

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, APRIL 19, 2017

SESSION OF 2017

201ST OF THE GENERAL ASSEMBLY

No. 17

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

The SPEAKER. Our prayer today will be offered by Pastor Doug Stratton of Hatboro Baptist Church in Abington, Pennsylvania. He is the guest of Representative Thomas Murt.

PASTOR DOUG STRATTON, Guest Chaplain of the House of Representatives, offered the following prayer:

It is a privilege to be here. Greetings from Hatboro Baptist Church. Let us join now in prayer:

Lord God, without Your mercy we are lost and each day You invite us to practice Your justice, to reflect Your mercy, and to share Your love. As Your heart breaks with the cries of those oppressed by violence and enslaved by fear, may we, too, be burdened by the violence and oppression around us. Deliver us from our ignorance, greed, and death with a strong hand and outstretched arm. Throughout history we are reminded that You are the God who delivers and the God who sustains. As Hindus and Buddhists celebrate the new year, as Jews remember the deliverance from Egypt, as Muslims prepare to remember Muhammad's receiving the call to prayer, and as Christians reflect on the death and celebrate the resurrection of Jesus, may we all be reminded of the second central call of our faith: to love God with all our hearts and souls and minds and strength and to love our neighbors as ourselves.

Today, as we remember Your gracious, compassionate, renewing, and saving acts, we grieve that Your children across our State yet suffer from hunger, poverty, domestic violence, homelessness, discrimination, and injustice. Give us the courage to join You in the work of feeding, healing, freedom, and peace. Grant wisdom to the women and men joined in this place, and give them a unity of purpose that they may remember the call to serve the least of these today. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, April 18, 2017, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 118, PN 244

By Rep. BAKER

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, in licensing of health care facilities, providing for Emergency Drug and Alcohol Detoxification Program.

HEALTH.

HB 171, PN 135

By Rep. METCALFE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in district election officers, further providing for appointment of watchers.

STATE GOVERNMENT.

HB 290, PN 1478 (Amended)

By Rep. MAHER

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, in financial provisions, further providing for Underground Storage Tank Indemnification Board, for Underground Storage Tank Environmental Cleanup Program and for Underground Storage Tank Pollution Prevention Program.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 713, PN 770

By Rep. BAKER

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, in involuntary examination and treatment, further providing for persons who may be subject to involuntary emergency examination and treatment, for involuntary emergency examination and treatment authorized by a physician - not to exceed one hundred twenty hours, for extended involuntary emergency treatment certified by a judge or mental health review officer - not to exceed twenty days, for court-ordered involuntary treatment not to exceed ninety days; and, in determinations affecting those charged with crime, or under sentence, further providing for incompetence to proceed on criminal charges and lack of criminal responsibility as defense.

HEALTH.

HB 938, PN 1094

By Rep. MAHER

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, in general provisions, further providing for definitions.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1043, PN 1477 (Amended)

By Rep. BAKER

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for pain management clinics; and imposing penalties.

HEALTH.

RESOLUTION REPORTED FROM COMMITTEE

HR 83, PN 433

By Rep. METCALFE

A Resolution directing the Legislative Budget and Finance Committee to study vote-recording systems for the House of Representatives.

STATE GOVERNMENT.

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests leaves of absence for the following: Lee JAMES of Venango County for the day and Kathy WATSON of Bucks County for the day. Without objection, those will be granted.

The minority whip requests leaves of absence for the following: Brandon NEUMAN of Washington County for the day, Joanna McCLINTON of Philadelphia County for the day, Bryan BARBIN of Cambria County for the day, Flo FABRIZIO of Erie County for the day, Chris RABB of Philadelphia County for the day, Angel CRUZ of Philadelphia County for the day, and Mike O'BRIEN of Philadelphia County for the day. Without objection, those will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair will now prepare to take the vote on the master roll. Members, please proceed to vote.

The following roll call was recorded:

PRESENT—191

| | | | |
|-------------|------------|-----------|-----------|
| Baker | Emrick | Knowles | Readshaw |
| Barrar | English | Kortz | Reed |
| Benninghoff | Evankovich | Krueger | Reese |
| Bernstine | Evans | Kulik | Roae |
| Bizzarro | Everett | Lawrence | Roe |
| Bloom | Farry | Lewis | Roebuck |
| Boback | Fee | Longietti | Rothman |
| Boyle | Fitzgerald | Mackenzie | Rozzi |
| Bradford | Flynn | Madden | Ryan |
| Briggs | Frankel | Maher | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |
| Brown, V. | Fritz | Markosek | Samuelson |
| Bullock | Gabler | Marshall | Sankey |
| Burns | Gainey | Marsico | Santora |

| | | | |
|-------------|--------------|------------|-------------|
| Caltagirone | Galloway | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causser | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortitay | Ward |
| DeLissio | Kaufman | Pashinsky | Warner |
| DeLozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |
| Ellis | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—12

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |

LEAVES ADDED—6

| | | | |
|----------|-----------|---------|--------|
| Bullock | Hennessey | Simmons | Turzai |
| Galloway | Ortitay | | |

LEAVES CANCELED—1

Ortitay

The SPEAKER. One hundred and ninety-one members being present on the floor, a quorum is present.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mrs. HILL called up **HR 218, PN 1265**, entitled:

A Resolution recognizing the month of April 2017 as "School Library Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Emrick | Knowles | Readshaw |
| Barrar | English | Kortz | Reed |
| Benninghoff | Evankovich | Krueger | Reese |
| Bernstine | Evans | Kulik | Roae |
| Bizzarro | Everett | Lawrence | Roe |
| Bloom | Farry | Lewis | Roebuck |
| Boback | Fee | Longietti | Rothman |
| Boyle | Fitzgerald | Mackenzie | Rozzi |
| Bradford | Flynn | Madden | Ryan |
| Briggs | Frankel | Maher | Saccone |
| Brown, R. | Freeman | Maloney | Sainato |
| Brown, V. | Fritz | Markosek | Samuelson |
| Bullock | Gabler | Marshall | Sankey |
| Burns | Gainey | Marsico | Santora |
| Caltagirone | Galloway | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causar | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortitay | Ward |
| DeLissio | Kaufer | Pashinski | Warner |
| Delozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |
| Ellis | | | |

NAYS—0

NOT VOTING—0

EXCUSED—12

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |

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

STATEMENT BY MRS. HILL

The SPEAKER. At this time the Chair recognizes Representative Kristin Phillips-Hill on the resolution. Members, please take your seats.

Mrs. HILL. Thank you, Mr. Speaker.

Thank you, members, for passing HR 218, which designates April as "School Library Month" in Pennsylvania.

There are many people who believe the creation of the Internet marked the death of the school library and libraries in general. I defer to English author Neil Gaiman, who said, "Google can bring you back 100,000 answers. A librarian can bring you back the right one." For many Pennsylvania children, the school library remains a vital connection to a vast array of journeys, ideas, and experiences that they can visit and revisit over and over again, both at home and in the school.

Joining us today to recognize the occasion is the president of the Pennsylvania School Librarians Association, Allison Burrell. Allison, if you could please stand so we could recognize you, and thank you for all that you do for our school-age children and education in general.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Phillips-Hill.

We have two citations to be presented today for some championship teams. Representatives Bernie O'Neill, Marguerite Quinn, and Tom Murt are invited to the rostrum. Please come to the rostrum. Thank you. That will be followed – if they might also please come forward, because they will be next – Representatives Maloney, Toepel, and Jozwiak. So they will just be ready to go up next.

ARCHBISHOP WOOD HIGH SCHOOL FOOTBALL TEAM PRESENTED

The SPEAKER. Members, please take your seats. These young champions have traveled a good distance to be here today, so I would ask everybody to please take their seats. I would ask the Sergeants at Arms to close the doors of the House while we do these citations. They will be open for the team members to go to the Senate after the citations have been presented. All staff members, please take your seats. Any conversations should take place outside of the House floor.

Representative O'Neill, you may proceed, sir.

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

Mr. Speaker, it is my honor today to welcome for the fourth time the 2016 PIAA State Champions, 5A Class State Champions, the Archbishop Wood Football Team. This is their fourth title, 4 out of 6 years, and they have been in the championship game 5 of those 6 years. So instead of me introducing them, what I would like to do is to turn it over to the very distinguished alumni of Archbishop Wood, Representative Quinn and Representative Murt.

Mr. MURT. Good morning.

Mr. Speaker, there are so many things that make me honored to be a graduate of Archbishop Wood High School, but few make me as proud as the young men here today. The students behind me and the student athletes in the back of the House represent the very best of our Commonwealth and have

demonstrated skills that will see them through college and into their personal lives. They have shown us the power of commitment by setting high standards and staying committed to them. They demonstrated courage by standing up to whatever challenge was thrown in their path. They have shown discipline and self-control by standing strong when challenged. They were resilient in learning from mistakes and from losses so they could seize the opportunity to improve. And they have shown the importance of teamwork through long hours of practice and for each new game that would take them down the road to Hersheypark Stadium, where Archbishop Wood defeated Harrisburg by a score of 37 to 10. It is my distinct honor to present to you the Archbishop Wood Football Team, the PIAA Class 5A State Champions. Thank you, Mr. Speaker.

The SPEAKER. Representative Marguerite Quinn.

Ms. QUINN. Thank you, Mr. Speaker.

Colleagues, if this seems like a little bit of déjà vu, I do not blame you. As you just heard Representative Murt say, you know, we have been here before, but each team has its own personality, its unique strengths, and this team, in particular, overcame some obstacles in the beginning of the season to come back and to win the State championship.

Obviously, they have some terrific leadership. We are joined here by Coach Steve Devlin. Where are you, Steve? Coach Devlin has motivated these guys not just to excel on the field, but in the classroom and beyond that, he has instilled a philosophy – these guys work hand in hand with some of our – it is some kids who – what is it – Athletes Helping Athletes. They reach out throughout our community, and some of the kids with disabilities, these young men show them the abilities that they have and it is heartwarming to see everyone embraced.

The leadership here from Coach Devlin is also seen through the team leaders who are behind me. We have Dan Freeman. Dan, give a wave. Do not be shy. Anthony Diodato. Oh, we have got some fans in the back, Anthony. Mark Webb, and Raheem Blackshear.

As you know, championship seasons are never solo accomplishments. It takes a unified team effort and we have seen that year after year. Congratulations from all of us here in Pennsylvania. You are the best of Pennsylvania. Thank you.

Will the team in the back please stand up? Colleagues, I would like you to recognize the Archbishop Wood Football Team of 2016-17.

BOYERTOWN AREA SENIOR HIGH SCHOOL GIRLS BASKETBALL TEAM PRESENTED

The SPEAKER. Representative Maloney, Representative Toepel, and Representative Jozwiak, please come on up.

Now, this team that won beat my home high school, so I think they are going to give me a little ribbing, but I heard it was an outstanding game. So we are excited to have this championship team here.

Representatives Maloney, Toepel, and Jozwiak with their champion players. Members, please take your seats.

To the Archbishop Wood players, thank you for being here today. Great success for you who are seniors.

Representative Maloney, the floor is yours, sir.

Mr. MALONEY. Thank you, Mr. Speaker.

I join my colleagues today, Representative Barry Jozwiak and Representative Marcy Toepel, who, like me, is also a graduate of this school, in welcoming to the House the PIAA State Class 6A Girls Basketball Champions, the Boyertown High School Bears. It is a true honor to recognize the Lady Bears on their outstanding accomplishment of winning this State title. On Friday, March 24, the Lady Bears capped off their championship season with a 46-35 win over North Allegheny High School, which the Speaker already referenced. Sorry about that, Mr. Speaker, but it was their time.

The SPEAKER. Great job.

Mr. MALONEY. This is such an accomplishment for our area and for the State. Actually, this is the second State title this high school has received this past year, when the boys baseball team grabbed the State 4A title in June. These ladies played a very tough game, as the Speaker already mentioned. With their defense and being coached so very well by Coach Bieber, who pushed these players, they came on with a 10-point rout and never looked back. Congratulations, ladies. You have made your school and the State very proud.

The SPEAKER. Representative Toepel.

Mrs. TOEPEL. Thank you, Mr. Speaker.

As an alumni of Boyertown Area High School and also a former member of the girls basketball team, a long time ago – in fact, it was so long ago they were known as the Bearettes, and I like the Lady Bears a lot better – but congratulations to this tremendous group of young women, student athletes, on achieving the State championship, the first ever for the women's basketball program at Boyertown, and under the direction of Coach Jason Bieber, they worked very hard. They beat the odds. They were a Cinderella team, and I want to congratulate them today for their success. Many of them already committed to other colleges, and we have some juniors so we expect great things in the future from this team. Go, Lady Bears. Congratulations to you on this wonderful success.

The SPEAKER. Representative Jozwiak.

Mr. JOZWIAK. Thank you, Mr. Speaker.

Colleagues, I also would like to recognize the coaches with us today for a special recognition. As the head coach of the Boyertown High School Basketball Team, he was recently honored as the Pennsylvania 2017 PIAA Class 6A Coach of the Year. That is the highest one you can get. I would just like to introduce to you, Mr. Jason A. Bieber, who worked hard and made sure these girls were successful, all because of his backing. Mr. Bieber.

Thank you, Mr. Speaker

The SPEAKER. Representative Maloney.

Mr. MALONEY. So to cap this off today, behind me are Abby Kapp, also named as the All-State First Team, Alli Marcus, Katie Armstrong, Kylie Webb, and Torie Boalton, and in the rear of the House, if you would please stand, we have Hannah Pellicciotti, Candice Sweisfort, Brynn Schmidt, Amber Marburger, Lyndsay Hillegas, Avery Sweisfort, Julia Smith, Lauren Moyer, Jenn O'Connor, and Elle Rightmyer. Congratulations, girls, and welcome.

Thank you, Mr. Speaker.

The SPEAKER. Ladies, congratulations for an outstanding season. To be State champions is quite an accomplishment. We are so excited to have you here today. Thank you.

Mr. MALONEY. Mr. Speaker, my apologies. We do have a couple other coaches with us. In the back we have Kelly Furman and Jackie Miller. Congratulations and welcome also.

The SPEAKER. Please open the doors of the House. We are going to let the championship team head over to the Senate. They are going to head over to the Senate I know. All the fun was here, of course.

KATHY SULLIVAN PRESENTED

The SPEAKER. Members, this is an important part of our day today. We have an outstanding individual who has spent more than 31 years serving this chamber, the Pennsylvania House of Representatives, and the great citizens of the Commonwealth of Pennsylvania. I would ask everybody to please take their seats to honor this really great lady who has provided us such exemplary service. So if we could close the doors of the House. The conversations on the floor, if you could take them off the floor that would be appreciated.

Kathy Sullivan, if you could please stand.

Kathy is retiring as the Executive Director of the Legislative Data Processing Center, better known as LDPC. We all know how crucial that entity is to the functioning of democracy in the Commonwealth of Pennsylvania. She is concluding an exemplary career that spans more than 31 years. All the times that a couple of our members – we all know who keeps us in check on items not being on the computer, but think of all the times that all the items, all the legislation, all the amendments, always on time on the computer and in front of us in real-time. That would not be happening, particularly with the upgrades in technology, if this good lady was not on top of it. Kathy Sullivan is the person, with her team, that has made that happen, almost flawlessly. She has spearheaded vast upgrades and improvements to this system, which we depend on so heavily to serve our constituents that elect us here. Much of her work, as you can tell, has resulted in a reduction and really, in some ways, almost an elimination of the use of paper on the House floor. I remember when I was first here we would have stacks of it, Kathy. You have changed that and we have kept up with the 21st century.

It was under the leadership of my predecessor, Speaker Ryan, that she and her team introduced laptop computers to the House floor in 1999. Our chamber was clearly at the forefront in having the opportunity to use them. She led the development and implementation of a rolling session, which has, in many ways, made everything so much easier. The bills and amendments just automatically appear on the screens as they are considered. You do not have to pull them up.

We cannot thank you enough, Kathy, for the many hours you have devoted to making the legislative process so efficient and saving us, really, significant taxpayer dollars in the process. We wish you the very best as you begin the next chapter in your life.

We have some special guests that Kathy has with her today and I know that there are some others, but let me at least identify these folks: her husband, Tim Sullivan, if he could please stand. Tim, our great friend, good to see you, Tim. And we also welcome Mary and John Nantz. Mary and John Nantz, if you will please stand. Eileen Meals and John Haldeman. These were former LDP assistant directors, and the current staff is all seated in the well of the House. For those of you that have

not had an opportunity to meet each and every one of them, this will be a good chance for us to extend them our sincere thanks under the leadership of Kathy Sullivan.

Kathy, God bless you in your future endeavor and thank you so much for sharing your important time in your life and career with us and the citizens of Pennsylvania. Please give her a standing ovation.

Kathy, if you do not mind joining me up here at the rostrum with your husband, Tim, we have a couple of items to present to you.

The Sergeants at Arms will open the doors of the House.

GUEST INTRODUCED

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Abby Akers, a senior at Penn State Harrisburg, who interned this semester with the House Human Services Committee and is a guest of Representative Gene DiGirolamo.

STATEMENT BY MR. DIGIROLAMO

The SPEAKER. The Chair is going to call on Representative DiGirolamo for some comments on unanimous consent.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I would like to bring Abby to the attention of the members. Abby has been working for the Human Services Committee as an intern for a number of months. She is going to graduate, I understand, from Penn State University in May with a degree. Abby has worked extremely hard for the committee, and we really appreciate your hard work, Abby, and we are going to miss you, and after you graduate, if you want to come back and get a job, we would love to have you back.

So I would ask everybody to recognize Abby and give her a round of applause. Thank you, Abby, for your good work.

GUESTS INTRODUCED

The SPEAKER. Some other guests. Guests of Representative Sid Kavulich include: Justus Hoyt, if you will please stand, and Dave Wessell – they are from Clarks Summit – and Steve Davies from Enon Valley. Thank you so much for being with us here today. Thank you.

In the rear of the House a guest of Representative Mary Jo Daley is Rachel Zobel. Rachel, will you please stand. Great to have you here. Thank you for joining us today.

Representative Brett Miller has brought us Michael Rosenfeld, a guest. Michael, great to see you. Thank you very much for being with us today.

In the well of the House, Maxwell Vigue – I believe I am saying that correctly – of York. Max is in seventh grade at Red Lion Junior High. He plays football, wrestles, and is a representative on the Student Leadership Council, and he is a good friend and guest of Representative Stan Saylor, our majority Appropriations chair. Welcome. Thanks for being here today.

Also in the well of the House, guest pages Colton Doyle, Alexander Owens, and Jian Arnold. Will you all please stand. They are guests of Representative Mehaffie and they are

members of the Boy Scout Troop 75 at the Milton Hershey School. Great to have you, guys. Thanks for being here.

Many of us have had guests with the Pennsylvania Pharmacists Association Legislative Day. Representative Parke Wentling has three that are here in the gallery: Alyssa Gosnell of Duquesne University, Marissa Waterloo of Pitt, and Nikki Blattenberger of LECOM (Lake Erie College of Medicine) in Erie. Will you please stand. Thank you so much for being with us today.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 168, PN 132 By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in proprietary and official rights, further providing for wearing of uniforms and insignia.

JUDICIARY.

HB 274, PN 1497 (Amended) By Rep. MARSICO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for relief.

JUDICIARY.

HB 671, PN 717 By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition.

JUDICIARY.

HB 939, PN 1498 (Amended) By Rep. MARSICO

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for definitions, for disqualification and forfeiture of benefits and for restitution for monetary loss; and repealing a retroactivity provision.

JUDICIARY.

HB 1238, PN 1465 By Rep. MARSICO

An Act amending Titles 3 (Agriculture), 18 (Crimes and Offenses), 22 (Detectives and Private Police), 34 (Game) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in race horse industry reform, further providing for licenses for horse race meetings and for occupational licenses for individuals; in riot, disorderly conduct and related offenses, repealing provisions relating to offense of cruelty to animals, live animals as prizes prohibited, police animals and assault with a biological agent on animal, fowl or honey bees and providing for offenses relating to cruelty to animals; in humane society police officers, further providing for definitions, for appointment by nonprofit corporations, for qualifications for appointment, for suspension, revocation, limitation and restriction of appointment and restoration of appointment, for powers and authority and jurisdiction, for search warrants and for costs; in hunting and furtaking, further providing for destruction of dogs declared public nuisances; in budget and finance, further providing for municipal corporation portion of fines, etc; and making editorial changes.

JUDICIARY.

The SPEAKER. Okay. We are going to be calling up some bills.

LDP staff, thank you so much for being with us today to celebrate Kathy's retirement. Thank you for your service to the Commonwealth of Pennsylvania. Please feel free to exit at this time. We appreciate all you do for us and thanks for being here.

LEAVE OF ABSENCE

The SPEAKER. Representative GALLOWAY has requested to be placed on leave. Without objection, that will be granted.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 780, PN 1263**, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensing and consumer protection, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for powers conferred on certain licensees engaged in the mortgage loan business, for mortgage loan business prohibitions, for application for license, for license fees and for licensee requirements and providing for the promulgation of regulations to effectively incorporate Federal regulations.

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

* * *

The House proceeded to second consideration of **HB 1039, PN 1203**, entitled:

An Act authorizing certain financial institutions to conduct savings promotion raffles; and providing for enforcement by the Department of Banking and Securities.

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

* * *

The House proceeded to second consideration of **HB 144, PN 108**, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for exemptions from registration.

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

* * *

The House proceeded to second consideration of **HB 674, PN 720**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in State lottery, providing for lottery winnings intercept.

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

Mr. **BERNSTINE** offered the following amendment No. **A00764**:

Amend Bill, page 2, line 14, by striking out "Pay" and inserting
First, pay

Amend Bill, page 2, line 15, by inserting after "and"
, second, apply

Amend Bill, page 2, lines 16 through 18, by striking out "in accordance with the" in line 16 and all of lines 17 and 18 and inserting
to the

Amend Bill, page 3, line 3, by inserting after "obligations"
for crimes as defined in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act

Amend Bill, page 3, lines 16 through 18, by striking out "The Administrative Office of Pennsylvania" in line 16 and all of lines 17 and 18 and inserting

to the clerk of courts of the county in which the court order was issued.

Amend Bill, page 4, by inserting between lines 12 and 13

(2) A prizewinner whose prize is used to satisfy or partially satisfy an obligation under 23 Pa.C.S. § 4308 may appeal in accordance with applicable law. The appeal must be filed with a court of competent jurisdiction within 30 days after the person is notified by the Department of Revenue that the prize has been reduced or totally withheld to satisfy the person's obligations under 23 Pa.C.S. § 4308.

Amend Bill, page 4, line 13, by striking out "(2)" and inserting
(3)

Amend Bill, page 4, lines 16 and 17, by striking out "and the Department of Revenue"

Amend Bill, page 5, lines 5 through 9, by striking out "as follows:" in line 5, all of lines 6 through 8 and "immediately" in line 9 and inserting

in one year

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

The SPEAKER. Representative Bernstine, will you please provide remarks on the amendment.

Mr. BERNSTINE. Thank you, Mr. Speaker.

Amendment 764 clarifies the appellate procedures available for child support obligations and limits the payment of court-ordered obligations, the penalties incurred under the Crime Victims Act. Additionally, this amendment makes technical changes to conform to the bill's language, to our existing intercept practices. It is an agreed-to amendment, and I would ask the members to vote in support of it.

