

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, MAY 7, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 28

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

REV. DR. JAMES W. GRUBB, Chaplain of the House of Representatives and pastor of Grace United Methodist Church, Harrisburg, Pennsylvania, offered the following prayer:

O God, the psalmist of old declared that the heavens are telling the glory of Your presence and the earth displays Your handiwork. Without words, the created order speaks of Your power and Your goodness.

In these days of spring, we witness new life bursting forth from the earth. That which was dormant is renewed. Freshness and beauty spring forth from the ground. Your creation speaks.

As Your daughters and sons, we take heart in the realization that if You can do such wonders in the earth, so Your lifegiving spirit moves to renew humankind.

And so we pray that You would renew us. Grant us a sense of vision that sees beyond the winter of that which was to the budding of new possibilities for our life together.

As spring has unwrapped the flowers and set the fields dancing with beauty, energize us and infuse us with a spirit of cooperation that enhances the work of this body to the end that our constituents may be served well.

Now grant us Your presence, Your power, and Your peace. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Wednesday, May 2, 2001, will be postponed until printed. The Chair hears no objection.

JOURNAL APPROVED

The SPEAKER pro tempore. However, the Journal of Monday, February 12, 2001, is in print, and the Journal is approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1364 By Representatives NICKOL, M. BAKER, BARRAR, BELARDI, BELFANTI, BROWNE, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, CURRY, DALEY, DeWEESE, DiGIROLAMO, FLEAGLE, FRANKEL, GEORGE, HALUSKA, HARHAI, HENNESSEY, HORSEY, KENNEY, LAUGHLIN, LEDERER, MACKERETH, MANN, McCALL, McILHATTAN, McILHINNEY, MELIO, R. MILLER, MUNDY, NAILOR, O'BRIEN, RAYMOND, ROSS, RUBLEY, SATHER, SAYLOR, SHANER, SOLOBAY, STABACK, STERN, TANGRETTI, E. Z. TAYLOR, THOMAS, TIGUE, VANCE, WALKO, WANSACZ, WASHINGTON, WATSON, WILT, YOUNGBLOOD, YUDICHAK, BASTIAN, WOJNAROSKI, C. WILLIAMS, HARHART, COSTA, B. SMITH, FREEMAN, J. TAYLOR and MANDERINO

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

Referred to Committee on LABOR RELATIONS, May 3, 2001.

No. 1497 By Representatives METCALFE, ALLEN, FICHTER, ROHRER, ADOLPH, ARMSTRONG, BENNINGHOFF, BIRMELIN, CALTAGIRONE, CAPPELLI, L. I. COHEN, COLAFELLA, COLEMAN, CREIGHTON, EGOLF, FORCIER, GABIG, GEIST, HORSEY, HUTCHINSON, LEH, MARKOSEK, MARSICO, McCALL, McILHATTAN, S. MILLER, NICKOL, PETRARCA, T. STEVENSON, TRELLO, WATSON, WILT, YOUNGBLOOD and ZUG

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for capital stock and franchise tax rates and expiration.

Referred to Committee on FINANCE, May 3, 2001.

No. 1498 By Representatives MARKOSEK, READSHAW, MAYERNIK, PETRARCA, MICHLOVIC, T. STEVENSON, PIPPY, PRESTON, TANGRETTI, SAINATO, DALEY, PISTELLA, SHANER, CAPPABIANCA, CALTAGIRONE, CASORIO, SANTONI, WRIGHT, COSTA, MANN, GEORGE, BELFANTI, TIGUE, HORSEY, CAWLEY, BUNT, SURRA, LAUGHLIN, FRANKEL, SOLOBAY, WOJNAROSKI, TRICH, WALKO, TRELLO, HARHAI, KAISER, GEIST, MICOZZIE, FLICK, ADOLPH, BARRAR, RAYMOND, CIVERA, L. I. COHEN, YOUNGBLOOD,

MAHER, McGEEHAN, D. EVANS, J. TAYLOR and GODSHALL

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for supplemental public transportation assistance funding.

Referred to Committee on APPROPRIATIONS, May 3, 2001.

No. 1499 By Representatives ROBINSON, DIVEN, JAMES, MELIO, MYERS and PISTELLA

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for reports.

Referred to Committee on URBAN AFFAIRS, May 3, 2001.

No. 1500 By Representatives WALKO, YUDICHAK, HARHAI, WANSACZ, THOMAS, BELARDI, BEBKO-JONES, ROBINSON, McILHATTAN, GEORGE, BELFANTI, TIGUE, MELIO, CALTAGIRONE, SHANER, JOSEPHS, LAUGHLIN, CAPPABIANCA, HENNESSEY, McCALL, SURRA, MUNDY, WOJNAROSKI, HORSEY, STABACK, YOUNGBLOOD, DeWEESE, BROWNE, GRUCELA, PETRARCA, SOLOBAY, GORDNER, WASHINGTON, SCRIMENTI, CURRY, LEVDANSKY, FRANKEL, STURLA, CORRIGAN, C. WILLIAMS, PALLONE, FREEMAN, J. TAYLOR and MANDERINO

An Act authorizing pharmaceutical service expansion for certain medical assistance recipients.

Referred to Committee on HEALTH AND HUMAN SERVICES, May 3, 2001.

No. 1501 By Representatives FEESE, ARMSTRONG, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CAWLEY, L. I. COHEN, COLEMAN, CREIGHTON, CRUZ, DALEY, FLEAGLE, FRANKEL, GEIST, HENNESSEY, HERMAN, HORSEY, HUTCHINSON, KAISER, LYNCH, MACKERETH, MAHER, MAITLAND, MAJOR, MELIO, R. MILLER, PALLONE, PHILLIPS, RUBLEY, SAYLOR, STERN, SURRA, E. Z. TAYLOR, TULLI, WANSACZ, WATSON, WILT, WOGAN, YOUNGBLOOD, DALLY and J. TAYLOR

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for furnishing tobacco to minors.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1502 By Representative FEESE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for filling district attorney vacancies.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1503 By Representatives GABIG, YOUNGBLOOD, ARMSTRONG, BARRAR, CALTAGIRONE, COLEMAN,

CREIGHTON, DALEY, EGOLF, FEESE, HENNESSEY, HUTCHINSON, LEWIS, LYNCH, McNAUGHTON, METCALFE, RAYMOND, READSHAW, ROHRER, STERN, T. STEVENSON, THOMAS, WATERS, WILT and KENNEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for an educational opportunity tax credit.

Referred to Committee on FINANCE, May 3, 2001.

