 million across the board. That is a lot of money. Okay? Net saving.

My question to you, Mr. Speaker, what is the difference in tax saving between your amendment and Representative Schuler's bill? Because that is what we are really talking about here, all right? We are also talking about a philosophy that I happen to agree with, and that is giving the locals the decision regarding sabbaticals, okay? But I want everybody in this House to know the difference in dollars and cents between the Flick amendment and the Schuler amendment, because that is what we are really concerned about, saving local property tax dollars. What is the difference between the two in dollars and cents statewide?

Mr. FLICK. Mr. Speaker, I do not know that I can give you a dollar figure statewide. The reason I say that is because I believe, based on court cases, that removing travel sabbaticals, the words "or travel" from the School Code, in removing the waiver provision from the School Code that an individual must return to work, Mr. Speaker, I am not certain that those two modest, very modest changes with the whole tenure law still remaining in School Code, I do not believe either of those changes would make a significant reduction in the cost to local taxpayers at all.

On the other hand, Mr. Speaker, my amendment would remove from the Public School Code all references to teacher sabbatical. I said "tenure" earlier; I meant teacher sabbatical. My amendment would remove all references in the School Code of sabbaticals, thereby allowing the local school districts to make a determination how they wish to treat this matter. And I am not anti-teacher, and I am not anti-professional leaves for improvement; I am not anti-growth, but I believe these are decisions that need to be made at the local level.

And I disagree with the gentleman who spoke before that said, we must have some standard policy. In 1937 the individuals who sat in this chamber set forth the school policy, and it is standardized school policy, and the teachers unions did legislate, and now, Mr. Speaker, it is one of the most costly issues to local school boards. Repeatedly over the past 10 years they have indicated this is one of the most costly items to their budget.

I hope I have answered your interrogation.

Mr. ADOLPH. Okay.

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

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

Mr. ADOLPH. Thank you.

I would just like to rise and support the Flick amendment. I am not 100 percent sure if anybody knows what the savings are going to be to our local school boards. However, I think we are only kidding ourselves if we pass the Schuler amendment that we are giving local control. We are not giving local control regarding sabbaticals.

So if you want local control and you want to put the decision in the hands of our local school boards, our elected local school boards, because these are the same local school board members that are going to blame the General Assembly when those school taxes go up in September, so here is our opportunity to give the local school boards the opportunity to balance their budgets. I am not 100 percent sure that our local school boards are going to take care of this opportunity, because I have had several superintendents of schools in my area that have been given sabbaticals when all it was was severance pay, and there is nothing in our State School Code regarding that.

So let us give the local school boards what they have been asking for, and that is local control. Thank you, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the Flick amendment.

We have heard several arguments here today about how much the Flick amendment will save, and I would like to put out the point of view that it might actually cost.

If you look at the bill as it is currently written, as it was amended in the Education Committee by Representative Schuler, we are eliminating the golden parachutes, the severance pay types of things, which local school districts currently give, and what we are saying in the bill is that you cannot give those kinds of things anymore, and we are saying you cannot give travel sabbaticals. And by the estimation of the Republican Appropriations chairman, if everybody who under current law could take a sabbatical took one, the cost to the State of Pennsylvania would be about \$44 million.

Under HB 1031 as it is currently written, by everyone's estimate, we eliminate 50 percent of the potential sabbaticals that could be taken in the State of Pennsylvania. So you are automatically down to a maximum cost of between \$20 and \$22 million, and that is if everybody who under HB 1031 as it is written took a sabbatical.

Now, let us look at the alternative. Representative Flick wants to give us an amendment that says it is up to the local school districts to make that decision. They can give the golden parachutes. They can say to a football coach, for every title you bring home, you get a 6-month sabbatical. They can say, anytime we want to give a sabbatical for any reason we want to, we can make that decision locally, and as long as it has local support, like a winning team or a popular teacher or a fun program, we can give those sabbaticals, and there is no control that the State has over that, and as long as you think you can justify it locally, go ahead and do it. So the cost has the potential of exceeding the \$22 million maximum cost that HB 1031 would cost the State of Pennsylvania at this current time.

I just do not think that it is in our best interests or the taxpayers' best interests to give free rein to a system that has by all rights been abused in some cases. HB 1031 as it is currently written reins in some of those abuses. Under the Flick amendment, we say, go ahead; if you can get away with it locally, go ahead and do it.

I ask you to oppose the Flick amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker.

I rise in support of the Flick amendment.

I must say that when I first heard about this bill coming out of the Education Committee, it did not sound that bad. It sounded all right. Then I started to read a little bit of the case law dealing with sabbaticals. Now, I am not going to go into any lengthy legal lecture, because I know that most people are not listening now anyhow, and for those of you who think I am standing up for PCN (Pennsylvania Cable Network), I do not have it in my district, so I am not just up here to talk for the constituents. I am up here, really, to talk to you, but for those of you who do not want to listen, that is fine.

The fact is that we are dealing with an entitlement, and the way I read the case law, this minor change that we have made is not going to change anything. It is still going to be an entitlement, and

if you have a teacher that has put in 10 years and 5 years at that school district, they are going to be able to take a terminal sabbatical, because they have put in the time. They are going to be able to take a travel sabbatical, although they will not call it a travel sabbatical.

Now, I believe that there may be some occasions where a travel sabbatical is appropriate, but I do not believe that I, as a State legislator, should make that decision. I believe that that decision should be made by the local school district. I think that what we really need to do is think about what we are all about here. Are we going to micromanage things? Well, we have done a good job of that for many years, but with this issue, if we are really going to let go, if we are really going to give some control back to the local school districts, then we have to do it right. The only way, in my opinion, to do it the right way is the way that Representative Flick has proposed with this amendment, so I urge your support for it.

Let me just read one thing from a couple cases.

The Commonwealth Court once said – and I believe this would still hold true – that “...it is mandatory, under Section 1166 of the Code, that an employee ‘shall be entitled’ to sabbatical leave once he or she has met the requirements of this provision. Thereafter, the school board has no discretion whether to grant the sabbatical leave.” The school board has no discretion. I think that that line of reasoning will still hold up under the current change that is in the existing printer’s number. That is why we need to change, because the school board is not going to have any discretion, no matter how you want to phrase it, as if they can make it seem as if there is some arguable, arguable educational aspect of the sabbatical. If they do not like the itinerary, if they do not like what that teacher says they are going to do, they can say they will deny it but that teacher still has that entitlement and they will win in court. Thank you.

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

Mr. HORSEY. Mr. Speaker, I rise to oppose the Flick amendment.

Mr. Speaker, we are under some idea that there is some squander going on with teachers who take sabbaticals, and that is absolutely untrue, Mr. Speaker. There are very few professions that I know of that demand that people go to school for the rest of their lives, and that is exactly what our present laws for teachers do. We stop short of demanding that teachers are Ph.D.’s (doctors of philosophy) before they are eligible to stop from going to school.

I happen to know – and you might find this interesting, Mr. Speaker – that my wife is a schoolteacher for 22 years and has never taken a sabbatical and is about maybe one course short from receiving a Ph.D., and the key significance here is, she has worked as a schoolteacher all of her life, out of choice, because that is what she chose to do, and it has always been mandated that she go to school every 2 years. It is mandated again by State law.

Teachers, Mr. Speaker, are entitled and should receive a sabbatical if they choose to take it, and they need it because what we are promoting now is teachers in school systems for 20 and 30 years who are really burnt out and do not have a way out to get a sabbatical, to take a year off and replenish themselves, because we are going to take it away with this Flick amendment. We are going to have many, many teachers in the classroom who are burnt out and do not really belong there and they cannot legally and financially get a sabbatical.

Mr. Speaker, I oppose the Flick amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Schuler, for the second time.

Mr. SCHULER. Thank you, Mr. Speaker.

I would just like to have a few final comments regarding the Flick amendment.

Representative Lawless rose and gave an example of teachers on the beach, and I agree with Representative Lawless, that is uncalled for; it is a misuse of the sabbatical leave. Why a school district would ever allow something like that to happen is far beyond my knowledge. I think there could be more controls put on by a school district to prevent that type of thing from happening. I think probably the school district is partly to blame in that situation.

The second point I would like to make is the fiscal matters. Now, we can take all these fiscal notes and throw them all around and the Governor making pronouncements that there is so much savings, but the House Appropriations Committee said it would cost about \$44 million, based on the present situation.

My amendment that was inserted into HB 1031 takes away travel, which is over half— Some people would say 75 percent of the sabbaticals are travel. I do not think it is quite that high, but I will take 50 percent. So you are cutting that \$44 million in half. My amendment also takes out the waiver provision to allow these school districts to let people take a free ride, you might say. Representative Flick’s amendment does not do that. My amendment into HB 1031 provides a bigger savings to the taxpayer than the present amendment under discussion.

Last – and I think this is so important – no mention has been made of a provision in my amendment in HB 1031, on page 6, lines 6, 7, and 8. Everyone is talking about local control and I support that, and so I inserted into the bill this provision: “THE BOARD OF SCHOOL DIRECTORS MAY ADOPT RULES AND REGULATIONS PROVIDING THAT SABBATICALS FOR STUDY BE REASONABLY RELATED TO PROFESSIONAL RESPONSIBILITIES OF THE EDUCATOR.” So the decision of what sabbaticals are given rests with the local school board, and that is where it should rest. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Nyce, for the second time.

Mr. NYCE. Mr. Speaker, just briefly as a followup to some of the comments that I heard here today about the reasons not to support Representative Flick’s amendment, I do not want any confusion about where I am. I support the amendment. The amendment is absolutely necessary. It is addressing a State-mandated requirement to allow employee benefits to be forced upon our local school districts.

Now, if you vote against the amendment for any reason, please do not make it the one I heard espoused here today, and that was that by spending more of somebody else’s money, you are going to save money. It does not work, Mr. Speaker. It has not worked in any attempt we have made where we allow the spending of more money to save money. Please, if you vote against the amendment, do not vote against it because it can save money, to keep what we have now. We are not saving any money. We keep spending more.

We need to save money. Let the people at the local school board who are directly accountable to the taxpayers in that community make the decision whether they want to allow a leave of absence or not. In case we have not noticed, there has been some real turnover in school boards, based on many of these economic

issues, because we have gotten too free with everybody else's money.

I urge you to support the Flick amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Lawless, for the second time.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Representative Schuler, please?

The SPEAKER pro tempore. The gentleman indicates he is willing to be interrogated. You are in order and may proceed.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, if Flick's amendment is not incorporated into this bill and we go with eliminating travel sabbaticals, under your suggestion, and stick with just professional development, can you explain to me what the difference between professional development and travel could be? Could it not be possible, as is happening in my middle school, in my district, where two family members who are both teachers are currently in Florida, phys ed teachers, could they not be playing golf in Florida as professional development?

..... Mr. SCHULER. Mr. Speaker, I refer back to lines 6, 7, and 8, page 6. That decision rests with the local school board.

In the case that you mentioned, your local school board must have agreed to allowing these teachers to go on the beach. I have problems with that. However, under my amendment, the school board would have to develop rules and regulations. Now, if a local school board wants to allow their teachers to go to the beach, that is their decision; that is your local control. I would hope they would not do that, and I do not think they would, really, but that is the answer to your question, sir.

Mr. LAWLESS. May I comment, Mr. Speaker?

Thank you, Mr. Speaker.

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

Mr. LAWLESS. Mr. Speaker, I agree with Representative Schuler. On one side, he says it should be in the hands of the local school board, and I completely agree with him, and that is why we should be supporting the Flick amendment.

What I see happening here is, if we do not take on the Flick amendment, you will have people that believe that they are on professional development when they are in fact taking travel sabbaticals, and what this is going to open our local school districts to is more and more attorney fees on grievance procedures in our local school districts, because people will then have a grievance as to whether it is a travel sabbatical or a professional development sabbatical.

Mr. Speaker, please, I urge this General Assembly to support the Flick amendment. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Waugh.

Mr. WAUGH. Thank you, Mr. Speaker.

I am wondering if the prime sponsor of the amendment would stand for interrogation, please.

The SPEAKER pro tempore. The gentleman, Mr. Flick, indicates that he is willing to stand for interrogation. The gentleman is in order and may proceed.

Mr. WAUGH. Thank you, Mr. Speaker.

Mr. Speaker, could you tell me, are there any other employee classes that are afforded a sabbatical through State law as we currently have it today for teachers?

Mr. FLICK. Mr. Speaker, the only individuals that are afforded a 1-year leave of absence at half salary with full benefits that I am aware of are those individuals who qualify under the Public School Code, professional employees, teachers or those individuals in the administration who are at the level of professional employee. There is no other class of workers in either the public sector or the private sector that I know of that enjoys this benefit.

Mr. WAUGH. I thought that was probably the answer. I mean, I think we both would agree that there are probably private institutions, maybe corporate execs and so forth, that receive based on private company policy, but as far as a statute, a State requirement, public school employees and professional employees of public schools are the only ones.

Mr. FLICK. Now that I think about it, if the gentleman, Representative Lawless, were listening, he would probably have corrected me.

It is my understanding that there is also a law on the books, a statute, which deals with the State college employees—

Mr. WAUGH. Higher ed.

Mr. FLICK. —yeah, who also have the same privilege.

Mr. WAUGH. He will probably talk about that later. We will not get that one started.

But anyway, that answers my question. I appreciate it.

Could you tell me, are there any other States in the United States that allow the type of sabbaticals that we are granting under State law?

Mr. FLICK. I am glad you asked that, because I meant to mention that earlier, and in the packet you have information concerning other States. It must be noted that the State of Delaware reimburses districts to the tune of 70 percent of a teacher's salary, something we do not do in Pennsylvania. Only Delaware has a State law that is similar to Pennsylvania's. Other States such as Maryland, New Jersey, New York, Ohio, West Virginia, Michigan, and Illinois, just to cite a few, all have local option by the local school boards in the local school districts.

Mr. WAUGH. Thank you, Mr. Speaker.

If I could make a few comments. That ends my interrogation.

The SPEAKER pro tempore. The gentleman is in order.

Mr. WAUGH. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this issue today is really a matter of fairness, and I would like to explain why I feel that way.

First of all, we have heard several folks say that we are addressing the two biggest concerns that we hear, and I would agree with those comments. The two biggest concerns that I have heard, usually the ones that trickle to the top, are a matter of the travel sabbatical and waiving the requirement for individuals to return for 1 year. But I think it goes further than that, and I think all of us would have to admit, if you have taken the time to sit down with the average person and explain to them what a sabbatical truly is and what a sabbatical means in our public schools in terms of cost and mandate, they would agree with you that to repeal sabbaticals is the right thing to do.