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

The following roll call was recorded:

YEAS—190

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Ellis | Knowles | Readshaw |
| Barrar | Emrick | Kortz | Reed |
| Benninghoff | English | Krueger | Reese |
| Bernstine | Evankovich | Kulik | Roae |
| Bizzarro | Evans | Lawrence | Roe |
| Bloom | Everett | Lewis | Roebuck |
| Boback | Farry | Longietti | Rothman |
| Boyle | Fee | Mackenzie | Rozzi |
| Bradford | Fitzgerald | Madden | Ryan |
| Briggs | Flynn | Maher | Saccone |
| Brown, R. | Frankel | Maloney | Sainato |
| Brown, V. | Freeman | Markosek | Samuelson |
| Bullock | Fritz | Marshall | Sankey |
| Burns | Gabler | Marsico | Santora |
| Caltagirone | Gainey | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causar | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortity | Ward |
| DeLissio | Kaufer | Pashinski | Warner |
| Delozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—13

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |
| Galloway | | | |

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 second consideration as amended?
Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 508, PN 609**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, prohibiting eligibility for violators of sexual offender registration.

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

Mr. **KAUFER** offered the following amendment No. **A00719**:

Amend Bill, page 2, line 6, by inserting after "section."

The department shall issue regulations necessary to effectuate compliance with the registration requirements for individuals it considers transient or homeless to include any address or location where public assistance funds are to be sent on behalf of any eligible individual.

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

The SPEAKER. Representative Jim Cox, the maker of the bill, on the amendment.

Mr. COX. This amendment is agreed to, and so I would ask for a "yes" vote on the amendment.

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

The following roll call was recorded:

YEAS—190

| | | | |
|-------------|------------|------------|-------------|
| Baker | Ellis | Knowles | Readshaw |
| Barrar | Emrick | Kortz | Reed |
| Benninghoff | English | Krueger | Reese |
| Bernstine | Evankovich | Kulik | Roae |
| Bizzarro | Evans | Lawrence | Roe |
| Bloom | Everett | Lewis | Roebuck |
| Boback | Farry | Longietti | Rothman |
| Boyle | Fee | Mackenzie | Rozzi |
| Bradford | Fitzgerald | Madden | Ryan |
| Briggs | Flynn | Maher | Saccone |
| Brown, R. | Frankel | Maloney | Sainato |
| Brown, V. | Freeman | Markosek | Samuelson |
| Bullock | Fritz | Marshall | Sankey |
| Burns | Gabler | Marsico | Santora |
| Caltagirone | Gainey | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causar | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |

| | | | |
|------------|--------------|------------|------------|
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortitay | Ward |
| DeLissio | Kaufar | Pashinski | Warner |
| Delozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—13

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |
| Galloway | | | |

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 second consideration as amended?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 267, PN 226**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in theft and related offenses, defining the offense of theft of secondary metal; and prescribing penalties.

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

* * *

The House proceeded to second consideration of **HB 489, PN 513**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for sentencing for offenses involving indecent exposure when children present.

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

* * *

The House proceeded to second consideration of **HB 453, PN 1241**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in department of the Auditor General, further providing for audits of agencies receiving State aid.

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

Mr. **MARKOSEK** offered the following amendment No. **A00752**:

Amend Bill, page 3, line 12, by striking out "UPON RECEIVING A RESPONSE TO AN AUDIT, THE" and inserting

The

Amend Bill, page 3, line 13, by striking out "PROVIDE" and inserting

regularly notify

Amend Bill, page 3, line 16, by striking out "THE RESPONSE" and inserting

of responses received.

Amend Bill, page 3, line 17, by inserting after "SUBMIT."

The department shall post responses to the department's publicly accessible Internet website.

Amend Bill, page 4, by inserting between lines 7 and 8

The department shall work with the Governor, chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives to determine the most effective method to communicate information concerning responses to the department's audit recommendations based on the type of audit and significance of the recommendations.

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

The SPEAKER. On the amendment, Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.
Good morning, members.

HB 453, as introduced by the good gentleman from Lebanon, is a bill to provide more transparency relative to the actions of the Auditor General. What my amendment does is, I think, improve upon the current language and offers some additional means of transparency from the Auditor General. It lets the Auditor General regularly notify us that responses have been received from their audits, rather than simply when they come in. More importantly, I think it requires the responses to be posted on the Web site, and it also requires the Auditor General to work with the Governor's Office, as well as the Appropriations chairs, in determining a better way to communicate responses that they receive to the legislature.

It is my understanding that this amendment is agreed to, and I would ask the members for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Ryan, on the amendment, sir.

Mr. RYAN. Mr. Speaker, the amendment is agreed to and we thank the gentleman for presenting it to us. I think it enhances a really good idea to improve transparency and fiscal accountability and responsibility in the Commonwealth.

The SPEAKER. Thank you, sir.

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

The following roll call was recorded:

YEAS—190

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Ellis | Knowles | Readshaw |
| Barrar | Emrick | Kortz | Reed |
| Benninghoff | English | Krueger | Reese |
| Bernstine | Evankovich | Kulik | Roae |
| Bizzarro | Evans | Lawrence | Roe |
| Bloom | Everett | Lewis | Roebuck |
| Boback | Farry | Longietti | Rothman |
| Boyle | Fee | Mackenzie | Rozzi |
| Bradford | Fitzgerald | Madden | Ryan |
| Briggs | Flynn | Maher | Saccone |
| Brown, R. | Frankel | Maloney | Sainato |
| Brown, V. | Freeman | Markosek | Samuelson |
| Bullock | Fritz | Marshall | Sankey |
| Burns | Gabler | Marsico | Santora |
| Caltagirone | Gainey | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causer | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortitay | Ward |
| DeLissio | Kaufner | Pashinski | Warner |
| Delozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—13

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |
| Galloway | | | |

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 second consideration as amended?

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 834, PN 916**, entitled:

An Act designating a bridge on that portion of State Route 588 over Interstate 376, Chippewa Township, Beaver County, as the TFC Blake T. Coble Memorial Bridge.

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

RESOLUTIONS

Mr. RYAN called up **HR 84, PN 462**, entitled:

A Resolution congratulating the Pennsylvania National Guard's environmental office on winning first place in the Sustainability Team in the 2016 Army National Guard Environmental Awards contest and expressing appreciation to the Pennsylvania National Guard and the Department of Military and Veterans Affairs for their environmental stewardship efforts.

On the question,
Will the House adopt the resolution?

The SPEAKER. Representative Ryan, you are recognized.
Mr. RYAN. Mr. Speaker, thank you so much.

This honor that is being bestowed that we are asking for your vote on today for Fort Indiantown Gap is a bigger deal than you might think at first blush. This type of behavior that we train for in peace is the very type of behavior that keeps Pennsylvania National Guardsmen and women alive on the battlefield, when they keep valuable intelligence away from the enemy forces by being trained to make sure that we keep our areas – an example where we keep all intelligence out of the hands of enemy forces.

I have worked with the Pennsylvania National Guard in Iraq, and I have been unbelievably impressed with the discipline that these men and women bring to the battlefield. You should be honored that we are represented by such a great group of people in the Commonwealth of Pennsylvania, and I ask for your vote on the resolution.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

| | | | |
|-------------|------------|----------|---------|
| Baker | Ellis | Knowles | Reed |
| Barrar | Emrick | Kortz | Reese |
| Benninghoff | English | Krueger | Roae |
| Bernstine | Evankovich | Kulik | Roe |
| Bizzarro | Evans | Lawrence | Roebuck |
| Bloom | Everett | Lewis | Rothman |

| | | | |
|-------------|--------------|------------|--------------------|
| Boback | Farry | Longietti | Rozzi |
| Boyle | Fee | Mackenzie | Ryan |
| Bradford | Fitzgerald | Madden | Saccone |
| Briggs | Flynn | Maher | Sainato |
| Brown, R. | Frankel | Maloney | Samuelson |
| Brown, V. | Freeman | Markosek | Sankey |
| Bullock | Fritz | Marshall | Santora |
| Burns | Gabler | Marsico | Saylor |
| Caltagirone | Gainey | Matzie | Schemel |
| Carroll | Gergely | McCarter | Schlossberg |
| Causler | Gillen | McGinnis | Schweyer |
| Cephas | Gillespie | McNeill | Simmons |
| Charlton | Godshall | Mehaffie | Sims |
| Christiana | Goodman | Mentzer | Snyder |
| Comitta | Greiner | Metcalfe | Solomon |
| Conklin | Grove | Metzgar | Sonney |
| Cook | Haggerty | Miccarelli | Staats |
| Corbin | Hahn | Millard | Stephens |
| Corr | Hanna | Miller, B. | Sturla |
| Costa, D. | Harkins | Miller, D. | Tallman |
| Costa, P. | Harper | Milne | Taylor |
| Cox | Harris, A. | Moul | Thomas |
| Culver | Harris, J. | Mullery | Tobash |
| Cutler | Heffley | Murt | Toepel |
| Daley | Helm | Mustio | Toohil |
| Davidson | Hennessey | Neilson | Topper |
| Davis | Hickernell | Nelson | Vazquez |
| Dawkins | Hill | Nesbit | Vitali |
| Day | Irvin | O'Neill | Walsh |
| Dean | Jozwiak | Oberlander | Ward |
| Deasy | Kampf | Ortitay | Warner |
| DeLissio | Kaufman | Pashinski | Warren |
| Delozier | Kauffman | Peifer | Wentling |
| DeLuca | Kavulich | Petrarca | Wheatley |
| Dermody | Keefer | Petri | Wheeland |
| Diamond | Keller, F. | Pickett | White |
| DiGirolamo | Keller, M.K. | Pyle | Youngblood |
| Donatucci | Keller, W. | Quigley | Zimmerman |
| Dowling | Kim | Quinn, M. | |
| Driscoll | Kinsey | Rapp | Turzai, Speaker |
| Dunbar | Kirkland | Ravenstahl | |
| Dush | Klunk | Readshaw | |

NAYS—0

NOT VOTING—1

Quinn, C.

EXCUSED—13

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |
| Galloway | | | |

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

* * *

Mr. REED called up **SR 6, PN 569**, entitled:

A Concurrent Resolution establishing a special bipartisan, bicameral legislative commission to recommend improvements to the delivery of emergency services in this Commonwealth and develop and promote legislation in furtherance of its recommendations.

On the question,
Will the House concur in the resolution of the Senate?

The following roll call was recorded:

YEAS—190

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Ellis | Knowles | Readshaw |
| Barrar | Emrick | Kortz | Reed |
| Benninghoff | English | Krueger | Reese |
| Bernstine | Evankovich | Kulik | Roae |
| Bizzarro | Evans | Lawrence | Roe |
| Bloom | Everett | Lewis | Roebuck |
| Boback | Farry | Longietti | Rothman |
| Boyle | Fee | Mackenzie | Rozzi |
| Bradford | Fitzgerald | Madden | Ryan |
| Briggs | Flynn | Maher | Saccone |
| Brown, R. | Frankel | Maloney | Sainato |
| Brown, V. | Freeman | Markosek | Samuelson |
| Bullock | Fritz | Marshall | Sankey |
| Burns | Gabler | Marsico | Santora |
| Caltagirone | Gainey | Matzie | Saylor |
| Carroll | Gergely | McCarter | Schemel |
| Causar | Gillen | McGinnis | Schlossberg |
| Cephas | Gillespie | McNeill | Schweyer |
| Charlton | Godshall | Mehaffie | Simmons |
| Christiana | Goodman | Mentzer | Sims |
| Comitta | Greiner | Metcalfe | Snyder |
| Conklin | Grove | Metzgar | Solomon |
| Cook | Haggerty | Miccarelli | Sonney |
| Corbin | Hahn | Millard | Staats |
| Corr | Hanna | Miller, B. | Stephens |
| Costa, D. | Harkins | Miller, D. | Sturla |
| Costa, P. | Harper | Milne | Tallman |
| Cox | Harris, A. | Moul | Taylor |
| Culver | Harris, J. | Mullery | Thomas |
| Cutler | Heffley | Murt | Tobash |
| Daley | Helm | Mustio | Toepel |
| Davidson | Hennessey | Neilson | Toohil |
| Davis | Hickernell | Nelson | Topper |
| Dawkins | Hill | Nesbit | Vazquez |
| Day | Irvin | O'Neill | Vitali |
| Dean | Jozwiak | Oberlander | Walsh |
| Deasy | Kampf | Ortitay | Ward |
| DeLissio | Kaufer | Pashinski | Warner |
| Delozier | Kauffman | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGirolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |
| Dunbar | Kirkland | Rapp | Turzai, |
| Dush | Klunk | Ravenstahl | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—13

| | | | |
|----------|--------|-----------|--------|
| Barbin | James | McClinton | Rabb |
| Cruz | Mako | Neuman | Rader |
| Fabrizio | Masser | O'Brien | Watson |
| Galloway | | | |

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. At this time we are going to turn to announcements.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Chairman Saylor, majority Appropriations chair, for announcements, please.

Mr. SAYLOR. Thank you, Mr. Speaker.

There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

VOTE CORRECTION

The SPEAKER. Representative Quinn.

Mr. QUINN. Mr. Speaker, on HR 84 my button malfunctioned. I had meant to be recorded in the affirmative.

The SPEAKER. Thank you.

REPUBLICAN CAUCUS

The SPEAKER. Representative Cutler, for a caucus announcement.

Mr. CUTLER. Thank you, Mr. Speaker.

The Republicans will caucus at 12:15 and expect to return to the floor at 1 p.m.

DEMOCRATIC CAUCUS

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 12:15. Democrats will caucus at 12:15.

RECESS

The SPEAKER. Members, we will be in recess until 1 o'clock, unless sooner recalled by the Speaker.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

BILLS REREPORTED FROM COMMITTEE

HB 409, PN 1235

By Rep. SAYLOR

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions and for Uniform Construction Code Review and Advisory Council and providing for review of updated sections and adoption of updated sections into Uniform Construction Code; in Uniform Construction Code, further providing for revised or successor codes; in adoption and enforcement by municipalities, further providing for administration and enforcement; in training and certification of inspectors, further providing for education and training programs; and, in exemptions, applicability and penalties, further providing for applicability to certain buildings.

APPROPRIATIONS.

HB 595, PN 627

By Rep. SAYLOR

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, as follows: in general provisions, further providing for definitions; in management of the condominium, providing for alternative dispute resolution in condominiums and for complaints filed with Bureau of Consumer Protection; in protection of purchasers, further providing for effect of violations on rights of action; in general provisions, further providing for definitions; in management of cooperatives, providing for alternative dispute resolution in cooperatives and for complaints filed with Bureau of Consumer Protection; in general provisions, further providing for definitions; in management of planned community, providing for alternative dispute resolution in planned communities and for complaints filed with Bureau of Consumer Protection; and, in protection of purchasers, further providing for effect of violations on rights of action.

APPROPRIATIONS.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 265 By Representative WHEATLEY

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the requirements and implications of performing social impact assessments for each piece of legislation that pertains to health care for adults and children, felony crimes, public school finance and the change in structure or mission of institutions of higher education or the creation of institutions of higher education.

Referred to Committee on STATE GOVERNMENT, April 19, 2017.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1130 By Representatives SANTORA, O'BRIEN, MILLARD, CHARLTON, DRISCOLL, READSHAW, DeLUCA and DOWLING

An Act amending the act of August 14, 1963 (P.L.1059, No.459), referred to as the Cemetery and Funeral Merchandise Trust Fund Law, further providing for merchandise trust fund; and prohibiting constructive or preneed delivery of burial vaults.

Referred to Committee on PROFESSIONAL LICENSURE, April 19, 2017.

No. 1198 By Representatives CARROLL, SCHLOSSBERG, SCHWEYER, SNYDER, HAGGERTY, D. COSTA, ROEBUCK, KAVULICH, CALTAGIRONE, MULLERY, MILLARD, SOLOMON, LONGIETTI, DeLUCA, IRVIN, STURLA, McCARTER, DONATUCCI, FRANKEL and BARBIN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school finances, providing for limitations on certain unassigned fund balance limits for a charter school entity.

Referred to Committee on EDUCATION, April 19, 2017.

No. 1200 By Representatives D. MILLER, ROEBUCK, SIMS, LONGIETTI, SCHLOSSBERG, MILLARD, DeLUCA, STURLA, McCARTER, DONATUCCI, GAINEY and BARBIN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in charter schools, further providing for funding for charter schools.

Referred to Committee on EDUCATION, April 19, 2017.

No. 1213 By Representatives KAMPF, GODSHALL, McGINNIS, NEILSON, RYAN, ZIMMERMAN, BENNINGHOFF, WHEELAND, MUSTIO, COX and TURZAI

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for short title and scope of chapter and for appeals by taxing districts and providing for standards of redress in appeals.

Referred to Committee on COMMERCE, April 19, 2017.

No. 1243 By Representatives SIMS, DAVIS, J. HARRIS, DEAN, SCHWEYER, DONATUCCI, FRANKEL, CALTAGIRONE, McCARTER, W. KELLER, THOMAS, KINSEY, D. MILLER, BULLOCK, DRISCOLL, V. BROWN, McNEILL, D. COSTA, SOLOMON, O'BRIEN, READSHAW, BOYLE, SCHLOSSBERG, HILL-EVANS, DeLUCA, GOODMAN and DEASY

An Act amending the act of December 17, 1959 (P.L.1913, No.694), known as the Equal Pay Law, further providing for definitions, for wage rates and for collection of unpaid wages.

Referred to Committee on LABOR AND INDUSTRY, April 19, 2017.

No. 1244 By Representatives CARROLL and KAUFER

An Act designating a bridge on that portion of U.S. Route 11 over the Susquehanna River between the City of Pittston and West Pittston Borough, Luzerne County, as the Specialist Dale J. Kridlo Memorial Bridge.

Referred to Committee on TRANSPORTATION, April 19, 2017.

No. 1245 By Representatives GROVE, RYAN, KEEFER, WARD, WARNER, McGINNIS, KAUFFMAN, ROTHMAN, ZIMMERMAN, B. MILLER, COX, WHEELAND, PHILLIPS-HILL and SANKEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in tax for education, further providing for imposition of tax.

Referred to Committee on FINANCE, April 19, 2017.

No. 1246 By Representatives STURLA, DRISCOLL, KINSEY, DEAN, SOLOMON, V. BROWN, SCHLOSSBERG, McNEILL, MOUL, WARD, DONATUCCI, McCLINTON, FRANKEL and GILLEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for good Samaritan civil immunity for administration of naloxone.

Referred to Committee on JUDICIARY, April 19, 2017.

No. 1247 By Representatives STURLA, KINSEY, SOLOMON, D. COSTA, V. BROWN, SCHLOSSBERG, DAVIS, DeLUCA, READSHAW, McNEILL, DONATUCCI and THOMAS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in protection from abuse, further providing for commencement of proceedings and for relief.

Referred to Committee on JUDICIARY, April 19, 2017.

No. 1248 By Representatives DiGIROLAMO, GROVE, TAYLOR, DAVIS, WARD, M. K. KELLER, MURT, COX, KAUFER and IRVIN

An Act providing for study requirements prior to transferring a power, duty or function of a Commonwealth agency.

Referred to Committee on HUMAN SERVICES, April 19, 2017.

No. 1249 By Representatives HILL-EVANS, DONATUCCI, FREEMAN, SCHWEYER, SAMUELSON, McNEILL, O'NEILL, MILLARD, THOMAS, NEILSON and ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in charter schools, further providing for enrollment.

Referred to Committee on EDUCATION, April 19, 2017.

No. 1250 By Representatives DELOZIER, A. HARRIS, M. K. KELLER, ROTHMAN, IRVIN and SOLOMON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in alimony and support, further providing for alimony pendente lite, counsel fees and expenses.

Referred to Committee on JUDICIARY, April 19, 2017.

No. 1251 By Representatives BURNS, READSHAW, COX, BAKER, FREEMAN, MURT, DiGIROLAMO, BIZZARRO, DAVIS, PASHINSKI, McNEILL, HAHN, KINSEY, CALTAGIRONE, MILLARD, WARD, LONGIETTI, DEASY, GROVE, W. KELLER, SANKEY, SAYLOR, D. COSTA, ENGLISH and GILLEN

An Act designating a bridge on that portion of Pennsylvania Route 53 over U.S. Route 22, Cresson Township, Cambria County as the Corporal Robert J. Sherwood, Jr., Memorial Bridge.

Referred to Committee on TRANSPORTATION, April 19, 2017.

No. 1252 By Representatives BURNS, READSHAW, HENNESSEY, COX, FREEMAN, MURT, DiGIROLAMO, BIZZARRO, DAVIS, McNEILL, HAHN, CALTAGIRONE,

MILLARD, WARD, LONGIETTI, W. KELLER, SANKEY, SAYLOR, D. COSTA, MARSICO and GILLEN

An Act designating a bridge on that portion of State Route 271 over U.S. Route 22, Nanty Glo Borough, Cambria County, as the PFC Nick Kozorosky Memorial Bridge.

Referred to Committee on TRANSPORTATION, April 19, 2017.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip for leaves of absence for the gentleman, Mr. SIMMONS; for the gentleman, Speaker TURZAI; and Chairman HENNESSEY. Without objection, the leaves will be so granted.

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 250, PN 630**.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
April 18, 2017

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, April 24, 2017, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, April 24, 2017, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The majority whip requests a leave of absence for the gentleman, Mr. ORTITAY. Without objection, the leave will be so granted.

**COMMUNICATION FROM
DEPARTMENT OF AGRICULTURE**

The SPEAKER pro tempore. The Chair acknowledges the receipt of the State Food Purchase Program Report of March 2017 from the Department of Agriculture.

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 595, PN 627**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, as follows: in general provisions, further providing for definitions; in management of the condominium, providing for alternative dispute resolution in condominiums and for complaints filed with Bureau of Consumer Protection; in protection of purchasers, further providing for effect of violations on rights of action; in general provisions, further providing for definitions; in management of cooperatives, providing for alternative dispute resolution in cooperatives and for complaints filed with Bureau of Consumer Protection; in general provisions, further providing for definitions; in management of planned community, providing for alternative dispute resolution in planned communities and for complaints filed with Bureau of Consumer Protection; and, in protection of purchasers, further providing for effect of violations on rights of action.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

| | | | |
|-------------|------------|-----------|-------------|
| Baker | Dush | Klunk | Rapp |
| Barrar | Ellis | Knowles | Ravenstahl |
| Benninghoff | Emrick | Kortz | Readshaw |
| Bernstine | English | Krueger | Reed |
| Bizzarro | Evankovich | Kulik | Reese |
| Bloom | Evans | Lawrence | Roae |
| Boback | Everett | Lewis | Roe |
| Boyle | Farry | Longiotti | Roebuck |
| Bradford | Fee | Mackenzie | Rothman |
| Briggs | Fitzgerald | Madden | Rozzi |
| Brown, R. | Flynn | Maher | Ryan |
| Brown, V. | Frankel | Maloney | Saccone |
| Bullock | Freeman | Markosek | Sainato |
| Burns | Fritz | Marshall | Samuelson |
| Caltagirone | Gabler | Marsico | Sankey |
| Carroll | Gainey | Matzie | Santora |
| Causar | Gergely | McCarter | Saylor |
| Cephas | Gillen | McGinnis | Schemel |
| Charlton | Gillespie | McNeill | Schlossberg |
| Christiana | Godshall | Mehaffie | Schweyer |

| | | | |
|------------|--------------|------------|------------|
| Comitta | Goodman | Mentzer | Sims |
| Conklin | Greiner | Metcalfe | Snyder |
| Cook | Grove | Metzgar | Solomon |
| Corbin | Haggerty | Miccarelli | Sonney |
| Corr | Hahn | Millard | Staats |
| Costa, D. | Hanna | Miller, B. | Stephens |
| Costa, P. | Harkins | Miller, D. | Sturla |
| Cox | Harper | Milne | Tallman |
| Culver | Harris, A. | Moul | Taylor |
| Cutler | Harris, J. | Mullery | Thomas |
| Daley | Heffley | Murt | Tobash |
| Davidson | Helm | Mustio | Toepel |
| Davis | Hickernell | Neilson | Toohil |
| Dawkins | Hill | Nelson | Topper |
| Day | Irvin | Nesbit | Vazquez |
| Dean | Jozwiak | O'Neill | Vitali |
| Deasy | Kampf | Oberlander | Walsh |
| DeLissio | Kaufer | Pashinski | Ward |
| DeLozier | Kauffman | Peifer | Warner |
| DeLuca | Kavulich | Petrarca | Warren |
| Dermody | Keefer | Petri | Wentling |
| Diamond | Keller, F. | Pickett | Wheatley |
| DiGirolamo | Keller, M.K. | Pyle | Wheeland |
| Donatucci | Keller, W. | Quigley | White |
| Dowling | Kim | Quinn, C. | Youngblood |
| Driscoll | Kinsey | Quinn, M. | Zimmerman |
| Dunbar | Kirkland | | |

NAYS—0

NOT VOTING—0

EXCUSED—17

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Ortitay | |
| Fabrizio | Masser | Rabb | Turzai, |
| Galloway | McClinton | Rader | Speaker |
| Hennessey | Neuman | Simmons | |

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.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 217, PN 181**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in offenses against the family, further providing for the offense of endangering welfare of children.