No. 1504 By Representatives BELARDI, CAWLEY, STABACK, TIGUE, THOMAS, LEDERER, CASORIO, DALEY, CALTAGIRONE, DeLUCA, CAPPABIANCA, YOUNGBLOOD, KIRKLAND, LAUGHLIN, HORSEY, SHANER, JAMES, WALKO, BELFANTI, SCRIMENTI, SOLOBAY, PETRARCA, FRANKEL, WOJNAROSKI, C. WILLIAMS, MELIO, JOSEPHS, HARHAI, CREIGHTON, CURRY, WATERS and STEELMAN

An Act establishing a uniform crime reporting system; requiring all county and municipal law enforcement agencies to report the nature and volume of crime occurring within the respective jurisdictions; authorizing the Pennsylvania State Police to collect and gather information on crime, make annual reports and promulgate rules and regulations.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1505 By Representatives BELARDI, CAWLEY, STABACK, GEORGE, THOMAS, LEDERER, CASORIO, DALEY, CALTAGIRONE, TIGUE, YOUNGBLOOD, KIRKLAND, LaGROTTA, LAUGHLIN, LUCYK, CORRIGAN, HORSEY, SHANER, JAMES, WALKO, BELFANTI, SCRIMENTI, SOLOBAY, PRESTON, WOJNAROSKI, C. WILLIAMS, MELIO, MUNDY, GRUCELA, CURRY, HARHAI, COSTA, STEELMAN and WATERS

An Act amending the act of July 10, 1957 (P.L.685, No.362), referred to as the Explosives Use Regulation Law, of Labor and Industry," further providing for rules and regulations relating to blasting effects on certain structures.

Referred to Committee on LABOR RELATIONS, May 3, 2001.

No. 1506 By Representatives BELARDI, GEORGE, CAWLEY, STABACK, WANSACZ, TIGUE, SURRA, LYNCH, BELFANTI, CAPPABIANCA, YOUNGBLOOD, READSHAW, LEDERER, CALTAGIRONE, CLARK, YUDICHAK, WOJNAROSKI, SOLOBAY, CAPPELLI, HORSEY, McNAUGHTON, LaGROTTA, BEBKO-JONES, DALEY, DeLUCA, SHANER, KIRKLAND, HARHAI, MARSICO, JAMES, C. WILLIAMS, WALKO, BUNT, PETRARCA, WASHINGTON, MELIO, LAUGHLIN, GRUCELA, COSTA and STEELMAN

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for the term of loans.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 2001.

No. 1507 By Representatives BELARDI, STABACK, CAWLEY, BEBKO-JONES, SURRA, BELFANTI, DeLUCA, YOUNGBLOOD, JAMES, GEORGE, THOMAS, READSHAW, CALTAGIRONE, COY, HALUSKA, YUDICHAK, TIGUE, WATERS, WOJNAROSKI, SOLOBAY, CAPPELLI, HORSEY, DALEY, SHANER, CURRY, FREEMAN, WALKO, HARHAI, PETRARCA, WASHINGTON, BUNT, MELIO, LAUGHLIN and STEELMAN

An Act mandating health insurance coverage for cancer screening programs.

Referred to Committee on INSURANCE, May 3, 2001.

No. 1508 By Representatives BELARDI, TIGUE, CAPPABIANCA, JAMES, MANDERINO, THOMAS, HALUSKA, WATERS, WOJNAROSKI, DALEY, SHANER, PISTELLA, HARHAI, C. WILLIAMS, SCRIMENTI, WASHINGTON, L. I. COHEN, MELIO, CRUZ and STEELMAN

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for Pennsylvania State Police examinations.

Referred to Committee on STATE GOVERNMENT, May 3, 2001.

No. 1509 By Representatives BELARDI, BELFANTI, CAWLEY, STABACK, GEORGE, PISTELLA, LEDERER, THOMAS, DALEY, CALTAGIRONE, TIGUE, CAPPABIANCA, KIRKLAND, FREEMAN, LAUGHLIN, HORSEY, SURRA, SHANER, MANN, BEBKO-JONES, JAMES, WALKO, SCRIMENTI, SOLOBAY, WASHINGTON, PRESTON, WOJNAROSKI, MELIO, HARHAI, MANDERINO, GRUCELA, BROWNE, STEELMAN and WATERS

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, requiring employer reimbursement of certain medical insurance premiums of employees.

Referred to Committee on LABOR RELATIONS, May 3, 2001.

No. 1511 By Representatives BELARDI, STABACK, CAWLEY, HARHAI, SHANER, GRUCELA, COSTA, KIRKLAND, STEELMAN, CREIGHTON, PETRARCA, GEORGE, WOJNAROSKI, MELIO, JAMES, THOMAS, LEDERER, CASORIO, READSHAW, DALEY, LAUGHLIN, PRESTON, CAPPABIANCA and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, prohibiting the implementation or continued use of a vehicle emission inspection program until certain Federal emission standards are implemented.

Referred to Committee on TRANSPORTATION, May 3, 2001.

No. 1512 By Representatives BELARDI, HARHAI, SHANER, WATERS, SCHRODER, MUNDY, GRUCELA, FREEMAN, STABACK, TIGUE, STEELMAN, SAMUELSON, YUDICHAK, CREIGHTON, COSTA, THOMAS, SOLOBAY, WASHINGTON, PETRARCA, LEDERER, HENNESSEY, READSHAW, JAMES, BELFANTI, ROEBUCK, HERSHEY, CAWLEY, BLAUM, GEORGE, CAPPELLI, YOUNGBLOOD, DALEY, LAUGHLIN, RUBLEY, PRESTON, FRANKEL, MANN, SANTONI, BEBKO-JONES, MARKOSEK, COLEMAN, SATHER, WOJNAROSKI, WANSACZ, C. WILLIAMS, MELIO, JOSEPHS, CRUZ, L. I. COHEN and SCRIMENTI

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service relating to maternity leave.

Referred to Committee on EDUCATION, May 3, 2001.

No. 1513 By Representatives MICHLOVIC, DeWEESE, FICHTER, CAPPABIANCA, CALTAGIRONE, BEBKO-JONES, BELFANTI, CAPPELLI, CAWLEY, L. I. COHEN, COSTA, CREIGHTON, CURRY, DALEY, DERMODY, GEORGE, GRUCELA, HARHAI, HORSEY, JOSEPHS, LaGROTTA, LAUGHLIN, MANDERINO, MANN, MARKOSEK, McILHATTAN, MELIO, PALLONE, PISTELLA, READSHAW, ROEBUCK, ROSS, SCRIMENTI, SOLOBAY, TRAVAGLIO, WANSACZ, WASHINGTON, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and McNAUGHTON

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions, for eligibility for annuities, for benefits, for member contributions and for a vesting period.

Referred to Committee on EDUCATION, May 3, 2001.