Secondly, some say this is a matter of retaining good educators, giving them the opportunity to reeducate and bring themselves up to speed. I think you all probably have this list, but I am just going to breeze over it and say that I can sort of buy into that, but when you read the number of other occupations in this State that we require to have continuing education in order to practice, including accountants, dentists, emergency medical technicians, landscape architects, occupational therapists, optometrists, osteopaths, pharmacists, physicians — the list goes on — and consider the fact

that none of these people have 2 to 3 months off every summer — every summer — in order to develop themselves or continue their education, I believe it is a matter of fairness.

Some say this is a taxpayer issue; it will save money if we eliminate sabbaticals. I agree with that, but I also believe it is a matter of fairness. The bottom line here is fairness to working people, the working people of our State, and when I say “working people,” I am using that in the most literal sense that I can think of. I am thinking of the farmers, factory employees, self-employed small business people, the firefighters and paramedics, the truck drivers. You could go on. None of those individuals have the opportunity to receive half pay and get a year off to travel or do anything, for that matter. They work, and if they want to reeducate themselves, they do it in their own time.

I believe fairness is the bottom line. I believe Mr. Flick’s amendment helps to create some of that fairness and I support it. I encourage all of you to.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, for the second time.

Mr. HORSEY. Mr. Speaker, the one thing that 99 percent of us in this room, Mr. Speaker, have in common is that we were all taught at one time or another by teachers. That is the one point, Mr. Speaker.

Mr. Speaker, it may very well be professional development for two teachers, a husband and wife, to be playing golf in Florida, Mr. Speaker. If some of the wealthy school districts mandate that golf or tennis is a regular course to be taught in their particular school district, yes, it means that those schoolteachers go to Florida or go to South Carolina and refine their skills. Very well; very true, Mr. Speaker.

Mr. Speaker, this is a bad, bad, bad amendment, and it hurts teachers. They are a special class of people, and we are forgetting, Mr. Speaker, we are the number one country in the world and 99 percent of us have been taught by teachers. It is okay to have a special class if they are in fact, Mr. Speaker, producing, and no one has shown figures to me that suggest that teachers are not producing what we want, and that is people who are on the cutting edge of technology, science, philosophy, that will enable our country and our State to be leaders of the rest of the world.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Indiana County, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

I simply want to correct Representative Flick’s misapprehension in that there is no language in the School Code that mandates sabbaticals for faculty at institutions of higher education. At the State System of Higher Education, sabbatical policy is a matter of the collective-bargaining agreement. At many private institutions in Pennsylvania that provide sabbaticals for faculty, the right to a sabbatical or the right to apply for a sabbatical is a matter of individual university policy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise in support of this amendment. I believe it comes down to whether we want real reform, as embodied in the Flick amendment, or whether we simply want cosmetic change, as the bill reads now. I would urge us to take a step forward for real reform and vote for this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Flick, for the second time.

Mr. FLICK. Mr. Speaker, I wonder if others in the chamber have spoken. I would wish to go last on this issue.

The SPEAKER pro tempore. At this point no one else has indicated a desire to speak. We did save the prime sponsor of the amendment for last, and unless we see anyone else, you are in order and you are recognized.

Mr. FLICK. Thank you, Mr. Speaker.

I would like to make just three or four closing points.

It has been referred to a number of times that school boards currently give terminal sabbaticals, currently give sabbaticals for reasons which maybe you or I would not allow an individual to take a sabbatical. These remarks are off base.

I refer you to two court decisions. The Supreme Court of Pennsylvania held — and the Supreme Court is the law of the land — and this was in the mideighties: “We agree” — and this is the court, the Supreme Court speaking — “We agree that the clear and unambiguous purpose of Section 1166 is to make the granting of a sabbatical leave by the school district mandatory once a teacher or other professional employee has otherwise met the requirement of that section. The use by the legislature of the language” — and I quote — “...shall be entitled to a leave of absence” — end quote — “clearly evidences a desire on the part of the legislature to make such a leave a right that matures upon completion, by the employee, of the required number of years of service.” That is the law of the land. That is why we need to remove from the Public School Code references to sabbatical leaves, because what is in the School Code has been skewed by court decisions.

The other decision, Mr. Speaker, is a Commonwealth Court decision in 1987, and the judge, Judge Barry of Commonwealth Court, said, “The facts are not disputed.” And let me just give you the facts, and I would appreciate that you listen carefully to the dates, because the gentleman, Representative Schuler, would lead you to believe that he would eliminate terminal sabbaticals by removing language in the School Code — removing language in the School Code — language that was in the School Code when this decision was made.

This is a decision of Commonwealth Court, United School District. On January 14, 1985, the school board declared open the position of superintendent effective July 1, 1985. On March 11, 1985, the school board refused to renew the superintendent’s contract. On May 13, 1985, while still employed by the appellant, the superintendent applied for a sabbatical leave. The request was denied on June 11, 1985. The school board did not waive its right; the school board denied the request. On August 14, the superintendent filed an action for declaratory judgment. On August 14, he no longer has a contract because his contract expired June 30. On December 4, 1985, he filed a motion, and summary judgment was granted January 8, 1986.

That went to the Commonwealth Court, and the Commonwealth Court held — again, based on the previous Supreme Court case — that that school district had to give a sabbatical to that individual. “This must be done notwithstanding the fact that the teachers involved may be scheduled to be suspended at the time they request their...leave.”

Mr. Speaker, the terms here are clear. If you want to give your school districts the opportunity to have some control over these leaves of absence, you have to repeal this section from the

School Code and empower them under my amendment to adopt their own rules and regulations for professional leaves for improvement and health.

Thank you, Mr. Speaker. I encourage the members to support this amendment.

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

The following roll call was recorded:

YEAS—88

Adolph	Fajt	Levdansky	Rohrer
Argall	Fargo	Lynch	Rubley
Armstrong	Feese	Maitland	Schroder
Baker	Fleagle	Major	Sheehan
Bard	Flick	Marsico	Smith, S. H.
Barley	Gamble	Masland	Steil
Birmelin	Gigliotti	Mayernik	Stern
Boscola	Gladeck	McGill	Stish
Brown	Godshall	Merry	Strittmatter
Browne	Gordner	Micozzie	Taylor, E. Z.
Carone	Habay	Miller	Tigue
Chadwick	Hanna	Nailor	True
Civera	Harhart	Nyce	Tulli
Clark	Haste	Olasz	Vitali
Clymer	Hennessey	Petrone	Walko
Conti	Hershey	Pettit	Waugh
Dempsey	Hutchinson	Phillips	Wright, M. N.
Dent	Jadlowiec	Platts	Zimmerman
DiGirolamo	Kaiser	Raymond	Zug
Druce	King	Readshaw	
Durham	Krebs	Reinard	Ryan,
Egolf	Lawless	Robinson	Speaker
Fairchild	Leh		

NAYS—111

Allen	DeWeese	Manderino	Scrimenti
Battisto	Donatucci	Markosek	Semmel
Bebko-Jones	Evans	McCall	Shaner
Belardi	Fichter	McGeehan	Smith, B.
Belfanti	Gannon	Melio	Snyder, D. W.
Bishop	Geist	Michlovic	Staback
Blaum	George	Mundy	Stairs
Boyes	Gruitza	Myers	Steelman
Bunt	Gruppo	Nickol	Stetler
Butkovitz	Haluska	O'Brien	Sturla
Buxton	Hasay	Oliver	Surra
Caltagirone	Herman	Perzel	Tangretti
Cappabianca	Hess	Pesci	Taylor, J.
Carn	Horsey	Petrarca	Thomas
Cawley	Itkin	Pistella	Travaglio
Cohen, L. I.	James	Preston	Trello
Cohen, M.	Jarolin	Ramos	Trich
Colafella	Josephs	Reber	Vance
Colaizzo	Keller	Rieger	Van Horne
Cornell	Kennedy	Roberts	Veon
Corpora	Kirkland	Roebuck	Washington
Corrigan	Kukovich	Rooney	Williams
Cowell	LaGrotta	Rudy	Wogan
Coy	Laughlin	Sainato	Wozniak
Curry	Lederer	Santoni	Wright, D. R.
Daley	Lescovitz	Sather	Yewcic
DeLuca	Lloyd	Saylor	Youngblood
Dermody	Lucyk	Schuler	

NOT VOTING—0

EXCUSED—4

Farmer                      Mihalich                      Pitts                      Serafini

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

The SPEAKER. The Chair thanks the gentleman, Mr. Chadwick, for presiding.

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

Mr. **FLICK** offered the following amendment No. **A0800**:

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

; and providing for professional leaves of absence.

Amend Bill, page 3, lines 9 through 30; page 4, lines 1 through 30; page 5, lines 1 through 27, by striking out all of said lines on said pages and inserting

Section 1. Section 522 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 29, 1965 (P.L.255, No.147), is amended to read:

Section 522. Payments of Salaries of Professional Employees Granted Leaves of Absence as Exchange Teachers Authorized; Rights Preserved.—Any board of public education or board of school directors of any school district or vocational school district of this Commonwealth is hereby authorized to pay any professional employe the salary he would be entitled to if teaching in the school district from which he is granted a leave of absence to serve as an exchange teacher in any foreign country or territory or possession of the United States of America.

Any professional employe, while on leave as an exchange teacher, shall be considered to be in regular full-time daily attendance in the position from which the leave was granted, during the period of said leave, for the purpose of determining the employe's length of service, the right to receive increments as provided by law, and the right to make contributions as a member of the School Employees' Retirement Fund and continue his or her membership therein, [the right to service credits toward the time necessary for a sabbatical leave,] and the right to accumulate days of leave on account of illness or accidental injury.

Section 2. Section 1166 of the act is repealed.

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

Section 1166.1. Professional Leaves of Absence.—(a) As used in this section, the following words will have the following meanings:

"Employe organization" shall mean an employe organization as defined in section 1101-A of this act.

"School entity" shall mean a school entity as defined in section 1101-A of this act.

(b) The board of directors of any school entity located in this Commonwealth shall adopt policies for the granting of professional leaves for reasons of professional improvement or health. Such policy may, only with the approval of a majority of board members, be a subject of bargaining between the school entity and an employe organization.

(c) A board of school directors of any school entity may not grant a professional leave to any employe as a condition for the termination or resignation of said employe.

Section 1166.2. Retention of Right to Professional Leave.—Nothing in this amendatory act shall be deemed to abridge or abrogate the entitlement of any person to a grant of professional leave of absence for



professional improvement or health in accordance with the former provisions of sections 1166, 1167, 1168, 1169, 1170 and 1171 of this act if that person has completed ten (10) years of satisfactory service in the public school system of this Commonwealth, and at least five (5) consecutive years of that service have been in the school district from which the leave is sought, where both of such periods are completed before July 1, 1996.

Section 4. Sections 1167, 1168, 1169, 1170 and 1171 of the act are repealed.

Amend Sec. 3, page 5, line 28, by striking out "3. SECTIONS 1171 AND" and inserting

5. Section

Amend Sec. 3, page 5, line 28, by striking out "ARE" and inserting is

Amend Sec. 3, page 5, line 30; page 6, lines 1 through 8, by striking out all of said lines on said pages

Amend Sec. 3 (Sec. 1178), page 6, line 14, by inserting a bracket after "LEAVE."

Amend Sec. 3 (Sec. 1178), page 6, line 14, by inserting brackets before and after "SABBATICAL" and inserting immediately thereafter professional

Amend Sec. 4, page 6, lines 14 through 20, by striking out the bracket after "LEAVE." in line 14, all of lines 15 through 20 and inserting

Section 6. This act shall apply only to any bargaining agreement taking effect on or after July 1, 1996. Bargaining agreements which took effect before July 1, 1996, shall be enforced in accordance with sections 1166 through 1171 of the act until such agreements expire.

Amend Sec. 5, page 6, line 21, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker. I will take 30 seconds of your time.

This amendment is the identical amendment to the one which was before you just the previous vote. However, on page 2, there is a provision that I will read from the amendment, subsection (c): "A board of school directors of any school entity may not grant a professional leave to any employe as a condition for the termination or resignation of said employe."

Mr. Speaker, this would eliminate the terminal sabbaticals that have been referred to in the previous discussions, and I urge your support of this amendment.

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Allegheny County, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, the new element that the gentleman has suggested is in his amendment is already in the bill as it is before us. Representative Schuler's amendment takes care of the terminal sabbatical issue. There is no other reason to support the amendment — no additional reason to support the amendment before us. I would urge we defeat it.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. The amendment that is being offered now is already in the bill. It was amended earlier in the Education Committee, and that concern that he has is being addressed, and I would appreciate a negative vote on his amendment. It is already an amendment.

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

My intent here is to hold the 89 or 90 individuals who supported the previous amendment and add to them another 10, 15 who believe that the terminal sabbatical provision is the key on which this vote hinges.

So you have both; you have local option and you have the prohibition against terminal sabbaticals. I urge your support. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks, Mr. Druce.

Mr. DRUCE. Thank you, Mr. Speaker.

I would just urge the members that on the advice of two of the previous speakers that this language is already taken care of in the bill, then to raise the level of comfort of all members, let us vote to include the language. There is no harm in being duplicative in the legislation, and then we can be assured that Mr. Flick's language remains in the bill as well.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Will the gentleman stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. SCHULER. Mr. Speaker, am I correct, your amendment really in effect guts my amendment that is in HB 1031 and addresses the issue dealing with terminal sabbaticals? Am I correct?

Mr. FLICK. Mr. Speaker, my amendment would provide school districts local option and would also preclude them from granting the terminal sabbaticals.

Mr. SCHULER. Well, then, Mr. Speaker, your answer is that it does gut my section of HB 1031.

