

# Legislative Focus

3rd Edition,  
Aug. 4, 2005

## Introduction

Legislative Focus is a bi-monthly notification primarily designed to communicate with APSCUF/CAP staff and its Legislative Committee in order to highlight relevant legislative priorities and note any changes in legislative action. The Legislative Focus will be used in conjunction with The Legislative Update for the Legislative Assembly.

**Legislative Focus** generally contains:

- A brief analysis of key legislative development during the past week;
- An update on any action of previously tracked legislation;
- A legislative schedule and listing of meetings for pertinent legislation;
- When necessary, a call for action when APSCUF member input is needed.

## Summary of Recent Legislation

**House Bill 870, P.N. 993 (Herman)**: Amends Title 71 (State Government) further providing for retention and reinstatement of service credits, election of membership and purchase of prior service. The bill adds provisions for school employees regarding the transfer and purchase of certain pension service credit from the independent retirement program to the Class AA. *Referred to House State Government Committee on 3/14/2005 (no change)*

**House Resolution 177, P.N. 1280 (Armstrong)**: Resolution establishing a select committee to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth at State-related and State-owned colleges and universities and community colleges in this Commonwealth.

*Adopted, July 5, 2005 (111-87)*

**House Bill 894, P.N. 2133 (Saylor)**: Exempts retired teachers who return to school service from state-mandated professional development requirements if they work no more than 180 school days. Retirees who return to teaching for more than 180 days would be required to fulfill the state's continuing education

### Inside this issue:

Introduction

Summary of recent legislation  
(**changes in legislation from last edition are in bold**)

Fall 2005 Session Schedule

Call to Action

Breakdown of 2005 Budget  
(attachment)

requirements. HB 894 also requires the Department of Education (PDE) to provide access to its free, online professional development courses to all educators, not just those currently employed by a school entity. The bill also requires PDE to maintain all retirees' teaching certificates in active status. (Similar legislation – Senate Bill 390 – was passed by the Senate Education Committee on April 13). HB 894 was referred to the Senate Education Committee with first consideration on June 8, 2005.

*HB 894 was amended to delete language previously added by the House that permitted institutions of higher education to provide continuing professional development to their own faculty members who hold state teaching certificates.(re-referred to Appropriations-June 13, 2005)*

**House Bill 564, P.N. 637 (Baker):** On June 7, the House Judiciary Committee passed legislation that allows colleges and universities to conduct criminal background checks of potential full-time faculty and staff and to use those records in making hiring decisions based on the institution's written policy for use of such information. House Bill 564 also allows colleges and universities to require job applicants to self-disclose criminal history information related to sex offenses, misappropriation of funds and felony convictions.

*HB 564 has passed the House (194-0) June 28, 2005 and referred to Education in the Senate*

**House Bill 1706, P.N. 2235) (Shapiro):** Creates an articulation system among the state's 14 community colleges, 14 state-owned universities and four state-related universities. Students who transfer among those colleges and universities would be assured that their credits would count toward graduation. Shapiro's legislation would benefit more than 400,000 college students – 150,000 community college students, 106,000 students at state universities and more than 150,000 at state-related universities – Penn State, Temple, Lincoln and Pittsburgh. Shapiro's legislation is a central component of Gov. Rendell's work-force development initiatives. The initiatives, including the \$101 million Job Ready Pennsylvania, target the needs of employers and deliver focused training and education to the work force. The goal is to ensure that residents are better prepared, better educated and better able to meet the challenges and opportunities of today's marketplace. Under Shapiro's bill, colleges and universities would have one year to develop a system of credit sharing. If the articulation system was not in place after a year, the state Department of Education would implement the guidelines. In addition to statewide articulation agreements, several other reforms would help accelerate students' progression toward a degree. Among them: a statewide course numbering system, a common calendar and common prerequisites for all bachelor's degree programs. *Referred to Education, June 20, 2005*

**Senate Bill 511, P.N. 629 (Gordner):** Amends the Job Enhancement Act by adding that the list of approved courses of study for the Technology Work

Experience Internship Program would be the same *for undergraduate students* as is currently required under the New Economy Technology Scholarship Act. The legislation also adds that master's degree students would be eligible for the program.

***Signed by House and Senate, July 4, 2005 and approved by the Governor July 5, 2005***

**House Bill 616/Senate Bill 307, (Zug (H)/(Pleggi(S)): Provides capital funds to assist private colleges and universities in Pennsylvania to construct new facilities. The Independent Higher Education and Community Financing Act establishes a program and board that would assist independent institutions of higher education in capital projects related to community and economic development projects. The General Assembly would appropriate funds to pay for 50% of the debt service on bonds issued by the authority to qualified institutions.**

*HB 616 passed the House. SB 307 referred to Senate Education Committee. (no change)*

**Senate Bill 836, P.N. 1080 (White, M.J.)** Amends the Administrative Code, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

*Introduced and referred to Senate Labor and Industry, July 25, 2005*

#### **2005 HOUSE Fall Session Schedule**

September 26, 27, 28

October 3 (non-voting), 17, 18, 19, 20, 24, 25, 26, 27, 31

November 1, 2, 3, 14, 15, 16, 21, 22

December 5, 6, 7, 12, 13, 14, 19 (non-voting)

#### **2005 SENATE Fall Session Schedule**

September 19, 20, 21, 26, 27, 28

October 17, 18, 19, 24, 25, 26, 31

November 1, 2, 14, 15, 16

December 5, 6, 7, 12, 13, 14

# Legislation Alert! (CALL TO ACTION)

On July 25, 2005, the following Senate bill was referred to by Labor and Industry.

