

Legislative Alert

Introduction

6th Edition, June 6, 2006

In the next month, the state legislature will be discussing and potentially voting on issues that affect higher education in Pennsylvania's public universities and colleges. Please use this guide to review the legislation and contact your legislator with the bills that most concern you.

Please contact Laura Statler at lstatler@apscuf.org or (717) 236-7486 ext 3026 for additional information about these bills, sample letters and/or talking points.

Contents of Legislation:

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- 6) Taxpayer Bill of Rights
- 7) Academic Freedom

Summary of Legislation on the legislative table for discussion

1) Provide for transfers of credits between institutions of higher education (Articulation legislation)

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, discussed in public hearing at Senate Education Committee on March 22, 2006***

Senate Bill 1147, P.N. 1614 (Rhoades): Amends the Public School Code providing for transfers of credits between institutions of higher education. The bill states that an independent institution of higher education may elect to become a participating institution through the adoption of the universal credit equivalency system by its governing body. Participating institutions of higher education would develop credit transfer policies and procedures by June 30, 2007. The bill outlines the policies institutions must implement and provides for the duties of department. ***Introduced and referred to Senate Education, March 20, 2006***
Senate Education Public Hearing March 29, 2006

2) Marriage Amendment

House Bill 2381, P.N. 3754 (Boyd) Joint Resolution proposing an amendment to the PA Constitution by adding that only a marriage between one man and one woman would be valid or recognized as a marriage in PA, and neither the Commonwealth nor any of its political subdivisions would create or recognize a legal status identical or substantially equivalent to that of marriage for unmarried individuals. (Prior Printer Number: 3397) ***Introduced and referred to House State Government, January 24, 2006***

Informational committee meeting on March 28, 2006

Voted out of Appropriations on April 24, 2006

Set on calendar, press conference on June 6, 2006

Senate Bill 1084, P.N. 1502 (Regola) Joint Resolution proposing an amendment to the PA Constitution by adding that only a marriage between one man and one woman would be valid or recognized as a marriage in PA, and neither the Commonwealth nor any of its political subdivisions would create or recognize a legal status identical or substantially equivalent to that of marriage for unmarried individuals. ***Introduced and referred to Senate Judiciary, February 6, 2006***

Press conference on June 5, 2006

3) Teacher Strike Legislation

Senate Bill 910, P.N. 1308 (Mellow) The Collective Bargaining Dispute Resolution Act states that the settlement of an impasse in collective bargaining between an employee organization and a public employer would be by collective bargaining dispute resolution pursuant to this act. The bill provides for a collective bargaining timeline, panel selection and costs of resolution. The bill states collective bargaining dispute resolution would be limited to those issues which may be bargained under the Public Employee Relation Act, and which are not agreed to in writing prior to the start of collective bargaining dispute resolution process. The decision of the president judge would be final and binding on the public employer and the employee organization, and no appeal of a determination would be allowed to any court. The bill also states that no school employee may strike or participate in a strike or similar interruption of government service. Also, no public employer may conduct a lockout or similar interruption of government service. Additionally, any strike, lockout or interruption of government service prohibited by this section would constitute an actionable breach of duty to members of the public. Lastly, Article XI-A of the Public School Code is repealed. ***Introduced and referred to Senate Labor and Industry, November 1, 2005***

Public Hearing on January 9, 2006

House Bill 239, P.N. 265 (Wansacz): The Public School Collective Bargaining Act states that the adjustment or settlement of an impasse would be by neutral third-party resolution pursuant to the act. A representative would commence a successor collective bargaining agreement no later than January 5 of the year in which the collective bargaining agreement between the parties would expire. Both parties would submit to mediation by the bureau by February 28 if no collective bargaining agreement is reached between the parties. Mediation would continue for so long as the parties have not reached a collective bargaining agreement. If no collective bargaining agreement is reached by April 30, both parties would submit the impasse to neutral third-party resolution conducted by a three-member panel knowledgeable and qualified in the areas necessary to make a determination. The panel would begin hearings no later than July 5, and by August 31, the panel would make a final determination in writing. The final determination of a majority of the panel would be binding upon the public employer and the employee organization. Also, the legislation states that no school employee may strike or participate in a strike or similar interruption of government service. No public employer may conduct a lockout or similar interruption of government service. Any strike, lockout or interruption of government service prohibited by this section would constitute an actionable breach of duty to members of the public. ***Introduced and referred to House Education February 8, 2005***