I ask the members to be careful on this one. I would ask that you defeat the amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

Adolph	Fairchild	Lynch	Rubley
Argall	Fajt	Maitland	Sather
Armstrong	Fargo	Major	Schroder
Baker	Feese	Markosek	Sheehan
Barley	Flick	Marsico	Steil
Birmelin	Gamble	Masland	Stern
Blaum	Gladeck	Mayernik	Stish
Boscola	Godshall	McGill	Strittmatter
Brown	Habay	Merry	Taylor, E. Z.
Browne	Hanna	Micozzie	Tigue
Carone	Harhart	Miller	True
Chadwick	Haste	Nyce	Van Horne
Civera	Hennessey	Petrone	Vitali
Clark	Hershey	Pettit	Walko
Clymer	Hutchinson	Phillips	Waugh
Conti	Jadlowiec	Platts	Wright, M. N.
Dempsey	Kaiser	Raymond	Zimmerman
Dent	King	Readshaw	Zug
DiGirolamo	Krebs	Reber	
Druce	Lawless	Reinard	Ryan,
Durham	Leh	Rohrer	Speaker
Egolf	Levdansky		

## NAYS-114

Allen	Donatucci	Lucyk	Scrimenti
Bard	Evans	Manderino	Semmel
Battisto	Fichter	McCall	Shaner
Bebko-Jones	Fleagle	McGeehan	Smith, B.
Belardi	Gannon	Michlovic	Smith, S. H.
Belfanti	Geist	Mundy	Snyder, D. W.
Bishop	George	Myers	Staback
Boyes	Gigliotti	Nailor	Stairs
Bunt	Gordner	Nickol	Steelman
Butkovitz	Gruitza	O'Brien	Stetler
Buxton	Gruppo	Olasz	Sturla
Caltagirone	Haluska	Oliver	Surra
Cappabianca	Hasay	Perzel	Tangretti
Carn	Herman	Pesci	Taylor, J.
Cawley	Hess	Petrarca	Thomas
Cohen, L. I.	Horsey	Pistella	Travaglio
Cohen, M.	Itkin	Preston	Trello
Colafella	James	Ramos	Trich
Colaizzo	Jarolin	Rieger	Tulli
Cornell	Josephs	Roberts	Vance
Corpora	Keller	Robinson	Veon
Corrigan	Kenney	Roebuck	Washington
Cowell	Kirkland	Rooney	Williams
Coy	Kukovich	Rudy	Wogan
Curry	LaGrotta	Sainato	Wozniak
Daley	Laughlin	Santoni	Wright, D. R.
DeLuca	Lederer	Saylor	Yewcic
Dermody	Lescovitz	Schuler	Youngblood
DeWeese	Lloyd		

## NOT VOTING-1

Melio

## EXCUSED-4

Farmer                      Mihalich                      Pitts                      Serafini

Less than the majority having voted in the affirmative, 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. **FLICK** offered the following amendment No. **A0758**:

Amend Title, page 1, line 6, by striking out "AND FOR RIGHTS DURING A LEAVE OF ABSENCE"

Amend Sec. 3, page 5, line 28, by striking out "SECTIONS 1171 AND 1178(D) OF THE ACT ARE" and inserting

Section 1171 of the act is

Amend Sec. 3, page 6, lines 7 through 14, by striking out "REASONABLY" in line 7, all of lines 8 through 14, and inserting utilized in order to satisfy continuing professional development or renewable certification requirements.

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

The **SPEAKER**. On the question of the adoption of this amendment, the Chair recognizes the gentleman, Mr. Flick.

Mr. **FLICK**. Mr. Speaker, I recognize I do not have the votes in this chamber today to empower our local school districts to make these decisions and to set these policies, but, Mr. Speaker, I hope I have the support today in this chamber to tighten up the language in the Schuler-amended version of HB 1031, which is on your desk, and I am referring specifically to the section that empowers the board of school directors to "...ADOPT RULES AND REGULATIONS PROVIDING THAT SABBATICALS FOR STUDY BE REASONABLY RELATED TO PROFESSIONAL RESPONSIBILITIES OF THE EDUCATOR." Mr. Speaker, all I would do is replace that language, take out "REASONABLY RELATED TO PROFESSIONAL RESPONSIBILITIES OF THE EDUCATOR" and insert "utilized in order to satisfy continuing professional development or renewable certification requirements."

This is an area that I believe is too broad, and it will not serve the purpose for which the gentleman has labored so diligently. We need to tighten it up. This is a draft, I believe, that sufficiently tightens it up so we make certain that study sabbaticals will enhance the educational process. That is very important. If a piece of legislation amending this section of the School Code is to leave this chamber, we have to make sure it enhances the educational process. My amendment does that.

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

Mr. **COWELL**. Thank you, Mr. Speaker.

Mr. Speaker, I would urge that we defeat the amendment.

The language that is in this amendment differs from the current bill largely because of the term "renewable certification requirements." We have no renewable certification requirements in this State. That is a reference to something that does not exist. The Department of Education has indicated an interest in developing those. That kind of issue may come before us someday in the future, but at this moment we do not have them.

If in fact we get them at some later date, the term "professional development requirements" will adequately cover that kind of reference. So this language is not only unnecessary but it is very inappropriate at this point.

I would urge that we defeat the amendment.

The **SPEAKER**. On the question, the gentleman, Mr. Stairs.

Mr. **STAIRS**. I appreciate Representative Flick's attempt to try to be of help and to make education better in the Commonwealth, but I remind the members that his amendment really is not germane to the bill. I mean by that the fact that renewable certificates do not exist at this time. They are a proposal, and I think as we develop these, certainly we can address those.

We certainly have enough problems with education to address and to correct that are out there without looking for other avenues to pursue, and I do think that when renewable certificates are about to be implemented, "professional development" will cover these and we will address those at the appropriate time.

So let us correct problems that we need corrected. Let us defeat this amendment and get on to passing this bill, which I think is a big step in education reform. Thank you.

The **SPEAKER**. On the question, the gentleman, Mr. Flick.

Mr. **FLICK**. Thank you, Mr. Speaker.

I would only point out to the members in the chamber that it is an "or" provision. Therefore, I urge your support.

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

The following roll call was recorded:

YEAS-58

Adolph	Fajt	Lawless	Reinard
Armstrong	Fargo	Leh	Rohrer
Birmelin	Feese	Lynch	Schroder
Boscola	Flick	Marsico	Sheehan
Brown	Gamble	Mayernik	Snyder, D. W.
Browne	Gladeck	Mery	Steil
Civera	Godshall	Micozzie	Stish
Clark	Habay	Nyce	Strittmatter
Conti	Harhart	Petrone	Taylor, E. Z.
Dempsey	Haste	Pettit	True
Dent	Hennessey	Phillips	Vitali
DiGirolamo	Hershey	Platts	Waugh
Durham	Hutchinson	Raymond	Wright, M. N.
Egolf	Kaiser	Readshaw	Zug
Fairchild	King		

NAYS-141

Allen	Donatucci	Major	Scrimenti
Argall	Druce	Manderino	Semmel
Baker	Evans	Markosek	Shaner
Bard	Fichter	Masland	Smith, B.
Barley	Fleagle	McCall	Smith, S. H.
Battisto	Gannon	McGeehan	Staback
Bebko-Jones	Geist	McGill	Stairs
Belardi	George	Melio	Steelman
Belfanti	Gigliotti	Michlovic	Stern
Bishop	Gordner	Miller	Stetler
Blaum	Gruitza	Mundy	Sturla
Boyes	Gruppo	Myers	Surra
Bunt	Haluska	Nailor	Tangretti
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Hasay	O'Brien	Thomas
Caltagirone	Herman	Olasz	Tigue
Cappabianca	Hess	Oliver	Travaglio
Carn	Horsey	Perzel	Trello
Carone	Itkin	Pesci	Trich
Cawley	Jadlowiec	Petrarca	Tulli
Chadwick	James	Pistella	Vance
Clymer	Jarolin	Preston	Van Horne
Cohen, L. I.	Josephs	Ramos	Veon
Cohen, M.	Keller	Reber	Walko
Colaifella	Kenney	Rieger	Washington
Colaizzo	Kirkland	Roberts	Williams
Cornell	Krebs	Robinson	Wogan
Corpora	Kukovich	Roebuck	Wozniak
Corrigan	LaGrotta	Rooney	Wright, D. R.
Cowell	Laughlin	Rubley	Yewcic
Coy	Lederer	Rudy	Youngblood
Curry	Lescovitz	Sainato	Zimmerman
Daley	Levdansky	Santoni	
DeLuca	Lloyd	Sather	Ryan,
Dermody	Lucyk	Saylor	Speaker
DeWeese	Maitland	Schuler	

NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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Less than the majority having voted in the affirmative, 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?

The SPEAKER. The Chair recognizes the gentleman, Mr. Flick. Do you have more amendments, Mr. Flick, or are you withdrawing them?

Mr. FLICK. Mr. Speaker, it appears as though I am going in reverse, so I will withdraw my further amendments and hope that the Senate will take steps to tighten up this piece of legislation.

The SPEAKER. That was well said.

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

Mr. LAWLESS offered the following amendment No. A0744:

Amend Title, page 1, line 6, by removing the period after "ABSENCE" and inserting  
; and making a repeal.

Amend Bill, page 6, by inserting between lines 14 and 15  
Section 4. The act is amended by adding a section to read:

Section 2013.1-A. Sabbatical Leaves Prohibited.—A faculty member or other employe of any university which is part of the system is not entitled to, and may not be granted, a sabbatical leave of absence for any reason.

Section 5. Section 3 of the act of January 18, 1952 (1951 P.L.2111, No.600), referred to as the State College Faculty Compensation Law, is repealed.

Amend Sec. 4, page 6, line 15, by striking out "4" and inserting  
6

Amend Sec. 5, page 6, line 21, by striking out "5" and inserting  
7

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

The SPEAKER. On the question of the adoption of the Lawless amendments, the Chair recognizes the gentleman, Mr. Lawless.

Mr. LAWLESS. Mr. Speaker, I would like to ask – in order to save some time, obviously I am going to withdraw some of these amendments at some point – but I would like to know if I could bring up amendment 0752 first.

AMENDMENT WITHDRAWN

The SPEAKER. The clerk will read 0752 and withdraw at this time 0744.

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

Mr. LAWLESS offered the following amendment No. A0752:

Amend Bill, page 3, lines 11 through 30; pages 4 and 5, lines 1 through 30; page 6, lines 1 through 8, by striking out all of said lines on said pages and inserting  
is repealed.

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

Section 1166.1. Sabbatical Leaves of Absence Prohibited.—A person employed in the public school system of this Commonwealth as a professional employe or member of the supervisory, instructional or administrative staff, or as a commissioned officer, of any board of

school directors, county board of school directors or any other part of the public school system of this Commonwealth, is not entitled to, and may not be granted, a sabbatical leave of absence for any reason.

Section 3. Sections 1167, 1168, 1169, 1170 and 1171 of the act are repealed.

Section 4. Section 1178(d) of the act is amended to read:  
Amend Sec. 4, page 6, line 15, by striking out "4" and inserting  
5

Amend Sec. 5, page 6, line 21, by striking out "5" and inserting  
6

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

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would amend the bill to strike out all language in the bill and eliminate the entitlement of professional employees, administrators, or other employees of sabbatical leaves for any reason; local boards prohibited from granting any sabbaticals.

Mr. Speaker, we already have a vote up on the board right now where we asked to give local control to our school districts who are begging constantly for us to do away with mandates. We decided as a General Assembly here today that we did not want to give them that local control.

I would like to see us vote and put on the record to do away with what the public has wanted, and the public wants us to do away with sabbaticals. Let us see the vote on that.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Mr. Speaker, I would urge that we defeat the amendment.

This not only represents bad statewide policy and is contrary to the interest that I described earlier in professional development, this also violates the whole notion of local control. This says to local school boards they cannot do it.

Mr. Speaker, this is the worst of all possible worlds. It is the worst of all possible amendments today. I think we should, by a large margin, defeat this.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I think in the past few moments in our previous votes we have indicated that we want to see change; we want to see significant change, but we feel that we should keep sabbaticals under the right conditions, and I think this sends the wrong signal and certainly takes away from local control that we have been talking about.

So I would urge that we vote against this amendment.

The SPEAKER. On the question, the gentleman, Mr. Lawless, for the second time.

Mr. LAWLESS. Mr. Speaker, this may be of no surprise to some people, but I have just become confused.

Mr. Cowell on one hand says that he wants local control. The Flick amendment which we just defeated gave local control. Now that we have done away with that, Mr. Cowell all of a sudden has this sudden religious belief in having local control. Maybe we should bring the Flick amendment back for reconsideration.

Mr. Speaker, once again, our constituents across this Commonwealth have asked for mandate relief. The Flick amendment tried to give them that local control for mandate relief. Obviously, we decided we did not want to give them that control.

I believe that we should just do away with this. There is no other occupation in the Commonwealth of Pennsylvania that I am

aware of — if anybody knows of one, please take a microphone and tell me — there is no other occupation that is supported by taxpayers in Pennsylvania who provide sabbaticals so that people can travel, people can go on professional development, or whatever.

I urge and I respectfully ask the members to think long and hard, long and hard about the vote that you are about to make on sabbaticals that will save millions and millions and millions of dollars, and we will address higher education a little later on. Thank you.

The SPEAKER. The gentleman, Mr. Horsey, desires recognition.

Mr. HORSEY. Mr. Speaker, there is no other profession that can lay claim to the building of these four walls. There is no other profession that can lay claim, other than schoolteachers, to sending men to the moon. There is no other occupation that can lay claim to curing diseases but schoolteachers, Mr. Speaker. They are the pivotal points in our society. They make a great contribution, and they deserve to be treated the way they are treated, and that is gloriously. Thank you, Mr. Speaker.

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

The following roll call was recorded:

#### YEAS—23

Adolph	Godshall	Levdansky	Reinard
Birmelin	Hershey	Lynch	Rohrer
Civera	Kaiser	Micozzie	Schroder
Conti	King	Pettit	Steil
Fajt	Lawless	Raymond	Waugh
Gamble	Leh	Readshaw	

#### NAYS—175

Allen	Druce	Lucyk	Scriminti
Argall	Durham	Maitland	Semmel
Armstrong	Egolf	Major	Shaner
Baker	Evans	Manderino	Sheehan
Bard	Fairchild	Markosek	Smith, B.
Barley	Fargo	Marsico	Smith, S. H.
Battisto	Feese	Masland	Snyder, D. W.
Bebko-Jones	Fichter	Mayernik	Staback
Belardi	Fleagle	McCall	Stairs
Belfanti	Flick	McGeehan	Steelman
Bishop	Gannon	McGill	Stern
Blaum	Geist	Melio	Stetler
Boscola	George	Merry	Stish
Boyes	Gigliotti	Michlovic	Strittmatter
Brown	Gladeck	Miller	Sturla
Browne	Gordner	Mundy	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Gruppo	Nickol	Taylor, E. Z.
Buxton	Habay	Nyce	Taylor, J.
Caltagirone	Haluska	O'Brien	Thomas
Cappabianca	Hanna	Olasz	Tigue
Carn	Harhart	Oliver	Travaglio
Carone	Hasay	Perzel	Trello
Cawley	Haste	Pesci	Trich
Chadwick	Hennessey	Petrarca	True
Clark	Herman	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pistella	Van Horne
Cohen, M.	Hutchinson	Platts	Veon
Colafella	Itkin	Preston	Vitali
Colaizzo	Jadlowiec	Ramos	Walko
Cornell	James	Reber	Washington

Corpora	Jarolin	Rieger	Williams
Corrigan	Josephs	Roberts	Wogan
Cowell	Keller	Robinson	Wozniak
Coy	Kenney	Roebuck	Wright, D. R.
Curry	Kirkland	Rooney	Wright, M. N.
Daley	Krebs	Rublely	Yewcic
DeLuca	Kukovich	Rudy	Youngblood
Dempsey	LaGrotta	Sainato	Zimmerman
Dent	Laughlin	Santoni	Zug
Dermody	Lederer	Sather	
DeWeese	Lescovitz	Saylor	Ryan,
DiGirolamo	Lloyd	Schuler	Speaker
Donatucci			

NOT VOTING—1

Myers

EXCUSED—4

Farmer	Mihalich	Pitts	Serafini
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Less than the majority having voted in the affirmative, 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?