No. 1514 By Representatives MICHLOVIC, HORSEY, LAUGHLIN, SURRA, TANGRETTI, THOMAS, TRELLO, WALKO, WOJNAROSKI and YOUNGBLOOD

An Act establishing a moratorium on long-wall mining.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 3, 2001.

No. 1515 By Representatives MICHLOVIC, CASORIO, LAUGHLIN, PISTELLA, PRESTON, READSHAW and TRELLO

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, further providing for assessment criteria.

Referred to Committee on URBAN AFFAIRS, May 3, 2001.

No. 1516 By Representatives PISTELLA, SCHULER, C. WILLIAMS, E. Z. TAYLOR, GRUCELA, MANDERINO, COSTA, GEORGE, CAPPELLI, DERMODY, BEBKO-JONES, BELFANTI, BROWNE, CALTAGIRONE, CAWLEY, CORRIGAN, COY, DeLUCA, DeWEESE, FRANKEL, FREEMAN, HALUSKA, HARHAI, JAMES,

LAUGHLIN, LEDERER, MELIO, PIPPY, PRESTON, READSHAW, ROBINSON, RUBLEY, SHANER, SOLOBAY, STABACK, STEELMAN, J. TAYLOR, TRELLO, TRICH, WALKO, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act providing for a direct care advanced training program, for tuition reimbursement and financial payments for direct care employees upon program completion; conferring powers and duties on the Department of Education; and making an appropriation.

Referred to Committee on AGING AND OLDER ADULT SERVICES, May 3, 2001.

No. 1517 By Representatives PRESTON, HARHAI, HORSEY, JAMES, LAUGHLIN, LEDERER, READSHAW, THOMAS and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of the placement of public telephones in cities of the second class.

Referred to Committee on CONSUMER AFFAIRS, May 3, 2001.

No. 1518 By Representatives PRESTON, HARHAI, HORSEY, JAMES, LAUGHLIN, LEDERER, READSHAW, THOMAS and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the regulation of the placement of public telephones in counties of the second class.

Referred to Committee on CONSUMER AFFAIRS, May 3, 2001.

No. 1519 By Representatives REINARD, LEH, MARSICO, McILHINNEY and WILT

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for malt and brewed beverages alternating brewers' licenses.

Referred to Committee on LIQUOR CONTROL, May 3, 2001.

No. 1520 By Representatives NAILOR, SEMMEL, LUCYK, MARSICO, ADOLPH, M. BAKER, BARD, BARRAR, BELARDI, BELFANTI, BROWNE, BUNT, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CLYMER, L. I. COHEN, CORRIGAN, COY, CRUZ, DALEY, DERMODY, EGOLF, FICHTER, FLICK, FRANKEL, FREEMAN, GABIG, GEIST, GEORGE, HARHAI, HARHART, HASAY, HENNESSEY, HERSHEY, HESS, HORSEY, KENNEY, LEDERER, LEH, MAITLAND, MAJOR, MANN, MAYERNIK, McCALL, McILHATTAN, R. MILLER, S. MILLER, PALLONE, PHILLIPS, PIPPY, PISTELLA, ROBERTS, ROHRER, ROSS, RUBLEY, SAINATO, SAMUELSON, SATHER, SAYLOR, SCHULER, SHANER, B. SMITH, SOLOBAY, STABACK, STERN, SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRAVAGLIO, WALKO, WATERS, WATSON, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, ZUG, MACKERETH and LEWIS

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, extending benefits to certain National Guard members.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, May 3, 2001.

No. 1521 By Representatives PHILLIPS, KAISER, DALEY, TULLI, ARGALL, BENNINGHOFF, CALTAGIRONE, L. I. COHEN, FAIRCHILD, FORCIER, HALUSKA, HERSHEY, HUTCHINSON, LYNCH, ROHRER, SAINATO, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, WILT and BUNT

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for preemption of the regulation of tobacco.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1522 By Representatives PHILLIPS, TIGUE, J. EVANS, ARMSTRONG, BASTIAN, BENNINGHOFF, BUNT, CAPPELLI, CLARK, COLEMAN, CREIGHTON, CRUZ, DALEY, FLEAGLE, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KIRKLAND, LAUGHLIN, McILHATTAN, NAILOR, PRESTON, SATHER, SOLOBAY, STABACK, STERN, E. Z. TAYLOR, THOMAS, TRICH, WASHINGTON, WATERS, WATSON, WILT and PALLONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1523 By Representatives DALLY, STABACK, DALEY, FREEMAN, WILT, JAMES, LEWIS, GRUCELA and BROWNE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for appointment of special policemen.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1524 By Representatives DALLY, KELLER, GEIST, WATSON, YOUNGBLOOD, CAPPABIANCA, GORDNER, DALEY, RUBLEY, MAITLAND, WILT, SURRA, CORRIGAN, CLARK, YUDICHAK, CAWLEY, JAMES, McILHATTAN, E. Z. TAYLOR, SOLOBAY, ROSS, LEWIS, S. MILLER, MANN, C. WILLIAMS, MACKERETH, THOMAS, R. MILLER, CREIGHTON, CRUZ, STERN, L. I. COHEN, GRUCELA, STEIL, DIVEN, KIRKLAND, MELIO, BROWNE and STEELMAN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of purchase or consumption of cigarettes by minors.

Referred to Committee on JUDICIARY, May 3, 2001.

No. 1525 By Representatives COY, C. WILLIAMS, WILT, M. BAKER, WOJNAROSKI, YOUNGBLOOD, BEBKON-JONES, YUDICHAK, BELARDI, BELFANTI,

BUNT, CALTAGIRONE, CAPPABIANCA, CAPPELLI, CAWLEY, L. I. COHEN, COSTA, CURRY, DALEY, DALLY, DERMODY, FICHTER, GEORGE, GRUCELA, HALUSKA, HASAY, HERSHEY, HESS, HORSEY, HUTCHINSON, JOSEPHS, LAUGHLIN, LEDERER, DeWEESE, STABACK, STURLA, THOMAS, TIGUE, TRAVAGLIO, WANSACZ, WASHINGTON, LEH, LESCOVITZ, MANDERINO, MANN, MAYERNIK, McCALL, McILHATTAN, McNAUGHTON, MICOZZIE, MUNDY, NAILOR, PALLONE, PETRARCA, PISTELLA, PRESTON, READSHAW, ROEBUCK, SAINATO, SANTONI, SATHER, SCRIMENTI, SHANER, SOLOBAY, TRELLO, STEELMAN and JAMES

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for cost-of-living increases for retirees.

Referred to Committee on EDUCATION, May 7, 2001.