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

Mr. **PETRARCA** offered the following amendment
No. **A00720**:

Amend Bill, page 1, line 8, by inserting after "amended"
and the section is amended by adding a subsection
Amend Bill, page 2, by inserting between lines 14 and 15
(c) Counseling.—A court shall consider ordering an individual convicted of an offense under this section to undergo counseling.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Petrarca, on his amendment.

Mr. PETRARCA. Thank you, Mr. Speaker.

What this amendment does is it requires the court to consider, only consider ordering a person convicted of endangering the welfare of a child to undergo counseling. It does not mandate—

The SPEAKER pro tempore. Will the gentleman suspend.

We can barely hear the gentleman here. Members, if you could kindly take your seats. It is difficult to hear the gentleman. Members, please take your seats. Thank you.

Mr. PETRARCA. Thank you, Mr. Speaker.

Again, as this legislation, the underlying legislation, deals with the endangerment of the welfare of a child, what my amendment does is it requires a court to consider ordering a person convicted to undergo counseling. It does not mandate counseling. It does not affect the punishment.

As we continue to consider where the line should be drawn between treatment and punishment, counseling can be a tool for the court to deal with people, again, in the area of endangering the welfare of a child. As we punish people, I think we also want to prevent these actions from happening in the future and counseling certainly is, I think, a major step in seeing that this does not happen again. Punishment alone may not be the answer. The Department of Corrections, as they try to enhance public safety, one of their stated goals is to provide treatment and education for the successful reintegration of those convicted back into society. Again, I think that counseling is certainly a step in that direction. I would appreciate your support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—148

| | | | |
|-------------|------------|------------|-------------|
| Baker | Dowling | Kinsey | Quigley |
| Barrar | Driscoll | Kirkland | Quinn, C. |
| Bernstine | Dunbar | Kortz | Quinn, M. |
| Bizzarro | Ellis | Krueger | Ravenstahl |
| Boback | Emrick | Kulik | Readshaw |
| Boyle | English | Lawrence | Reed |
| Bradford | Evans | Lewis | Reese |
| Briggs | Farry | Longietti | Roe |
| Brown, R. | Fee | Mackenzie | Roebuck |
| Brown, V. | Fitzgerald | Madden | Rozzi |
| Bullock | Flynn | Maher | Sainato |
| Burns | Frankel | Markosek | Samuelson |
| Caltagirone | Freeman | Marshall | Santora |
| Carroll | Fritz | Matzie | Schlossberg |
| Causar | Gabler | McCarter | Schweyer |
| Cephas | Gainey | McNeill | Sims |
| Charlton | Gergely | Mehaffie | Snyder |
| Christiana | Gillen | Mentzer | Solomon |
| Comitta | Gillespie | Metzgar | Sonney |
| Conklin | Godshall | Miccarelli | Staats |
| Costa, D. | Goodman | Millard | Stephens |
| Costa, P. | Greiner | Miller, D. | Sturla |
| Culver | Haggerty | Moul | Taylor |
| Cutler | Hahn | Mullery | Thomas |
| Daley | Hanna | Murt | Tobash |

| | | | |
|------------|------------|------------|------------|
| Davidson | Harkins | Mustio | Toepel |
| Davis | Harper | Neilson | Toohil |
| Dawkins | Harris, A. | Nelson | Topper |
| Day | Harris, J. | Nesbit | Vazquez |
| Dean | Heffley | O'Neill | Vitali |
| Deasy | Helm | Oberlander | Walsh |
| DeLissio | Hickernell | Pashinski | Warren |
| DeLuca | Kampf | Peifer | Wentling |
| Dermody | Kaufer | Petrarca | Wheatley |
| Diamond | Kavulich | Petri | White |
| DiGirolamo | Keller, W. | Pickett | Youngblood |
| Donatucci | Kim | Pyle | Zimmerman |

NAYS—38

| | | | |
|-------------|--------------|------------|----------|
| Benninghoff | Grove | Maloney | Ryan |
| Bloom | Hill | Marsico | Saccone |
| Cook | Irvin | McGinnis | Sankey |
| Corbin | Jozwiak | Metcalfe | Saylor |
| Corr | Kauffman | Miller, B. | Schemel |
| Cox | Keefer | Milne | Tallman |
| Delozier | Keller, F. | Rapp | Ward |
| Dush | Keller, M.K. | Roae | Warner |
| Evankovich | Klunk | Rothman | Wheeland |
| Everett | Knowles | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Ortitay | |
| Fabrizio | Masser | Rabb | Turzai, |
| Galloway | McClinton | Rader | Speaker |
| Hennessey | Neuman | Simmons | |

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 second consideration as amended?

Bill as amended was agreed to.

The SPEAKER pro tempore. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 97, PN 1339**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities and for concurrent enrollment agreements; and, in charter schools, extensively revising and adding charter school provisions.

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

Mr. **SOLOMON** offered the following amendment
No. **A00753**:

Amend Bill, page 9, line 7, by striking out "may hold no more than six" and inserting

shall hold six or more

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

The SPEAKER pro tempore. On the amendment, the gentleman, Mr. Solomon, is recognized.

Mr. SOLOMON. Thank you, Mr. Speaker.

This amendment will simply require public hearings of six or more. I encourage all the members to vote "yes" on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. I urge support for this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—186

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Dush | Klunk | Rapp |
| Barrar | Ellis | Knowles | Ravenstahl |
| Benninghoff | Emrick | Kortz | Readshaw |
| Bernstine | English | Krueger | Reed |
| Bizzarro | Evankovich | Kulik | Reese |
| Bloom | Evans | Lawrence | Roae |
| Boback | Everett | Lewis | Roe |
| Boyle | Farry | Longietti | Roebuck |
| Bradford | Fee | Mackenzie | Rothman |
| Briggs | Fitzgerald | Madden | Rozzi |
| Brown, R. | Flynn | Maher | Ryan |
| Brown, V. | Frankel | Maloney | Saccone |
| Bullock | Freeman | Markosek | Sainato |
| Burns | Fritz | Marshall | Samuelson |
| Caltagirone | Gabler | Marsico | Sankey |
| Carroll | Gainey | Matzie | Santora |
| Causar | Gergely | McCarter | Saylor |
| Cephas | Gillen | McGinnis | Schemel |
| Charlton | Gillespie | McNeill | Schlossberg |
| Christiana | Godshall | Mehaffie | Schweyer |
| Comitta | Goodman | Mentzer | Sims |
| Conklin | Greiner | Metcalfe | Snyder |
| Cook | Grove | Metzgar | Solomon |
| Corbin | Haggerty | Miccarelli | Sonney |
| Corr | Hahn | Millard | Staats |
| Costa, D. | Hanna | Miller, B. | Stephens |
| Costa, P. | Harkins | Miller, D. | Sturla |
| Cox | Harper | Milne | Tallman |
| Culver | Harris, A. | Moul | Taylor |
| Cutler | Harris, J. | Mullery | Thomas |
| Daley | Heffley | Murt | Tobash |
| Davidson | Helm | Mustio | Toepel |
| Davis | Hickernell | Neilson | Toohil |
| Dawkins | Hill | Nelson | Topper |
| Day | Irvin | Nesbit | Vazquez |
| Dean | Jozwiak | O'Neill | Vitali |
| Deasy | Kampf | Oberlander | Walsh |
| DeLissio | Kaufner | Pashinski | Ward |
| Delozier | Kauffman | Peifer | Warner |
| DeLuca | Kavulich | Petrarca | Warren |
| Dermody | Keefer | Petri | Wentling |
| Diamond | Keller, F. | Pickett | Wheatley |
| DiGirolamo | Keller, M.K. | Pyle | Wheeland |
| Donatucci | Keller, W. | Quigley | White |

| | | | |
|----------|----------|-----------|------------|
| Dowling | Kim | Quinn, C. | Youngblood |
| Driscoll | Kinsey | Quinn, M. | Zimmerman |
| Dunbar | Kirkland | | |

NAYS—0

NOT VOTING—0

EXCUSED—17

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Ortitay | |
| Fabrizio | Masser | Rabb | Turzai, |
| Galloway | McClinton | Rader | Speaker |
| Hennessey | Neuman | Simmons | |

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 second consideration as amended?

Mr. LAWRENCE offered the following amendment No. **A00762**:

Amend Bill, page 40, line 9, by inserting after "entities."
If the school district finds an error or discrepancy in the school district's calculation, the school district shall notify the secretary and the affected charter school entities as soon as possible, but not later than October 31 of each year.

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

The SPEAKER pro tempore. The gentleman, Mr. Lawrence, is recognized on his amendment.

Mr. LAWRENCE. Thank you, Mr. Speaker.

As read by the clerk, this amendment sets forth a timeline by which school districts can come to a conclusion with regard to the calculation on the PDE-363 form.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, Mr. Reese is recognized.

Mr. REESE. Thank you, Mr. Speaker.

This is an agreed-to amendment and I urge support for amendment 00762. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—186

| | | | |
|-------------|------------|----------|------------|
| Baker | Dush | Klunk | Rapp |
| Barrar | Ellis | Knowles | Ravenstahl |
| Benninghoff | Emrick | Kortz | Readshaw |
| Bernstine | English | Krueger | Reed |
| Bizzarro | Evankovich | Kulik | Reese |
| Bloom | Evans | Lawrence | Roae |

| | | | |
|-------------|--------------|------------|-------------|
| Boback | Everett | Lewis | Roe |
| Boyle | Farry | Longiotti | Roebuck |
| Bradford | Fee | Mackenzie | Rothman |
| Briggs | Fitzgerald | Madden | Rozzi |
| Brown, R. | Flynn | Maher | Ryan |
| Brown, V. | Frankel | Maloney | Saccone |
| Bullock | Freeman | Markosek | Sainato |
| Burns | Fritz | Marshall | Samuelson |
| Caltagirone | Gabler | Marsico | Sankey |
| Carroll | Gainey | Matzie | Santora |
| Causer | Gergely | McCarter | Saylor |
| Cephas | Gillen | McGinnis | Schemel |
| Charlton | Gillespie | McNeill | Schlossberg |
| Christiana | Godshall | Mehaffie | Schweyer |
| Comitta | Goodman | Mentzer | Sims |
| Conklin | Greiner | Metcalfe | Snyder |
| Cook | Grove | Metzgar | Solomon |
| Corbin | Haggerty | Miccarelli | Sonney |
| Corr | Hahn | Millard | Staats |
| Costa, D. | Hanna | Miller, B. | Stephens |
| Costa, P. | Harkins | Miller, D. | Sturla |
| Cox | Harper | Milne | Tallman |
| Culver | Harris, A. | Moul | Taylor |
| Cutler | Harris, J. | Mullery | Thomas |
| Daley | Heffley | Murt | Tobash |
| Davidson | Helm | Mustio | Toepel |
| Davis | Hickernell | Neilson | Toohil |
| Dawkins | Hill | Nelson | Topper |
| Day | Irvin | Nesbit | Vazquez |
| Dean | Jozwiak | O'Neill | Vitali |
| Deasy | Kampf | Oberlander | Walsh |
| DeLissio | Kaufner | Pashinski | Ward |
| Delozier | Kauffman | Peifer | Warner |
| DeLuca | Kavulich | Petrarca | Warren |
| Dermody | Keefer | Petri | Wentling |
| Diamond | Keller, F. | Pickett | Wheatley |
| DiGirolamo | Keller, M.K. | Pyle | Wheeland |
| Donatucci | Keller, W. | Quigley | White |
| Dowling | Kim | Quinn, C. | Youngblood |
| Driscoll | Kinsey | Quinn, M. | Zimmerman |
| Dunbar | Kirkland | | |

NAYS—0

NOT VOTING—0

EXCUSED—17

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Ortitay | |
| Fabrizio | Masser | Rabb | Turzai, |
| Galloway | McClinton | Rader | Speaker |
| Hennessey | Neuman | Simmons | |

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 second consideration as amended?

Mr. **O'NEILL** offered the following amendment No. **A00803**:

- Amend Bill, page 34, line 26, by striking out "forfeitures"
- Amend Bill, page 35, line 1, by striking out "or subsequent"
- Amend Bill, page 35, by inserting between lines 1 and 2 (iii) Revocation of the charter for the third violation.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. O'Neill, is recognized.

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

Mr. Speaker, in the legislation the bill calls for a fine for the first offense and a fine for the second offense, but it does nothing for repeat offenders, and I think we should make it very strict that alcohol has no place, you know, to be used in our schools. So it would give the Secretary the ability to revoke their charter if they are in violation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. DeLissio, on the amendment. She waives off.

The Chair thanks the lady and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment and I urge support from the members. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I think this is, in general, a very good proposal. The question I have is, as it relates to the bill, because I think it then relates to what you proposed as your amendment, the penalties for the first and second violations, how do they get paid?

Mr. O'NEILL. I could not answer that. You will have to ask the maker of the bill.

The SPEAKER pro tempore. The gentleman, Mr. O'Neill, has deferred to the maker of the bill and he will be right back at you with the answer.

Mr. Reese is recognized. Mr. Reese, do you have the answer to that question? You may proceed.

Mr. REESE. Thank you, Mr. Speaker.

So if there is a fine, the fine would be paid by that charter school or the charter entity to the Department of Education.

Mr. STURLA. So if I could just follow up, if the State is paying for the charter school, what we would be doing then is using State tax dollars to pay a fine back to the State. Is that correct?

The SPEAKER pro tempore. So, Mr. Sturla, are you interrogating the maker of the bill now or the maker of the amendment?

Mr. STURLA. If I could, please, just to—

The SPEAKER pro tempore. Continue the dialogue with the maker of the bill. You may proceed.

Mr. REESE. So that would be true of any entity when it comes to State dollars.

Mr. STURLA. Okay. All right. In that case, thank you, Mr. Speaker.

If I could just comment on the amendment?

The SPEAKER pro tempore. On the amendment.

Mr. STURLA. I think it really is important that this amendment go in, because as has been pointed out, we are really just taking money that we gave somebody and asking for it back if they have a violation. In this particular case with his amendment, we would say, "You've got to knock it off. We're not letting you do it anymore, at all." So I think it is a great amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—179

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Dunbar | Kirkland | Rapp |
| Barrar | Dush | Klunk | Ravenstahl |
| Benninghoff | Ellis | Knowles | Readshaw |
| Bernstine | Emrick | Kortz | Reed |
| Bizzarro | English | Krueger | Reese |
| Boback | Evankovich | Kulik | Roae |
| Boyle | Evans | Lawrence | Roe |
| Bradford | Everett | Lewis | Roebuck |
| Briggs | Farry | Longietti | Rozzi |
| Brown, R. | Fee | Mackenzie | Ryan |
| Brown, V. | Fitzgerald | Madden | Saccone |
| Bullock | Flynn | Maher | Sainato |
| Burns | Frankel | Maloney | Samuelson |
| Caltagirone | Freeman | Markosek | Sankey |
| Carroll | Fritz | Marshall | Santora |
| Causar | Gabler | Marsico | Saylor |
| Cephas | Gainey | Matzie | Schlossberg |
| Charlton | Gergely | McCarter | Schweyer |
| Christiana | Gillen | McNeill | Sims |
| Comitta | Gillespie | Mehaffie | Snyder |
| Conklin | Godshall | Mentzer | Solomon |
| Cook | Goodman | Metzgar | Sonney |
| Corbin | Greiner | Miccarelli | Staats |
| Corr | Grove | Millard | Stephens |
| Costa, D. | Haggerty | Miller, B. | Sturla |
| Costa, P. | Hahn | Miller, D. | Tallman |
| Cox | Hanna | Milne | Taylor |
| Culver | Harkins | Moul | Thomas |
| Cutler | Harper | Mullery | Tobash |
| Daley | Harris, A. | Murt | Toepel |
| Davidson | Heffley | Mustio | Toohil |
| Davis | Helm | Neilson | Topper |
| Dawkins | Hickernell | Nelson | Vazquez |
| Day | Hill | Nesbit | Vitali |
| Dean | Irvin | O'Neill | Walsh |
| Deasy | Jozwiak | Oberlander | Ward |
| DeLissio | Kampf | Pashinski | Warner |
| Delozier | Kaufner | Peifer | Warren |
| DeLuca | Kavulich | Petrarca | Wentling |
| Dermody | Keefer | Petri | Wheatley |
| Diamond | Keller, F. | Pickett | Wheeland |
| DiGrolamo | Keller, M.K. | Pyle | White |
| Donatucci | Keller, W. | Quigley | Youngblood |
| Dowling | Kim | Quinn, C. | Zimmerman |
| Driscoll | Kinsey | Quinn, M. | |

NAYS—7

| | | | |
|------------|----------|----------|---------|
| Bloom | Kauffman | Metcalfe | Schemel |
| Harris, J. | McGinnis | Rothman | |

NOT VOTING—0

EXCUSED—17

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Ortitay | |
| Fabrizio | Masser | Rabb | Turzai, |
| Galloway | McClinton | Rader | Speaker |
| Hennessey | Neuman | Simmons | |

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 second consideration as amended?

Mr. SCHLOSSBERG offered the following amendment
No. **A00791**:

Amend Bill, page 1, line 5, by inserting after "thereto,"
in preliminary provisions, providing for advertising;
Amend Bill, page 1, lines 14 through 16, by striking out all of
said lines and inserting

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 126. Advertising.—(a) A paid media advertisement by a
public school entity that refers to the cost of tuition or transportation
shall not advertise those expenses as free and any reference to tuition or
transportation costs must stipulate that the cost is covered by taxpayer
dollars. A paid media advertisement shall include a television, radio or
movie theater advertisement, billboard, bus poster, newspaper,
magazine, a publicly accessible Internet website or any other
commercial method that may promote enrollment in a public school
entity.

(b) For the purposes of this section, "public school entity" shall
mean a public school district, charter school, cyber charter school,
regional charter school, intermediate unit or area vocational-technical
school.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The addition of section 126 of the act shall take
effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendment?

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

Mr. SCHLOSSBERG. Thank you, Mr. Speaker.

Just to add to the clerk's description, this amendment does
not ban any advertising. It does not limit the type of advertising
that a school can do. It simply states that if there is a reference
to free public tuition or transportation, that it must come with a
disclaimer which states that the tuition is actually paid by
Pennsylvania tax dollars. This amendment will bring the bill in
line with the Taxpayer-Funded Advertising Transparency Act of
2015, which most of us voted "yes" on here, which requires
similar disclaimers on any State-paid advertising. It is my
understanding that this is an agreed-to amendment, and I want
to thank the gentleman from Westmoreland County.

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

Mr. REESE. Thank you, Mr. Speaker.

This is an agreed-to amendment, and I urge support from all members. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Ortity, who is back on the floor and will be added to the master roll.

CONSIDERATION OF HB 97 CONTINUED

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

The following roll call was recorded:

YEAS—186

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Dush | Knowles | Rapp |
| Barrar | Ellis | Kortz | Ravenstahl |
| Benninghoff | Emrick | Krueger | Readshaw |
| Bernstine | English | Kulik | Reed |
| Bizzarro | Evankovich | Lawrence | Reese |
| Bloom | Evans | Lewis | Roae |
| Boback | Everett | Longietti | Roe |
| Boyle | Farry | Mackenzie | Roebuck |
| Bradford | Fee | Madden | Rothman |
| Briggs | Fitzgerald | Maher | Rozzi |
| Brown, R. | Flynn | Maloney | Ryan |
| Brown, V. | Frankel | Markosek | Saccone |
| Bullock | Freeman | Marshall | Sainato |
| Burns | Fritz | Marsico | Samuelson |
| Caltagirone | Gabler | Matzie | Sankey |
| Carroll | Gainey | McCarter | Santora |
| Causar | Gergely | McGinnis | Saylor |
| Cephas | Gillen | McNeill | Schemel |
| Charlton | Gillespie | Mehaffie | Schlossberg |
| Christiana | Godshall | Mentzer | Schweyer |
| Comitta | Goodman | Metcalfe | Sims |
| Conklin | Greiner | Metzgar | Snyder |
| Cook | Grove | Miccarelli | Solomon |
| Corbin | Haggerty | Millard | Sonney |
| Corr | Hahn | Miller, B. | Staats |
| Costa, D. | Hanna | Miller, D. | Stephens |
| Costa, P. | Harkins | Milne | Sturla |
| Cox | Harper | Moul | Tallman |
| Culver | Harris, A. | Mullery | Taylor |
| Cutler | Harris, J. | Murt | Thomas |
| Daley | Helm | Mustio | Tobash |
| Davidson | Hickernell | Neilson | Toepel |
| Davis | Hill | Nelson | Toohil |
| Dawkins | Irvin | Nesbit | Topper |
| Day | Jozwiak | O'Neill | Vazquez |
| Dean | Kampf | Oberlander | Vitali |
| Deasy | Kaufner | Ortity | Walsh |
| DeLissio | Kauffman | Pashinski | Ward |
| DeLozier | Kavulich | Peifer | Warner |
| DeLuca | Keefer | Petrarca | Warren |
| Dermody | Keller, F. | Petri | Wentling |
| Diamond | Keller, M.K. | Pickett | Wheatley |
| DiGrolamo | Keller, W. | Pyle | Wheeland |
| Donatucci | Kim | Quigley | White |
| Dowling | Kinsey | Quinn, C. | Youngblood |
| Driscoll | Kirkland | Quinn, M. | Zimmerman |
| Dunbar | Klunk | | |

NAYS—1

Heffley

NOT VOTING—0

EXCUSED—16

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Rabb | |
| Fabrizio | Masser | Rader | Turzai, |
| Galloway | McClinton | Simmons | Speaker |
| Hennessey | Neuman | | |

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 second consideration as amended?

Ms. **MADDEN** offered the following amendment
No. **A00793**:

Amend Bill, page 1, line 5, by inserting after "thereto," in pupils and attendance, providing for transfer of attendance records to another school entity or nonpublic school;

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

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 1313.2. Transfer of Attendance Records to Another School Entity or Nonpublic School.—(a) (i) Whenever a student transfers to another school entity or nonpublic school within this Commonwealth, a certified copy of the student's attendance record shall be transmitted to the school entity or nonpublic school to which the student has transferred.

(ii) The school entity or nonpublic school to which the student has transferred shall request the attendance record.

(iii) The sending school entity or nonpublic school shall have ten (10) days from the receipt of the request to provide a certified copy of the student's attendance record.

(b) In the case of a student transferring during the course of a school term, the student's unexcused absences shall be included in the student's attendance record at the school entity or nonpublic school to which the student has transferred for that school term.