The SPEAKER. Does the gentleman, Mr. Lawless, have further amendments?

Mr. LAWLESS. Mr. Speaker, I would like to offer amendment 0751.

The SPEAKER. The clerk will read the amendment.

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

Mr. LAWLESS offered the following amendment No. A0751:

Amend Sec. 2 (Sec. 1168), page 5, line 1, by inserting brackets before and after "ONE SCHOOL TERM" and inserting immediately thereafter

three school terms

Amend Sec. 2 (Sec. 1168), page 5, line 19, by inserting brackets before and after the period and inserting immediately thereafter and the employe shall repay the amount of salary received during the period of the sabbatical leave. For each of the three school terms that the employe fails to return, the employe shall repay one-third of the amount of salary received.

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

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, under current law, teachers are required to come back for 1 year of service to offer back to the school district which provided them with a sabbatical, which again, they received half of their salary.

What this amendment would do would be require the teacher to receive or to give back 3 years of service to that school district.

In the event that they chose not to give 3 years' service back to that school district, they would be required to pay back to that school district one-third of the amount of money that they received in their salary for that given period.

The SPEAKER. The Chair recognizes the lady from Montgomery County, Dr. Sheehan.

Ms. SHEEHAN. Mr. Speaker, I rise in support of this Lawless amendment.

I would hope that every member in this chamber would take a moment to think about what the purpose of sabbaticals is.

Are teachers not supposed to—

The SPEAKER. Will the lady yield.

Conversations on the floor, please cease; conversations on the floor, please cease.

The lady may proceed.

Ms. SHEEHAN. Mr. Speaker, I appeal to my colleagues' sense and reason on this issue.

If a teacher is granted a sabbatical, ought they not come back to the classroom and use the learning that they acquired over that period to do good for our children and our students? If you vote against this amendment, you are saying no. You are saying that sabbaticals can be tantamount to a vacation, that they can take this time and never come back in the classroom to do any good for our public education system or for our students.

Mr. Speaker, this is a very sensible, reasonable, necessary, beneficial amendment. It is, as our young people say today in our schools, a no-brainer.

I urge my colleagues in the entire House to emphatically support this amendment, and let us start making some reforms in education that are so desperately needed to help our children. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

The SPEAKER. You may begin, Mr. Schuler. Mr. Lawless consents.

Mr. SCHULER. Mr. Speaker, in your amendment you use the word "term." Would you define that for me, please?

Mr. LAWLESS. I am sorry, Mr. Speaker; would you repeat that?

Mr. SCHULER. I believe you use the word "term" in your amendment.

Mr. LAWLESS. Mr. Speaker, that is a school year.

Mr. SCHULER. A school year. It is not a half a year—

Mr. LAWLESS. That is correct. A school year.

Mr. SCHULER. —like a spring term or a fall term. You are defining that for the record as a full year.

Mr. LAWLESS. That is correct.

Mr. SCHULER. All right. Thank you, Mr. Speaker.

A few comments, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

I want the members to realize, under HB 1031 as it is now written, you must come back. You may not even take off 1 year. You must come back, and if you do not come back, you lose all your benefits, not just pay; you lose all your benefits that were paid on your behalf while you were on sabbatical. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would urge that we defeat this amendment.

On the one hand, as Representative Schuler just points out, this undermines the language that Representative Schuler sponsored in the Education Committee that was intended to tighten up the requirement that you return for 1 year by having an obligation to repay everything if you do not come back for that year. On the other hand, I think that this amendment would unreasonably extend to a 3-year obligation the responsibility of the individual who has had the benefit of the professional development leave.

I think that 1 year is an appropriate requirement and that we ought to be strict about it and we ought to be tight about it in its enforcement. Our problem has been some of our school districts have not even been willing to be strict about that. By creating a 3-year requirement, we not only create a responsibility for the employee that might well be an improper or unfair burden, for instance, in circumstances where the individual has other opportunities to work somewhere or other opportunities to follow a spouse somewhere or other opportunities to study somewhere; what we do is tie this person up for 3 years. My judgment is that is not a fair trade in return for the sabbatical opportunity that we provide them.

Secondly, what we do is also create, I think, an unfair burden on the school district. We are saying to the school district that it must keep this person, or apparently we are saying with this amendment the school district must keep this person for a full 3 years even if the school district would prefer to have that person retire and be able to use those dollars saved from somebody who might be eligible for retirement to hire a less expensive employee.

I think this amendment is unfair to the employee and it also is unfair to the school district or to the employer. I think that it also, as I suggested at the outset, undoes what Representative Schuler has already tried to do, and that is to tighten up very strictly the requirement that you come back for your 1 year, and if you do not come back for the 1 year, you do not give up a third, you do not give up two-thirds; you give up 100 percent of the benefits that you had earned during that sabbatical time.

I would urge that we defeat the amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Chadwick.

Mr. CHADWICK. Thank you, Mr. Speaker.

Conceptually this amendment makes a lot of sense, but I have a couple of questions. I do not want to take up the House's time with interrogation.

I see that the gentleman, Mr. Lawless, is going to speak again, so I am simply going to ask that he address, when he speaks again, the questions of what would happen if after the teacher goes back to school and within the 3-year period that teacher is permanently disabled in an accident and not able to work the 3 years, or what if that teacher during that 3-year period was laid off due to declining enrollment? Would that teacher still have to repay that amount? I have read the gentleman's amendment, and I do not see an answer contained therein, and I hope he will address those questions when he speaks for the second time. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Sensing the trend in our votes, I can sense that our members have seen that we have a good bill and we are trying to take away from that bill, and the votes are becoming more lopsided as we go

on. I think this amendment does the same thing that some of the other amendments did – it takes away from the strength of the bill.

Our bill very emphatically states that if you do not come back after a sabbatical, you lose 100 percent. There are no breaks. There is no reduction of a third or a fraction.

And as a question has been raised, what if somebody is injured or has a health problem, something unforeseen? I think we are creating problems that are going to take away from the strength of strong legislation that we have seemed to want to support by the action of our votes in the last few minutes.

So I would hope that we could defeat this amendment and keep a very strong bill that addresses sabbaticals and make it a law.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, in many sessions, many past sessions, we in this House have very overwhelmingly supported early-out legislation commonly known as Mellow bills. Under the provisions of this amendment, apart from the issues that were raised by Representative Chadwick and Representative Cowell and others, if an individual would return to school after a 1-year sabbatical for, let us say, 2 years and we made available an early-out incentive so that we could bring more entry-level people into the system and knock off some of the higher paid professionals, which is what the intention of Mellow bills are, this language does not take any of that into account either.

So I believe that it is fatally flawed and should be defeated.

The SPEAKER. On the question, does the gentleman, Mr. Lawless, desire further recognition?

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, very quickly, I would just like to respond to Representative Chadwick.

Mr. Speaker, in the bill, on page 5, you will see that "...UNLESS PREVENTED BY ILLNESS OR PHYSICAL DISABILITY, THE EMPLOYEE SHALL FORFEIT ALL BENEFITS..." So that is addressed in the issue and that would not be affected. This amendment would not affect that part of this bill.

Mr. Speaker, in conclusion, I would just like to say that what we are asking for here is the instance in my middle school right now where we have a couple, two phys ed teachers, who are spending \$84,000 this year of taxpayers' dollars, and currently they are in Florida. All I am asking is, when they come back, that they teach phys ed for 3 more years, and if they do not, they have to repay something.

Now, if you do not think that that is being financially responsible, then vote against this amendment. I happen to think, once again, we continue to talk the talk up here. It is time to walk the walk.

The SPEAKER. On the question, the gentleman, Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

I would like to interrogate Mr. Lawless, please.

The SPEAKER. You may begin.

Mr. KAISER. Mr. Speaker, what would happen if a teacher comes back from a sabbatical and then he is found of misconduct with a student, such as having a sexual relationship with the student, and then the teacher is discharged? This has happened in the past year in western Pennsylvania, not once but twice. The teacher is discharged, but it is not beyond the 3-year limit. What happens then? Is he required to be an employee of the school board but not allowed to go in the classroom? What is his status?

Mr. LAWLESS. Mr. Speaker, I would hope that that gentleman would have to pay back on his way to jail.

Mr. KAISER. Well, I am certain you and many people in this House feel the same way.

Again, could he possibly go to the courts and say, I am still an employee of that school district; maybe the people in the school district, the parents, do not want me in the classroom, but I deserve a check.

Mr. LAWLESS. Mr. Speaker, you are asking me a judicial question and we are a legislative branch. I leave that up to the judicial branch.

Mr. KAISER. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—40

Adolph	Druce	Hutchinson	Raymond
Baker	Durham	King	Rohrer
Birmelin	Egolf	Lawless	Sheehan
Brown	Fairchild	Leh	Taylor, E. Z.
Browne	Feese	Levdansky	Vitali
Civera	Flick	Lynch	Waugh
Clark	Gladeck	Micozzie	Zug
Conti	Godshall	Petrone	
Cornell	Harhart	Phillips	Ryan,
Dempsey	Haste	Platts	Speaker
Dent	Hershey		

NAYS—159

Allen	Fargo	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayernik	Semmel
Bard	Gamble	McCall	Shaner
Barley	Gannon	McGeehan	Smith, B.
Battisto	Geist	McGill	Smith, S. H.
Bebko-Jones	George	Melio	Snyder, D. W.
Belardi	Gigliotti	Merry	Staback
Belfanti	Gordner	Michlovic	Stairs
Bishop	Gruitza	Miller	Steelman
Blaum	Gruppo	Mundy	Steil
Boscola	Habay	Myers	Stern
Boyes	Haluska	Nailor	Stetler
Bunt	Hanna	Nickol	Stish
Butkovitz	Hasay	Nyce	Strittmatter
Buxton	Hennessey	O'Brien	Sturla
Caltagirone	Herman	Olasz	Surra
Cappabianca	Hess	Oliver	Tangretti
Carn	Horsey	Perzel	Taylor, J.
Carone	Itkin	Pesci	Thomas
Cawley	Jadlowiec	Petrarca	Tigue
Chadwick	James	Pettit	Travaglio
Clymer	Jarolin	Pistella	Trello
Cohen, L. I.	Josephs	Preston	Trich
Cohen, M.	Kaiser	Ramos	True
Colafigliola	Keller	Readshaw	Tulli
Colaizzo	Kenney	Reber	Vance
Corpora	Kirkland	Reinard	Van Horne
Corrigan	Krebs	Rieger	Veon
Cowell	Kukovich	Roberts	Walko
Coy	LaGrotta	Robinson	Washington
Curry	Laughlin	Roebuck	Williams
Daley	Lederer	Rooney	Wogan
DeLuca	Lescovitz	Rubley	Wozniak
Dermody	Lloyd	Rudy	Wright, D. R.
DeWeese	Lucyk	Sainato	Wright, M. N.
DiGirolamo	Maitland	Santoni	Yewcic
Donatucci	Major	Sather	Youngblood

Evans	Manderino	Saylor	Zimmerman
Fajt	Markosek	Schroder	

NOT VOTING—0

EXCUSED—4

Farmer	Mihalich	Pitts	Serafini
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Less than the majority having voted in the affirmative, 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?

The SPEAKER. Mr. Lawless, do you have further amendments?

Mr. LAWLESS. Mr. Speaker, in spite of my recent comeback on that last vote as opposed to the prior one, I would like to withdraw the rest of my amendments.

The SPEAKER. You are a quick learner.

The gentleman from Warren, Mr. Lynch, has amendments. He withdraws his amendments.

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

Mr. GODSHALL offered the following amendment No. A0766:

Amend Title, page 1, line 5, by inserting after "thereto," " setting forth public policy relating to strikes; providing for assessments;

Amend Bill, page 1, by inserting between lines 8 and 9

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 1133-A. Public Policy Relating to Strikes; Assessments.—(a) The Constitution of Pennsylvania requires the General Assembly to provide for a thorough and efficient system of public education. Existing law requires one hundred eighty (180) days of instruction each year as established by the school calendar. The scheduled one hundred eighty (180) days of instruction are lost or rescheduled when a strike occurs. Days lost or rescheduled are made up as much as possible by cancelling scheduled vacation days and holidays and extending the school year, resulting in severe disruption of the educational process and family life. Guarantees for the protection of the public health, safety and welfare are not kept inviolate when instructional days are lost or rescheduled. Therefore, it is the intent of the General Assembly that equal financial assessments be imposed on those responsible for strike disruptions.

(b) Whenever an instructional day, in accordance with the officially adopted original calendar of instructional days approved by the board of directors, is lost or rescheduled as the result of a strike, each employee who participates in the strike shall be assessed a sum equal to one one-hundred-eightieth of that year's annual salary or wages for each day of the strike. The school district shall be assessed by the Commonwealth a sum equal to the total daily wages or salaries of the striking employes from its Equalized Subsidy for Basic Education (ESBE) payments calculated under Article XXV of this act. In the case of an intermediate unit or area vocational-technical school, the respective agency shall be assessed a sum equal to the total daily wages or salaries of the striking employes. The constituent districts of the respective agency

shall have a sum proportionate to the district's percentage of enrollment deducted from the Equalized Subsidy for Basic Education (ESBE) as provided for in Article XXV of this act. The assessment paid by the employer shall not exceed the total amount of annual subsidies due. The school district shall deduct, in equal installments over the remaining pay periods, the amount of the assessment it determines to be due under this section from the compensation payable to the assessed employe. Assessments required under this section shall not be waived, suspended or reduced after the signing of a collective bargaining agreement or as a condition for the agreement. The scheduling of days to make up instructional days lost because of a strike shall not constitute a basis for a rescission of or a setoff for an assessment owed by or deducted from the school district or for the payment of compensation to a striking employe under this section. Assessments due under this section shall be paid in the school year in which the strike occurs.