SB 836 By Senators M. WHITE, PICCOLA, JUBELIRER, VANCE, PUNT, MADIGAN, CORMAN, WENGER, WAUGH, THOMPSON and ARMSTRONG.

Printer's No. [1080](#).

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

Please contact the following APSCUF-endorsed sponsors of this legislation as well as the APSCUF-endorsed members of the Labor and Industry committee that represent your campus and voice your opposition of this legislation. Please also consider calling the leaders of local unions in your area to ask for assistance in defeating this bill.

Thank you,

Laura Statler

The contact names and information, as well as the legislation, is available below.

## Endorsed APSCUF Senate Members co-sponsoring SB 836

(Millersville) **Gibson Armstrong** D-13 120 S Queen St, Lancaster, PA 17603  
717-397-1309 (DO Phone) [garmstrong@pasen.gov](mailto:garmstrong@pasen.gov)

(Lock Haven & Mansfield) **Roger Madigan** D-23 330 Pine St,  
Ste 200, Williamsport, PA 17701-6243 (DO Phone) 570-322-6457  
[rmadigan@pasen.gov](mailto:rmadigan@pasen.gov)

(West Chester) **Robert Thompson** D-19 15 W Gay St, First Flr, West  
Chester, PA 19380 (DO Phone) 610-692-2112 [rthompson@pasen.gov](mailto:rthompson@pasen.gov)

(Shippensburg) **Patricia Vance** D-31 3806 Market Street, Camp Hill, PA 17011  
(DO Phone) 717-975-2246 [pvance@pasen.gov](mailto:pvance@pasen.gov)

## Endorsed APSCUF Senate Members of Labor and Industry Committee

(Clarion & Edinboro) **Joseph Scarnati** (Chairman) D-25  
325 W Pennsylvania Ave, Warren, PA 16365 (DO Phone) 814-726-7201  
[jscarnati@pasen.gov](mailto:jscarnati@pasen.gov)

(Millersville) **Gibson Armstrong** (Vice Chair) see info above

(West Chester) **Robert Thompson**, see info above

# THE GENERAL ASSEMBLY OF PENNSYLVANIA

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## SENATE BILL

**No. 836** Session of 2005

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INTRODUCED BY M. WHITE, PICCOLA, JUBELIRER, VANCE, PUNT,  
MADIGAN, CORMAN, WENGER, WAUGH, THOMPSON AND ARMSTRONG,  
JULY 25, 2005

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REFERRED TO LABOR AND INDUSTRY, JULY 25, 2005

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### AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employees in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other

19 assistants and employees of certain departments, boards and  
20 commissions shall be determined," eliminating authority for  
21 the fair share fee for employees of Commonwealth entities;  
22 and relieving certain employee organizations of certain  
23 duties and obligations.

24 The General Assembly of the Commonwealth of Pennsylvania  
25 hereby enacts as follows:

26 Section 1. The definitions of "Commonwealth" and "public  
27 employer" in section 2215(a) of the act of April 9, 1929  
28 (P.L.177, No.175), known as The Administrative Code of 1929,

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1 added July 13, 1988 (P.L.493, No.84), are amended to read:

2 Section 2215. Fair Share Fee; Payroll Deduction.--(a) As  
3 used in this section, the following words and phrases shall have  
4 the meanings given to them in this subsection:

5 \* \* \*

6 ["Commonwealth" shall mean the Commonwealth of Pennsylvania,  
7 including any board, commission, department, agency or  
8 instrumentality of the Commonwealth.]

9 \* \* \*

10 "Public employer" shall mean [the Commonwealth of  
11 Pennsylvania or] a school entity.

12 \* \* \*

13 Section 2. (a) No collective bargaining agreement made  
14 after the effective date of this section by any Commonwealth  
15 entity as formerly defined in section 2215 of the act nor any  
16 extension of an existing collective bargaining agreement made  
17 after the effective date of this section may require payment of  
18 a fair share fee to the exclusive representative by a nonmember  
19 of the exclusive representative.

20 (b) Notwithstanding the provisions of section 606 of the act  
21 of July 23, 1970 (P.L.563, No.195), known as the Public Employee  
22 Relations Act, or any other law to the contrary, an employee  
23 organization acting as an exclusive representative in any  
24 Commonwealth entity shall owe no duty to and shall have no  
25 obligation to represent any public employee who is not a member  
26 of the employee organization in any grievance or other  
27 proceeding filed with or against a public employer.

28 Section 3. This act shall take effect immediately.

## **Breakdown of Budget (Attached)**