No. 1526 By Representatives COY, M. BAKER, BEBKO-JONES, BELFANTI, CALTAGIRONE, CAPPELLI, CREIGHTON, DAILEY, DeWEESE, FAIRCHILD, GEORGE, WANSACZ, C. WILLIAMS, WOJNAROSKI, YOUNGBLOOD, GRUCELA, HARHAI, HERSHEY, HORSEY, JAMES, JOSEPHS, KAISER, KIRKLAND, LAUGHLIN, LEDERER, McCALL, McNAUGHTON, MELIO, PETRARCA, PRESTON, READSHAW, ROONEY, SCHULER, SCRIMENTI, SEMMEL, SHANER, STEELMAN, SURRA, THOMAS, TIGUE, TRICH and WALKO

An Act providing incentives and assistance for rural students to attend college; and making an appropriation.

Referred to Committee on EDUCATION, May 7, 2001.

No. 1527 By Representatives VEON, GEORGE, COLAFELLA, READSHAW, LAUGHLIN, HORSEY, BELARDI, YOUNGBLOOD, WOJNAROSKI, CALTAGIRONE, STEELMAN, SHANER, TRELLO, GRUCELA, J. WILLIAMS, TRICH, JAMES, BELFANTI and ROONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for local sponsorship of community colleges.

Referred to Committee on EDUCATION, May 7, 2001.

No. 1528 By Representatives VEON, GEORGE, COLAFELLA, READSHAW, LAUGHLIN, HORSEY, BELARDI, YOUNGBLOOD, WOJNAROSKI, CALTAGIRONE, STEELMAN, SHANER, TRELLO, GRUCELA, J. WILLIAMS, TRICH, JAMES, BELFANTI and ROONEY

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

Referred to Committee on EDUCATION, May 7, 2001.

No. 1529 By Representatives McILHATTAN, THOMAS, ALLEN, FAIRCHILD, HUTCHINSON, PRESTON, DeWEESE, MARKOSEK, CALTAGIRONE, CURRY, B. SMITH, LAUGHLIN, GEORGE, STEIL, M. BAKER, HERSHEY, WOJNAROSKI, HARHAI, HALUSKA, CAPPELLI, TANGRETTI, BUNT, BELFANTI, HENNESSEY, YOUNGBLOOD, S. MILLER, COLAFELLA, R. MILLER, WILT, GRUCELA, E. Z. TAYLOR, YUDICHAK, COLEMAN, RUBLEY, DALLY, DAILEY, CREIGHTON and STEELMAN

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service.

Referred to Committee on EDUCATION, May 7, 2001.

No. 1530 By Representatives McILHATTAN, HUTCHINSON, HARHART, DALEY, METCALFE, R. STEVENSON, STERN, CALTAGIRONE, YOUNGBLOOD, S. H. SMITH, J. EVANS, COLEMAN, T. STEVENSON, BROWNE, J. BAKER, BENNINGHOFF, M. BAKER, HABAY, ROSS, STEELMAN and HARPER

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for establishment of office of controller in counties of the sixth, seventh and eighth classes.

Referred to Committee on LOCAL GOVERNMENT, May 7, 2001.

No. 1531 By Representatives DeWEESE, DERMODY, BELFANTI, GEORGE, BEBKO-JONES, CAPPELLI, CRUZ, CURRY, GRUCELA, HORSEY, JOSEPHS, LAUGHLIN, LEVDANSKY, MANN, RUFFING, SAINATO, SHANER, SOLOBAY, THOMAS, WALKO, WANSACZ, WOJNAROSKI, YEWIC, YOUNGBLOOD, YUDICHAK, MUNDY, CAPPABIANCA, CALTAGIRONE, J. WILLIAMS, DIVEN, COSTA, SURRA, MELIO, MANDERINO, TANGRETTI and HARHAI

An Act providing for public oversight and accountability of privatization contracts; and imposing penalties.

Referred to Committee on STATE GOVERNMENT, May 7, 2001.

No. 1532 By Representatives BELFANTI, McCALL, LAUGHLIN, CAPPELLI, THOMAS, CAPPABIANCA, BELARDI, GEORGE, YUDICHAK, LEVDANSKY, HORSEY, WASHINGTON, STABACK, WOJNAROSKI, SHANER, DALEY, JAMES, CASORIO, CALTAGIRONE, J. WILLIAMS, EACHUS and SURRA

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relations Act, adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

Referred to Committee on JUDICIARY, May 7, 2001.

No. 1533 By Representatives BELFANTI, PHILLIPS, DeWESE, J. TAYLOR, ALLEN, CAPPABIANCA, LESCOVITZ, BELARDI, GEORGE, WOGAN, TIGUE, CREIGHTON, LEVDANSKY, COY, TRAVAGLIO, McILHATTAN, CURRY, MUNDY, HORSEY, ROEBUCK, BUNT, PETRARCA, WASHINGTON, SAINATO, STETLER, YOUNGBLOOD, COSTA, WANSACZ, BUXTON, WATERS, READSHAW, WOJNAROSKI, STABACK, SHANER, C. WILLIAMS, SOLOBAY, DALEY, HERMAN, LAUGHLIN, FICHTER, L. I. COHEN, THOMAS, ROONEY, JAMES, KIRKLAND, B. SMITH, YUDICHAK, CALTAGIRONE, CAWLEY, JADLOWIEC, CAPPELLI, BEBKO-JONES, CORRIGAN, DIVEN, ROBERTS, DERMODY, SURRA, EACHUS, GRUCELA, STEELMAN, HUTCHINSON and J. WILLIAMS

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing additional supplemental annuities commencing 2001.

Referred to Committee on STATE GOVERNMENT, May 7, 2001.

No. 1534 By Representatives YUDICHAK, BLAUM, CAPPELLI, YOUNGBLOOD, WOJNAROSKI, J. WILLIAMS, WANSACZ, WALKO, TIGUE, THOMAS, TANGRETTI, SOLOBAY, SAINATO, ROONEY, ROHRER, READSHAW, PETRARCA, MUNDY, MELIO, McCALL, MARKOSEK, MANN, LAUGHLIN, KELLER, JOSEPHS, JAMES, HERSHEY, HENNESSEY, HARHAI, GRUCELA, GEORGE, FREEMAN, FRANKEL, CREIGHTON, COY, COSTA, COLAFELLA, L. I. COHEN, CAPPABIANCA, CALTAGIRONE, BELFANTI, BASTIAN, BARRAR and STEELMAN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for adoption assistance programs; and making a repeal.

Referred to Committee on CHILDREN AND YOUTH, May 7, 2001.