(c) If a school district, intermediate unit or area vocational-technical school uses the services of a person who is not a member of the bargaining unit to discharge the duties of a striking employe, the district, intermediate unit or vocational-technical school shall pay the strike assessments required in subsection (b).

Amend Sec. 1, page 3, lines 9 and 10, by striking out all of said lines and inserting

Section 2. Section 1166 of the act,

Amend Sec. 2, page 4, line 26, by striking out "2" and inserting  
3

Amend Sec. 3, page 5, line 28, by striking out "3" and inserting  
4

Amend Sec. 4, page 6, line 15, by striking out "4" and inserting  
5

Amend Sec. 5, page 6, line 21, by striking out "5" and inserting  
6

On the question,

Will the House agree to the amendment?

#### AMENDMENT WITHDRAWN

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

Mr. GODSHALL. Thank you, Mr. Speaker.

This amendment simply says that for each instructional day lost due to a strike, teachers would be assessed one one-hundred-eightieth of their annual salary and school boards should be assessed one one-hundred-eightieth of their annual subsidy. This material was included in the Governor's educational reform plan when he ran for election.

Unfortunately, the language dealing with reimbursement deductions from the school district which hires personnel to continue the educational process when a strike occurs is vague and unclear as this amendment is presently written. I do not want to penalize the school district for attempting to maintain the educational process.

For this reason I am withdrawing this amendment, but I have every intention of bringing it back at a later date.

The SPEAKER. Is it my understanding you have withdrawn that amendment? Thank you.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. Does the gentleman, Mr. Cohen, withdraw his amendments? Mr. Cohen, do you withdraw your amendments?

Mr. COHEN. I am introducing one of the two amendments, amendment A792.

The SPEAKER. The clerk will read the amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. COHEN offered the following amendment No. A0792:

Amend Sec. 3 (Sec. 1171), page 6, line 8, by inserting after "TO"  
current and/or potential

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a four-word addition to the following sentence: "THE BOARD OF SCHOOL DIRECTORS MAY ADOPT RULES AND REGULATIONS PROVIDING THAT SABBATICALS FOR STUDY BE REASONABLY RELATED TO PROFESSIONAL RESPONSIBILITIES OF THE EDUCATOR." This is a new sentence that was inserted in committee. We do not know precisely what it means. It has not yet been litigated. It occurs to me that it could mean one of two things. It could mean professional responsibilities of the teacher that he or she now has at the current time or it could mean professional responsibilities including changes of positions in a school district, such as going from teacher to vice principal or special education teacher to English teacher or physical education teacher to history teacher and so forth.

Now, we could have a lot of litigation over this issue and settle what it means by litigation. My feeling is, assuming the purposes of sabbaticals are to aid in the professional development of the teachers, which I think the vast majority of us agree on, then the way to deal with the problem is to simply pick a definition of what it means. I think the way to most aid professional development of teachers is to allow teachers to switch positions within sabbaticals. I think they will make good use of the sabbaticals. It would enhance flexibility of the school system, and I therefore urge support of this amendment.

The SPEAKER. On the question of the adoption of the Cohen amendment, the Chair recognizes the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I oppose this amendment. Really, it is going to weaken this legislation. The word "potential" just widens the parameter and gives us so many unknowns that we do not know what is going to be happening.

So I think that we have been very diligent and very patient today and we have a very strong bill here, and this, I feel, would weaken the bill, and it would not be the intent of the legislature to weaken this sabbatical bill. So I hope we can defeat this amendment.

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

Mr. NYCE. Thank you, Mr. Speaker.

I concur with the chairman of the Education Committee.

As I understand it, any certified teacher could, by taking additional courses or additional instruction, qualify or certify for any other area. So in applying, you could explain as the reason for the need for the sabbatical the potential that you are seeking without necessarily defining the ultimate goal.



So I think it broadens the whole definition much too much and would endorse voting against this amendment. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, in this version of this bill as it now stands, we have maintained the right to a sabbatical for professional development. It does not really broaden that; the people have that right. The question is, what is professional development? That is the question that this bill answers. The question is, are we going to answer it by legislation or are we going to answer it by litigation?

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

The following roll call was recorded:

YEAS-9

Bishop	Horsey	Ramos	Veon
Caltagirone	Josephs	Robinson	Washington
Cohen, M.			

NAYS-188

Adolph	Evans	Lynch	Saylor
Allen	Fairchild	Maitland	Schroder
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Shaner
Barley	Fleagle	Masland	Sheehan
Battisto	Flick	Mayernik	Smith, B.
Bebko-Jones	Gamble	McCall	Smith, S. H.
Belardi	Gannon	McGeehan	Snyder, D. W.
Belfanti	Geist	McGill	Staback
Birmelin	George	Melio	Stairs
Blaum	Gigliotti	Merry	Steelman
Boscola	Gladeck	Michlovic	Steil
Boyes	Godshall	Micozzie	Stern
Brown	Gordner	Miller	Stetler
Browne	Gruitza	Mundy	Stish
Bunt	Gruppo	Myers	Strittmatter
Butkovitz	Habay	Nailor	Sturla
Buxton	Haluska	Nickol	Surra
Cappabianca	Hanna	Nyce	Tangretti
Carn	Harhart	O'Brien	Taylor, E. Z.
Carone	Hasay	Olasz	Taylor, J.
Cawley	Haste	Oliver	Thomas
Chadwick	Hennessey	Perzel	Tigue
Civera	Herman	Pesci	Travaglio
Clark	Hershey	Petrarca	Trello
Clymer	Hess	Petrone	Trich
Cohen, L. I.	Hutchinson	Pettit	True
Colaella	Itkin	Phillips	Tulli
Colaizzo	Jadlowiec	Pistella	Vance
Conti	James	Platts	Van Horne
Corpora	Jarolin	Preston	Vitali
Corrigan	Kaiser	Raymond	Walko
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reber	Williams
Curry	King	Reinard	Wogan
Daley	Krebs	Rieger	Wozniak
DeLuca	Kukovich	Roberts	Wright, D. R.
Dempsey	LaGrotta	Roebuck	Wright, M. N.
Dent	Laughlin	Rohrer	Yewcic
Dermody	Lawless	Rooney	Youngblood
DeWeese	Lederer	Rubley	Zimmerman
DiGirolamo	Leh	Rudy	Zug
Donatucci	Lescovitz	Sainato	

Druce	Levdansky	Santoni	Ryan,
Durham	Lloyd	Sather	Speaker
Egolf	Lucyk		

NOT VOTING-2

Cornell	Kirkland
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EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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Less than the majority having voted in the affirmative, 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?  
Bill 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-198

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Colaella	Itkin	Phillips	Vance
Colaizzo	Jadlowiec	Pistella	Van Horne
Conti	James	Platts	Veon
Cornell	Jarolin	Preston	Vitali
Corpora	Josephs	Ramos	Walko
Corrigan	Kaiser	Raymond	Washington
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reber	Williams
Curry	King	Reinard	Wogan

Daley	Kirkland	Rieger	Wozniak
DeLuca	Krebs	Roberts	Wright, D. R.
Dempsey	Kukovich	Robinson	Wright, M. N.
Dent	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Lawless	Rooney	Zimmerman
DiGirolamo	Lederer	Rublely	Zug
Donatucci	Leh	Rudy	
Druce	Lescovitz	Sainato	Ryan,
Durham	Levdansky	Santoni	Speaker

NAYS-1

Cohen, M.

NOT VOTING-0

EXCUSED-4

Farmer                      Mihalich                      Pitts                      Serafini

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.

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The House proceeded to third consideration of **HB 2021, PN 3182**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for settlement of accounts, for audit of accounts, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; and providing for refusal to submit to examination and for the procedure for approval.

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

Mr. **TANGRETTI** offered the following amendment No. **A0789**:

Amend Sec. 4 (Sec. 1705), page 5, line 16, by inserting after "accepted"

government

Amend Sec. 5 (Sec. 1720), page 6, line 20, by inserting after "accepted"

government

Amend Sec. 6 (Sec. 1721), page 7, line 20, by inserting after "standards"

or, in a county which has a controller, in accordance with generally accepted government auditing standards

Amend Sec. 6 (Sec. 1721), page 8, line 7, by removing the period after "principles" and inserting

or, in a county which has a controller, in accordance with generally accepted government accounting principles.

Amend Sec. 8 (Sec. 1724.2), page 9, line 16, by inserting after "standards"

or, in a county which has a controller, with generally accepted government auditing standards

Amend Sec. 8 (Sec. 1724.2), page 10, line 2, by striking out "with" and inserting

to

Amend Sec. 8 (Sec. 1724.2), page 10, line 3, by removing the period after "principles" and inserting

or, in a county which has a controller, to generally accepted government accounting principles.

Amend Sec. 8 (Sec. 1724.2), page 10, line 11, by inserting after "standards"

or, in a county which has a controller, in accordance with generally accepted government auditing standards

Amend Sec. 8 (Sec. 1724.2), page 10, line 15, by striking out "with" and inserting

to

Amend Sec. 8 (Sec. 1724.2), page 10, line 16, by removing the period after "principles" and inserting

or, in a county which has a controller, to generally accepted government accounting principles.

Amend Sec. 8 (Sec. 1724.2), page 10, line 18, by inserting after "standards"

or, in a county which has a controller, in accordance with generally accepted government auditing standards

Amend Sec. 8 (Sec. 1724.2), page 10, line 23, by striking out "with" and inserting

to

Amend Sec. 8 (Sec. 1724.2), page 10, line 24, by inserting after "principles"

or, in a county which has a controller, to generally accepted government accounting principles

Amend sec. 8 (Sec. 1724.2), page 10, line 28, by inserting after "accounting"

or government

Amend Sec. 15 (Sec. 1785), page 22, line 8, by striking out "generally accepted" and inserting

applicable

Amend Sec. 16, page 22, line 11, by inserting after "accepted" government

Amend Sec. 16, page 22, line 16, by inserting after "auditing" and government auditing

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

The SPEAKER. On the question, the Chair recognizes the gentleman.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. It just clarifies the auditing standards relative to those counties that have controllers. It is an agreed-to amendment, and I would ask for an affirmative vote. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.  
This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colaella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGrolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Farmer                      Mihalich                      Pitts                      Serafini

The majority having voted in the affirmative, 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?

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Saylor, who, I am advised, has an amendment but was filed late. It will require a suspension of the rules to consider your amendment.

Mr. SAYLOR. Mr. Speaker, I would like to make that motion to suspend the rules.

The SPEAKER. The gentleman, Mr. Saylor, moves that the rules of the House be suspended to permit him to offer amendment A0769 to HB 2021.

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

The following roll call was recorded:

YEAS-184

Adolph	Druce	Levdansky	Santoni
Allen	Durham	Lloyd	Sather
Argall	Egolf	Lucyk	Saylor
Armstrong	Evans	Maitland	Schroder
Baker	Fairchild	Major	Schuler
Bard	Fajt	Manderino	Scrimenti
Barley	Fargo	Markosek	Semmel
Battisto	Feese	Marsico	Shaner
Bebko-Jones	Fichter	Masland	Sheehan
Belardi	Fleagle	Mayernik	Smith, B.
Belfanti	Flick	McCall	Smith, S. H.
Birmelin	Gamble	McGeehan	Snyder, D. W.
Bishop	Gannon	McGill	Staback
Blaum	Geist	Melio	Stairs
Boscola	George	Merry	Stern
Boyes	Gigliotti	Michlovic	Stetler
Brown	Gladeck	Micozzie	Stish
Browne	Godshall	Miller	Strittmatter
Bunt	Gordner	Mundy	Sturla
Butkovitz	Gruitza	Myers	Surra
Buxton	Gruppo	Nailor	Tangretti
Caltagirone	Habay	Nickol	Taylor, E. Z.
Cappabianca	Haluska	Nyce	Taylor, J.
Carn	Harhart	O'Brien	Thomas
Cawley	Hasay	Olasz	Travaglio
Chadwick	Haste	Oliver	Trello
Civera	Hennessey	Perzel	Trich
Clark	Herman	Pesci	True
Clymer	Hershey	Petrarca	Tulli
Cohen, L. I.	Hess	Petrone	Vance
Cohen, M.	Horsey	Pettit	Van Horne
Colaella	Hutchinson	Phillips	Vitali
Colaizzo	Itkin	Pistella	Walko
Conti	Jadlowiec	Preston	Washington
Cornell	James	Ramos	Waugh
Corpora	Jarolin	Raymond	Wogan
Corrigan	Josephs	Readshaw	Wozniak

Cowell	Kaiser	Reber	Wright, D. R.
Coy	Keller	Reinard	Wright, M. N.
Curry	King	Rieger	Yewcic
DeLuca	Kirkland	Roebuck	Youngblood
Dempsey	Kukovich	Rohrer	Zimmerman
Dent	LaGrotta	Rooney	Zug
Dermody	Laughlin	Rubley	
DeWeese	Lederer	Rudy	Ryan,
DiGirolamo	Leh	Sainato	Speaker
Donatucci	Lescovitz		

NAYS-12

Carone	Krebs	Platts	Steelman
Daley	Lawless	Roberts	Steil
Hanna	Lynch	Robinson	Tigue

NOT VOTING-3

Kenney	Veon	Williams
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EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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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 as amended?

Mr. SAYLOR offered the following amendment No. A0769:

Amend Sec. 3 (Sec. 1702), page 5, line 1, by inserting after "comment."  
An audit or report of the fiscal affairs of offices of other elected county officers for the purpose of internal management shall not, however, be prepared or conducted.  
Amend Sec. 11 (Sec. 1760), page 15, lines 7 and 8, by striking out "or other management purpose."

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, this amendment takes out of the bill the right of the county commissioners to perform performance audits on elected county row offices.

It is my belief that county commissioners can use those audits in political ways in election years on row offices, and I do not think that is the intention of this legislation, and I ask for this body's approval of this amendment.

VOTE CORRECTION

The SPEAKER. On the question, the gentleman, Mr. Myers, from Philadelphia.  
Mr. MYERS. Mr. Speaker, I would like to exercise a point of personal privilege.