Discussed in Senate Democratic Policy Committee on April 27, 2005

4) Increase in Minimum Wage

House Bill 257, P.N. 3805 (Cohen): Amends The Minimum Wage Act by increasing the minimum wage to \$6.25 per hour beginning January 1, 2006 and to \$7.15 per hour beginning January 1, 2007. this would be superseded by a higher federal minimum wage increase. An employer may, during the first 60 calendar days when an employee under 20 years old is initially employed, pay the employee training wages of the current federal minimum wage (\$5.15). Upon completion of the training period no employer may take any action to displace existing employees, including partial displacements such as reduction in the hours, wages or employment benefits of existing employees, for purposes of hiring individuals at the training wage. Lastly, the bill states that the regulation of minimum wages under this act is a matter of exclusive state control. (Prior Printer Number: 280, 3290) for the fiscal year beginning July 1, 2009, and every year thereafter. ***Introduced and referred to House Labor Relations February 8, 2005.***

Reported out of committee on December 12, 2005 and referred to House Appropriations

Voted out of Appropriations on March 6, 2006

Final passage of House 146/50 on April 5, 2006

Referred to Senate Labor & Industry on April 17, 2006

Press Conference on June 5, 2006

5) Increase in Employer Contribution Rate for State Employees Retirement System (SERS)

House Bill 2562, P.N. 3805 (Nickol): Amends Titles 24 (Education) Titles 24 (Education) and 71 (State Government) further providing for the employer contribution rates on behalf of active members. The bill amends Title 24 further providing for the employer contribution rates on behalf of active members by revising the total contribution rate so that it cannot be less than 4% plus the premium assistance contribution rate for fiscal year beginning July 1, 2004, 7% plus the premium assistance contribution rate for the fiscal year beginning July 1, 2007; and the employer normal contribution rate plus the premium assistance contribution rate for the fiscal year beginning July 1, 2008, and every year thereafter. Title 71 is amended to provide for the Commonwealth and other employer contribution rates on behalf of active members by revising the total contribution rate so that it will not be less than 5% for the fiscal year beginning July 1, 2007, 6% for the fiscal year beginning July 1, 2008 and the employer normal contribution rate for the fiscal year beginning July 1, 2009, and every year thereafter. ***Introduced and referred to House State Government April 3, 2006.***

Reported out of committee on May 23, 2006

Set on table for consideration June 6, 2006

6) Taxpayer Bill of Rights

House Bill 2082, P.N. 3152 (Allen): The Taxpayer Fairness Act states that total state spending in any fiscal year would not exceed the "appropriation limit", which is defined as the total amount approved by the governor plus the total amount of preferred and nonpreferred appropriations made by the General Assembly during the fiscal year immediately prior to the budget year under consideration, adjusted by the lesser of: the average percentage change in personal income in PA or the average percentage change in inflation plus the average percentage change in state population. The appropriations limit may be exceeded for the following: (1) to respond to a presidentially declared emergency if approved by a majority of members of each chamber of the General Assembly, (2) to respond to a gubernatorially declared emergency if approved by three-fifths of members of each chamber of the General Assembly or (3) in other situations if approved by three-fifths of members of each chamber of the General Assembly. The bill also states that for any fiscal year in which the governor certifies that a surplus exists in the General Fund, 35% of that surplus would be deposited into the Budget Stabilization Reserve Fund and 65% of the surplus would be into the Taxpayer Fairness Fund. Additionally, for any fiscal year in which the balance in the Budget Stabilization Reserve Fund equals or exceeds 7.5% of the total of all General Fund appropriations in the preceding fiscal year, 100% of the surplus would be deposited into the Taxpayer Fairness Fund. The bill states that money in the Taxpayer Fairness Fund would be distributed to taxpayers who have liability for the State Personal Income Tax, through a temporary reduction in the rate of the tax. Lastly, Section 1702-A of the Fiscal Code would be repealed. (Prior Printer Number: 2872, 2886, 3037, 3117) ***Passed both chambers & in House Rules as amended on Nov. 22, 2005***
Hearing by the House Democratic Policy Committee on November 14, 2005

House Bill 2067, P.N. 2917) (Allen): Joint Resolution proposing integrated and distinct amendments to the PA Constitution further providing for legislative power by adding that in any fiscal year, the General Assembly may not increase total General Fund appropriations above the amount of total General Fund appropriations authorized for the preceding calendar year by a percentage which exceeds the average percentage increase over the immediately preceding three fiscal years in the Consumer Price Index for All Urban Consumers of the Bureau of Labor Statistics unless a referendum stating the amount and duration of the increase is approved by a majority of the electors voting on the referendum. This limitation would not apply to any of the following: (1) an appropriation which, as a result of a requirement of Federal law, is made for a new program or service

or for an increase in the level of service for an existing program beyond the existing level of service; (2) an appropriation which, as a result of a requirement of a Federal or State court order which has become final, is made for a new program or service or for an increase in the level of service for an existing program beyond the existing level of service; (3) an appropriation providing for the Commonwealth's share of payments for pension obligations as provided by law; (4) an appropriation for the repayment of interest and principal of all debt incurred by or on behalf of the Commonwealth; or (5) An appropriation in response to a Presidential or gubernatorial declaration of an emergency or major disaster in any part of this Commonwealth and which is approved by three-fifths of the members elected to each House of the General Assembly. (Prior Printer Number: 2843)