No. 1535 By Representatives COLEMAN, PETRARCA, BELFANTI, CALTAGIRONE, CAPPELLI, CLYMER, COLAFELLA, CORRIGAN, COSTA, CREIGHTON, DALEY, DALLY, DERMODY, DiGIROLAMO, J. EVANS, FAIRCHILD, FICHTER, FORCIER, FRANKEL, GEIST, GEORGE, GRUCELA, HARHAI, HENNESSEY, HERSHEY, HESS, HUTCHINSON, JADLOWIEC, JAMES, JOSEPHS, KELLER, KENNEY, KIRKLAND, LAUGHLIN, LEDERER, LESCOVITZ, LEWIS, MANDERINO, MARKOSEK, MARSICO, METCALFE, MYERS, NAILOR, PALLONE, PISTELLA, PRESTON, READSHAW, ROBERTS, ROBINSON, ROHRER, SATHER, SAYLOR, SCHULER, SHANER, B. SMITH, SOLOBAY, SURRA, THOMAS, TIGUE, TRAVAGLIO, WALKO, WATERS, J. WILLIAMS, WOJNAROSKI and YOUNGBLOOD

An Act redesignating the Apollo Bridge carrying State Route 66 between Oklahoma Borough, Westmoreland County, and Apollo Borough, Armstrong County, as the Leonard C. Miller Bridge.

Referred to Committee on TRANSPORTATION, May 7, 2001.

No. 1536 By Representatives COLEMAN, ARGALL, BARD, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CREIGHTON, FREEMAN, HERSHEY, KELLER, MARSICO, McILHATTAN, R. MILLER, PHILLIPS, PIPPY, SATHER, SEMMEL, B. SMITH, TIGUE, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the composition of the shade tree commission.

Referred to Committee on LOCAL GOVERNMENT, May 7, 2001.

No. 1537 By Representatives MARSICO, BEBKO-JONES, BROWNE, BUXTON, CALTAGIRONE, CAPPELLI, CLYMER, L. I. COHEN, CORRIGAN, COSTA, COY, CREIGHTON, DALEY, DALLY, FEESE, FLICK, FRANKEL, FREEMAN, GEIST, GEORGE, HARHAI, HERSHEY, HESS, HORSEY, KELLER, KIRKLAND, LaGROTTA, LEWIS, MACKERETH, McNAUGHTON, MELIO, R. MILLER, PALLONE, PIPPY, PRESTON, ROBERTS, ROHRER, RUBLEY, SCHULER, SCRIMENTI, SHANER, B. SMITH, SOLOBAY, SURRA, TIGUE, TULLI, WALKO, WASHINGTON, WATERS, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compensation and travel allowance for jurors.

Referred to Committee on JUDICIARY, May 7, 2001.

No. 1538 By Representative NICKOL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for control of public travel on private property by owners.

Referred to Committee on TRANSPORTATION, May 7, 2001.

No. 1539 By Representative NICKOL

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

Referred to Committee on STATE GOVERNMENT, May 7, 2001.

No. 1540 By Representatives NICKOL, BARRAR, CALTAGIRONE, CREIGHTON, DALEY, GEIST, HALUSKA, HENNESSEY, KIRKLAND, LAUGHLIN, McCALL, S. MILLER, READSHAW, ROHRER, ROSS, SAYLOR, SHANER, STABACK, SURRA, WATERS and WILT

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the violation of safety requirements for towed vehicles.

Referred to Committee on TRANSPORTATION, May 7, 2001.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 204 By Representatives C. WILLIAMS, CAPPELLI, DALEY, FREEMAN, HERMAN, LESCOVITZ, LEVDANSKY, MANDERINO, MANN, MELIO, PALLONE, READSHAW, ROEBUCK, RUBLEY, SHANER, STEELMAN, STURLA, WALKO, WATERS, YOUNGBLOOD, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CALTAGIRONE, L. I. COHEN, COLAFELLA, CORRIGAN, COY, CRUZ, CURRY, DERMODY, DeWEESE, D. EVANS, FLICK, FRANKEL, GEIST, GEORGE, GRUCELA, HALUSKA, HARHAI, HENNESSEY, JAMES, JOSEPHS, LAUGHLIN, LEDERER, McILHATTAN, MUNDY, PISTELLA, ROBERTS, ROSS, SANTONI, SOLOBAY, STETLER, THOMAS, WASHINGTON, WOJNAROSKI and YUDICHAK

A Resolution expressing the sense of the House of Representatives in regard to women's health issues.

Referred to Committee on RULES, May 3, 2001.

SENATE BILLS FOR CONCURRENCE

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

SB 82, PN 923

Referred to Committee on JUDICIARY, May 3, 2001.

SB 230, PN 243

Referred to Committee on STATE GOVERNMENT, May 3, 2001.

SB 375, PN 947

Referred to Committee on EDUCATION, May 3, 2001.

SB 377, PN 942

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, May 3, 2001.

SB 597, PN 943

Referred to Committee on LOCAL GOVERNMENT, May 3, 2001.

SB 607, PN 927

Referred to Committee on STATE GOVERNMENT, May 3, 2001.

SB 626, PN 944

Referred to Committee on PROFESSIONAL LICENSURE, May 3, 2001.

BILLS REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 408;
HB 453;
HB 656; and
SB 235.

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

BILLS TABLED

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

Mr. PERZEL. Madam Speaker, I move that the following bills be placed on the table:

HB 408;
HB 453;
HB 656; and
SB 235.

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.

Mr. PERZEL. Madam Speaker, I move that the following bills be removed from the table:

HB 750; and
HB 751.

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

BILLS ON SECOND CONSIDERATION

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

HB 750, PN 1712; and HB 751, PN 1673.

BILLS RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 750 and HB 751 be recommitted to Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

COMMUNICATION FROM GOVERNOR**APPROVAL OF HOUSE BILL**

The Speaker pro tempore laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 328.

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair is in receipt of actuarial notes for the following: HB 1361, PN 1684, and HB 1360, PN 1683.

(Copies of actuarial notes are on file with the Journal clerk.)

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Trichelle Hoovler and Ben Loreno, who are guest pages of Representative Rod Wilt. Will the two young people please rise.

The Chair is also pleased to welcome to the hall of the House 10 senior citizen women from Adams County, who are here as the guests of Representative Steve Maitland. Would they please rise.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 1105, PN 1281

By Rep. O'BRIEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a surcharge to benefit spinal cord injury research; and establishing the Spinal Cord Injury Research Board.

HEALTH AND HUMAN SERVICES.**GUEST INTRODUCED**

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Hugh Ravenscroft, who is here as the guest of Representative Carole Rubley. He is from Chester County and seated in the gallery. Will he please rise.

JIM COLLINS PRESENTED

The SPEAKER pro tempore. Could I have the members' attention, please.

The Chair is pleased to recognize Representative Peter Zug for the purpose of a citation.

Mr. ZUG. Thank you, Speaker Vance.

With me today is Jim Collins. Jim is the PIAA State champion in wrestling in the 112-pound weight class in AA.