My vote was not recorded on amendment A0752 to HB 1031. I would like to be recorded in the negative.  
The SPEAKER. The remarks of the gentleman will be spread upon the record.

CONSIDERATION OF HB 2021 CONTINUED

The SPEAKER. The gentleman, Mr. Kaiser.  
Mr. KAISER. I would like to interrogate the maker of the amendment.  
The SPEAKER. The gentleman, Mr. Saylor, will stand for interrogation. You may begin.  
Mr. KAISER. This amendment, does this apply to all counties in the Commonwealth?  
Mr. SAYLOR. Yes.  
Mr. KAISER. Thank you, Mr. Speaker.  
The SPEAKER. Does the gentleman, Mr. Tangretti, desire recognition?  
Mr. TANGRETTI. Yes, Mr. Speaker.  
Very briefly, I would oppose this amendment.

As a former county controller and someone who is interested in making sure that all tax dollars are spent correctly, we would be taking away from that individual who is given and elected for the responsibility of insuring that tax dollars are spent properly his ability to do that, and as a consequence, in this particular amendment's approach to it we would be eliminating his ability in those areas of elected officials, which it seems to me we want to be in particularly.

I think this is a bad way of trying to prevent whatever you are trying to prevent, and I would suggest that we do not support this amendment for those reasons. Controllers are elected for the purpose of watching taxpayers' dollars and not in limited circumstances. So I would oppose this amendment and ask my colleagues to do so also. Thank you.

The SPEAKER. The Chair thanks the gentleman.  
The gentleman, Mr. Lawless.  
Mr. LAWLESS. Thank you, Mr. Speaker.  
Mr. Speaker, may I interrogate the maker of the amendment?  
The SPEAKER. The gentleman may proceed.  
Mr. LAWLESS. Mr. Speaker, could you give me a cost as to what this will be to counties?  
Mr. SAYLOR. There is no cost if there is no performance audit of those row offices.

This amendment simply says that it does not interfere with the county controller's ability to audit the offices that they now are able to audit. It just says that county commissioners cannot hire an auditing firm to do performance audits, not financial audits. They can still continue to do financial audits, they just cannot do performance audits.

Mr. LAWLESS. Thank you, Mr. Speaker.  
The SPEAKER. Will the gentleman, Mr. Saylor, come to the desk.  
Mr. SAYLOR. Sure.

(Conference held at Speaker's podium.)

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman, Mr. Saylor, withdraws his amendment.

On the question recurring,  
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?

The gentleman, Mr. Gruitza.

Mr. GRUITZA. Mr. Speaker, I am just wondering if the prime sponsor of this measure would stand for a brief interrogation.

The SPEAKER. The gentleman, Mr. Sather? Go ahead. You may proceed.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, I am concerned with the provisions in this bill. As I understand them, and I would like you to clarify this for me and perhaps some of the members who may not be aware of everything that is in this rather complex piece of legislation, does this bill allow local county commissioners to basically do away with local tax collectors, elected local tax collectors, and centralize tax collection in their jurisdictions?

Mr. SATHER. Mr. Speaker, that provision was removed from this bill in the Appropriations Committee and reverted back to the original law as it is in the County Code, only third-class cities. So the bill was changed; an amendment that I offered through the Appropriations Committee. That no longer is part of this law.

Mr. GRUITZA. So that under the measure as it is before us, only third-class cities would be affected?

Mr. SATHER. And that is current law — and home rule; home rule.

Mr. GRUITZA. And that is no change in current law?

Mr. SATHER. That is no change.

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

The SPEAKER. The gentleman, Mr. Maitland. The gentleman from Adams, Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, I would like to interrogate the prime sponsor.

The SPEAKER. You may begin.

Mr. MAITLAND. Mr. Speaker, it is my understanding there was some concern on some county row offices, that without an amendment like the one that Mr. Saylor withdrew, that there could be some political shenanigans with these performance audits. Are you concerned now that without this amendment going in, that the bill is flawed?

Mr. SATHER. Mr. Speaker, no, I am not, and if there is further concern about that, I would assume that there is another body in this General Assembly, and that issue could be raised there. But I have not had an outcry or an outpouring of concern about this very issue.

This bill has been talked about for many years, and Local Government did a lot of work on this bill. I would think that those things would have been brought out.

Mr. MAITLAND. Thank you, Mr. Speaker.

Mr. Speaker, if I may, on the bill?

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

Mr. MAITLAND. I am a little bit leery about voting in favor of this bill without clarifying that the county commissioners cannot use these performance audits as some kind of political tool over the county row offices. So I will be opposing this bill, but my sincere

hope is that an amendment can go in in the Senate to take care of that particular problem, which is my only reservation with the bill.  
Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Daley.

Mr. DALEY. Mr. Speaker, I ask that the gentleman stand for a brief interrogation.

The SPEAKER. You may begin.

Mr. DALEY. Thank you, Mr. Speaker.

Just to clarify the previous speaker, Mr. Gruitza's question, on page 2, line 5, that whole section 1701.1—

Mr. SATHER. Are you referring to the issue of the county tax collectors and treasurer?

Mr. DALEY. Yes.

Mr. SATHER. Yes.

Mr. DALEY. Okay. You stated under questioning by Mr. Gruitza that the bill now is back to its original language, basically prior to any enactment by this legislature?

Mr. SATHER. That is correct.

Mr. DALEY. However, I see an amendatory line, line 5, where it says "by the county treasurer."

Mr. SATHER. Yeah; I think there is an assumption in home-rule counties that that action, the county treasurer would be so involved.

Mr. DALEY. But this bill does add "by the county treasurer" by this amendatory language. Am I correct?

Mr. SATHER. Yes; it does.

Mr. DALEY. So in essence what we are saying here, billing and collection for third-, fourth-, fifth-, sixth-, seventh-, and eighth-class counties, the county commissioners can, by resolution, provide that billing will be collected by the county treasurer but only for third-class cities.

Mr. SATHER. Cities; that is correct, Mr. Speaker.

Mr. DALEY. Not for townships, not for boroughs—

Mr. SATHER. That is correct.

Mr. DALEY. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—195

Adolph	Durham	Levdansky	Sather
Allen	Egolf	Lloyd	Saylor
Argall	Evans	Lucyk	Schroder
Armstrong	Fairchild	Lynch	Schuler
Baker	Fajt	Major	Scrimenti
Bard	Fargo	Manderino	Semmel
Barley	Feese	Markosek	Shaner
Battisto	Fichter	Marsico	Sheehan
Bebko-Jones	Fleagle	Masland	Smith, B.
Belardi	Flick	Mayernik	Smith, S. H.
Belfanti	Gamble	McCall	Snyder, D. W.
Birmelin	Gannon	McGeehan	Staback
Bishop	Geist	McGill	Stairs
Blaum	George	Melio	Steelman
Boscola	Gigliotti	Merry	Steil
Boyes	Gladeck	Michlovic	Stern
Brown	Godshall	Micozzie	Stish
Browne	Gordner	Miller	Strittmatter
Bunt	Gruitza	Mundy	Sturla
Butkovitz	Gruppo	Myers	Surra
Buxton	Habay	Nailor	Tangretti
Caltagirone	Haluska	Nyce	Taylor, E. Z.

Cappabianca	Hanna	O'Brien	Taylor, J.
Carn	Harhart	Olasz	Thomas
Carone	Hasay	Oliver	Tigue
Cawley	Haste	Perzel	Travaglio
Chadwick	Hennessey	Pesci	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	True
Clymer	Horsey	Pettit	Tulli
Cohen, L. I.	Hutchinson	Phillips	Vance
Cohen, M.	Itkin	Pistella	Van Horne
Colafella	Jadlowiec	Platts	Veon
Colaizzo	James	Preston	Vitali
Conti	Jarolin	Ramos	Walko
Cornell	Josephs	Raymond	Washington
Corpora	Kaiser	Readshaw	Waugh
Corrigan	Keller	Reber	Williams
Cowell	Kenney	Reinard	Wogan
Coy	King	Rieger	Wozniak
Curry	Kirkland	Roberts	Wright, D. R.
Daley	Krebs	Robinson	Wright, M. N.
DeLuca	Kukovich	Roebuck	Yewcic
Dempsey	LaGrotta	Rohrer	Youngblood
Dent	Laughlin	Rooney	Zimmerman
Dermody	Lawless	Rubley	Zug
DeWeese	Lederer	Rudy	
DiGirolamo	Leh	Sainato	Ryan,
Donatucci	Lescovitz	Santoni	Speaker
Druce			

NAYS-4

Hess	Maitland	Nickol	Stetler
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NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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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 708, PN 1803**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for granting of tenure to professional employees, for causes for termination of professional contracts and for rating of professional employees.

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

Mr. LYNCH offered the following amendment No. **A0742**:

Amend Title, page 1, lines 6 through 8, by striking out ", for causes for termination" in line 6, all of line 7 and "employees" in line 8

Amend Sec. 1 (Sec. 1108), page 1, line 15, by inserting a bracket before "(a)"

Amend Sec. 1 (Sec. 1108), page 2, line 8, by striking out "(1)"

Amend Sec. 1 (Sec. 1108), page 2, lines 8 and 9, by striking out "initially employed by a school district prior to June 30, 1996."

Amend Sec. 1 (Sec. 1108), page 2, lines 14 through 20, by striking out all of lines 14 through 19 and "(3)" in line 20

Amend Sec. 1 (Sec. 1108), page 2, line 20, by striking out the bracket before "this"

Amend Sec. 1 (Sec. 1108), page 2, lines 20 and 21, by striking out "]" "the status under paragraph (1) or (2)"

Amend Sec. 1 (Sec. 1108), page 2, line 30, by striking out "(1)"

Amend Sec. 1 (Sec. 1108), page 2, line 30; page 3, line 1, by striking out "employed by a school district prior to June 30, 1996."

Amend Sec. 1 (Sec. 1108), page 3, lines 7 through 13, by striking out all of said lines

Amend Sec. 1 (Sec. 1108), page 3, line 14, by inserting a bracket after "(d)"

Amend Sec. 1 (Sec. 1108), page 3, lines 14 and 15, by inserting a bracket before the comma in line 14 and after "status," in line 15

Amend Bill, page 3, lines 18 through 30; pages 4 through 6, lines 1 through 30; page 7, lines 1 through 27, by striking out all of said lines on said pages and inserting

Section 2. Sections 1121, 1122, 1123, 1124, 1125, 1125.1, 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133 of the act are repealed.

Section 3. Nothing contained in the amendment or repeal of sections 1108, 1122, 1123, 1124, 1125, 1125.1, 1126, 1127, 1128, 1129, 1130, 1131, 1132 and 1133 of the act shall supersede or preempt any

Amend Sec. 6, page 8, line 3, by striking out "6" and inserting

4

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

What this amendment basically does is eliminate tenure and allow for the person to be employed during the length of the contract with no guarantees thereafter and subject to merit, et cetera, et cetera. But basically what it does, it eliminates tenure.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman rise for a brief interrogation?

The SPEAKER. He will. You may proceed.

Mr. STURLA. Mr. Speaker, under this amendment, would it be possible for a new school board director, a new group of school board directors who are elected, to come in and just remove teachers and replace them with their friends as teachers? If there was no tenure, could they remove a person without cause?

Mr. LYNCH. In reality, that is a possibility, unless there were provisions in the contract that had been agreed upon.

Mr. STURLA. Okay. Thank you, Mr. Speaker.

Could I make a brief comment?

The SPEAKER. The gentleman is in order.

Mr. STURLA. Mr. Speaker, for the reasons just elaborated on by the maker of the amendment himself, I rise in opposition to this amendment. I think it is wholly ludicrous that we would allow for a sort of wholesale replacement of teachers simply by the whim of a school board because they happen to get elected one day and somebody else got elected a different day. I think that is a ridiculous way to be doing business with our children in Pennsylvania and with their educational futures. Thank you.

The SPEAKER. The gentleman, Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker

Mr. Speaker, not only does this amendment potentially have the effect that was just described, and that is to allow for the wholesale dismissal of teachers, but through the repeal language in this amendment, we really undermine not only the rights and some protections, legitimate protections for employees, but also some protections for taxpayers as well as the school board itself.

For instance, the amendment would have us repeal section 1129. That is language that says if there is a dismissal, the board has to have a public vote on it. It also in section 1129 that the gentleman's amendment would repeal, it says that if a board member is related to the person who is the subject of the complaint or even a party to the complaint, they cannot vote, but the gentleman's amendment would eliminate that taxpayer protection. And also he would eliminate the language in section 1128, for instance, that gives authority to the school board to issue subpoenas to help them have thorough hearings.

This amendment is sweeping in form, and the consequences are far greater than we might even begin to imagine today. I would urge that we defeat the amendment.

The SPEAKER. On the question of the adoption of the amendment, the gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Today we have been making historical strides in education reform — charter schools, sabbaticals, and now tenure — and this is in line with the legislature working with the Governor and educators across the Commonwealth. The Governor has had a lot of input in this bill, and he has chosen to go the route of reform rather than abolition.

So I would hope that the intent of this legislation, how it is written, is going to make significant changes in reforming tenure — making better teachers, making better schools — and I think we should go with the intent of reforming and changing and not try to abolish a system.

So I feel that we have worked hard and worked long to make these necessary changes, and I would hope that the members would oppose this amendment of abolition and certainly support the bill as we are going to vote on it in a few minutes.

I would appreciate your support to oppose this amendment.

The SPEAKER. The gentleman from Cambria, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

I just have to rise, because as we talked about teachers' tenure and why it is there, when I did some exploring in my district, I think I represent the district where teachers' tenure was born, in Portage, Pennsylvania. They used to hold the teachers to a 1-year contract. At the end of that year, they would terminate all the contracts so that the teachers would not want any raises or would not want any benefits, and then they would hire them back the following year.

So I can understand why teachers' tenure is there, and I would have to oppose this amendment.

The SPEAKER. Does the gentleman, Mr. Lynch, desire recognition?

Mr. LYNCH. Yes, Mr. Speaker, and could I ask for some quiet, please?

The SPEAKER. The gentleman is in order.

The gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

You know, I respect what Representative Sturla and Representative Cowell said, but I will tell you what. I think we have got to give the school boards in this Commonwealth a lot

more credit than apparently what they are doing. You know, these, unlike the bureaucratic educators, are elected officials who are responsible to the taxpayers of Pennsylvania.

And I also say in response to the majority chairman of the Education Committee— Mr. Speaker, I would like people to pay attention to this comment, please.

The SPEAKER. You can lead a horse to water—

Mr. LYNCH. I hear you. Okay.