Set for House calendar on June 6, 2006

Senate Bill 4, P.N. 1263 (Brightbill) The Taxpayer Fairness Act states the total spending by the Commonwealth in any fiscal year may not exceed the appropriation limit as set forth in this act. The bill provides for exceptions, but in no case would the excess spending authorized be included in the computation base of the spending limit for any subsequent fiscal year. The bill states that for any fiscal year in which there is a surplus in the General Fund, 50% of that surplus would be deposited by the end of the next succeeding quarter into the Budget Stabilization Reserve Fund, and 50% of the surplus would be deposited by the end of the next succeeding quarter into the newly created Taxpayer Fairness Fund. Also, for any fiscal year in which the balance in the Budget Stabilization Reserve Fund equals or exceeds 10% of the total of all General Fund appropriations, 100% of the surplus would be deposited into the Taxpayer Fairness Fund. The bill states that money in the Taxpayer Fairness Fund would be distributed to taxpayers who have liability for the Personal Income tax through a temporary reduction in the rate of the tax. The reduction amount would be established by the General Assembly to be effective for January 1 through December 31 of the upcoming calendar year. Lastly, the General Assembly may at any time provide additional amounts as an appropriation to the Budget Stabilization Reserve Fund. (Prior Printer Number: 842) *Passed in Senate and referred to House Appropriations Oct. 31, 2005*

House Democratic Policy Committee hearing on November 14, 2005

Senate Bill 884, P.N. 1264 (Brightbill) Joint Resolution proposing an amendment to the PA Constitution providing for spending limitations on the State and for disposition of surplus funds by adding that all General Fund appropriations made by the General Assembly in any fiscal year may not exceed the appropriation limit. The appropriation limit would be the total of all General Fund appropriations during the fiscal year prior to the budget year under consideration, adjusted by the lesser of: the average percentage change in personal

income in PA for the three preceding calendar years or the average percentage change in inflation for the three preceding calendar years plus the average percentage change in State population for the three preceding years as reported by the annual Federal census estimates. The appropriation limit may be exceeded in any fiscal year for the following: (1) to respond to Presidential declaration of emergency if the General Assembly approves by an affirmative vote of a majority of the members elected to each house of the General Assembly; (2) to respond to a gubernatorial declaration of emergency if the Governor so requests and the General Assembly approves by an affirmative vote of three-fifths of the members elected to each house of the General Assembly; or (3) in other situations if the Governor so requests and the General Assembly approves by an affirmative vote of two-thirds of the members elected to each house of the General Assembly. The bill also states that for any fiscal year in which the Governor certifies that a surplus exists in the General Fund, 50% of that surplus would be deposited into a Budget Stabilization Reserve Fund; and 50% of that surplus would be deposited into a separate fund for tax relief purposes. Lastly, for any fiscal year in which the balance in the Budget Stabilization Reserve Fund equals or exceeds 10% of the total of all General Fund appropriations, 100% of the surplus would be deposited into the fund for tax relief purposes. (Prior Printer Number: 1169) ***Passed in Senate and referred to House Appropriations October 31, 2005***

House Democratic Policy Committee hearing on November 14, 2005

Set on House Floor-June 6, 2006

7) Academic Freedom

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)***

Informational meeting held in House Education on September 19, 2005

Hearing at Pitt Univ. on November 9-10, 2005

Hearing at Temple Univ. on January 9-10, 2006

Hearing at Millersville Univ on March 22-23, 2006

Hearing at HACC on May 31-June 1, 2006

Final report due by November 30, 2006 (Report will begin Summer of 2006)

2006 HOUSE Spring Special Session Schedule

June 5, 6, 7, 12, 13, 14, 19, 20, 21, 26, 27, 28, 29, 30

2006 SENATE Spring Special Session Schedule

June 5, 6, 7, 12, 13, 14, 19, 20, 21, 22 (non-voting), 26, 27, 28, 29, 30

Legislative Alert

Minimum Wage - On April 5, 2006, the House, by a vote of 146- 50, passed House Bill 257 which would increase the minimum wage in Pennsylvania. The bill would require the minimum wage to be increased to \$6.25 an hour beginning July 1, 2006 and increased to \$7.15 an hour beginning July 1, 2007. There is language in the bill which would allow for a training wage for the first 60 days an employee under the age of 20 is hired. That wage cannot be less than the federal minimum wage. The bill willt now go to the Senate for its consideration.