Jim is the first student from Lebanon County to win a State championship in wrestling, so he is turning around our county program and being the example for all those younger wrestlers out there. He is a student at Northern Lebanon High School.

During the year, Jim was 40 and 1. During the State tournament, only four points were scored against him. Last year Jim won the State freestyle championship and was a Greco-Roman All-American. He was selected to the Pennsylvania Academic All-Star Team for 3 years in a row. He was also a Patriot-News Big 13 First Team selection 3 years in a row. Next year Jim will go to Lock Haven to continue both his academic career and his wrestling career.

With Jim today are his parents, James and Faith Collins, to my left — would they stand up, please?— and in the back of the chamber his sister, Jenna Collins; his coach, Earl Stoddard; his uncle and his coach, Rusty Wallace; Northern Lebanon School District Superintendent Don Bell; and the principal, Dave Woods. Would they stand up, and would the House please recognize everybody, please.

Thank you.

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

The SPEAKER. The Chair advises the members that permission has been granted to Frank Krepps of WHP-TV Harrisburg to videotape with audio the citation award to the Trinity boys basketball team.

**TRINITY HIGH SCHOOL GIRLS
BASKETBALL TEAM PRESENTED**

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Nailor. Mr. Nailor, would you come— The gentleman will yield.

Members, please take your seats. Conferences on the floor, please. Conferences on the floor, please break up. Members, please take your seats.

The Chair recognizes the gentleman, Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, Representatives Will Gabig, Pat Vance, Allan Egolf, and Bruce Smith join me today in welcoming the Trinity High School Shamrocks outstanding boys and girls basketball teams. It is not very often, as a matter of fact, only four times in the history of the PIAA playoffs has the same high school won both the boys and the girls State championships, but that is exactly what Trinity High School accomplished this year.

Before I continue, I have a proud graduate of Trinity High School, one of our colleagues, who would like to offer a few words. Representative Will Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Thank you, Representative Nailor, for giving me this opportunity.

This was a big year for a small school and a small town and a small county in the heart of the Commonwealth of Pennsylvania. They were not only again this year awarded the prestigious Blue Ribbon Presidential Award as a school, they had six national merit scholars and two State champions.

On behalf of all the alumni from Trinity High School, I want to extend my congratulations. I also want to personally thank Coach Kostelac, the senior, and Coach DeFrank for putting me in the right direction when I tried out for the freshman and JV (junior varsity) basketball team and putting me back on the football field where I was a good, slow halfback for Trinity 26 years ago.

Thank you, Mr. Speaker. Thank you, Mr. Nailor.

Mr. NAILOR. Thank you.

I cannot tell you how pleased we are to have the PIAA Class AA girls State basketball championship team with us, the Trinity High School Shamrocks.

In their championship game they won a hard-fought contest over a well-coached team, Vincentian, 67 to 58.

With us in the front of the House representing Trinity High School are Sister Francine, the principal of Trinity High School, and Coach Harry DeFrank. Coach DeFrank is in his 17th season as coach of the Trinity girls, and this is his second State championship. We also have the team captains, Kate Bekelja and Jill Glessner, with us as well.

Representative Gabig will give the citation from all of us in the House of Representatives to the team coach, Coach DeFrank.

Now, would the rest of the team, please, in the back of the room, the rest of the girls basketball team, your coaches and team members, please stand so you can be recognized as well.

TRINITY HIGH SCHOOL BOYS BASKETBALL TEAM PRESENTED

The SPEAKER. The gentleman, Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker and colleagues—

The SPEAKER. The gentleman will yield.

Please. Members, take your seats. Sergeant at Arms, clear the area in the middle aisle. If you want to see some discipline, I am going to turn this gavel over to Sister. She would not know how to handle it; she is used to a ruler.

Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, Trinity High School boys basketball team is also the PIAA Class AA State champions in Pennsylvania, and again it is worth mentioning that this has happened in all the different classes only four times in the history of the PIAA. They defeated a tough, well-coached Aliquippa team in their final game 79 to 65.

With us in the front of the House representing the Shamrocks are Sister Francine, the principal of Trinity High School; head coach Larry Kostelac, Jr., and I would like to mention that Coach Kostelac was also named the AP (Associated Press)

Pennsylvania Small School Coach of the Year in Pennsylvania this year; and the team captains, Shaun Morris and Larry Kostelac III.

Representative Gabig, would you please present the citation from all of us in the House of Representatives to the team coach, Coach Kostelac.

Would the balance of the team rise in the back, please — the members, the players, the coaches.

Thank you, Mr. Speaker.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to today's leaves of absence.

The Chair recognizes the gentleman, Mr. Smith, the majority whip, who requests a leave of absence for the gentleman, Mr. McNAUGHTON, for the week. Without objection, leave will be granted. The Chair hears no objection.

The Chair recognizes the gentleman, Mr. Veon, who requests a leave of absence for the gentleman from Erie County, Mr. CAPPABIANCA — Mr. Veon, Mr. Cappabianca for the week? — for the week. Without objection, leave will be granted. The Chair hears no objection.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.

Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	Ryan,
Eachus	Mackereth	Saylor	Speaker
Egolf	Maier		

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Cappabianca	McNaughton
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LEAVES ADDED—3

Dailey	Lescovitz	Wogan
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LEAVES CANCELED—1

Lescovitz

ADDITIONS AND DELETIONS OF SPONSORS

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

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

The SPEAKER. I have asked the Assistant Parliamentarian to deliver to Sister a gavel so that she can keep control of this gang she is with.

Sister, it will be right with you.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair is pleased to welcome back to the hall after a short absence the gentleman, Mr. Cornell.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mrs. WATSON called up **HR 176, PN 1731**, entitled:

A Resolution designating the week of May 21 through 28, 2001, as "Buckle Up America Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maier		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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Mr. McCALL called up **HR 196, PN 1788**, entitled:

A Resolution designating May 19, 2001, as "James Francis Thorpe Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	
Egolf	Maher		

Ryan,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca McNaughton

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

Mr. SATHER called up **HR 202, PN 1791**, entitled:

A Resolution observing May 2001 as "Stroke Awareness Month."

On the question,
Will the House adopt the resolution?

The SPEAKER. Does the gentleman, Mr. Sather, desire recognition on this resolution?

Mr. SATHER. Thank you, Mr. Speaker.

As one of the sponsors of this resolution, I think it is very appropriate to note that in yesterday's paper I noted in the Lancaster General it said, "Maybe it will go away." I would just like to read very briefly these comments:

"The five most common stroke symptoms. Sudden numbness or weakness of face, arm or leg, especially on one side of the body. Sudden confusion, trouble speaking or understanding. Sudden trouble seeing in one eye or both eyes. Sudden trouble walking, dizziness, loss of balance or coordination, double vision. Sudden severe headache with no known cause." And the caveat to that is, "If you experience any of these symptoms call 911 immediately."