The majority chairman indicated that the Governor supported this package, but for the record, the Governor supports this amendment. Now, that appears to be in conflict with what the majority chairman of the Education Committee has just said. The Governor supports this amendment, and I would—

The SPEAKER. The gentleman will yield.

It is 2 minutes till 5. We are almost finished. With a little bit of luck, we will be out of here by 9 or 10 o'clock tonight. Now please, let us just stay with it for a little while and pay attention and we will be gone.

Go ahead.

Mr. LYNCH. And I would like to continue.

You know, I know of no other occupations that have tenure. I think living within the life of the contract and giving some credibility to the school boards, who are elected people, should be adequate protection. But I would like to invoke some kind of response from the chairman of the Education Committee as to why he feels the Governor supports this bill as is yet I have been told he supports this amendment, and I would like to have a comment from the majority chairman of the Education Committee on that, if he is agreeable.

The SPEAKER. Will the gentleman, Mr. Stairs, stand for interrogation? I suspect this is what you are asking for, interrogation.

Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

Yeah; I am glad to make some remarks.

The question was, I had said a few moments ago about the Governor supporting this package, and I will relate to you the experience in our committee. As a matter of fact, we have run two bills — one bill introduced by Representative Tulli, and this bill which we are voting on today by Senator Hart.

Both times when we ran the bills, amendments were taken by members. There were no amendments offered to abolish sabbaticals. At no time did we hear from any group that they were going to abolish sabbaticals, whether it be from the Governor or any other group, and we had offered them complete input. They worked with us to develop these amendments to pass this bill, so there was no opposition. And of course, there was support for this bill regarding tenure — I am sorry I said sabbaticals; I mean tenure — on this issue. So in working with them, they did not reflect in any way that he wanted an abolition of tenure, and certainly we worked with him 100 percent on this.

And to my knowledge, everything in this tenure bill that we have had the approval of the Governor's Office. So until I hear otherwise, I feel that he was very much in support of our tenure bill. It passed the Senate, I believe, unanimously. So if he was opposed to it, I would hope that he would have jumped on early and opposed it, not to wait until the last second when we are about to make it a law.

I guess we will know in a matter of a couple days. This bill will be on his desk shortly. There are going to be some minor changes, so it will have to go back to the Senate for concurrence, and if they

concur with us, the Governor, it is on his desk. But if he opposes it, I guess we will find out then, but he has not given us any indication to this time that he opposes it or feels that we should abolish tenure.

Mr. LYNCH. And I thank the chairman for those comments. However, I think it has got twisted a little bit in the detail in that sometimes silence does not necessarily mean a favorable response.

But in any event, for the record, the Governor does support this amendment to eliminate tenure as it is and leave it up to the discretion of the school board during contract negotiations and allow them to have the credibility that they, as elected representatives of the people of this Commonwealth, have toward the taxpayers.

Aside from that, I have not done any official polling in my local district, but I will tell you that I have had nobody, nobody come to me saying that they were in favor of tenure. Now, I am sure that there are people in the educational community in my district who are in favor of tenure, but they have not stepped forward. And I have had dozens and dozens and dozens of complaints about this practice, that how this thing could even come to be to begin with. Well, I understand the beginning of it, and I strongly suspect that the majority of all of our districts would be in opposition to tenure if this information were presented to them.

With that, I ask for a "yes" vote on this. For those who want to support the Governor, let us do what the Governor wants, and for those who believe it is best for the taxpayers of Pennsylvania, let us do what is best for them, and let us do what is best for maintaining the best quality education we can for our children.

I urge a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. Tulli.

Mr. TULLI. Thank you, Mr. Speaker.

I would like to address the Lynch amendment by pointing out that tenure itself was brought about by the politicizing of the elected boards which represent us also. The school boards of Pennsylvania were created by the General Assembly to represent us to do educational policy. When those boards became so politicized that they did hiring and firing based on political whim and capricious feelings of board members, the General Assembly instituted tenure.

Now, we have found that perhaps that has been abused and that it has been too difficult to get rid of incompetent teachers who were not doing their job. This bill is an attempt to make it easier so that our children can benefit by those teachers who are doing the job, and those teachers who are not doing the job will be more easily removed. This amendment would remove due process, would remove tenure, and would leave the teachers who are doing good jobs at the mercy of the boards, who may return to the same capricious nature of previous boards.

So I am asking that you defeat the Lynch amendment. We did have Secretary of Education Hickok attend our caucus and address this bill and he said he supported it, and it may be, in his opinion, it may be a first step, but it is an important first step to take. So I urge that we defeat the Lynch amendment and pass this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, I did not have any intention to say anything, but I get irritated when I hear people talk about somehow tenure is a boondoggle.

I grew up listening to stories about my grandfather's teaching experience. He taught for 44 years, probably at least half of that in one-room schools, supporting a family of eight children, trying to work on a farm in the summertime, and never knew from year to year whether he was going to have a job because some school director's son or daughter would be coming out of normal school and would get hired.

If we abolish tenure, we might as well turn this into a patronage system, and I am wondering whether the next proposal is going to be, let us just get rid of civil service; let us just have everything be patronage.

I do not think that is what the people want. We want a sound due-process system that gets patronage and politics out of the hiring as much as possible, and I oppose the amendment.

The SPEAKER. The lady from Butler, Ms. Carone.

Ms. CARONE. Thank you, Mr. Speaker.

I would also like to address the issue of the importance that tenure does play regarding the political issue.

During Kentucky's efforts to reform their system, they included in their school law that school board members could not even influence the hiring of personnel in their school districts or they would be removed from office, and it is that important in that State that they felt that this was critical, and we do not have that here. We can continue to allow school board members to have relatives hired as personnel. They only cannot vote on it. If you are going to evaluate school personnel, you have to be certain that you can evaluate them fairly, and it is tough to do that if that is a member of a school board's family. That is why tenure is also extremely important, because we cannot lose members because of that issue.

In July we had a public hearing on education, and during the testimony, three times members of the Education Committee posed the question to administrators if tenure stood in their way in order to be able to get rid of an ineffective educator. Each time, three times during that hearing, each of them said it was not a problem, and I would like to read from that testimony.

This is from a gentleman, an administrator at Hatboro-Horsham. He also received the Milliken Foundation Award for an excellent educator in Pennsylvania this past year, and he was recommended by the Department of Education for this award. He said, "First of all, I think that the present system, as it exists, gives strong administrators, consistent administrators, effective and competent administrators, the ability to get rid of incompetent employees. I have never had a problem getting rid of someone who wasn't doing the job...." and I will not go on to read further from that.

Another gentleman indicated, on page 109, "I won't be as lengthy as Mr. Hottenstein..." — again, an administrator from Hatboro-Horsham — "but I, too, would like to just respond to that issue, because when I was young and aggressive, I really did not see the need for tenure. I think with the political realities, which were pointed out by a number of you, I'm not so sure that tenure is the issue, but where there's a weak teacher there's a weak administrator."

Tenure is not the issue. It is doing the job as an administrator to evaluate effectively.

In 1986 I attended a 3-day executive academy for educators and administrators. The Department of Ed had this executive academy, and for those 3 days they taught administrators how to fairly and effectively evaluate educators, try to improve them, and then remove them. Tenure did not stand in their way if they did a good job.



I encourage you to defeat this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Pettit.

Mr. PETTIT. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin.

Mr. PETTIT. My understanding is that most teacher labor agreements specifically provide that a teacher is protected from discharge without due cause. Is that correct?

Mr. LYNCH. Yes, Mr. Speaker, that basically would be correct because, literally, just about anything could be negotiated into a contract.

Mr. PETTIT. Well, then if we already have a contractual protection against abuse of discharge, what is the reason that we need the additional protection of the statute? Is that not a redundancy?

Mr. LYNCH. Yeah; it would seem to me that it would be a redundancy.

Mr. PETTIT. That completes my interrogation. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the lady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I will not be long, but we have heard many of the other speakers talk about how tenure is important and why it is important. I would just like to flip that coin to the other side, and I can say that I do not believe there is anyone sitting here in this Assembly that has not had an experience that they know who the bad teacher is in that school and they hope and pray their kid is not going to have that teacher for fourth grade. And if by some chance that little boy, that little girl, gets that teacher who is incompetent for the fourth grade teacher, what do they have to do? They have to send them to a private school. It has been the history of that particular school that everybody knows this fourth grade teacher has been doing a lousy job, but there is no way that he or she can be removed.

We do not need tenure to protect those who are not able to provide a quality education for our children. It is all about children, and it is all about the fact that I think what Representative Lloyd said was very important. His grandfather did not need tenure. His grandfather must have been a great teacher. My father taught for a number of years, too, and I am not sure that during part of his time there was tenure.

We do not have tenure for the pharmacist. We do not have tenure for other people where we can measure very quickly what they are doing on the job. But we know, you know, and the school board knows those teachers who are not doing a good job. I think it is time when we should bite the bullet and say, okay; you will be measured on your performance and not protected by tenure.

I urge a positive vote on this amendment.

The SPEAKER. On the question, the gentleman, Mr. Battisto.

Mr. BATTISTO. Mr. Speaker, I was not going to get up and speak on this issue. I taught for 22 years and look at friends of mine who taught for that long a period of time. But when I hear people talk about the fact that there is a known fourth grade teacher who is incompetent and you try to steer around it, then I say, do not get rid of that teacher, but walk in that school building and fire every one of your administrators, every one of them, to include the superintendent, because you are looking at a person who was an

English Department chairman for 22 years, who recommended three teachers for dismissal to the administration. All three were dismissed for incompetence. There were no court cases. I put my arm around one person and said, "Young lady, you're a fine young lady, but you just can't teach," and she was dismissed. It can happen. But if you have an incompetent fourth grade teacher, then you have four or five incompetent administrators. Get rid of them first.

This is a ludicrous amendment. Let us get back to the bill. Thank you very much.

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

The following roll call was recorded:

#### YEAS—28

Adolph	Druce	Lawless	Rohrer
Birmelin	Durham	Leh	Schroder
Brown	Flick	Lynch	Sheehan
Civera	Gladeck	Micozzie	Steil
Clark	Hershey	Pettit	Taylor, E. Z.
Conti	Hutchinson	Raymond	Waugh
Dent	King	Reinard	Zug

#### NAYS—171

Allen	Fairchild	Maitland	Saylor
Argall	Fajt	Major	Schuler
Armstrong	Fargo	Manderino	Scrimenti
Baker	Feese	Markosek	Semmel
Bard	Fichter	Marsico	Shaner
Barley	Fleagle	Masland	Smith, B.
Battisto	Gamble	Mavernik	Smith, S. H.
Bebko-Jones	Gannon	McCall	Snyder, D. W.
Belardi	Geist	McGeehan	Staback
Belfanti	George	McGill	Stairs
Bishop	Gigliotti	Melio	Steelman
Blaum	Godshall	Merry	Stern
Boscola	Gordner	Michlovic	Stetler
Boyes	Gruitza	Miller	Stish
Browne	Gruppo	Mundy	Strittmatter
Bunt	Habay	Myers	Sturla
Butkovitz	Haluska	Nailor	Surra
Buxton	Hanna	Nickol	Tangretti
Caltagirone	Harhart	Nyce	Taylor, J.
Cappabianca	Hasay	O'Brien	Thomas
Carn	Haste	Olasz	Tigue
Carone	Hennessey	Oliver	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hess	Pesci	Trich
Clymer	Horsey	Petrarca	True
Cohen, L. I.	Itkin	Petrone	Tulli
Cohen, M.	Jadlowiec	Phillips	Vance
Colaella	James	Pistella	Van Horne
Colaizzo	Jarolin	Platts	Veon
Cornell	Josephs	Preston	Vitali
Corpora	Kaiser	Ramos	Walko
Corrigan	Keller	Readshaw	Washington
Cowell	Kenney	Reber	Williams
Coy	Kirkland	Rieger	Wogan
Curry	Krebs	Roberts	Wozniak
Daley	Kukovich	Robinson	Wright, D. R.
DeLuca	LaGrotta	Roebuck	Wright, M. N.
Dempsey	Laughlin	Rooney	Yewcic
Dermody	Lederer	Rubley	Youngblood
DeWeese	Lescovitz	Rudy	Zimmerman
DiGirolamo	Levdansky	Sainato	

Donatucci	Lloyd	Santoni	Ryan,
Egolf	Lucyk	Sather	Speaker
Evans			

NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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Less than the majority having voted in the affirmative, 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. MASLAND offered the following amendment No. A0779:

Amend Sec. 5, page 7, line 29, by removing the period after "organization" and inserting  
that is in effect on the effective date of this section.

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

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Masland.

Mr. MASLAND. Thank you, Mr. Speaker. I will be very brief.

I believe this is an agreed-to amendment. It just basically clarifies what actual collective-bargaining agreements will be impacted by this bill. It may be a little bit belt-and-suspenders-type language, but we felt we needed to add this so there was no ambiguity.

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

The hour is late. We worked hard today.

This amendment is a good amendment. It is a technical amendment. Vote "yes" for it, vote for the bill, and we will have passed three good bills. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cowell is recognized.

Mr. COWELL. Mr. Speaker, I support the amendment.

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

The following roll call was recorded:

YEAS-199

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.

Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colafella	Jadlowiec	Pistella	Van Home
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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The majority having voted in the affirmative, 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-199

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carn	Hasay	O'Brien	Taylor, J.
Carone	Haste	Olasz	Thomas
Cawley	Hennessey	Oliver	Tigue
Chadwick	Herman	Perzel	Travaglio
Civera	Hershey	Pesci	Trello
Clark	Hess	Petrarca	Trich
Clymer	Horsey	Petrone	True
Cohen, L. I.	Hutchinson	Pettit	Tulli
Cohen, M.	Itkin	Phillips	Vance
Colaella	Jadlowiec	Pistella	Van Horne
Colaizzo	James	Platts	Veon
Conti	Jarolin	Preston	Vitali
Cornell	Josephs	Ramos	Walko
Corpora	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waugh
Cowell	Kenney	Reber	Williams
Coy	King	Reinard	Wogan
Curry	Kirkland	Rieger	Wozniak
Daley	Krebs	Roberts	Wright, D. R.
DeLuca	Kukovich	Robinson	Wright, M. N.
Dempsey	LaGrotta	Roebuck	Yewcic
Dent	Laughlin	Rohrer	Youngblood
Dermody	Lawless	Rooney	Zimmerman
DeWeese	Lederer	Rubley	Zug
DiGirolamo	Leh	Rudy	
Donatucci	Lescovitz	Sainato	Ryan,
Druce	Levdansky	Santoni	Speaker
Durham			

NAYS-0

NOT VOTING-0

EXCUSED-4

Farmer	Mihalich	Pitts	Serafini
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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.