(c) For purposes of this section, the term "school entity" means a public school district, charter school, cyber charter school, regional charter school, intermediate unit or area vocational-technical school.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The addition of section 1313.2 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

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

The SPEAKER pro tempore. On the amendment, the gentlelady, Ms. Madden, is recognized.

Ms. MADDEN. Thank you, Mr. Speaker.

This amendment came as a result of a 100-day initiative that I embarked on when I was first elected speaking to superintendents and principals and the need for a timely transfer of records to facilitate a student's academic program, to facilitate funds being transferred to the school.

I believe it is a good amendment, it is a bipartisan amendment, and it is in the best interest of students. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Again, this is an agreed-to amendment. I think this is good language that will only make the bill stronger. Thank you for your consideration.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—184

| | | | |
|-------------|--------------|------------|-------------|
| Baker | Dunbar | Klunk | Rapp |
| Barrar | Dush | Knowles | Ravenstahl |
| Benninghoff | Ellis | Kortz | Readshaw |
| Bernstine | Emrick | Krueger | Reed |
| Bizzarro | English | Kulik | Reese |
| Bloom | Evans | Lawrence | Roae |
| Boback | Everett | Lewis | Roe |
| Boyle | Farry | Longietti | Roebuck |
| Bradford | Fee | Mackenzie | Rothman |
| Briggs | Fitzgerald | Madden | Rozzi |
| Brown, R. | Flynn | Maher | Ryan |
| Brown, V. | Frankel | Maloney | Saccone |
| Bullock | Freeman | Markosek | Sainato |
| Burns | Fritz | Marshall | Samuelson |
| Caltagirone | Gabler | Marsico | Sankey |
| Carroll | Gainey | Matzie | Santora |
| Causar | Gergely | McCarter | Saylor |
| Cephas | Gillen | McGinnis | Schemel |
| Charlton | Gillespie | McNeill | Schlossberg |
| Christiana | Godshall | Mehaffie | Schweyer |
| Comitta | Goodman | Mentzer | Sims |
| Conklin | Greiner | Metzgar | Snyder |
| Cook | Grove | Miccarelli | Solomon |
| Corbin | Haggerty | Millard | Sonney |
| Corr | Hahn | Miller, B. | Staats |
| Costa, D. | Hanna | Miller, D. | Stephens |
| Costa, P. | Harkins | Milne | Sturla |
| Cox | Harper | Moul | Tallman |
| Culver | Harris, A. | Mullery | Taylor |
| Cutler | Harris, J. | Murt | Thomas |
| Daley | Helm | Mustio | Tobash |
| Davidson | Hickernell | Neilson | Toepel |
| Davis | Hill | Nelson | Toohil |
| Dawkins | Irvin | Nesbit | Topper |
| Day | Jozwiak | O'Neill | Vazquez |
| Dean | Kampf | Oberlander | Vitali |
| Deasy | Kaufer | Ortitay | Walsh |
| DeLissio | Kauffman | Pashinski | Ward |
| Delozier | Kavulich | Peifer | Warner |
| DeLuca | Keefer | Petrarca | Warren |
| Dermody | Keller, F. | Petri | Wentling |
| Diamond | Keller, M.K. | Pickett | Wheatley |

| | | | |
|------------|------------|-----------|------------|
| DiGirolamo | Keller, W. | Pyle | Wheeland |
| Donatucci | Kim | Quigley | White |
| Dowling | Kinsey | Quinn, C. | Youngblood |
| Driscoll | Kirkland | Quinn, M. | Zimmerman |

NAYS—3

| | | |
|------------|---------|----------|
| Evankovich | Heffley | Metcalfe |
|------------|---------|----------|

NOT VOTING—0

EXCUSED—16

| | | | |
|-----------|-----------|---------|---------|
| Barbin | James | O'Brien | Watson |
| Cruz | Mako | Rabb | |
| Fabrizio | Masser | Rader | Turzai, |
| Galloway | McClinton | Simmons | Speaker |
| Hennessey | Neuman | | |

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 second consideration as amended?

Mr. **CARROLL** offered the following amendment
No. **A00765**:

Amend Bill, page 1, line 5, by inserting after "thereto," in school finances, providing for limitations on certain unassigned fund balance limits for a charter school entity;

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

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 688.1. Limitations on Certain Unassigned Fund Balance Limits for a Charter School Entity.—Fund balance limits shall be as follows:

(1) For the 2017-2018 school year and each school year thereafter, a charter school entity shall not accumulate an unassigned fund balance greater than the charter school entity unassigned fund balance limit, which is determined as follows:

| <u>Charter School Entity Total Budgeted Expenditures</u> | <u>Maximum Unassigned Fund Balance as Percentage of Total Budgeted Expenditures</u> |
|--|---|
| <u>Less than or equal to \$11,999,999</u> | <u>12%</u> |
| <u>Between \$12,000,000 and \$12,999,999</u> | <u>11.5%</u> |
| <u>Between \$13,000,000 and \$13,999,999</u> | <u>11%</u> |
| <u>Between \$14,000,000 and \$14,999,999</u> | <u>10.5%</u> |
| <u>Between \$15,000,000 and \$15,999,999</u> | <u>10%</u> |
| <u>Between \$16,000,000 and \$16,999,999</u> | <u>9.5%</u> |
| <u>Between \$17,000,000 and \$17,999,999</u> | <u>9%</u> |
| <u>Between \$18,000,000 and \$18,999,999</u> | <u>8.5%</u> |
| <u>Greater Than or Equal to \$19,000,000</u> | <u>8%</u> |

(2) For the 2017-2018 school year and each school year thereafter, the unassigned fund balance in place on June 30, 2018, and on June 30 of each year thereafter, in excess of the charter school entity unassigned fund balance limit, shall be refunded on a pro rata basis within ninety (90) days to all school districts that paid tuition to the charter school entity in the prior school year, based on the number of students for whom each school district paid tuition to the charter school entity multiplied by the school district's per student payment under section 1725-A.

(3) By October 31, 2018, and by October 31 of each year thereafter, each charter school entity shall provide the Department of Education and all school districts that paid tuition to the charter school entity in the prior school year with information certifying compliance with this section. The information shall be provided in a form and manner prescribed by the department and shall include information on the charter school entity's estimated ending unassigned fund balance expressed as a dollar amount and as a percentage of the charter school entity's total budgeted expenditures for that school year.

(4) Unassigned funds of a charter school entity in excess of the unassigned fund balance limit may not be used to pay a bonus to an administrator, board of trustees member, employe, staff member or contractor and may not be transferred to a charter school foundation. If a charter school entity uses funds in excess of the unassigned fund balance limit to pay bonuses or as a fund transfer, the value of that amount shall be refunded on a pro rata basis to all school districts that paid tuition to the charter school entity in the prior school year, based upon the number of students for whom each school district paid tuition to the charter school entity multiplied by the school district's per student payment under section 1725-A.

(5) As used in this section, "unassigned fund balance" shall mean the portion of the fund balance of a charter school entity that provides funding which serves to support the charter school entity and is:

(i) Available for expenditure and not legally or otherwise segregated for a specific or tentative future use.

(ii) Held in the General Fund accounts of the charter school entity.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The addition of section 688.1 shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. It is the Speaker's understanding that the amendment has been withdrawn. Thank you, Mr. Carroll.

On the question recurring,

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

Mrs. **EVANS** offered the following amendment No. **A00767**:

Amend Bill, page 38, by inserting between lines 18 and 19

(f) Upon notification of the nonrenewal or termination of a charter under section 1729-A, a charter school may not enroll new students unless the charter school files an appeal to the Charter School

Appeal Board. If a charter school's appeal is denied by the Charter School Appeal Board, a charter school must immediately stop enrolling new students.

On the question,

Will the House agree to the amendment?

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

Mrs. EVANS. Thank you, Mr. Speaker.

I would encourage a "yes" vote on this. This is as a result of a situation that actually did occur in the city of York, where we had to close a charter school. In the meantime, once it was notified, they started enrolling other students. Once it closed, then they were able to pocket that money and the students were not educated in that charter school. So I would encourage a "yes" vote in order to keep this from happening again. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

On this amendment I certainly appreciate the Representative's effort and I understand where she is trying to go with this. Unfortunately, this would create an issue with due process. As a charter school is going through this process, the ability to eliminate their ability to accept students while they are going through the appeal process would hinder their ability to actually live up to the charter that they have.

So respectfully, I request a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request of a leave of absence from the minority whip for the gentlelady, Mrs. BULLOCK, and without objection, the leave will be so granted.

CONSIDERATION OF HB 97 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—73

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Ravenstahl |
| Boyle | DeLuca | Kim | Readshaw |
| Bradford | Dermody | Kinsey | Roebuck |
| Briggs | Donatucci | Kirkland | Rozzi |
| Brown, V. | Driscoll | Kortz | Sainato |
| Burns | Evans | Krueger | Samuelson |
| Caltagirone | Fitzgerald | Kulik | Schlossberg |
| Carroll | Flynn | Longietti | Schweyer |
| Cephas | Frankel | Madden | Sims |
| Comitta | Freeman | Markosek | Snyder |
| Conklin | Gainey | Matzie | Solomon |
| Costa, D. | Gergely | McCarter | Sturla |
| Costa, P. | Goodman | McNeill | Thomas |
| Daley | Haggerty | Miller, D. | Vazquez |
| Davidson | Hanna | Mullery | Vitali |
| Davis | Harkins | Neilson | Warren |

| | | | |
|---------|------------|-----------|------------|
| Dawkins | Harris, J. | Pashinski | Wheatley |
| Dean | Kavulich | Petrarca | Youngblood |
| Deasy | | | |

NAYS—113

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maher | Rapp |
| Barrar | Fritz | Maloney | Reed |
| Benninghoff | Gabler | Marshall | Reese |
| Bernstine | Gillen | Marsico | Roae |
| Bloom | Gillespie | McGinnis | Roe |
| Boback | Godshall | Mehaffie | Rothman |
| Brown, R. | Greiner | Mentzer | Ryan |
| Causar | Grove | Metcalfe | Saccone |
| Charlton | Hahn | Metzgar | Sankey |
| Christiana | Harper | Miccarelli | Santora |
| Cook | Harris, A. | Millard | Saylor |
| Corbin | Heffley | Miller, B. | Schemel |
| Corr | Helm | Milne | Sonney |
| Cox | Hickernell | Moul | Staats |
| Culver | Hill | Murt | Stevens |
| Cutler | Irvin | Mustio | Tallman |
| Day | Jozwiak | Nelson | Taylor |
| DeLozier | Kampf | Nesbit | Tobash |
| Diamond | Kaufer | O'Neill | Toepel |
| DiGirolamo | Kauffman | Oberlander | Toohil |
| Dowling | Keefer | Ortitay | Topper |
| Dunbar | Keller, F. | Peifer | Walsh |
| Dush | Keller, M.K. | Petri | Ward |
| Ellis | Klunk | Pickett | Warner |
| Emrick | Knowles | Pyle | Wentling |
| English | Lawrence | Quigley | Wheeland |
| Evankovich | Lewis | Quinn, C. | White |
| Everett | Mackenzie | Quinn, M. | Zimmerman |
| Farry | | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **ROEBUCK** offered the following amendment No. **A00768**:

Amend Bill, page 20, line 19, by striking out "1721-A(a) and (e)" and inserting

1721-A(e)

Amend Bill, page 31, lines 9 through 30; page 32, lines 1 through 12; by striking out "(a) The" in line 9, all of lines 10 through 30 on page 31 and all of lines 1 through 12 on page 32 and inserting

* * *

On the question,

Will the House agree to the amendment?

The **SPEAKER pro tempore**. On that question, the gentleman, Mr. Roebuck, is recognized.

Mr. **ROEBUCK**. Thank you, Mr. Speaker.

This bill before us proposes to change the structure of the Charter School Appeal Board. That board has functioned over a number of years in a very fair way. It has rendered decisions that have been almost equally divided between those who wanted to block or overturn a charter or those who wanted to maintain it. It has worked.

This proposed legislation now wants to change the membership in a way that substantially increases the representation, not in an even manner, but increases the representation of those who represent charter school interests. It distorts the process that has worked.

I see no reason that makes any sense why you would fix something that is not broken, why you would want to change something that has been fair, that has represented the best interests of the citizens of the Commonwealth of Pennsylvania.

I would urge the adoption of this amendment in order that what we do here, if we are about reform, maintains the integrity of the process and guarantees that we will indeed have a fairer process that allows review. Thank you, Mr. Speaker.

The **SPEAKER pro tempore**. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. **REESE**. Thank you, Mr. Speaker.

I certainly appreciate and respect the gentleman's opinion on this. With that said, the underlying bill does grow the CAB board. It adds three additional members. Those three additional members would be from the charter community. Essentially, they would have three members. So in theory, if this bill were to become law and we did not pass this amendment, the makeup of the advisory board would be 10 members, 3 coming from the charter community. I think this is just about providing some level of representation from the charter community.

So therefore, I respectfully request a "no" vote on the gentleman's amendment.

The **SPEAKER pro tempore**. The Chair thanks the gentleman.

Mr. Roebuck, are you seeking recognition for the second time?

You may proceed, sir.

Mr. **ROEBUCK**. Thank you, Mr. Speaker.

It is my understanding that the way that the board is constituted, there is already what the gentleman has said he wants to add. So I am not certain what we are doing here. Why are we adding more charter school members when there is already a balance on the board?

Mr. Speaker, maybe I should ask that as a direct question to the gentleman whose bill this is. Why are we changing what is in fact an evenly divided board to make it more heavily pro-charter?

The **SPEAKER pro tempore**. Is the gentleman, Mr. Roebuck, seeking a moment of interrogation—

Mr. **ROEBUCK**. Yes, I am.

The **SPEAKER pro tempore**. —from the maker of the bill?

He has agreed, and you may proceed to answer his question.

Mr. **REESE**. I appreciate the question.

Thank you, Mr. Speaker.

So currently the makeup, there is no representation from the charter community. It is not an even split, 3-3, and then plus the Secretary, obviously, sits on that board.

Our language in the underlying bill, HB 97, would provide some level of representation for the charter community that does not exist right now. So by adding these three additional members, they would have some representation but certainly not the majority on the board. It would essentially be at this point a 7 to 3.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Thank you, Mr. Roebuck.

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

The following roll call was recorded:

YEAS—71

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Ravenstahl |
| Boyle | DeLuca | Kim | Readshaw |
| Bradford | Dermody | Kinsey | Roebuck |
| Briggs | Donatucci | Kirkland | Rozzi |
| Brown, V. | Driscoll | Kortz | Sainato |
| Burns | Emrick | Krueger | Samuelson |
| Caltagirone | Evans | Kulik | Schlossberg |
| Carroll | Fitzgerald | Longietti | Schweyer |
| Cephas | Flynn | Mackenzie | Sims |
| Comitta | Frankel | Madden | Snyder |
| Conklin | Freeman | Markosek | Solomon |
| Costa, D. | Gainey | Matzie | Sturla |
| Costa, P. | Gergely | McCarter | Thomas |
| Daley | Goodman | McNeill | Vazquez |
| Davis | Haggerty | Miller, D. | Vitali |
| Dawkins | Hanna | Mullery | Warren |
| Dean | Harkins | Neilson | Youngblood |
| Deasy | Kavulich | Pashinski | |

NAYS—115

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maloney | Reed |
| Barrar | Fritz | Marshall | Reese |
| Benninghoff | Gabler | Marsico | Roae |
| Bernstine | Gillen | McGinnis | Roe |
| Bloom | Gillespie | Mehaffie | Rothman |
| Boback | Godshall | Mentzer | Ryan |
| Brown, R. | Greiner | Metcalfe | Saccone |
| Causar | Grove | Metzgar | Sankey |
| Charlton | Hahn | Miccarelli | Santora |
| Christiana | Harper | Millard | Saylor |
| Cook | Harris, A. | Miller, B. | Schemel |
| Corbin | Harris, J. | Milne | Sonney |
| Corr | Heffley | Moul | Staats |
| Cox | Helm | Murt | Stephens |
| Culver | Hickernell | Mustio | Tallman |
| Cutler | Hill | Nelson | Taylor |
| Davidson | Irvin | Nesbit | Tobash |
| Day | Jozwiak | O'Neill | Toepel |
| Delozier | Kampf | Oberlander | Toohil |
| Diamond | Kaufer | Ortitay | Topper |
| DiGiolamo | Kauffman | Peifer | Walsh |
| Dowling | Keefer | Petrarca | Ward |
| Dunbar | Keller, F. | Petri | Warner |
| Dush | Keller, M.K. | Pickett | Wentling |
| Ellis | Klunk | Pyle | Wheatley |
| English | Knowles | Quigley | Wheeland |
| Evankovich | Lawrence | Quinn, C. | White |
| Everett | Lewis | Quinn, M. | Zimmerman |
| Farry | Maher | Rapp | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **ROEBUCK** offered the following amendment
No. **A00772**:

Amend Bill, page 1, line 5, by inserting after "thereto,"
in grounds and buildings, further providing for lease of buildings or portions of buildings constructed or altered for school use;
Amend Bill, page 1, line 10, by striking out "and,"
Amend Bill, page 1, line 11, by striking out the period after "provisions" and inserting
; and, in reimbursements by Commonwealth and between school districts, further providing for approved reimbursable annual rental for leases of buildings or portions of buildings for charter school use.

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 703.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.—(a) The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(b) A founder, a person who serves as an administrator or executive of an educational management service provider or an administrator or school director for a school entity may not receive payment for an approved reimbursable annual rental for a lease of a building or a portion of a building for school entity use under section 2574.3.

(c) For purposes of this section:
(1) "Educational management service provider" shall mean any of the following, but shall not include a charter school foundation:

(i) A for-profit or nonprofit educational management organization.

(ii) A school design provider.
(iii) An administrator or executive of a for-profit or nonprofit educational management organization, including the organization's chief executive officer, business manager or an entity with which a board of trustees or school director of a school entity contracts to provide educational design, business services, comprehensive management or personnel functions or to implement a school entity.

(2) "Founder" shall mean an individual or entity that has established a charter school under section 1717-A, including one or more teachers who will teach at a proposed charter school, a parent or guardian of a student who will attend a charter school or a nonsectarian not-for-profit corporation.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 1 and 2

Section 18. Section 2574.3 of the act is amended by adding subsections to read:

Section 2574.3. Approved Reimbursable Annual Rental for Leases of Buildings or Portions of Buildings for Charter School Use.—*
* *

(c) A school entity shall provide all of the following documentation in the school's application for funding under this section:

(1) A copy of the signed lease agreement for the leased building.

(2) A copy of the deed for the leased building.

(3) The names of the board of trustees, school directors and administrators of the school entity.

(4) If applicable, the names of the administrators or executives of the educational management service provider.

(5) If the owner of the leased building is a nonprofit organization or a school entity foundation, the names of the board members of the nonprofit organization or a school entity foundation.

(d) Charter schools may not apply for and the department may not authorize a lease reimbursement if the reimbursement is for a lease payment to any of the following:

(1) An administrator of the school entity or a member of the administrator's immediate family or a business with which the administrator's immediate family is associated.

(2) A trustee of the board of trustees of the school entity or a member of the trustee's immediate family or a business with which the trustee's immediate family is associated.

(3) A founder or a member of the founder's immediate family or a business with which the founder's immediate family is associated.

(4) An administrator or executive of the educational management service provider or a member of the administrator's or executive's immediate family or a business with which the administrator's or executive's immediate family is associated.

(5) Another entity that has a financial interest as defined in 65 Pa.C.S. § 1102 (relating to definitions) with the school entity, except for the lease agreement.

(e) The department shall seek reimbursement from a school entity for each inappropriate lease reimbursement within 60 days of the inappropriate lease reimbursement.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

(1) "Founder" shall have the meaning set forth in section 703.1(c)(2).

(2) "School entity foundation" shall mean a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that provides funding, resources or services to support a school entity, either directly or through an affiliated entity.

Amend Bill, page 75, line 2, by striking out "18" and inserting 19

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The amendment of sections 703.1 and 2574.3 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting (2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting (3)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Roebuck, is recognized.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This amendment would end conflict of interest in tax-funded payments for public school leases by prohibiting anyone who serves as a school director, founder, member of a board of trustees, or administrator of any public school entity, including a school district, charter school, or cyber charter school, from receiving reimbursements on lease payments for buildings or facilities used for a charter school. The prohibition also includes executives or employees of charter school management companies.

The Auditor General's Office has, in fact, pointed out, identified millions of dollars in questionable charter school leases, and this points out the glaring problem of those who are part of the structure of the institution receiving that money actually benefiting from that decision, and I would argue that if we are going to be fair in the way we spend taxpayer dollars, we ought to not allow this to continue. We have now the opportunity with the legislation before us to remedy this, and we ought to be concerned as a legislative body and citizens of the Commonwealth that we fairly drive out moneys for education and that those dollars do not necessarily benefit those who are part of the structure that we are seeking to focus upon.

So I would urge that the amendment be adopted. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, I think the good chairman from Philadelphia brings up some reasonable points for consideration. With that said, I have to stand to oppose this amendment because we have two commissions that will be looking at this. Number one, the PlanCon Advisory Committee is looking at this issue, and of course in the underlying bill, HB 97, the Funding Commission is going to be looking at this issue. So because we want those folks to be able to do their good work, at this point I think it is just a little premature to add this into the language for HB 97.

So I respectfully request a "no" vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

I rise in support of the Roebuck amendment.

We are talking about public charter schools and public cyber charter schools here. If a school director at your local brick-and-mortar school said, "Hey, I know we need a couple classrooms. I've got a sweetheart deal for you. I can rent you a couple trailers, and that will take care of it," people would be outraged. If your local town council said, "You know, city hall's not big enough. We need an annex. I can rent you a couple buildings beside your city hall and you just pay me a tidy sum and you can use those buildings," people would be in the streets with pitchforks. In this particular case, we are saying, "Well, maybe we should wait to see whether we really think this is a good idea and whether some commission in the future decides that maybe this really is a good idea."

Mr. Speaker, this is a good idea today. It will be a good idea when the commission reports back. It will always be a good idea to not have conflicts of interest when it comes to profiteering from those that are using public funds.

I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Roebuck, for the second time on his amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This is about conflict of interest. It is about not allowing those who profit from using public moneys in this way. We are legislators. We do not have the right as legislators to purchase services from those who are members of our family, nor from those with whom we have a direct relationship. This merely applies the same rules that we abide by to charter schools. That is fair. That is what we should be doing. It is good government. It does not violate our— It protects the rights of our taxpayers.

Why are we now finding a way to drive out public dollars in a way that we ourselves say is wrong that we all abide by? Mr. Speaker, we need to be concerned about what we are doing, and I would appreciate your support for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Kortz, on the amendment.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of the Roebuck amendment.

Basically, what we are saying here is we are trying to prevent the landlord and the lessee from being one and the same. It is a conflict of interest. It is very clear. We here in the General Assembly cannot do that. It is against the law, and people have been held accountable to that. But we are telling these people it is okay. It is absolutely absurd. We should not be doing this. We should prevent this from happening, and I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Again, the underlying bill, HB 97, actually strengthens the law when it comes to ethics requirements.

And just to be clear, I think that both of these gentlemen brought up really good points, but those conflicts should be picked up by PDE, because currently PDE oversees the contracts and lease reimbursements.