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.

Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	Ryan
Eachus	Mackereth	Saylor	Speaker
Egolf	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca McNaughton

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

* * *

Mr. STRITTMATTER called up **HR 203, PN 1792**, entitled:

A Resolution designating May 2001 as "Bike Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali

Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca McNaughton

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

* * *

Mr. PERZEL called up **HR 206, PN 1818**, entitled:

A Resolution marking the 125th anniversary of the Philadelphia Museum of Art.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio

Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan, Speaker
Egolf	Maier		

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca McNaughton

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

SUPPLEMENTAL CALENDAR A**RESOLUTIONS PURSUANT TO RULE 35**

Mr. STERN called up **HR 205, PN 1820**, entitled:

A Resolution honoring the memory of police officers who gave their lives in the line of duty in this Commonwealth and recognizing the memorial services in their honor in Soldiers' Grove at the State Capitol on May 7, 2001, and in Hollidaysburg, Blair County, on June 2, 2001.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern

Benninghoff	George	Metcalf	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan, Speaker
Egolf	Maier		

NAYS—0

NOT VOTING—0

EXCUSED—2

Cappabianca McNaughton

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

* * *

Mr. FAIRCHILD called up **HR 207, PN 1849**, entitled:

A Resolution urging Pennsylvanians to observe the week of May 19 through 25, 2001, as "National Safe Boating Week" and encouraging safe boating.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.

Bard	Flick	Mayemik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Cappabianca McNaughton

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

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. Mr. Geist.

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

There will be a meeting of the Transportation Committee in room 40, East Wing, at 3:30.

The SPEAKER. The Chair thanks the gentleman.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. Mr. Barley, do you have an announcement of an Appropriations Committee meeting?

Mr. BARLEY. Yes. Thank you, Mr. Speaker.

Mr. Speaker, at the recess I would like to call a meeting of the House Appropriations Committee in the conference room of 245.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, the House Republicans will caucus downstairs in our caucus room at 2 o'clock. We should be able to return to the floor by 3.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 2 o'clock, but it would be helpful if we could make sure that the education bill that we are going to be voting on is in print and available at that time.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen, would you discuss that with Mr. Perzel's office or with him himself?

Mr. Geist? You have called for a meeting at 3:30. I wonder if you could advance that to sometime during the break, between now and 3 o'clock.

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

That would be fine. It will not take too long, so we will make it a quarter till 3, room 40, East Wing, for the Transportation Committee.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Reinard.

Mr. REINARD. Thank you, Mr. Speaker.

Mr. Speaker, I have some comments I would like to submit as a matter of record.

The SPEAKER. The gentleman will send them to the desk.

Mr. REINARD submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Frank A. Young, who has recently been awarded Scouting's highest honor - Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Frank A. Young.

Whereas, Frank A. Young earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 147.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Frank A. Young.

ANNOUNCEMENT BY MS. BISHOP

The SPEAKER. Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

A personal privilege on the Commonwealth Prayer Breakfast.

I would just like to remind everyone of the 2001 Commonwealth Prayer Breakfast that is being held tomorrow morning at 7:30 at the Radisson Penn Harris Hotel and Convention Center. Onsite reservations will be available to those who have not already registered, and we look forward to seeing you there tomorrow morning.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair is going to declare the House in recess to the call of the Chair, which hopefully will be in the vicinity of 3 o'clock, but because the caucuses could go beyond that, I am going to make it the call of the Chair rather than a definite time.

The Rules Committee chairman has also asked me to alert the members of the Rules Committee to a possible call to a Rules Committee meeting, which will be announced.

RECESS

The SPEAKER. Any further announcements? Corrections to the record?

Hearing none, this House will now stand in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of an actuarial note for amendment 1841 to HB 26, PN 1749.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1468, PN 1870 (Amended) By Rep. HERSHEY

An Act requiring containers for collecting glass, aluminum and plastic in public stadiums; requiring containers for collecting glass and aluminum in public rest areas under the jurisdiction of the Pennsylvania Turnpike Commission; and imposing a penalty.

ENVIRONMENTAL RESOURCES AND ENERGY.

BILLS REREPORTED FROM COMMITTEE

HB 49, PN 557

By Rep. BARLEY

An Act providing for the licensure and regulation of adult living residences; conferring powers and duties on the Department of Public Welfare; and providing for penalties.

APPROPRIATIONS.

HB 165, PN 142

By Rep. BARLEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing certain provisions imposing sales and use tax on lawn care services.

APPROPRIATIONS.

HB 209, PN 1515

By Rep. BARLEY

An Act providing for a program to assist public and private institutions of higher education to install sprinkler systems in dormitories.

APPROPRIATIONS.

HB 336, PN 353

By Rep. BARLEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for military tax credits for employers who pay or subsidize the wages of an employee called to active duty.

APPROPRIATIONS.

HB 428, PN 465

By Rep. BARLEY

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

APPROPRIATIONS.

HB 437, PN 474

By Rep. BARLEY

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of fertilizer and of soil and plant amendments; providing for the powers and duties of the Department of Agriculture; establishing the Agronomic Regulatory Account; prescribing penalties; and making a repeal.

APPROPRIATIONS.

HB 578, PN 1511

By Rep. BARLEY

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

APPROPRIATIONS.

HB 607, PN 663

By Rep. BARLEY

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police.

APPROPRIATIONS.

HB 613, PN 1192

By Rep. BARLEY

An Act establishing the Career and Vocational Education - Employer Partnership Program; and providing for business tax credits.

APPROPRIATIONS.

HB 672, PN 745

By Rep. BARLEY

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 reports by charitable organizations.

APPROPRIATIONS.

HB 948, PN 1067

By Rep. BARLEY

An Act providing for the observance of "Pennsylvania Agriculture Day" and "Pennsylvania Agriculture Week."

APPROPRIATIONS.

HB 975, PN 1868 (Amended)

By Rep. BARLEY

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

APPROPRIATIONS.

HB 976, PN 1744

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1048, PN 1869 (Amended)

By Rep. BARLEY

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the Pennsylvania Commission on Crime and Delinquency and for powers and duties of the commission; changing the name of the Juvenile Advisory Committee; providing for the powers and duties of the Juvenile Justice and Delinquency Prevention Committee; and further providing for the membership of the Juvenile Justice and Delinquency Prevention Committee.

APPROPRIATIONS.

HB 1118, PN 1294

By Rep. BARLEY

An Act amending the act of October 28, 1966 (1st Sp.Sess., P.L.55, No.7), known as the Goods and Services Installment Sales Act, further providing for late fees.

APPROPRIATIONS.

HB 1139, PN 1674

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of transporting equine animals in a cruel manner.