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. McGEEHAN called up HR 308, PN 3227, entitled:

A Resolution declaring March 1996 as "Irish American Heritage Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Adolph	Egolf	Lloyd	Sather
Allen	Evans	Lucyk	Saylor
Argall	Fairchild	Lynch	Schroder
Armstrong	Fajt	Maitland	Schuler
Baker	Fargo	Major	Scrimenti
Bard	Feese	Manderino	Semmel
Barley	Fichter	Markosek	Shaner
Battisto	Fleagle	Marsico	Sheehan
Bebko-Jones	Flick	Masland	Smith, B.
Belardi	Gamble	Mayernik	Smith, S. H.
Belfanti	Gannon	McCall	Snyder, D. W.
Birmelin	Geist	McGeehan	Staback
Bishop	George	McGill	Stairs
Blaum	Gigliotti	Melio	Steelman
Boscola	Gladeck	Merry	Steil
Boyes	Godshall	Michlovic	Stern
Brown	Gordner	Micozzie	Stetler
Browne	Gruitza	Miller	Stish
Bunt	Gruppo	Mundy	Strittmatter
Butkovitz	Habay	Myers	Sturla
Buxton	Haluska	Nailor	Surra
Caltagirone	Hanna	Nickol	Tangretti
Cappabianca	Harhart	Nyce	Taylor, E. Z.
Carone	Hasay	O'Brien	Taylor, J.
Cawley	Haste	Olasz	Thomas
Chadwick	Hennessey	Oliver	Tigue
Civera	Herman	Perzel	Travaglio
Clark	Hershey	Pesci	Trello
Clymer	Hess	Petrarca	Trich
Cohen, L. I.	Horsey	Petrone	True
Cohen, M.	Hutchinson	Pettit	Tulli
Colaella	Itkin	Phillips	Vance
Colaizzo	Jadlowiec	Pistella	Van Horne
Conti	James	Platts	Veon
Cornell	Jarolin	Preston	Vitali
Corpora	Josephs	Ramos	Walko
Corrigan	Kaiser	Raymond	Washington
Cowell	Keller	Readshaw	Waugh
Coy	Kenney	Reber	Williams
Curry	King	Reinard	Wogan
Daley	Kirkland	Rieger	Wozniak
DeLuca	Krebs	Roberts	Wright, D. R.
Dempsey	Kukovich	Robinson	Wright, M. N.
Dent	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Lawless	Rooney	Zimmerman
DiGirolamo	Lederer	Rubley	Zug
Donatucci	Leh	Rudy	
Druce	Lescovitz	Sainato	Ryan,
Durham	Levdansky	Santoni	Speaker

NAYS-0

NOT VOTING-1

Carn

EXCUSED-4

Farmer Mihalich Pitts Serafini

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

RULES SUSPENDED

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

It is the understanding of the Chair that the gentleman wishes to offer HR 303, which is not an agreed-to resolution, is not printed, is not on a calendar, and requires a suspension of the rules.

Now, I have given you all the "nots," and I now recognize you.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

I could not explain it any better.

I am asking the indulgence of the House, similar to what we did for Mr. Saylor just a little while ago, if we would suspend the rules for the possibility of introducing the resolution you just mentioned, HR 303.

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

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

Mr. BARLEY. Mr. Speaker, I stand to oppose suspension of the rules to introduce this resolution. I think it is time we get on and finish the business we have, and let us vote "no" on suspension of the rules.

Mr. CAPPABIANCA. Mr. Speaker, I was under the impression all business was done already for today.

The SPEAKER. No.

Mr. CAPPABIANCA. We have more serious business?

The SPEAKER. Well, that is a relative term.

Mr. CAPPABIANCA. Well, Friday will be—

The SPEAKER. If you are asking me, do we have votes, the answer is yes. Now, if you are asking me what is or is not serious—

Mr. CAPPABIANCA. Other than resolutions, Mr. Speaker?

The SPEAKER. —they are jury questions.

I am not going to stand for interrogation, Mr. Cappabianca.

Mr. CAPPABIANCA. May I have the opportunity to address the House?

The SPEAKER. Speak to the minority leader about the calendar. He is aware of what is on the calendar.

Mr. CAPPABIANCA. Mr. Speaker, just for the clarification of the House, this March 15th, which is only 2 days from now, the LIHEAP program (Low-Income Home Energy Assistance Program) will come to an official end. This program presently has in excess of \$10 million that has not been expended. All I am asking with this resolution is to urge the administration to continue the program as long as the dollars are there.

Now, some people might think that is a "feel good" resolution. I think it is an important resolution. It indicates that this House has

a responsibility. These \$10 million of funds that have not been expended are Federal moneys; they are not State dollars.

The SPEAKER. Will the gentleman yield.

Unless the gentleman is asking for unanimous consent, what you are doing is improper. I am not being critical. I am simply saying, under the rules—

Mr. CAPPABIANCA. I understand.

The SPEAKER. —what you are doing is improper. If you ask for unanimous consent, that is different.

Mr. CAPPABIANCA. Thank you.

The SPEAKER. You are debating a resolution that is not before us right now.

Mr. CAPPABIANCA. You are right, Mr. Speaker, and I apologize for that.

Therefore, I ask for my motion for suspension of the rules, and I ask the House for a suspension of the rules.

The SPEAKER. Thank you.

The question before the House is on the question of suspension of the rules.

The gentleman, Mr. Cappabianca, has moved that the rules of the House be suspended to permit the immediate consideration of a resolution being numbered 303, introduced by the gentleman.

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-103

Table with 4 columns of names: Battisto, DeWeese, Lucyk, Sainato, Bebko-Jones, Donatucci, Manderino, Santoni, Belardi, Evans, Markosek, Scrimenti, Belfanti, Fajt, Mayernik, Shaner, Bishop, Gamble, McCall, Staback, Blaum, George, McGeehan, Steelman, Boscola, Gigliotti, Melio, Stetler, Boyes, Gordner, Michlovic, Sturla, Browne, Gruitza, Mundy, Surra, Butkovitz, Haluska, Myers, Tangretti, Buxton, Hanna, Olasz, Thomas, Caltagirone, Horsey, Oliver, Tigue, Cappabianca, Itkin, Pesci, Travaglio, Carn, James, Petrarca, Trello, Cawley, Jarolin, Petrone, Trich, Cohen, M., Josephs, Pettit, Van Horne, Colafella, Kaiser, Pistella, Veon, Colaizzo, Keller, Preston, Vitali, Corpora, Kirkland, Ramos, Walko, Corrigan, Kukovich, Readshaw, Washington, Cowell, LaGrotta, Rieger, Williams, Coy, Laughlin, Roberts, Wozniak, Curry, Lederer, Robinson, Wright, D. R., Daley, Lescovitz, Roebuck, Yewcic, DeLuca, Levdansky, Rooney, Youngblood, Dermody, Lloyd, Rudy

NAYS-96

Table with 4 columns of names: Adolph, Fargo, Lynch, Schuler, Allen, Feese, Maitland, Semmel, Argall, Fichter, Major, Sheehan, Armstrong, Fleagle, Marsico, Smith, B., Baker, Flick, Masland, Smith, S. H., Bard, Gannon, McGill, Snyder, D. W., Barley, Geist, Merry, Stairs

Birmelin	Gladeck	Micozzie	Steil
Brown	Godshall	Miller	Stern
Bunt	Gruppo	Nailor	Stish
Carone	Habay	Nickol	Strittmatter
Chadwick	Harhart	Nyce	Taylor, E. Z.
Civera	Hasay	O'Brien	Taylor, J.
Clark	Haste	Perzel	True
Clymer	Hennessey	Phillips	Tulli
Cohen, L. I.	Herman	Platts	Vance
Conti	Hershey	Raymond	Waugh
Cornell	Hess	Reber	Wogan
Dempsey	Hutchinson	Reinard	Wright, M. N.
Dent	Jadlowiec	Rohrer	Zimmerman
DiGirolamo	Kenney	Rublely	Zug
Druce	King	Sather	
Durham	Krebs	Saylor	Ryan,
Egolf	Lawless	Schroder	Speaker
Fairchild	Leh		

NOT VOTING—0

EXCUSED—4

Farmer	Mihalich	Pitts	Serafini
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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.

The SPEAKER. It will be necessary to put the House in recess until it is reproduced—

Mr. CAPPABIANCA. Thank you, Mr. Speaker.

The SPEAKER. —which is about 15 minutes.

Mr. Cappabianca, I do not want you to be alarmed. At this time I am going to suggest that the House go into recess. I am going to go over into special session. I will come back into regular session.

Do the Republican or Democratic leaders have any further business at this time? We will be back into regular session.

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. Mr. Hanna is recognized.

Mr. HANNA. Mr. Speaker, would I be in order to submit some comments for the record on SB 708? Thank you, Mr. Speaker.

Mr. HANNA submitted the following remarks for the Legislative Journal:

I am happy to support SB 708. I introduced similar legislation in a previous session and as HB 988 in this session. Senator Hart, myself, and others have worked with the Pennsylvania School Boards Association for several years to provide local school districts relief from costly State mandates. I am pleased to see this step in that direction.

**RECESS**

The SPEAKER. Do the Democratic or Republican leaders have any further business at this time?

Hearing none, the House will stand in recess to the call of the Chair.

**AFTER RECESS**

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

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**SB 37, PN 1729**

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for title washing and impersonating a notary public; further providing for pedalcycle and pedestrian advisory committee, for maximum axle weight of vehicles and for tampering with odometers; and imposing penalties.

Whereupon, the Speaker, in the presence of the House, signed the same.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that HB 2412 be removed from the table.

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

**BILL RECOMMENDED**

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

Mr. BARLEY. Mr. Speaker, I move that HB 2412 be recommitted to the Committee on Appropriations.

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

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls an immediate meeting of the Rules Committee at the majority leader's desk.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**HB 1578, PN 3187** By Rep. PERZEL

An Act providing for the prevention of hepatitis B and for additional duties of the Department of Health.

RULES.

CONDOLENCE RESOLUTION

The SPEAKER. At this time the Chair intends to take up a privileged condolence resolution.

The Sergeant at Arms will close the doors of the House. Members will take their seats. Staff will remove themselves from the aisles.

The clerk may proceed.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, James B. Post, Jr., passed away on November 27, 1995 at the age of seventy-one; and

WHEREAS, A graduate of the Wharton School of Finance, Mr. Post began his public service career upon his election to the Pennsylvania House of Representatives. He subsequently served as a Luzerne County commissioner from 1964-68 during which time, he also chaired the Luzerne County Republican Party. Professionally, Mr. Post was a partner in the J.B. Post Co., the president of Post Coach, Inc., and vice president of Lubeco Inc. In the community, he was a member and Sunday School teacher at Shavertown United Methodist Church; charter member and former president of the Hanover Township Lions Club; and former president of the Wyoming Valley Heart Association. A cofounder of the Luzerne County Community College and founder of the Valley Crest Nursing Home, he was also a member of the Westmoreland Club, Fidelity Lodge 655, the Caldwell Consistory and the Irem Temple; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with deep regret the passing of James B. Post, Jr., whose life greatly benefited all those who lived, served and worked with him; express heartfelt condolences to his wife Cora Croop; sons, James B. III, Ronald L., Scott Kendig and Kerry Kendig; six grandchildren and one great-grandchild; and be it further

RESOLVED, That a copy of this resolution be transmitted to Mrs. Cora Post.

We hereby certify that the foregoing is an exact copy of a resolution introduced in the House of Representatives by Representatives Phyllis Mundy, George C. Hasay, Stanley J. Jarolin, Kevin Blaum, Thomas M. Tighe and Thomas B. Stish and unanimously adopted by the House of Representatives.

Matthew Ryan,
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable James B. Post, Jr.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms will open the doors of the House.

SUPPLEMENTAL CALENDAR C

RESOLUTION

Mr. CAPPABIANCA called up HR 303, PN 3229, entitled:

A Resolution urging the Governor to extend the Low-Income Home Energy Assistance Crisis Program to prevent potential utility shutoffs.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-198

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Bard, Barley, Battisto, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Blaum, Boscola, Boyes, Brown, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappabianca, Carone, Cawley, Chadwick, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Colaizzo, Conti, Cornell, Corpora, Corrigan, Cowell, Coy, Curry, Daley, DeLuca, Dempsey, Dent, Dermody, DeWeese, DiGirolamo, Donatucci, Druce, Durham, Egolf, Evans, Fairchild, Fajt, Fargo, Feese, Fichter, Fleagle, Flick, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gordner, Gruitza, Gruppo, Habay, Haluska, Hanna, Harhart, Hasay, Haste, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Itkin, Jadlowiec, James, Jarolin, Josephs, Kaiser, Keller, Kenney, King, Kirkland, Krebs, Kukovich, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lloyd, Lucyk, Lynch, Maitland, Major, Manderino, Markosek, Marsico, Masland, Mayernik, McCall, McGeehan, McGill, Melio, Merry, Michlovic, Micozzie, Miller, Mundy, Myers, Nailor, Nickol, Nyce, O'Brien, Olasz, Oliver, Perzel, Pesci, Petrarca, Petrone, Pettit, Phillips, Pistella, Platts, Preston, Ramos, Raymond, Readshaw, Reber, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Rubley, Rudy, Sainato, Santoni, Sather, Saylor, Schroder, Schuler, Scrimenti, Semmel, Shaner, Sheehan, Smith, B., Smith, S. H., Snyder, D. W., Staback, Stairs, Steelman, Steil, Stern, Stetler, Stish, Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tighe, Travaglio, Trello, Trich, True, Tulli, Vance, Van Horne, Veon, Vitali, Walko, Washington, Waugh, Williams, Wogan, Wozniak, Wright, D. R., Wright, M. N., Yewcic, Youngblood, Zimmerman, Zug, Ryan, Speaker

NOT VOTING—1

Carn

EXCUSED—4

Farmer

Mihalich

Pitts

Serafini

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

### **BILL PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. Do the Democrat or Republican leaders have any further announcements? Mr. DeWeese, anything further? Committee chairmen, any announcements? Any further corrections of the record?

Hearing none, the Chair recognizes the lady, Mrs. Harhart.

Mrs. HARHART. Mr. Speaker, I move that this House do now adjourn until Monday, March 18, 1996, at 1:05 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 5:41 p.m., e.s.t., the House adjourned.