So at this point I would urge a "no" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—98

| | | | |
|-------------|------------|-----------|-------------|
| Barrar | DeLuca | Kinsey | Peifer |
| Bizzarro | Dermoddy | Kirkland | Petrarca |
| Boback | DiGirolamo | Klunk | Quinn, C. |
| Boyle | Donatucci | Kortz | Quinn, M. |
| Bradford | Dowling | Krueger | Ravenstahl |
| Briggs | Driscoll | Kulik | Readshaw |
| Brown, R. | Emrick | Longietti | Roebuck |
| Brown, V. | Evans | Mackenzie | Rozzi |
| Burns | Fitzgerald | Madden | Sainato |
| Caltagirone | Flynn | Maloney | Samuelson |
| Carroll | Frankel | Markosek | Santora |
| Cephas | Freeman | Matzie | Schlossberg |
| Comitta | Gainey | McCarter | Schweyer |
| Conklin | Gergely | McNeill | Sims |
| Costa, D. | Gillen | Mehaffie | Snyder |

| | | | |
|-----------|------------|------------|------------|
| Costa, P. | Goodman | Miccarelli | Solomon |
| Culver | Haggerty | Miller, B. | Sturla |
| Daley | Hanna | Miller, D. | Thomas |
| Davidson | Harkins | Milne | Tobash |
| Davis | Harris, J. | Mullery | Vazquez |
| Dawkins | Heffley | Murt | Vitali |
| Dean | Irvin | Neilson | Warren |
| Deasy | Kavulich | O'Neill | Wheatley |
| DeLissio | Keller, W. | Pashinski | Youngblood |
| Delozier | Kim | | |

NAYS—88

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fritz | Maher | Roe |
| Benninghoff | Gabler | Marshall | Rothman |
| Bernstine | Gillespie | Marsico | Ryan |
| Bloom | Godshall | McGinnis | Saccone |
| Causer | Greiner | Mentzer | Sankey |
| Charlton | Grove | Metcalfe | Saylor |
| Christiana | Hahn | Metzgar | Schemel |
| Cook | Harper | Millard | Sonney |
| Corbin | Harris, A. | Moul | Staats |
| Corr | Helm | Mustio | Stephens |
| Cox | Hickernell | Nelson | Tallman |
| Cutler | Hill | Nesbit | Taylor |
| Day | Jozwiak | Oberlander | Toepel |
| Diamond | Kampf | Ortitay | Toohil |
| Dunbar | Kaufer | Petri | Topper |
| Dush | Kauffman | Pickett | Walsh |
| Ellis | Keefe | Pyle | Ward |
| English | Keller, F. | Quigley | Warner |
| Evankovich | Keller, M.K. | Rapp | Wentling |
| Everett | Knowles | Reed | Wheeland |
| Farry | Lawrence | Reese | White |
| Fee | Lewis | Roae | Zimmerman |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **ROEBUCK** offered the following amendment No. **A00788**:

Amend Bill, page 39, line 5, by inserting after "services;"
for local government function performed by school district;
athletic funds and school-sponsored extracurricular activities set up in accordance with section 511; nonpublic school programs and services; tuition to Pennsylvania charter schools for educational services provided to students attending the charter school; programs and services to the extent they are funded from Federal funds; programs and services to the extent they are funded from the proceeds of competitive grants from private or public sources or from contributions or donations from private sources; food services; school library services; nonpublic support services; tax assessment and collection services; nonpublic health services; thirty per centum of operation and maintenance of plant services; community services;

Amend Bill, page 39, line 24, by inserting after "services;"
for local government function performed by school district;
athletic funds and school-sponsored extracurricular activities set up in
accordance with section 511; nonpublic school programs and services;
tuition to Pennsylvania cyber charter schools for educational services
provided to students attending the cyber charter school; programs and
services to the extent they are funded from Federal funds; programs
and services to the extent they are funded from the proceeds of
competitive grants from private or public sources or from contributions
or donations from private sources; food services; school library
services; nonpublic support services; nonpublic health services;
community services;

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Roebuck, is recognized.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This amendment would eliminate additional noninstructional services from the calculated tuition payments to a charter school entity to include a number of areas in which those schools do not perform the services for which they are reimbursed; for example, athletic funds and school-sponsored extracurricular activities set up in accordance with section 511, nonpublic school programs and services, tuition to charter schools for educational services provided to students attending the charter school, for programs and services to the extent that they are funded from Federal funds, for programs and services to the extent they are funded from proceeds of competitive grants from private or public sources or from contributions or donations from private sources, for local government functions performed by school districts, food services, school library services, nonpublic support services, tax assessment and collection services, nonpublic health services, 30 percent of the operation and maintenance of plant services, and community services. School districts would no longer pay twice for services not performed by charter schools and would realize further savings if this amendment was adopted.

I would ask for a favorable vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

And again, I thank the gentleman from Philadelphia for this amendment. Unfortunately, I have to oppose it.

This amendment would create 13 new deductions that could be taken that would impact cyber charters and charter schools, brick-and-mortar charter schools.

Under HB 97, we add three deductions that will save our traditional public schools roughly \$27 million a year, while the Funding Commission is off doing the work. This would be a significant cut to our brick-and-mortar charters, and at this point I request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—71

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | Dean | Kavulich | Ravenstahl |
| Boback | Deasy | Keller, W. | Readshaw |
| Boyle | DeLissio | Kim | Roebuck |
| Bradford | DeLuca | Kinsey | Rozzi |
| Briggs | Dermody | Kirkland | Sainato |
| Brown, R. | Donatucci | Kortz | Samuelson |
| Brown, V. | Driscoll | Krueger | Schlossberg |
| Burns | Evans | Kulik | Schweyer |
| Caltagirone | Fitzgerald | Longietti | Sims |
| Carroll | Flynn | Madden | Snyder |
| Cephas | Frankel | Markosek | Solomon |
| Comitta | Freeman | McCarter | Sturla |
| Conklin | Gainey | McNeill | Vazquez |
| Costa, D. | Gergely | Miller, D. | Vitali |
| Costa, P. | Goodman | Mullery | Warren |
| Daley | Haggerty | Neilson | Wheatley |
| Davis | Hanna | Pashinski | Youngblood |
| Dawkins | Harkins | Petrarca | |

NAYS—115

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fritz | Maloney | Reed |
| Barrar | Gabler | Marshall | Reese |
| Benninghoff | Gillen | Marsico | Roae |
| Bernstine | Gillespie | Matzie | Roe |
| Bloom | Godshall | McGinnis | Rothman |
| Causer | Greiner | Mehaffie | Ryan |
| Charlton | Grove | Mentzer | Saccone |
| Christiana | Hahn | Metcalfe | Sankey |
| Cook | Harper | Metzgar | Santora |
| Corbin | Harris, A. | Miccarelli | Saylor |
| Corr | Harris, J. | Millard | Schemel |
| Cox | Heffley | Miller, B. | Sonney |
| Culver | Helm | Milne | Staats |
| Cutler | Hickernell | Moul | Stephens |
| Davidson | Hill | Murt | Tallman |
| Day | Irvin | Mustio | Taylor |
| Delozier | Jozwiak | Nelson | Thomas |
| Diamond | Kampf | Nesbit | Tobash |
| DiGirolamo | Kaufman | O'Neill | Toepel |
| Dowling | Kauffman | Oberlander | Toohil |
| Dunbar | Keefer | Ortitay | Topper |
| Dush | Keller, F. | Peifer | Walsh |
| Ellis | Keller, M.K. | Petri | Ward |
| Emrick | Klunk | Pickett | Warner |
| English | Knowles | Pyle | Wentling |
| Evankovich | Lawrence | Quigley | Wheeland |
| Everett | Lewis | Quinn, C. | White |
| Farry | Mackenzie | Quinn, M. | Zimmerman |
| Fee | Maher | Rapp | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. CONKLIN offered the following amendment No. A00769:

Amend Bill, page 1, line 10, by striking out "and,"

Amend Bill, page 1, line 11, by inserting after "provisions"

; and, in reimbursements by Commonwealth and between school districts, providing for paid media advertisement

Amend Bill, page 46, by inserting between lines 12 and 13

(g) It shall be unlawful for any charter school entity to expend any Federal, State or local funds received under this section for any paid media advertisement, including television, radio, movie theater, billboard, bus poster, newspaper, magazine, the Internet or any other commercial method that may promote enrollment of a charter school entity. Nothing in this subsection shall be construed to supersede or abrogate any applicable Federal, State or local law.

Amend Bill, page 75, by inserting between lines 1 and 2

Section 18. The act is amended by adding a section to read:

Section 2554. Paid Media Advertisement.—(a) Funds received under this article may not be used by a school entity for any paid media advertisement, including television, radio, movie theater, billboard, bus poster, newspaper, magazine, the Internet or any other commercial method that may promote enrollment of a school entity. Nothing in this section shall be construed to supersede or abrogate any applicable Federal, State or local law.

(b) For purposes of this section, the term "school entity" shall mean a school district, intermediate unit or an area vocational-technical school.

Amend Bill, page 75, line 2, by striking out "18" and inserting 19

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

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

Mr. CONKLIN. Thank you, Mr. Speaker.

It is a very simplistic amendment. All it does is make sure that we as a member of this General Assembly when we allocate money for public schools, that it is used for the education. The only exceptions would be is if Federal, State, or local law requires some type of advertisement, but it does not keep any school from doing advertisement for enrollment if it is paid for by a private entity.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I rise to oppose this amendment. I certainly understand the concerns of the gentleman from Centre County, but we did address this in a previous amendment. Basically, we said and we all just voted to make sure that there is a disclaimer that if a charter school or a cyber charter school advertises and they say it is free tuition, that it is also put on there that it is paid for by taxpayers.

Charter schools and cyber charter schools need to advertise because they do not have a locked-in audience. Part of their responsibility is to let folks know they exist for school choice.

So I respectfully oppose this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Conklin, for the second time on his amendment.

Mr. CONKLIN. I thank you, Mr. Speaker.

And I appreciate the maker of the bill, but this bill is very important because it is all public taxpayers' dollars. I did not carve out a certain section. I made sure that all public taxpayers' dollars would be spent for education and not for promotion unless otherwise deemed by Federal and State law. I appreciate his concerns and I appreciate that there is, you know, slightly less or may not have as much teeth as this does, but this is a very important amendment. It is one that I think I will be putting out to the public telling how important it is that their public dollars are only used for education, and I want to make sure that everybody is on the right side of this issue.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment, A769.

Mr. Speaker, I was one of those people that was here when we originally passed the law allowing for charter schools in the State of Pennsylvania, and at that time I do not think there were many people that even thought about cyber charter schools, but the reality was, we said these would be great laboratories that could improve education and offer new opportunities for people to experiment with better ways to educate kids. In fact, the law itself said that the purpose of these schools was to provide for alternative methods of education and improving education.

I am still waiting for an explanation of how a glitzy billboard or a TV ad improves the educational outcomes of a child in a public charter or cyber charter school in the State of Pennsylvania. I still do not understand how using taxpayer dollars to pay for slick ads so that some advertiser can make a profit and some charter school can pay a for-profit entity to do things, how that enriches a child's educational opportunity and ability to function. In fact, the test scores and the results that we have had to this date 20 years later show that, on average, that is not the case at all. In the meantime, we have allowed millions of dollars, of State taxpayer dollars, to be spent on ads promoting mediocrity.

I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Lawrence, on the amendment.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I believe the maker of the amendment's intentions are well placed. I would refer, Mr. Speaker, to lines 16 through 23, in particular where it says that – it lists a whole series – television, radio, newspaper, any other commercial method may be used by a school district to promote enrollment of a school entity, which includes a school district.

Mr. Speaker, I think most school districts across the State advertise for kindergarten enrollment. There is a banner across a borough I represent right now that talks about kindergarten enrollment, that is advertising for enrollment. That would be outlawed under the provisions of this amendment. Advertising in the newspaper, which, again, is done in my local area at least for kindergarten registration, kindergarten enrollment, that is, I believe, a common practice across this Commonwealth. I think it would be unintentionally outlawed by this amendment, and thus, I would encourage the members not to support the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese. Waives off.

The Chair recognizes the gentleman, Mr. Samuelson, on the amendment.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I thought I heard the prime sponsor say that charter schools rely on advertising in order to let people know. That seems to go counter to the argument that charter schools are an alternative that will attract students based on their merits, to say that the only way that they are going to get the message out is to use your property tax payer dollars to put an ad on TV or to put an ad in the newspaper or to send a mailing to your house.

I think you should all know what happened in my community last summer. An ad was sent from a charter school. It was a negative hit job. You know about those mailers you see sometimes in the mailbox in a campaign. Here is what this advertisement said – sent out on behalf of a charter school, Arts Academy Charter School, in the Lehigh Valley – it used a quote that there was somebody arrested for drugs at one of the local high schools and then it portrayed the entire high school, a high school of 3,000 students from which I graduated, it portrayed that high school as filled with druggies. Paid for by whom? By the tax dollars, paid for by your property tax dollars. Is that what we really want? Do we really want charter schools to send out negative hit jobs? And then it says – I will read you the quote exactly, "Why worry about this type of student at" your "school? Come visit Arts Academy Charter School. NOW ENROLLING GRADES 6 - 12." Why should tax dollars be used for negative mailers and hit pieces in your mailbox?

The Conklin amendment prohibits tax dollars from being used if the owner of a charter school, if the manager of a charter school wants to use their own money. What the Conklin amendment is getting at is, we should prohibit your tax dollars at the Federal, State, and school district levels; property tax dollars should not be used for advertisements and for negative mailers.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Again, we just voted for an amendment that would disclose where these dollars are coming from whenever a charter school or a cyber charter advertises.

It is important for these charter schools to let folks know that they exist, to allow them to have that choice. Now, I certainly do not agree with a charter school using tax dollars to hit any other entity. That does not make sense and it is not something I support, and I am sure most of you do not. That is why we need a Funding Commission. The Funding Commission has the authority to look at those kinds of activities. It is in HB 97. So respectfully, I request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–79

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | Deasy | Keller, W. | Ravenstahl |
| Boback | DeLissio | Kim | Readshaw |
| Boyle | DeLuca | Kirkland | Roebuck |
| Bradford | Dermody | Kortz | Rozzi |
| Briggs | DiGirolamo | Krueger | Sainato |
| Brown, R. | Donatucci | Kulik | Samuelson |
| Brown, V. | Driscoll | Longietti | Schlossberg |
| Burns | Evans | Madden | Schweyer |
| Caltagirone | Flynn | Markosek | Sims |
| Carroll | Frankel | Matzie | Snyder |
| Cephas | Freeman | McCarter | Solomon |
| Comitta | Gainey | McNeill | Sturla |
| Conklin | Gergely | Mehaffie | Thomas |
| Costa, D. | Gillen | Miller, D. | Toohil |
| Costa, P. | Godshall | Mullery | Vazquez |
| Culver | Goodman | Neilson | Vitali |
| Daley | Haggerty | Pashinski | Warren |
| Davis | Hanna | Petrarca | Wheatley |
| Dawkins | Harkins | Quinn, C. | Youngblood |
| Dean | Kavulich | Quinn, M. | |

NAYS–107

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fitzgerald | Mackenzie | Reed |
| Barrar | Fritz | Maher | Reese |
| Benninghoff | Gabler | Maloney | Roae |
| Bernstine | Gillespie | Marshall | Roe |
| Bloom | Greiner | Marsico | Rothman |
| Causar | Grove | McGinnis | Ryan |
| Charlton | Hahn | Mentzer | Saccone |
| Christiana | Harper | Metcalfe | Sankey |
| Cook | Harris, A. | Metzgar | Santora |
| Corbin | Harris, J. | Miccarelli | Saylor |
| Corr | Heffley | Millard | Schemel |
| Cox | Helm | Miller, B. | Sonney |
| Cutler | Hickernell | Milne | Staats |
| Davidson | Hill | Moul | Stephens |
| Day | Irvin | Murt | Tallman |
| Delozier | Jozwiak | Mustio | Taylor |
| Diamond | Kampf | Nelson | Tobash |
| Dowling | Kaufner | Nesbit | Toepel |
| Dunbar | Kauffman | O'Neill | Topper |
| Dush | Keefer | Oberlander | Walsh |
| Ellis | Keller, F. | Ortitay | Ward |
| Emrick | Keller, M.K. | Peifer | Warner |
| English | Kinsey | Petri | Wentling |
| Evankovich | Klunk | Pickett | Wheeland |
| Everett | Knowles | Pyle | White |
| Farry | Lawrence | Quigley | Zimmerman |
| Fee | Lewis | Rapp | |

NOT VOTING–0

EXCUSED–17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **LONGIETTI** offered the following amendment
No. **A00770**:

Amend Bill, page 46, line 12, by inserting after "641-A"
or except in the case of a cyber charter school established by a
local board of school directors or an intermediate unit under section
1745-A(b.1)

Amend Bill, page 65, line 11, by striking out "1743-A(e)" and
inserting

1743-A(a) and (e)

Amend Bill, page 67, by inserting between lines 9 and 10

(a) Special financial requirements prohibited.—A cyber charter
school shall not:

(1) provide discounts to a school district or waive
payments under section 1725-A for any student[;] except in the
case of a school district identified for financial recovery status
under Article VI-A or except in the case of a cyber charter school
established by a local board of school directors or an
intermediate unit under section 1745-A(b.1);

(2) except as provided for in subsection (e), provide
payments to parents or guardians for the purchase of instructional
materials; or

(3) except as compensation for the provision of specific
services, enter into agreements to provide funds to a school
entity.

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. On the question, the gentleman,
Mr. Longietti, is recognized.

Mr. **LONGIETTI**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply allows, it does not
mandate, but it simply allows a discount or a payment waiver to
those districts and intermediate units that provide cyber
schooling themselves. This is something that the bill provides
for for financial recovery districts. It makes sense to extend this
out to those districts that have a cyber program as well,
particularly because in those districts cyber programs are much
cheaper than the traditional cost formula that is provided for.

So I ask for an affirmative vote.

The **SPEAKER** pro tempore. The Chair thanks the
gentleman and recognizes the gentleman, Mr. Reese, on the
amendment.

Mr. **REESE**. I respectfully rise to oppose amendment 00770.

The way the amendment is drafted, it actually applies to
cyber charter schools, not cyber charter programs, and it does
not apply equally to all cyber charter schools. Therefore, in my
opinion, this would be a bad amendment, and I request a "no"
vote. Thank you.

The **SPEAKER** pro tempore. The Chair thanks the
gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—75

| | | | |
|----------|----------|------------|------------|
| Bizzarro | Deasy | Keller, W. | Pashinski |
| Boback | DeLissio | Kim | Petrarca |
| Boyle | DeLuca | Kinsey | Ravenstahl |
| Bradford | Dermody | Kirkland | Readshaw |

| | | | |
|-------------|------------|------------|-------------|
| Briggs | DiGirolamo | Kortz | Roebuck |
| Brown, V. | Donatucci | Krueger | Rozzi |
| Burns | Driscoll | Kulik | Sainato |
| Caltagirone | Evans | Longietti | Samuelson |
| Carroll | Fitzgerald | Madden | Schlossberg |
| Causer | Flynn | Maher | Schweyer |
| Cephas | Frankel | Markosek | Sims |
| Comitta | Freeman | Matzie | Snyder |
| Conklin | Gainey | McCarter | Solomon |
| Costa, D. | Gergely | McNeill | Sturla |
| Costa, P. | Goodman | Miller, D. | Vazquez |
| Daley | Haggerty | Mullery | Vitali |
| Davis | Hanna | Murt | Warren |
| Dawkins | Harkins | Neilson | Youngblood |
| Dean | Kavulich | O'Neill | |

NAYS—111

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fritz | Maloney | Roae |
| Barrar | Gabler | Marshall | Roe |
| Benninghoff | Gillen | Marsico | Rothman |
| Bernstine | Gillespie | McGinnis | Ryan |
| Bloom | Godshall | Mehaffie | Saccone |
| Brown, R. | Greiner | Mentzer | Sankey |
| Charlton | Grove | Metcalf | Santora |
| Christiana | Hahn | Metzgar | Saylor |
| Cook | Harper | Miccarelli | Schemel |
| Corbin | Harris, A. | Millard | Sonney |
| Corr | Harris, J. | Miller, B. | Staats |
| Cox | Heffley | Milne | Stephens |
| Culver | Helm | Moul | Tallman |
| Cutler | Hickernell | Mustio | Taylor |
| Davidson | Hill | Nelson | Thomas |
| Day | Irvin | Nesbit | Tobash |
| DeLozier | Jozwiak | Oberlander | Toepel |
| Diamond | Kampf | Ortitay | Toohil |
| Dowling | Kaufman | Peifer | Topper |
| Dunbar | Kauffman | Petri | Walsh |
| Dush | Keefer | Pickett | Ward |
| Ellis | Keller, F. | Pyle | Warner |
| Emrick | Keller, M.K. | Quigley | Wentling |
| English | Klunk | Quinn, C. | Wheatley |
| Evankovich | Knowles | Quinn, M. | Wheeland |
| Everett | Lawrence | Rapp | White |
| Farry | Lewis | Reed | Zimmerman |
| Fee | Mackenzie | Reese | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as
amended?

Mr. **LONGIETTI** offered the following amendment
No. **A00771**:

Amend Bill, page 30, lines 22 through 30; page 31, lines 1
through 8; by striking out all of said lines on said pages

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. Longietti, is recognized.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, this amendment simply eliminates some language in the bill regarding amending charters. Now, the current process is that a charter school applies to the school district and the school district can approve that charter. And under the bill as written without my amendment, for the first time since we have had a Charter School Law, it would allow midstream— In fact, shortly after a charter is approved, a charter school could file for an amendment that could significantly change what was in the original charter that was just approved perhaps days before, and it establishes a rather tight timeframe for a school district to react to that, and if a school district does not react within that timeframe, it deems it to be approved, and then even if a school district disapproves it, it sends it to the Charter School Appeal Board, which could reverse.

And I just do not think it makes sense for school districts to be engaged in this process, perhaps approve a charter and then literally days later significant changes are filed in the form of an amendment. I think the proper time to do that is at the renewal period of the charter school, and that is the way it is in existing law, and that is why my amendment would strip that language out.

So therefore, I ask for an affirmative vote for this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment rise for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Longietti, has agreed and you may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that I think the time that the school district has to respond is 30 days. Is that correct?

Mr. LONGIETTI. 60 days, Mr. Speaker; 60 days within which to hold a hearing and in 60 days to approve or disapprove. If you fail to do that, then it is deemed approved.

Mr. STURLA. Okay. So as I understand it, we just earlier today adopted an amendment that said that for the initial approval, there had to be at least six hearings for a charter school to pass approval and that that timeframe is over a pretty extended period of time so that the school district has time to review everything and look at things.

In this particular case as it pertains to amendments, if we do not adopt your amendment, a school district and a charter school may have gone through a year or a year-and-a-half's process with 6 or 8 or 10 public hearings, and once approved, the next day that same charter school can come back in and basically try and do something completely different, and the school district has 60 days' time in which to hold one hearing to consider everything again, all over again. Is that correct?

Mr. LONGIETTI. That is correct, Mr. Speaker. So as indicated, you could have a rather lengthy period of time where the school district and the charter work together to establish a charter. It gets approved and literally a day later the charter

could file an amendment that very significantly changes what they agreed to and now the school district has a very short period of time to review and react to that.

Mr. STURLA. If I could, Mr. Speaker, on the amendment?

The SPEAKER pro tempore. Yes, sir. You have concluded your interrogation.

On the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, without this amendment 771, what I believe we will start to see is there will be a boilerplate charter school proposal that gets put before every school district, and it will be sort of meat and potatoes. How could you possibly oppose this kind of charter school? And school districts will look at that and go, "You know, we approved one just like that before. This is something that has been approved 20 times around the State. Not a problem," and then the next day or after they get 50 or 100 of these established that are pretty noncontroversial, you will see a flood of controversial amendments coming into school districts to deal with multiple charters that have been approved in their district and multiple districts that will be facing this, and in some districts, some of the larger districts, particularly like Philadelphia, if they all do it at the same time, imagine what that school district is going to be faced with in a 60-day period to look at multiple charter schools or else there is an automatic approval.

Mr. Speaker, the bill as it is currently written does not make sense. The Longietti amendment makes sense and allows for amendments but in a reasonable manner and in a controlled manner as opposed to what I believe the bill itself allows without the Longietti amendment.

I urge a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose amendment 00771.

In the underlying bill, HB 97, we allow for a very fair process, and just to be clear, it is not on a short timeframe. If a charter wants to make an amendment, they have 60 days to get a hearing from the school district and then 60 days after that for a determination. If a school district does not like the amendment, they simply say no.

So I think this is a fair process that we have in HB 97, and I certainly do not want to see that language removed. So I respectfully request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—70

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Petrarca |
| Boyle | DeLuca | Kim | Ravenstahl |
| Bradford | Dermody | Kinsey | Readshaw |
| Briggs | Donatucci | Kirkland | Roebuck |
| Brown, V. | Driscoll | Kortz | Rozzi |
| Burns | Evans | Krueger | Sainato |
| Caltagirone | Fitzgerald | Kulik | Samuelson |
| Carroll | Flynn | Longietti | Schlossberg |
| Cephas | Frankel | Madden | Schweyer |

| | | | |
|-----------|----------|------------|------------|
| Comitta | Freeman | Markosek | Sims |
| Conklin | Gainey | Matzie | Snyder |
| Costa, D. | Gergely | McCarter | Solomon |
| Costa, P. | Godshall | McNeill | Sturla |
| Daley | Goodman | Miller, D. | Vazquez |
| Davis | Haggerty | Mullery | Vitali |
| Dawkins | Hanna | Neilson | Warren |
| Dean | Harkins | Pashinski | Youngblood |
| Deasy | Kavulich | | |

NAYS—116

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Farry | Maher | Reed |
| Barrar | Fee | Maloney | Reese |
| Benninghoff | Fritz | Marshall | Roae |
| Bernstine | Gabler | Marsico | Roe |
| Bloom | Gillen | McGinnis | Rothman |
| Boback | Gillespie | Mehaffie | Ryan |
| Brown, R. | Greiner | Mentzer | Saccone |
| Causar | Grove | Metcalfe | Sankey |
| Charlton | Hahn | Metzgar | Santora |
| Christiana | Harper | Miccarelli | Saylor |
| Cook | Harris, A. | Millard | Schemel |
| Corbin | Harris, J. | Miller, B. | Sonney |
| Corr | Heffley | Milne | Staats |
| Cox | Helm | Moul | Stephens |
| Culver | Hickernell | Murt | Tallman |
| Cutler | Hill | Mustio | Taylor |
| Davidson | Irvin | Nelson | Thomas |
| Day | Jozwiak | Nesbit | Tobash |
| Delozier | Kampf | O'Neill | Toepel |
| Diamond | Kaufer | Oberlander | Toohil |
| DiGirolamo | Kauffman | Ortitay | Topper |
| Dowling | Keefer | Peifer | Walsh |
| Dunbar | Keller, F. | Petri | Ward |
| Dush | Keller, M.K. | Pickett | Warner |
| Ellis | Klunk | Pyle | Wentling |
| Emrick | Knowles | Quigley | Wheatley |
| English | Lawrence | Quinn, C. | Wheeland |
| Evankovich | Lewis | Quinn, M. | White |
| Everett | Mackenzie | Rapp | Zimmerman |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **LONGIETTI** offered the following amendment No. **A00789**:

Amend Bill, page 1, line 5, by inserting after "thereto," " in school finances, providing for internal auditing and reporting requirements;

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

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 618. Internal auditing and reporting requirements.—(a) Each school entity shall form an independent audit committee which shall review a complete certified audit of the operations of the school entity at the close of each fiscal year. The audit shall be conducted by a qualified independent certified public accountant as selected from a list of approved providers established by the department. The audit shall be conducted under generally accepted audit standards of the Governmental Accounting Standards Board (GASB) and shall include, but not be limited to, the following tests:

(1) An enrollment test to verify the accuracy of student enrollment and reporting to the Commonwealth.

(2) Full review of expense reimbursements for board members and administrators, including sampling of all reimbursements.

(3) Review of internal controls, including review of receipts and disbursements.

(4) Review of annual Federal and State tax filings, including the Internal Revenue Service Code Form 990, Return of Organization Exempt From Income Tax and all related schedules and appendices for the school entity and school entity foundation, if applicable and, including any educational management service providers of the school entity.

(5) Review of the financials of a school entity foundation, including any educational management service providers of the school entity.

(6) Review of all contracts over five thousand dollars (\$5,000) regarding the selection and acceptance process.

(7) Review of potential conflicts of interest among board members and senior level administrators with employes or educational management service providers of the school entity.

(8) Review of employe files for compliance purposes but in accordance with Federal and State regulations governing confidentiality protection for employes.

(9) Any other test the department deems appropriate.

(b) The certified audit as required by subsection (a) is a public document and shall be made available on the department's publicly accessible Internet website and the school's publicly accessible Internet website, if applicable.

(c) A school may be subject to an annual audit by the department, its local school board or the Auditor General, in addition to any other audits required by Federal law or this act. Schools located within a school district of the first class may be subject to an annual audit by the controller of the city of the first class.

(d) A school shall annually provide a copy of its annual budget for the operation of the school that identifies the following:

(1) The source of funding for all expenditures.

(2) Where funding is provided by a school foundation, including any educational management service providers, the amount of funds and a description of the use of the funds.

(3) The salaries of all administrators of the school.

(e) Notwithstanding any other provisions of law, the school and an affiliated school foundation and any educational management service providers of the school shall make copies of its annual Federal and State tax filings available upon request and on the school's, school foundation's or educational management service provider's publicly accessible Internet website, including Internal Revenue Service Code Form 990, Return of Organization Exempt From Income Tax and all related schedules and appendices. The school foundation and any educational management service providers of the school shall also make copies of its annual budget available upon request and on the school foundation's or educational management service provider's publicly accessible Internet website within thirty (30) days of the close of the foundation's or educational management service provider's fiscal year. The annual budget must include the salaries of all employes of the school foundation or of the educational management service providers of the school.

(f) A school entity shall not make a payment to an educational management service provider that exceeds five (5) per centum of its per pupil cost.

(g) All operations of an educational management service provider for a school pursuant to a contract or agreement with the school shall be subject to public audit requirements under section 2553. In addition, funds provided by a school to an educational management service provider for a school pursuant to a contract or agreement with the school and the use of the funds by an educational management service provider shall be subject to the audit provisions of section 403 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

(h) The school records produced, obtained or maintained by an educational management service provider for a school pursuant to a contract or agreement with the school shall be subject to disclosure under the act of February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

(i) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Educational management service provider." A for-profit education management organization, nonprofit charter management organization, school design provider, business manager or any other partner entity with which a school entity intends to contract or presently contracts to provide educational services, operational services or management services to the school entity.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The addition of section 618 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Longiotti, is recognized.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, public education should not be about private profit, particularly when it comes to precious taxpayer dollars. My amendment aims to address that issue head-on through transparency measures and limits on administrative fees.

On transparency, my proposal requires charter school entities to undergo an independent audit just like school districts do. The public has a right to know how their tax dollars are spent, whether by a traditional public school or a charter public school. After all, both are public and they both are supported by public tax dollars. But my amendment goes much further than a cursory level of transparency. Many charter schools contract with for-profit education management organizations, or EMOs, for administrative and educational services. There are some States that outright prohibit such contracts, while others place significant controls on them. My proposal not only shines the public light on these arrangements so that they are not veiled in secrecy, but it also limits fees to 5 percent of the per-pupil cost. Simply put, the public needs to know the details on these contracts and the public's money needs to be protected from profiteering, which does not enhance the education of our children. And when you look at it, you know, 5 percent of the cost, we are not talking about a small amount of money when we talk about that. You know, if a cyber charter school charges \$10,000 per student, if that is what the formula drives out, that is a \$500 a student fee. That is a significant fee when you add

up the number of students. If you get to 1,000 students, you are talking \$5 million.

So I think this is a reasonable measure. I think it shines the light. I think the public needs to know, I think the public wants to know how their money is being spent. It requires an audit, shines a light, and puts a limit so that we are talking about the education of our students and not private profit. So I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Maher, on the amendment.

Mr. MAHER. Thank you, Mr. Speaker.

I always take special interest in the subjects of audits, and this amendment certainly fits that description, and I appreciate notionally what the gentleman may be trying to accomplish, but in doing so, he is asking what is impossible. He is asking for someone to conduct an audit and various reviews at the same time. They are different services. He is asking for audits undertaken in accordance with government auditing standards, which do not apply to private entities like charter schools. So he is asking auditors to misapply professional standards in order to comply with this proposal, and I certainly cannot countenance that.

And I also notice this provision that the auditing firm would have to be chosen from some special list maintained by the Department of Education. So the licensing that is done by the Department of State is apparently insufficient in this circumstance, but rather some special list that the PDE would come up with, which, by the way, does not apply to public schools.

So given these concerns, I would ask you to join me in opposing this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I could not have said it better than the gentleman from Allegheny County, and I request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kortz, on the amendment.

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the amendment, 789, and I would ask our members and all our colleagues to vote for it.

Coming from private industry, as I have, a great steel company in the State of Pennsylvania, they audit people that supply to them, to catch things that are going on that are inappropriate and they catch them. They have an audit firm that goes out. If you are going to supply to that company, you are getting audited. That is the way it is, and they catch folks. We need to do the same thing in public education, because there are some shenanigans that are going to happen. That is just the way it is. That is the reality of life.

So I would urge a "yes" vote for this. Thank you, Mr. Speaker.

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

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, I would simply like to point out that charter school entities are public, public schools, according to laws written right into the definition. I think it is reasonable, just like

public school districts are subject to an audit, that a public charter school is subject to an audit.

In addition, as my friend and colleague from Allegheny County pointed out, there are plenty of private entities that undergo an independent audit and there are certainly circumstances where private entities contract with other private entities, and as a provision of that contract, require an independent audit.

Finally, I would just point out that we want to make sure that the auditing firm is a legitimate auditing firm, and certainly the Department of Education can maintain a list of legitimate auditing firms. I do not think that is controversial. I do not think that is problematic. I think the overriding interest of this amendment, which is to shine a public light so that the public understands how their tax dollars are being spent, is something that we all should support. So I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Ryan, on the amendment.

Mr. RYAN. I would rise to oppose the amendment.

I need to reiterate something that Representative Maher said. An audit is not a fraud audit. As a certified public accountant, an audit is designed to provide reasonable assurance that the system of internal controls is provided to adequately respond to the financial statements, that they are properly stated. Unfortunately, what happens, an audit is designed in such a nature to meet generally accepted auditing standards for which GASB and FASB, the Financial Accounting Standards Board and the Governmental Accounting Standards Board, apply, but I think one of the biggest mistakes here is that the Department of State is the one who does that. And this amendment actually causes a C.P.A. firm and the Department of Education to violate professional standards in which you have to have certain people who have gone through peer review and other types of essential qualifications and certifications, that the Department of Education is absolutely not qualified to do, and to maintain that could actually put someone in as a C.P.A. who is inappropriately performing an audit because the Department of Education said so.

And I would actually encourage all members to vote against this amendment.

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

Mr. REESE. Thank you, Mr. Speaker.

And again, I just want to make sure everybody knows that HB 97 already contains extensive auditing and financial accountability measures. They are very extensive, and quite honestly, the amendment would provide duplicative services. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—71

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Kim | Readshaw |
| Boyle | DeLuca | Kinsey | Roebuck |
| Bradford | Dermody | Kirkland | Rozzi |
| Briggs | Donatucci | Kortz | Sainato |
| Brown, V. | Driscoll | Krueger | Samuelson |
| Burns | Evans | Kulik | Schlossberg |
| Caltagirone | Fitzgerald | Longietti | Schweyer |
| Carroll | Flynn | Madden | Sims |
| Cephas | Frankel | Markosek | Snyder |
| Comitta | Freeman | Matzie | Solomon |
| Conklin | Gainey | McCarter | Sturla |
| Costa, D. | Gergely | McNeill | Thomas |
| Costa, P. | Goodman | Miller, D. | Vazquez |
| Daley | Haggerty | Mullery | Vitali |
| Davis | Hanna | Neilson | Warren |
| Dawkins | Harkins | Pashinski | Wheatley |
| Dean | Kavulich | Petrarca | Youngblood |
| Deasy | Keller, W. | Ravenstahl | |

NAYS—115

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Farry | Mackenzie | Rapp |
| Barrar | Fee | Maher | Reed |
| Benninghoff | Fritz | Maloney | Reese |
| Bernstine | Gabler | Marshall | Roae |
| Bloom | Gillen | Marsico | Roe |
| Boback | Gillespie | McGinnis | Rothman |
| Brown, R. | Godshall | Mehaffie | Ryan |
| Causar | Greiner | Mentzer | Saccone |
| Charlton | Grove | Metcalfe | Sankey |
| Christiana | Hahn | Metzgar | Santora |
| Cook | Harper | Miccarelli | Saylor |
| Corbin | Harris, A. | Millard | Schemel |
| Corr | Harris, J. | Miller, B. | Sonney |
| Cox | Heffley | Milne | Staats |
| Culver | Helm | Moul | Stephens |
| Cutler | Hickernell | Murt | Tallman |
| Davidson | Hill | Mustio | Taylor |
| Day | Irvin | Nelson | Tobash |
| Delozier | Jozwiak | Nesbit | Toepel |
| Diamond | Kampf | O'Neill | Toohil |
| DiGirolamo | Kaufner | Oberlander | Topper |
| Dowling | Kauffman | Ortitay | Walsh |
| Dunbar | Keefer | Peifer | Ward |
| Dush | Keller, F. | Petri | Warner |
| Ellis | Keller, M.K. | Pickett | Wentling |
| Emrick | Klunk | Pyle | Wheeland |
| English | Knowles | Quigley | White |
| Evankovich | Lawrence | Quinn, C. | Zimmerman |
| Everett | Lewis | Quinn, M. | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

AMENDMENT A00772 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a motion to reconsider an amendment. Representatives Cutler and Benninghoff move that the vote by which amendment 772 to HB 97 was passed on this 19th day of April be reconsidered.

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

The following roll call was recorded:

YEAS—108

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Farry | Lewis | Reed |
| Barrar | Fee | Mackenzie | Reese |
| Benninghoff | Fritz | Maher | Roae |
| Bernstine | Gabler | Maloney | Roe |
| Bloom | Gillen | Marshall | Rothman |
| Boback | Gillespie | Marsico | Ryan |
| Brown, R. | Godshall | McGinnis | Saccone |
| Causar | Greiner | Mehaffie | Sankey |
| Charlton | Grove | Mentzer | Santora |
| Christiana | Hahn | Metcalfe | Saylor |
| Cook | Harper | Metzgar | Schemel |
| Corbin | Harris, A. | Millard | Sonney |
| Corr | Heffley | Milne | Staats |
| Cox | Helm | Moul | Stephens |
| Culver | Hickernell | Mustio | Tallman |
| Cutler | Hill | Nelson | Taylor |
| Day | Irvin | Nesbit | Tobash |
| Delozier | Jozwiak | Oberlander | Toepel |
| Diamond | Kampf | Ortitay | Toohil |
| Dowling | Kaufner | Peifer | Topper |
| Dunbar | Kauffman | Petri | Walsh |
| Dush | Keefer | Pickett | Ward |
| Ellis | Keller, F. | Pyle | Warner |
| Emrick | Keller, M.K. | Quigley | Wentling |
| English | Klunk | Quinn, C. | Wheeland |
| Evankovich | Knowles | Quinn, M. | White |
| Everett | Lawrence | Rapp | Zimmerman |

NAYS—78

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLuca | Kinsey | Petrarca |
| Boyle | Dermody | Kirkland | Ravenstahl |
| Bradford | DiGirolamo | Kortz | Readshaw |
| Briggs | Donatucci | Krueger | Roebuck |
| Brown, V. | Driscoll | Kulik | Rozzi |
| Burns | Evans | Longietti | Sainato |
| Caltagirone | Fitzgerald | Madden | Samuelson |
| Carroll | Flynn | Markosek | Schlossberg |
| Cephas | Frankel | Matzie | Schweyer |
| Comitta | Freeman | McCarter | Sims |
| Conklin | Gainey | McNeill | Snyder |
| Costa, D. | Gergely | Miccarelli | Solomon |
| Costa, P. | Goodman | Miller, B. | Sturla |
| Daley | Haggerty | Miller, D. | Thomas |
| Davidson | Hanna | Mullery | Vazquez |
| Davis | Harkins | Murt | Vitali |
| Dawkins | Harris, J. | Neilson | Warren |
| Dean | Kavulich | O'Neill | Wheatley |
| Deasy | Keller, W. | Pashinski | Youngblood |
| DeLissio | Kim | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

The majority 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 amendment?

The clerk read the following amendment No. **A00772**:

Amend Bill, page 1, line 5, by inserting after "thereto," in grounds and buildings, further providing for lease of buildings or portions of buildings constructed or altered for school use; Amend Bill, page 1, line 10, by striking out "and,"

Amend Bill, page 1, line 11, by striking out the period after "provisions" and inserting ; and, in reimbursements by Commonwealth and between school districts, further providing for approved reimbursable annual rental for leases of buildings or portions of buildings for charter school use.

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 703.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended to read:

Section 703.1. Lease of Buildings or Portions of Buildings Constructed or Altered for School Use.—(a) The board of school directors of any district is hereby vested with the power and authority to lease for an extended period of five (5) years or more, with or without provisions for acquisition of same, buildings or portions of buildings constructed for school use and/or other buildings or portions of buildings altered for school use provided such buildings comply with standards and regulations established by the State Board of Education and the Department of Labor and Industry.

(b) A founder, a person who serves as an administrator or executive of an educational management service provider or an administrator or school director for a school entity may not receive payment for an approved reimbursable annual rental for a lease of a building or a portion of a building for school entity use under section 2574.3.

(c) For purposes of this section:

(1) "Educational management service provider" shall mean any of the following, but shall not include a charter school foundation:

(i) A for-profit or nonprofit educational management organization.

(ii) A school design provider.

(iii) An administrator or executive of a for-profit or nonprofit educational management organization, including the organization's chief executive officer, business manager or an entity with which a board of trustees or school director of a school entity contracts to provide educational design, business services, comprehensive management or personnel functions or to implement a school entity.

(2) "Founder" shall mean an individual or entity that has established a charter school under section 1717-A, including one or more teachers who will teach at a proposed charter school, a parent or guardian of a student who will attend a charter school or a nonsectarian not-for-profit corporation.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 1 and 2

Section 18. Section 2574.3 of the act is amended by adding subsections to read:

Section 2574.3. Approved Reimbursable Annual Rental for Leases of Buildings or Portions of Buildings for Charter School Use.—*
* *

(c) A school entity shall provide all of the following documentation in the school's application for funding under this section:

(1) A copy of the signed lease agreement for the leased building.

(2) A copy of the deed for the leased building.

(3) The names of the board of trustees, school directors and administrators of the school entity.

(4) If applicable, the names of the administrators or executives of the educational management service provider.

(5) If the owner of the leased building is a nonprofit organization or a school entity foundation, the names of the board members of the nonprofit organization or a school entity foundation.

(d) Charter schools may not apply for and the department may not authorize a lease reimbursement if the reimbursement is for a lease payment to any of the following:

(1) An administrator of the school entity or a member of the administrator's immediate family or a business with which the administrator's immediate family is associated.

(2) A trustee of the board of trustees of the school entity or a member of the trustee's immediate family or a business with which the trustee's immediate family is associated.

(3) A founder or a member of the founder's immediate family or a business with which the founder's immediate family is associated.

(4) An administrator or executive of the educational management service provider or a member of the administrator's or executive's immediate family or a business with which the administrator's or executive's immediate family is associated.

(5) Another entity that has a financial interest as defined in 65 Pa.C.S. § 1102 (relating to definitions) with the school entity, except for the lease agreement.

(e) The department shall seek reimbursement from a school entity for each inappropriate lease reimbursement within 60 days of the inappropriate lease reimbursement.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

(1) "Founder" shall have the meaning set forth in section 703.1(c)(2).

(2) "School entity foundation" shall mean a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), that provides funding, resources or services to support a school entity, either directly or through an affiliated entity.

Amend Bill, page 75, line 2, by striking out "18" and inserting 19

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The amendment of sections 703.1 and 2574.3 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting (2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting (3)

On the question recurring,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Cutler, is recognized.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to reiterate a point that the maker of the bill had made regarding this amendment, that it is already included in existing language in order to keep our laws consistent. I would point the members to page 16, lines 16 through 19, where it clearly says that "No administrator of a charter school...may participate in the selection, award or administration of a contract if the person has a conflict of interest as that term is defined in 65 Pa.C.S. § 1102," and then on page 17, lines 17 through 21, where this time it highlights that "No member of the board of trustees of a charter school...may participate in the..." same process under the same statute.

Mr. Speaker, in order to maintain consistency across all points, I would urge a "no" vote on the amendment when we reconsider it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Mr. Roebuck? Not sure.

We will momentarily suspend.

The gentleman, Mr. Roebuck, is recognized on his amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

The reality is that my amendment is not the same as what was just presented. My amendment requires that the school officials, in their application for funding for lease reimbursements, will provide to the Department of Education a copy of the signed lease agreement for the leased building and a copy of the deed for the leased building, and it further provides that should there be improper payments, that those payments must be reimbursed to the school, be reimbursed. So it is distinct and different from what has just been suggested.

Let me just suggest further that this is a basic standard by which we operate. We have clearly— Those of us who serve here will not be allowed to do what is being suggested is sort of — that has been suggested is somehow in the language in a way that is not straightforward and clear. We ought not to muddy the waters. It is a very simple principle. You do not benefit from this office that we hold in terms of reimbursements and leases. That is not difficult to understand. It is a principle upon which we operate, and I think it is nothing unreasonable to ask that when we deal with educational institutions and institutions that educate our children, that we hold those who do that to the same standard — basic, simple, straightforward good government.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I do not have the language right in front of me, but as I understood the description by the gentleman from Lancaster County and as I understand from talking to a few people around me, there is a huge distinction between what is currently in the bill and what the gentleman is proposing, to say that if I am a member of the board of a charter school, that I cannot participate in the selection of the contract if I have a conflict. So if there is a five-member or seven-member or nine-member board of my charter school and I am one of the board members and you are going to give me a contract for \$1 million to lease you the building, I need to recuse myself. That is what the bill says, but as long as the other eight members of the board vote for it, I can get a \$1 million contract, according to the bill.

What the gentleman's amendment says is, I cannot get the contract, and that is a huge difference, because we all know that the other five or six or eight members of the board are not going to go, "Yeah, you don't get that contract even though we are here to vote on it." They are all going to say, "Sure, Joe gets the contract." What Representative Roebuck's amendment does is prohibits that, it prohibits that conflict.

Now, I understand in this age of, we are all going to Mar-a-Lago, that sounds like a reasonable thing to be able to get a contract, but it is not. It is public money. This is a public charter school. We should prohibit people profiting who are on the boards or part of that school from profiting on contracts that are given out by that school.

Thank you, Mr. Speaker. I urge a "yes" vote.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

Let me just be very clear and further clarify. The proposed bill as written does not prohibit a founder, a board of trustees, or an administrator of a charter school, an administrator or executive of an educational management service provider of a charter school from receiving payments for an approved reimbursable annual rental for leases of buildings or portions of buildings for charter school use. This clearly seeks to make very clear that you do not benefit from your role in those positions, and what has been read and suggested to prohibit that simply does not do that.

I would ask for a reaffirmation of the vote which was taken earlier so that we keep this process clear, honest, and aboveboard, that we affirm our commitment to good, decent government. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

The previous speaker is correct. These are public schools, and because they are public schools, the Ethics Act applies. Currently in the Ethics Act nepotism is prohibited. The bill clearly prohibits conflicts of interest. This bill already addresses all those concerns. I respectfully request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

| | | | |
|-------------|------------|------------|-------------|
| Barrar | DeLissio | Keller, W. | Pashinski |
| Bizzarro | DeLuca | Kim | Peifer |
| Boback | Dermody | Kinsey | Petrarca |
| Boyle | DiGirolamo | Kirkland | Quinn, M. |
| Bradford | Donatucci | Kortz | Ravenstahl |
| Briggs | Driscoll | Krueger | Readshaw |
| Brown, R. | Emrick | Kulik | Roebuck |
| Brown, V. | Evans | Longietti | Rozzi |
| Burns | Fitzgerald | Mackenzie | Sainato |
| Caltagirone | Flynn | Madden | Samuelson |
| Carroll | Frankel | Maloney | Schlossberg |
| Cephas | Freeman | Markosek | Schweyer |

| | | | |
|-----------|------------|------------|------------|
| Comitta | Gainey | Matzie | Sims |
| Conklin | Gergely | McCarter | Snyder |
| Costa, D. | Gillen | McNeill | Solomon |
| Costa, P. | Godshall | Miccarelli | Sturla |
| Daley | Goodman | Miller, B. | Thomas |
| Davidson | Haggerty | Miller, D. | Vazquez |
| Davis | Hanna | Mullery | Vitali |
| Dawkins | Harkins | Murt | Warren |
| Day | Harris, J. | Neilson | Wheatley |
| Dean | Kavulich | O'Neill | Youngblood |
| Deasy | | | |

NAYS—97

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Gabler | Marshall | Roe |
| Benninghoff | Gillespie | Marsico | Rothman |
| Bernstine | Greiner | McGinnis | Ryan |
| Bloom | Grove | Mehaffie | Saccone |
| Causar | Hahn | Mentzer | Sankey |
| Charlton | Harper | Metcalfe | Santora |
| Christiana | Harris, A. | Metzgar | Saylor |
| Cook | Heffley | Millard | Schemel |
| Corbin | Helm | Milne | Sonney |
| Corr | Hickernell | Moul | Staats |
| Cox | Hill | Mustio | Stevens |
| Culver | Irvin | Nelson | Tallman |
| Cutler | Jozwiak | Nesbit | Taylor |
| Delozier | Kampf | Oberlander | Tobash |
| Diamond | Kaufman | Ortitay | Toepel |
| Dowling | Kauffman | Petri | Toohil |
| Dunbar | Keefer | Pickett | Topper |
| Dush | Keller, F. | Pyle | Walsh |
| Ellis | Keller, M.K. | Quigley | Ward |
| English | Klunk | Quinn, C. | Warner |
| Evankovich | Knowles | Rapp | Wentling |
| Everett | Lawrence | Reed | Wheeland |
| Farry | Lewis | Reese | White |
| Fee | Maier | Roae | Zimmerman |
| Fritz | | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. STURLA offered the following amendment No. **A00776**:

Amend Bill, page 7, lines 11 and 12, by striking out "and related issues"

Amend Bill, page 10, lines 1 through 5, by striking out all of lines 1 through 4 and "(ii)" in line 5 and inserting

(i)

Amend Bill, page 10, line 13, by striking out "(iii)" and inserting

(ii)

Amend Bill, page 10, lines 15 through 20, by striking out all of lines 15 through 19 and "(v)" in line 20 and inserting

(iii)

Amend Bill, page 10, line 21, by striking out "(vi)" and inserting (iv)

Amend Bill, page 10, line 23, by striking out "(vii)" and inserting (v)

Amend Bill, page 10, line 27, by striking out "(viii)" and inserting (vi)

Amend Bill, page 10, line 29, by striking out "(ix)" and inserting (vii)

Amend Bill, page 11, lines 1 through 7, by striking out all of lines 1 through 6 and "(xi)" in line 7 and inserting (viii)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

What this amendment simply does is remove from the duties of the commission things that have nothing to do with funding.

This is a Charter School Funding Commission. I had the privilege of serving on the Special Ed Funding Commission, I had the privilege of serving on the Basic Ed Funding Commission, and we had plenty of work to do with just dealing with funding issues. We did not get into whether a school district should be, you know, combined and reapportioned. We did not get into, you know, multiple things that had nothing to do with the funding of schools. So whether or not there is a statewide authorizer has nothing to do with the funding of a school.

The use of a performance matrix to compare academic performance of charter school students and resident district students has nothing to do with funding of charter schools. Distribution of charter schools in districts has nothing to do with funding of charter schools. Mr. Speaker, this is to focus and laser focus the duties of the Charter School Funding Commission to just that, being a charter school funding commission.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I rise to oppose amendment 00776. While I understand the gentleman wants to focus on just financial issues, and I certainly respect that, some of the things he has listed to be removed from consideration by the commission actually does have a financial impact. One example of that would be a statewide authorizer. So I think that would have a direct impact on our local school districts. So they should be considering that. It would also have an impact on charter schools. So I think they should be considering that.

For those reasons I respectfully request a "no" vote on this amendment. Thank you, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I think one of the most important things that this amendment would do is eliminate the commission looking at a statewide authorizer. We dropped that out of legislation in the past because it was controversial. It takes the authorization

away from your local school districts. You all know that your local school districts are concerned enough about how we fund charter and cyber charter schools, but if you now say you do not even get to decide whether or not there is a charter or a cyber charter school running out of your school district, they are really going to be upset.

I encourage a "yes" vote on this amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, for the second time on the amendment.

Mr. REESE. Thank you.

I just want to be clear for all the members, this language does not create a statewide authorizer. We are simply saying to the commission, take a look at this, because if this occurs, there is going to be a financial impact. This does not create a statewide authorizer. That control is still left to our local school districts.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—72

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Petrarca |
| Boyle | DeLuca | Kim | Ravenstahl |
| Bradford | Dermody | Kinsey | Readshaw |
| Briggs | DiGirolamo | Kirkland | Roebuck |
| Brown, V. | Donatucci | Kortz | Rozzi |
| Burns | Driscoll | Krueger | Sainato |
| Caltagirone | Evans | Kulik | Samuelson |
| Carroll | Fitzgerald | Longietti | Schlossberg |
| Cephas | Flynn | Madden | Schweyer |
| Comitta | Frankel | Markosek | Sims |
| Conklin | Freeman | Matzie | Snyder |
| Costa, D. | Gainey | McCarter | Solomon |
| Costa, P. | Gergely | McNeill | Sturla |
| Daley | Goodman | Miller, D. | Thomas |
| Davis | Haggerty | Mullery | Vazquez |
| Dawkins | Hanna | Neilson | Vitali |
| Dean | Harkins | O'Neill | Warren |
| Deasy | Kavulich | Pashinski | Youngblood |

NAYS—114

| | | | |
|-------------|------------|------------|----------|
| Baker | Fee | Maher | Reed |
| Barrar | Fritz | Maloney | Reese |
| Benninghoff | Gabler | Marshall | Roae |
| Bernstine | Gillen | Marsico | Roe |
| Bloom | Gillespie | McGinnis | Rothman |
| Boback | Godshall | Mehaffie | Ryan |
| Brown, R. | Greiner | Mentzer | Saccone |
| Causar | Grove | Metcalfe | Sankey |
| Charlton | Hahn | Metzgar | Santora |
| Christiana | Harper | Miccarelli | Saylor |
| Cook | Harris, A. | Millard | Schemel |
| Corbin | Harris, J. | Miller, B. | Sonney |
| Corr | Heffley | Milne | Staats |
| Cox | Helm | Moul | Stephens |
| Culver | Hickernell | Murt | Tallman |
| Cutler | Hill | Mustio | Taylor |
| Davidson | Irvin | Nelson | Tobash |
| Day | Jozwiak | Nesbit | Toepel |
| Delozier | Kampf | Oberlander | Toohil |
| Diamond | Kaufner | Ortity | Topper |
| Dowling | Kauffman | Peifer | Walsh |

| | | | |
|------------|--------------|-----------|-----------|
| Dunbar | Keefer | Petri | Ward |
| Dush | Keller, F. | Pickett | Warner |
| Ellis | Keller, M.K. | Pyle | Wentling |
| Emrick | Klunk | Quigley | Wheatley |
| English | Knowles | Quinn, C. | Wheeland |
| Evankovich | Lawrence | Quinn, M. | White |
| Everett | Lewis | Rapp | Zimmerman |
| Farry | Mackenzie | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **STURLA** offered the following amendment No. **A00796**:

Amend Bill, page 39, line 2, by inserting after "programs:"
career and technical programs;

Amend Bill, page 39, line 20, by inserting after "programs:"
career and technical programs;

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Sturla, is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, earlier today Representative Roebuck offered an amendment which I think allowed 13 deductions in what the calculation would be for what a school needed to pay a charter or cyber charter school in their calculation of what their tuition costs were.

This one is very specific. It deals with one issue and one issue only, and I know that because I have sat with members, both Republican and Democrat, that one of the big concerns in our State is career and technical education. Right now if a school district sends a lot of kids to career and technical education, those kids cost that school district more money over and above what it costs to normally educate a child, because career and technical education is expensive. Without this amendment, those schools are discouraged from sending more kids to career and technical school, because the more you send kids to career and technical school, the higher your average goes and the more you need to pay a charter or cyber charter, which does not do career and technical education.

If we want to encourage career and technical education in the State of Pennsylvania, one of the best ways to do it is to say to school districts, "You can deduct that. That doesn't count as part of your overall tuition rate that you then need to pay to charters and cyber charters." That is a way to say to them, "We

encourage you to send your kids to career and technical education" instead of, "If you do it, we will punish you, because not only will you pay to send that kid to career and technical education, you will have to pay more to the charter and cyber charter schools."

I encourage a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

So the underlying bill already requires three additional deductions on the 363 report that a school district can take before they pass a payment along to a cyber school. The amendment would actually provide a significant cut for cyber schools and brick-and-mortar charter schools, and while I think the gentleman has a legitimate concern with the need to push for vocational skills in our high schools, I think it is very premature to start going through and adding more deductions.

This is the work of the commission. Ultimately, HB 97 is going to allow for a commission to determine should his concerns be addressed and maybe several other concerns. So respectfully, I request a "no" vote on this amendment because I believe this should be the work of the Funding Commission. Thank you.

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

Mr. STURLA. Mr. Speaker, I find it interesting that what is in HB 97 we do not believe we need to wait for a commission's approval on. We do not need to wait to see what their opinion is on it because we know. But apparently, anything other than what was in HB 97 we just have to wait, even though it might be a good idea, even though as was pointed out, it probably does make sense and the commission will probably come back and say, yes, you ought to do that. That we have to wait for.

I do not understand the delay. You know as well as I do that we need to get more kids into career and technical school in the State of Pennsylvania. This is pretty clear: either you are for career and technical schools and the funding that goes along with them and not having your school districts pay even more to cyber charters because you send more kids to career and technical schools or you are not. It is that simple. That is the campaign brochure.

I encourage a "yes" vote.

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

Mr. REESE. So the gentleman is making two very different arguments. He is suggesting that you cannot be supportive of career vocational-technical programs if you do not support these cuts. I quite honestly just disagree with that argument. The Funding Commission is going to look at what is appropriate when we fund our cyber charter schools and our brick-and-mortar charter schools. That is the job of the commission.

The three additional deductions that we have in the underlying bill have been vetted for the last 2 years. It is reasonable. It is appropriate. And make no mistake about it, I think it is important to note that the cuts that the gentleman is talking about have no sunset provision on them. In HB 97 the three additional deductions that we are putting in place have a

2-year sunset, and of course, that goes right beside when the Funding Commission should be coming back with a report on what it costs to educate a child in a charter school and cyber charter school.

Again, I respectfully request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cutler, on the amendment.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would urge a "no" vote on this amendment. I think an issue that might have been overlooked regarding the structure of this amendment is that that cut that is proposed by the gentleman from Lancaster County would actually extend into the future. It goes beyond the scope of the commission's review and would in essence make that cut permanent. I think it is proper to have the commission evaluate this, have them make recommendations, and we can act accordingly thereafter.

Mr. Speaker, it is very similar to the same process that we use with the basic education funding formula, and I think that what the gentleman is proposing here in the bill is good. It has the support or neutrality of many stakeholders. We all agree that reform is needed, which is why we believe moving the bill is important, but this amendment, unfortunately, would further complicate and lock in cuts that would essentially prevent the Funding Commission from evaluating them.

I urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Carroll, on the amendment.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Lancaster used the word "cuts" at least twice in his last response. I would offer that those cuts, as he describes them, are actual increases in funding for our 500 school districts. So what some might count as a cut, I think our 500 school districts would embrace as an increase that is totally appropriate, considering the actual cost that they have to send the students from those school districts to career and technical schools. So while I appreciate the honesty with respect to the word "cuts," I happen to advocate for a little additional money for the 500 school districts to prevent additional increases on property taxes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—80

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Petrarca |
| Boback | DeLuca | Kim | Ravenstahl |
| Boyle | Dermody | Kinsey | Readshaw |
| Bradford | DiGirolamo | Kirkland | Roebuck |
| Briggs | Donatucci | Kortz | Rozzi |
| Brown, R. | Driscoll | Krueger | Sainato |
| Brown, V. | Evans | Kulik | Samuelson |
| Burns | Fitzgerald | Longietti | Santora |
| Caltagirone | Flynn | Madden | Schlossberg |
| Carroll | Frankel | Markosek | Schweyer |
| Cephas | Freeman | Matzie | Sims |
| Comitta | Gainey | McCarter | Snyder |
| Conklin | Gergely | McNeill | Solomon |

| | | | |
|-----------|----------|------------|------------|
| Costa, D. | Gillen | Miccarelli | Sturla |
| Costa, P. | Goodman | Miller, D. | Thomas |
| Daley | Haggerty | Mullery | Tobash |
| Davis | Hanna | Neilson | Vazquez |
| Dawkins | Harkins | O'Neill | Vitali |
| Dean | Irvin | Pashinski | Warren |
| Deasy | Kavulich | Peifer | Youngblood |

NAYS—106

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maher | Reed |
| Barrar | Fritz | Maloney | Reese |
| Benninghoff | Gabler | Marshall | Roae |
| Bernstine | Gillespie | Marsico | Roe |
| Bloom | Godshall | McGinnis | Rothman |
| Causar | Greiner | Mehaffie | Ryan |
| Charlton | Grove | Mentzer | Saccone |
| Christiana | Hahn | Metcalfe | Sankey |
| Cook | Harper | Metzgar | Saylor |
| Corbin | Harris, A. | Millard | Schemel |
| Corr | Harris, J. | Miller, B. | Sonney |
| Cox | Heffley | Milne | Staats |
| Culver | Helm | Moul | Stephens |
| Cutler | Hickernell | Murt | Tallman |
| Davidson | Hill | Mustio | Taylor |
| Day | Jozwiak | Nelson | Toepel |
| Delozier | Kampf | Nesbit | Toohil |
| Diamond | Kaufman | Oberlander | Topper |
| Dowling | Kauffman | Ortity | Walsh |
| Dunbar | Keefe | Petri | Ward |
| Dush | Keller, F. | Pickett | Warner |
| Ellis | Keller, M.K. | Pyle | Wentling |
| Emrick | Klunk | Quigley | Wheatley |
| English | Knowles | Quinn, C. | Wheeland |
| Evankovich | Lawrence | Quinn, M. | White |
| Everett | Lewis | Rapp | Zimmerman |
| Farry | Mackenzie | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|--------------------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, Speaker |
| Fabrizio | Masser | Rader | |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Ms. **KIM** offered the following amendment No. **A00779**:

Amend Bill, page 7, line 17, by inserting after "Assembly"
and the Office of the Budget

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentelady, Ms. Kim.

Ms. **KIM**. Thank you, Mr. Speaker.

This amendment would direct the Office of the Budget to also provide administrative support, meeting space, and any

other assistance required by the Charter School Funding Commission to carry out its duties. These provisions were passed two sessions ago in HB 618.

Now, the Charter School Funding Commission has been tasked with many issues to address in a short timeframe, a year. So this amendment will ensure that the commission has the adequate support and access to information to properly make recommendations on the issues required in HB 97.

I ask my colleagues for a positive vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I certainly appreciate the effort by the Representative. Currently in the bill the General Assembly will provide facilities and support services, so at this time I do not think the amendment is necessary because we will be providing it. So I respectfully request a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—73

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Ravenstahl |
| Boyle | DeLuca | Kim | Readshaw |
| Bradford | Dermody | Kinsey | Roebuck |
| Briggs | Donatucci | Kirkland | Rozzi |
| Brown, V. | Driscoll | Kortz | Sainato |
| Burns | Evans | Krueger | Samuelson |
| Caltagirone | Fitzgerald | Kulik | Schlossberg |
| Carroll | Flynn | Longietti | Schweyer |
| Cephas | Frankel | Madden | Sims |
| Comitta | Freeman | Markosek | Snyder |
| Conklin | Gainey | Matzie | Solomon |
| Costa, D. | Gergely | McCarter | Sturla |
| Costa, P. | Goodman | McNeill | Thomas |
| Daley | Haggerty | Miller, D. | Vazquez |
| Davidson | Hanna | Mullery | Vitali |
| Davis | Harkins | Neilson | Warren |
| Dawkins | Harris, J. | Pashinski | Wheatley |
| Dean | Kavulich | Petrarca | Youngblood |
| Deasy | | | |

NAYS—113

| | | | |
|-------------|------------|------------|----------|
| Baker | Fee | Maher | Rapp |
| Barrar | Fritz | Maloney | Reed |
| Benninghoff | Gabler | Marshall | Reese |
| Bernstine | Gillen | Marsico | Roae |
| Bloom | Gillespie | McGinnis | Roe |
| Boback | Godshall | Mehaffie | Rothman |
| Brown, R. | Greiner | Mentzer | Ryan |
| Causar | Grove | Metcalfe | Saccone |
| Charlton | Hahn | Metzgar | Sankey |
| Christiana | Harper | Miccarelli | Santora |
| Cook | Harris, A. | Millard | Saylor |
| Corbin | Heffley | Miller, B. | Schemel |
| Corr | Helm | Milne | Sonney |
| Cox | Hickernell | Moul | Staats |
| Culver | Hill | Murt | Stephens |
| Cutler | Irvin | Mustio | Tallman |
| Day | Jozwiak | Nelson | Taylor |
| Delozier | Kampf | Nesbit | Tobash |

| | | | |
|------------|--------------|------------|-----------|
| Diamond | Kaufert | O'Neill | Toepel |
| DiGirolamo | Kauffman | Oberlander | Toohil |
| Dowling | Keefer | Ortitay | Topper |
| Dunbar | Keller, F. | Peifer | Walsh |
| Dush | Keller, M.K. | Petri | Ward |
| Ellis | Klunk | Pickett | Warner |
| Emrick | Knowles | Pyle | Wentling |
| English | Lawrence | Quigley | Wheeland |
| Evankovich | Lewis | Quinn, C. | White |
| Everett | Mackenzie | Quinn, M. | Zimmerman |
| Farry | | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. PASHINSKI offered the following amendment No. **A00784**:

Amend Bill, page 52, line 17, by striking out "includes" and inserting
has been preapproved by the department as being rigorous and as including both of the following

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Pashinski, is recognized.

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

This particular amendment actually restores the language from a bill that we passed back in 2014, and this simply allows the charter school to determine their own evaluation system. Then they present it to the Department of Ed for approval. So this gives them their autonomy, gives them their ability to demonstrate whether they have a unique education system, provides that opportunity for them to present it to the Department of Ed. The Department of Ed evaluates it and then can approve.

I appreciate a "yes" vote, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I respectfully rise to oppose amendment 00784, and the reason is because in the underlying bill, HB 97, in the application process and the requirements for teacher evaluations for cyber schools, PDE will already make that approval, and for the brick-and-mortar charters, the approval will be from the local school district.

So again, I think it is a good thought process. I think it is a reasonable measure. But in HB 97, PDE will approve for cyber schools because they are the authorizer and the traditional brick-and-mortar charter schools will get approval from their local school districts because they are their authorizer.

So I respectfully request a "no" vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Pashinski, for the second time on his amendment.

Mr. PASHINSKI. And I also appreciate the gentleman's comments. You know, we have developed a system within the State of Pennsylvania whereby the Department of Education is the overseer of quality education, also to determine whether or not our education system is equal and even based throughout the State. To eliminate the Department of Education through this changes our system dramatically, and unfortunately, I would disagree with the gentleman.

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

Mr. REESE. Thank you, Mr. Speaker.

And again, I applaud the effort. I think he is not mistaken on this. It is just at this point I think it is best to leave that control with the local authorizer rather than PDE. So the local school districts will approve because they are the authorizer for the brick-and-mortar charters. PDE will approve for the cyber schools because cyber schools are obviously statewide and PDE is the authorizer for those entities.

So at this point I respectfully request a "no" vote on the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Pashinski, I am sorry; the rules of the House require two recognitions. I am sure you understand.

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

The following roll call was recorded:

YEAS—70

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | Deasy | Keller, W. | Ravenstahl |
| Boyle | DeLissio | Kim | Readshaw |
| Bradford | DeLuca | Kinsey | Roebuck |
| Briggs | Dermody | Kirkland | Rozzi |
| Brown, V. | Donatucci | Kortz | Sainato |
| Burns | Driscoll | Krueger | Samuelson |
| Caltagirone | Evans | Kulik | Schlossberg |
| Carroll | Fitzgerald | Longietti | Schweyer |
| Cephas | Flynn | Madden | Sims |
| Comitta | Frankel | Markosek | Snyder |
| Conklin | Freeman | Matzie | Solomon |
| Costa, D. | Gainey | McCarter | Sturla |
| Costa, P. | Gergely | McNeill | Thomas |
| Daley | Goodman | Miller, D. | Vazquez |
| Davidson | Haggerty | Mullery | Vitali |
| Davis | Hanna | Neilson | Warren |
| Dawkins | Harkins | Pashinski | Youngblood |
| Dean | Kavulich | | |

NAYS—116

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maher | Rapp |
| Barrar | Fritz | Maloney | Reed |
| Benninghoff | Gabler | Marshall | Reese |
| Bernstine | Gillen | Marsico | Roae |
| Bloom | Gillespie | McGinnis | Roe |
| Boback | Godshall | Mehaffie | Rothman |
| Brown, R. | Greiner | Mentzer | Ryan |
| Causer | Grove | Metcalfe | Saccone |
| Charlton | Hahn | Metzgar | Sankey |
| Christiana | Harper | Miccarelli | Santora |
| Cook | Harris, A. | Millard | Saylor |
| Corbin | Harris, J. | Miller, B. | Schemel |
| Corr | Heffley | Milne | Sonney |
| Cox | Helm | Moul | Staats |
| Culver | Hickernell | Murt | Stephens |
| Cutler | Hill | Mustio | Tallman |
| Day | Irvin | Nelson | Taylor |
| Delozier | Jozwiak | Nesbit | Tobash |
| Diamond | Kampf | O'Neill | Toepel |
| DiGirolamo | Kaufner | Oberlander | Toohil |
| Dowling | Kauffman | Ortitay | Topper |
| Dunbar | Keefer | Peifer | Walsh |
| Dush | Keller, F. | Petrarca | Ward |
| Ellis | Keller, M.K. | Petri | Warner |
| Emrick | Klunk | Pickett | Wentling |
| English | Knowles | Pyle | Wheatley |
| Evankovich | Lawrence | Quigley | Wheeland |
| Everett | Lewis | Quinn, C. | White |
| Farry | Mackenzie | Quinn, M. | Zimmerman |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. McCARTER offered the following amendment
No. A00790:

Amend Bill, page 1, line 5, by inserting after "thereto," " in professional employees, further providing for rating system and providing for evaluation of charter entity educators;

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. Section 1123(e), (i), (n) and (o)(2) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended to read:

Section 1123. Rating System.—* * *

(e) Notwithstanding subsections (b), (c) and (d), professional employes and temporary professional employes serving as classroom teachers, principals and nonteaching professional employes may be evaluated through the use of a rating tool developed by an individual

school district, intermediate unit [or], area vocational-technical school, charter school or cyber charter school that the department has approved as meeting or exceeding the measures of effectiveness established under this section.

* * *

(i) All school districts, intermediate units [and], area vocational-technical schools, charter schools and cyber charter schools shall provide to the department the aggregate results of all professional employe and temporary professional employe, principal and nonteaching professional employe evaluations.

* * *

(n) The requirements of this section shall apply to all school districts, intermediate units [and], area vocational-technical schools, charter schools and cyber charter schools.

(o) For purposes of this section:

* * *

(2) The term "chief school administrator" shall include individuals who are employed as a school district superintendent, an executive director of an intermediate unit [or], a chief school administrator of an area vocational-technical school or a chief executive officer of a charter school or cyber charter school.

* * *

Section 1.1. The act is amended by adding a section to read:

Section 1123.1. Evaluation of Charter Entity Educators.—(a) Beginning in the 2017-2018 school year, all educators teaching in a charter school entity shall be evaluated using an approved rating tool developed under section 1123.

(b) The Department of Education shall develop, issue and publish in the Pennsylvania Bulletin a rating tool for educators teaching in a charter school entity that is consistent with section 1123 and includes the weights given to the multiple measures of student performance contained in section 1123(b)(1)(ii).

Section 1.2. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The amendment or addition of sections 1123 and 1123.1 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. McCarter, is recognized.

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

Again, this is really a commonsense amendment in trying to find ways to make sure that all professionals in our schools are evaluated in the same way.

HB 97's stated aim is to improve school choice by reforming and improving the Commonwealth's now 21-year-old school law. The bill's memorandum urges, quote, "We must make these reforms now in order to maintain charter, regional charter and cyber charter schools as a strong, quality school choice option for the Commonwealth's children and families." I could not agree more. It is time for real charter school reform.

However, if charter schools represent one of the two doors through which prospective students can enter to receive a public education, charter schools should be held to the same standards of academic performance as the institutions behind door number one, traditional public schools. The choice for our students and parents should be between equal entities, between apples and apples, not apples and oranges, and a growing body of evidence suggests that most charter schools are having a hard time now

keeping up with the changes and improvements in our traditional public schools. A few have and are successfully doing the job, but not the majority. And importantly, they are still not sharing their successes with other charters, nor with the schools behind door number one.

This amendment is designed to help raise the standards for all charter schools by holding them and their personnel accountable in the area especially of teacher evaluation. We know that continuous and long-standing student achievement — that long-standing research shows that student achievement is highly dependent on the quality of teachers the students encounter in the classroom. Mr. Speaker, for many reasons it is important that the evaluation procedures for all education professionals be of the highest quality and standardized across the board so that we can assure the best quality personnel in all of our public schools, both traditional and charter.

There are many reasons why only 25 percent of charter school high school graduates go on to graduate from college, but we can address one of these factors, teacher and administrative readiness, preparedness, and effectiveness, through a tested, proven, and uniform evaluation system that guarantees effective instructors and administrators in all our schools.

This amendment to HB 97 seeks to raise the standards of all charters by requiring charter and cyber charter teachers, principals, and certified support staff to be evaluated under the exact same system of evaluation as other public school teachers beginning in the year 2018-2019. It is a simple addition to a bill that aims to improve charter school education and it is a fair one. Why should we not want to treat charter school personnel's evaluations differently from other school personnel in traditional schools? It protects both taxpayers who fund charter schools and the students who attend them, ensuring that all public school students in Pennsylvania are receiving the best education possible. If charter school educators and administrators are not held to the same standards of accountability to comply with State-developed requirements, families cannot accurately compare school options available for their students.

I ask, Mr. Speaker, that we pass this amendment and help all of our schools, charters and traditional public schools, to improve. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose amendment 00790. Just to be clear, currently there are no requirements when it comes to teacher evals for our cyber charters and our brick-and-mortar charters. This bill creates a standard, a very high standard, for our public charter and cyber charter schools to follow. It is very similar to our traditional public schools and the requirements that they follow. That said, it is not identical. The gentleman is absolutely right, it is not identical, and the reason for that is because charter schools and cyber charter schools need some flexibility. That was why they were created. They operate just a little bit differently than our traditional public schools, so that flexibility is necessary when it comes to this evaluation. Very similar, slightly different, and quite honestly allows them to move teachers out of the classroom that are not performing in a quicker fashion.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—73

| | | | |
|-------------|------------|------------|-------------|
| Bizzarro | DeLissio | Keller, W. | Ravenstahl |
| Boyle | DeLuca | Kim | Readshaw |
| Bradford | Dermody | Kinsey | Roebuck |
| Briggs | Donatucci | Kirkland | Rozzi |
| Brown, V. | Driscoll | Kortz | Sainato |
| Burns | Evans | Krueger | Samuelson |
| Caltagirone | Fitzgerald | Kulik | Schlossberg |
| Carroll | Flynn | Longietti | Schweyer |
| Cephas | Frankel | Madden | Sims |
| Comitta | Freeman | Markosek | Snyder |
| Conklin | Gainey | Matzie | Solomon |
| Costa, D. | Gergely | McCarter | Sturla |
| Costa, P. | Goodman | McNeill | Thomas |
| Daley | Haggerty | Miller, D. | Vazquez |
| Davidson | Hanna | Mullery | Vitali |
| Davis | Harkins | Murt | Warren |
| Dawkins | Harris, J. | Neilson | Wheatley |
| Dean | Kavulich | Pashinski | Youngblood |
| Deasy | | | |

NAYS—113

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maher | Rapp |
| Barrar | Fritz | Maloney | Reed |
| Benninghoff | Gabler | Marshall | Reese |
| Bernstine | Gillen | Marsico | Roe |
| Bloom | Gillespie | McGinnis | Roe |
| Boback | Godshall | Mehaffie | Rothman |
| Brown, R. | Greiner | Mentzer | Ryan |
| Causar | Grove | Metcalfe | Saccone |
| Charlton | Hahn | Metzgar | Sankey |
| Christiana | Harper | Miccarelli | Santora |
| Cook | Harris, A. | Millard | Saylor |
| Corbin | Heffley | Miller, B. | Schemel |
| Corr | Helm | Milne | Sonney |
| Cox | Hickernell | Moul | Staats |
| Culver | Hill | Mustio | Stephens |
| Cutler | Irvin | Nelson | Tallman |
| Day | Jozwiak | Nesbit | Taylor |
| DeLozier | Kampf | O'Neill | Tobash |
| Diamond | Kaufer | Oberlander | Toepel |
| DiGirolamo | Kauffman | Ortitay | Toohil |
| Dowling | Keefer | Peifer | Topper |
| Dunbar | Keller, F. | Petrarca | Walsh |
| Dush | Keller, M.K. | Petri | Ward |
| Ellis | Klunk | Pickett | Warner |
| Emrick | Knowles | Pyle | Wentling |
| English | Lawrence | Quigley | Wheeland |
| Evanovich | Lewis | Quinn, C. | White |
| Everett | Mackenzie | Quinn, M. | Zimmerman |
| Farry | | | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

Mr. **McCARTER** offered the following amendment
No. **A00794**:

Amend Bill, page 40, by inserting between lines 9 and 10
(2.2) In addition to clause (2), if the school district or intermediate unit of a student offers a cyber charter school and the student enrolls in a cyber charter school not affiliated with the school district or intermediate unit, the expenditure to the nonaffiliated cyber charter school for the student under clause (2) shall be limited to the highest amount a cyber charter school affiliated with the school district or intermediate unit, if any, would have received for the student.

Amend Bill, page 40, line 13, by inserting after "(2)"
and, if applicable, clause (2.2)

Amend Bill, page 75, by inserting between lines 4 and 5

(2) The addition of section 1725-A(a)(2.2) of the act shall take effect in 60 days.

Amend Bill, page 75, line 5, by striking out "(2)" and inserting
(3)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. McCarter, is recognized.

Mr. McCARTER. Thank you, Mr. Speaker.

Amendment 00794 to HB 97 is designed to help the taxpayers of Pennsylvania and our overburdened school property tax payers by reducing the cost of Pennsylvania's cyber school education.

Mr. Speaker, many changes have happened in the area of charter schools over the past 20 years. When they were conceived, no one could forecast the development of cyber schools, and yet today 36,000, or 2 percent of all of Pennsylvania's students, are now receiving cyber education in Pennsylvania.

The actual cost of this type of instruction in Pennsylvania has dropped dramatically with the digital and cyber revolution of the past decade. Let me repeat that. The cost has dropped dramatically. However, our reimbursement formula for this education of cyber charter schools is still based on a formula tied to traditional brick-and-mortar school charters and cost that 20 years ago. When a student enrolls in a cyber charter, the money that flows with the student is based on the average student cost to the district and not to the actual cost of real cyber instruction.

Also in the last decade local districts and intermediate units have developed excellent cyber programs of their own that often exceed the capabilities of the cyber charters at a fraction of that cost. So, Mr. Speaker, we now have a situation where students and parents are able to choose a cyber charter school at a cost that far exceeds the cost of a comparable or better program in the local school district or intermediate unit and the difference of that cost is passed on to the taxpayer.

Mr. Speaker, let me give you a few real-life examples. A student in Cheltenham School District passes along with him or her to a cyber charter school, chooses to go there, takes along with him or her \$14,766 as a regular education student. If they happen to be a special ed student, \$31,707 passes along with that student. However, the cost of a cyber education through the Cheltenham School District in Intermediate Unit 23 is \$5,000; \$5,000. And yet going forward, that particular amount of money, the difference of that, goes to the cyber school.

Let me give you another example. Mount Pleasant School District where \$9700 is the amount of money that an individual school, a regular school student, will pass along to the cyber school along with \$19,667 for a special ed student, or in the case of Lower Merion, \$17,510, or special ed, \$44,554. But the actual cost of that education with all of the improvements in cyber education is down to \$5,000.

Mr. Speaker, we have a problem. In fact, in some ways cyber charter schools have done a good thing. One of the few that we can point to in many ways – they have taught our local school districts to find a way to do cyber education better and they have to the point that in fact some of these cyber schools, cyber charter schools, are now going to the IUs to contract for that \$5,000 cost but they still are reimbursed at the higher levels.

Mr. Speaker, that is a major, major problem. It is time to undo this. It is time to help the taxpayers of Pennsylvania to make a sizable difference in what we are doing, not the 5 percent under this bill, but in reality, the difference of – many, many differences of percents, a 50-percent change.

AMENDMENT WITHDRAWN

Mr. McCARTER. Mr. Speaker, I understand that there is supposedly a perceived drafting error in this amendment and I will be withdrawing this amendment from consideration. However, I do hope that we come back to this debate again during the budget process.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman for withdrawing his amendment.

On the question recurring,

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

Ms. DONATUCCI offered the following amendment No. **A00792**:

Amend Bill, page 1, line 5, by inserting after "thereto," " in pupils and attendance, providing for school building closure requirements;

Amend Bill, page 1, lines 14 through 16, by striking out all of said lines and inserting

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 1311.1. School Building Closure Requirements.–(a) A school entity may close a school voluntarily, through nonrenewal or through revocation as provided under section 1729-A. Notice of a school entity's closure of a school for any reason must be provided by the authorizing entity to the Department of Education. After receiving notification of closure, the department shall notify the school entity and the authorizing entity if it is aware of any liabilities the school entity owes the Commonwealth or any other entity. Liabilities may include

overpayment of tuition, unpaid revolving fund loans or grants or other liabilities. The department may ask the Auditor General or city controller of a city of the first class to conduct an audit of the school entity if it has reason to believe that the school entity received State funding for which it was not eligible. The notice of the school entity shall include an accounting of the following:

(1) All financial assets, including, but not limited to, cash and accounts receivable and an inventory of property, equipment and other items of material value.

(2) All liabilities, including, but not limited to, accounts payable, unpaid staff compensation, audit findings or other investigations.

(3) An assessment of the disposition of any restricted funds received by or due to the school entity.

(b) If the school entity is supported by a nonprofit foundation and the foundation does not have any other functions than operation of the school entity, the foundation should be dissolved according to its bylaws. The foundation's bylaws should address how assets are to be distributed at the closure of the foundation. All remaining assets of the foundation shall be distributed on a proportional basis to school districts with students enrolled in the school for the last full or partial school year of the school.

(c) (1) The school entity shall send notice of its closure of a school to parents or guardians of students, the authorizing entity and the department. Notice must be received by the department within fifteen (15) calendar days of any official action taken by the authorizing entity. Notification of all the required parties shall include at least the following:

(i) The effective date of the closure.

(ii) The name and contact information for the person handling inquiries regarding the closure.

(iii) The students' school districts of residence.

(iv) How parents or guardians may obtain copies of student records, including specific information on completed courses and credits that meet graduation requirements.

(2) The notification to the department shall also include a description of the circumstances of the closure and the location of student and personnel records. Notification to parents, guardians and students shall also include information on how to transfer the student to an appropriate school and a certified packet of student information that may include grade reports, discipline records, immunization records and any other appropriate information.

(d) The school entity or authorizing entity shall announce the closure of a school to school districts that may be responsible for providing education services to the former students of the closing school. These districts can then assist in facilitating student transfers.

(e) School closures shall occur at the end of an academic year if it is feasible to maintain a legally compliant program until then. If a conversion charter school is reverting to noncharter status, notification of this change shall be made to all parties required under this section.

Section 1.1. Section 1525 of the act is amended to read:

Amend Bill, page 75, by inserting between lines 2 and 3

(1) The addition of section 1311.1 of the act shall take effect in 60 days.

Amend Bill, page 75, line 3, by striking out "(1)" and inserting

(2)

Amend Bill, page 75, line 5, by striking out "(2)" and inserting

(3)

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentlelady is recognized.

Ms. DONATUCCI. Thank you, Mr. Speaker.

This amendment would provide a clear process for administrators to follow when closing a traditional or charter school building. It would also allow the State to develop a

database of unused or underused school facilities to ensure that their potential sale or reuse benefits the taxpayers who paid for them.

The closing of any public school, traditional or charter, can throw a neighborhood and community into chaos and force parents into a frustrating scramble for an alternative. Under current State law, there are no procedures in place to guide administrators who are in the process of closing a school. Amendment 792 would protect students, parents, taxpayers, and communities.

AMENDMENT WITHDRAWN

Ms. DONATUCCI. Having brought this issue to your attention, I am withdrawing this amendment because of a drafting error. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady for withdrawing her amendment.

On the question recurring,

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

Mr. FRANKEL offered the following amendment No. **A00797**:

Amend Bill, page 58, line 17, by striking out "16%" and inserting

12%

Amend Bill, page 58, line 18, by striking out "15.5%" and inserting

11.5%

Amend Bill, page 58, line 19, by striking out "15%" and inserting

11%

Amend Bill, page 58, line 20, by striking out "14.5%" and inserting

10.5%

Amend Bill, page 58, line 21, by striking out "14%" and inserting

10%

Amend Bill, page 58, line 22, by striking out "13.5%" and inserting

9.5%

Amend Bill, page 58, line 23, by striking out "13%" and inserting

9%

Amend Bill, page 58, line 24, by striking out "12.5%" and inserting

8.5%

Amend Bill, page 58, line 25, by striking out "12%" and inserting

8%

On the question,

Will the House agree to the amendment?

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Mr. Speaker, this amendment deals with the unassigned fund balances to charter schools. Specifically, my amendment will bring the percentage that charter schools are allowed to hold in surplus back to where it was last year when similar legislation

passed the House. This percentage is equal to what traditional public schools are allowed to hold in surplus – 8 to 12 percent.

My amendment is fair. It is the right thing to do. It would put charter schools on equal footing with traditional public schools in this area. If this amendment is not adopted, charter schools will refund less money to their school districts that pay them, money that is in excess of their operating costs and is simply sitting in surplus. This is taxpayer protection.

Thank you, Mr. Speaker. I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, on the amendment.

Mr. REESE. Thank you, Mr. Speaker.

I rise to oppose amendment 00797. While I certainly appreciate what the gentleman from Allegheny County is trying to do, I do have some concerns with the concept. Number one, to be clear, traditional public schools can keep any amount they want to. The cap only applies if they are looking to raise taxes. Also, I think it is important to note that if they want to keep extra dollars, they simply designate those funds for future endeavors.

That said, currently there are no caps on cyber schools or charter schools with fund balance carryover. This legislation, HB 97, would create a cap. That cap is slightly higher than the cap that exists for traditional public schools whenever they are looking to raise local taxes. The reason for that is really simple: it is because during a budget impasse these charter schools and cyber charter schools do not have taxing authority. So during a budget impasse they have no dollars to move forward, whereas our local school districts still have the local dollars coming in.

Again, I understand what the gentleman is trying to do, and he is trying to save tax dollars, I appreciate that, but I respectfully request a "no" vote because the amendment simply would not work. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Maher, on the amendment.

Mr. MAHER. There is a misunderstanding about so-called surplus. In government accounting and the sorts of accounting that we do in our budgets, it is really a checking account. We look at the cash that comes in, the cash that goes out, and what is left over or not. When we talk about surplus, we are really looking at a cash-flow concept.

In accounting that is used in the real world and the cyber schools, while they are public schools, are private entities and by and large apply generally accepted accounting principles, their so-called surplus, their equity, is not simply sitting there like it would be in a checking account. That is the amount that corresponds and embraces what is on their balance sheet for books, for desks, for computers, for other gear, for buildings, that just as is the case ordinarily in the real world, you need equity in order to have assets.

In government we do not need equity to have assets, but in the real world you do, and when we can try to compare the equity concept in real-world accounting with the surplus concept in government accounting, you are always going to go off the rails, and for that reason I would ask that we oppose this amendment.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Look, you know, this is total common sense. We were talking about creating a level playing field, equal footing for traditional public schools and charters across this State. This is something we voted for last time. I believe the maker of this bill voted for it last year. It was a good idea then. It is a good idea now. It puts public schools on the same footing as our charter schools and it protects taxpayers. You ought to be supporting this once again as this amendment.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cutler, on the amendment.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to read from the statute that I believe the gentleman is referencing from. It is "Limitations on certain unreserved fund balances." And while the maker of the bill highlighted this, I think it is worth revisiting. The fact is, these limitations only apply on the following circumstances: "For...each...year thereafter, no school district shall approve an increase in real property taxes unless it has adopted a budget that includes..." and it goes on to lay out the necessary limits. Since the cyber charter schools have no taxing authority, I really believe this is an apples-to-oranges comparison and you should not bring this in in terms of the reserve requirement.

Furthermore, I think the gentleman from Allegheny County made some excellent points in regards to the accounting, and I would urge a "no" vote on the amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. McCarter, on the amendment.

Mr. McCARTER. Thank you, Mr. Speaker.

Again let me reiterate, I think this is a very interesting continuation of what I was talking about a few minutes ago. If in fact the cyber charter schools are taking huge amounts of money over what they are actually spending to educate students in the State of Pennsylvania and investing that or putting it back into the reserve funds of which we just heard, they can then go out and invest to leverage more capital into the process, that is a whole new stratagem obviously of our public schools. I do not know of too many public schools that are out taking their reserve funds and, you know, using that money for investment purposes in potentially risky things or leases or other things that are taking place to be able to finance their districts.

We are into a whole new era here and a whole new way of looking at things. I would hope that again we pass this amendment to try to rein in some of this. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—71

| | | | |
|----------|----------|------------|------------|
| Bizzarro | DeLissio | Keller, W. | Ravenstahl |
| Boyle | DeLuca | Kim | Readshaw |
| Bradford | Dermoddy | Kinsey | Roebuck |

| | | | |
|-------------|------------|------------|-------------|
| Briggs | DiGirolamo | Kirkland | Rozzi |
| Brown, V. | Donatucci | Kortz | Sainato |
| Burns | Driscoll | Krueger | Samuelson |
| Caltagirone | Evans | Kulik | Schlossberg |
| Carroll | Fitzgerald | Longietti | Schweyer |
| Cephas | Flynn | Madden | Sims |
| Comitta | Frankel | Markosek | Snyder |
| Conklin | Freeman | Matzie | Solomon |
| Costa, D. | Gainey | McCarter | Sturla |
| Costa, P. | Gergely | McNeill | Thomas |
| Daley | Goodman | Miller, D. | Vazquez |
| Davis | Haggerty | Mullery | Vitali |
| Dawkins | Hanna | Neilson | Warren |
| Dean | Harkins | Pashinski | Youngblood |
| Deasy | Kavulich | Petrarca | |

NAYS—115

| | | | |
|-------------|--------------|------------|-----------|
| Baker | Fee | Maher | Reed |
| Barrar | Fritz | Maloney | Reese |
| Benninghoff | Gabler | Marshall | Roae |
| Bernstine | Gillen | Marsico | Roe |
| Bloom | Gillespie | McGinnis | Rothman |
| Boback | Godshall | Mehaffie | Ryan |
| Brown, R. | Greiner | Mentzer | Saccone |
| Causer | Grove | Metcalfe | Sankey |
| Charlton | Hahn | Metzgar | Santora |
| Christiana | Harper | Miccarelli | Saylor |
| Cook | Harris, A. | Millard | Schemel |
| Corbin | Harris, J. | Miller, B. | Sonney |
| Corr | Heffley | Milne | Staats |
| Cox | Helm | Moul | Stephens |
| Culver | Hickernell | Murt | Tallman |
| Cutler | Hill | Mustio | Taylor |
| Davidson | Irvin | Nelson | Tobash |
| Day | Jozwiak | Nesbit | Toepel |
| Delozier | Kampf | O'Neill | Toohil |
| Diamond | Kaufner | Oberlander | Topper |
| Dowling | Kauffman | Ortitay | Walsh |
| Dunbar | Keefer | Peifer | Ward |
| Dush | Keller, F. | Petri | Warner |
| Ellis | Keller, M.K. | Pickett | Wentling |
| Emrick | Klunk | Pyle | Wheatley |
| English | Knowles | Quigley | Wheeland |
| Evankovich | Lawrence | Quinn, C. | White |
| Everett | Lewis | Quinn, M. | Zimmerman |
| Farry | Mackenzie | Rapp | |

NOT VOTING—0

EXCUSED—17

| | | | |
|----------|-----------|---------|---------|
| Barbin | Hennessey | Neuman | Watson |
| Bullock | James | O'Brien | |
| Cruz | Mako | Rabb | Turzai, |
| Fabrizio | Masser | Rader | Speaker |
| Galloway | McClinton | Simmons | |

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 second consideration as amended?

The SPEAKER pro tempore. It is the understanding of the Speaker that all remaining amendments have been withdrawn.

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

Bill as amended was agreed to.

The SPEAKER pro tempore. The bill as amended will be reprinted.

For the information of the members, there will be no further votes.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 97;
HB 144;
HB 217;
HB 267;
HB 453;
HB 489;
HB 508;
HB 674;
HB 780;
HB 834; and
HB 1039.

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

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 395;
HB 671;
HB 975;
HB 1071;
HB 1075; and
HB 1238.

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The gentlelady, Ms. Pickett, moves that this House do now adjourn until Monday, April 24, 2017, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:14 p.m., e.d.t., the House adjourned.