APPROPRIATIONS.

HB 1235, PN 1779

By Rep. BARLEY

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for exemptions.

APPROPRIATIONS.

SB 627, PN 672

By Rep. BARLEY

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates and fees.

APPROPRIATIONS.

SB 635, PN 673

By Rep. BARLEY

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for pilots.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR C**BILL ON THIRD CONSIDERATION****BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. Page 1 of House calendar supplemental C. HB 437 is temporarily over.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the gentleman, Mr. Smith, who requests a leave of absence for the lady, Mrs. DAILEY, for the remainder of the day. Without objection, the leave will be granted. The Chair hears no objection.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 948, PN 1067**, entitled:

An Act providing for the observance of "Pennsylvania Agriculture Day" and "Pennsylvania Agriculture Week."

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome today, as a guest page, a constituent of Representative William Gabig. The guest page is Stewart Keckler. Welcome to the hall of the House.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. House calendar supplemental C, page 1. HB 975 is over temporarily.

Page 2. HB's 613, 428, and 209 are over temporarily.

* * *

The House proceeded to third consideration of **SB 627, PN 672**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates and fees.

On the question.

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla

Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Cawley	Hennessey	Pallone	Travaglio
Civera	Herman	Perzel	Trello
Clark	Hershey	Petrarca	Trich
Clymer	Hess	Petrone	Tulli
Cohen, L. I.	Horsey	Phillips	Vance
Cohen, M.	Hutchinson	Pickett	Veon
Colafella	Jadlowiec	Pippy	Vitali
Coleman	James	Pistella	Walko
Cornell	Josephs	Preston	Wansacz
Corrigan	Kaiser	Raymond	Washington
Costa	Keller	Readshaw	Waters
Coy	Kenney	Reinard	Watson
Creighton	Kirkland	Rieger	Williams, C.
Cruz	Krebs	Roberts	Williams, J.
Curry	LaGrotta	Robinson	Wilt
Daley	Laughlin	Roebuck	Wogan
Dally	Lawless	Rohrer	Wojnaroski
DeLuca	Lederer	Rooney	Wright
Dermody	Leh	Ross	Yewcic
DeWeese	Lescovitz	Rubley	Youngblood
DiGirolamo	Levdansky	Ruffing	Yudichak
Diven	Lewis	Sainato	Zimmerman
Donatucci	Lucyk	Samuelson	Zug
Eachus	Lynch	Santoni	
Egolf	Mackereth	Sather	Ryan,
Evans, D.	Maher	Saylor	Speaker

NAYS-1

Casorio

NOT VOTING-0

EXCUSED-3

Cappabianca Dailey McNaughton

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **SB 635, PN 673**, entitled:

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for pilots.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca Dailey McNaughton

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

RULES SUSPENDED

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

Mr. PERZEL. Mr. Speaker, I move for the suspension of the rules for the immediate consideration of HB 975, PN 1868.

On the question,

Will the House agree to the motion?

(A roll-call vote was taken, but due to a malfunction the vote was not recorded.)

VOTE RETAKEN

The SPEAKER pro tempore. For the information of the House, there was a malfunction of the board on the motion to suspend the rules. We will need to revote on the motion to suspend the rules for the immediate consideration of HB 975, PN 1868.

The Chair recognizes the majority leader, who moves to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maher	Saylor
Allen	Evans, J.	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Feese	Manderino	Scrimenti
Baker, J.	Fichter	Mann	Semmel
Baker, M.	Fleagle	Markosek	Shaner
Bard	Flick	Marsico	Smith, B.
Barley	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steil
Belfanti	Geist	McIlhinney	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright

DeLuca	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Yudichak
DiGirolamo	Levdansky	Ruffing	Zimmerman
Diven	Lewis	Sainato	Zug
Donatucci	Lucyk	Samuelson	
Eachus	Lynch	Santoni	Ryan,
Egolf	Mackereth	Sather	Speaker

NAYS—1

Steelman

NOT VOTING—0**EXCUSED—3**

Cappabianca

Dailey

McNaughton

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 975, PN 1868**, entitled:

An Act providing for the creation, conveyance, acceptance, duration and validity of conservation and preservation easements; and providing for judicial actions.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. Mr. Vitali, the gentleman, Mr. Bunt, is not on the floor of the House at this time. Is it necessary for you to interrogate him?

Mr. VITALI. Yes; I think it is— I would like to. I am wondering if perhaps we could just pass over it until he is in a position to field questions?

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The bill will be over temporarily.

The Chair thanks the gentleman.

* * *

The House proceeded to third consideration of **HB 209**, **PN 1515**, entitled:

An Act providing for a program to assist public and private institutions of higher education to install sprinkler systems in dormitories.

On the question,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. McGeehan, for purposes of a motion.

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

I would ask that we suspend the rules to consider an amendment. It is a technical amendment that simply moves the effective date of the act of HB 209 up a month.

The **SPEAKER** pro tempore. The gentleman, Mr. McGeehan, moves for the suspension of the rules to offer an amendment which was filed late.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maher	Saylor
Allen	Evans, J.	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Feese	Manderino	Scrimenti
Baker, J.	Fichter	Mann	Semmel
Baker, M.	Fleagle	Markosek	Shaner
Bard	Flick	Marsico	Smith, B.
Barley	Forcier	Mayernik	Smith, S. H.
Barrar	Frankel	McCall	Solobay
Bastian	Freeman	McGeehan	Staback
Bebko-Jones	Gabig	McGill	Stairs
Belardi	Gannon	McIlhattan	Steil
Belfanti	Geist	McIlhinney	Stem
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Haluska	Mundy	Tangretti
Butkovitz	Hanna	Myers	Taylor, E. Z.
Buxton	Harhai	Nailor	Taylor, J.
Caltagirone	Harhart	Nickol	Thomas
Cappelli	Harper	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Pallone	Trello
Civera	Herman	Perzel	Trich
Clark	Hershey	Petrarca	Tulli
Clymer	Hess	Petrone	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Cohen, M.	Hutchinson	Pickett	Vitali
Colafella	Jadlowiec	Pippy	Walko
Coleman	James	Pistella	Wansacz
Cornell	Josephs	Preston	Washington
Corrigan	Kaiser	Raymond	Waters
Costa	Keller	Readshaw	Watson
Coy	Kenney	Reinard	Williams, C.
Creighton	Kirkland	Rieger	Williams, J.
Cruz	Krebs	Roberts	Wilt
Curry	LaGrotta	Robinson	Wogan

Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dermody	Leh	Ross	Youngblood
DeWeese	Lescovitz	Rubley	Yudichak
DiGirolamo	Levdansky	Ruffing	Zimmerman
Diven	Lewis	Sainato	Zug
Donatucci	Lucyk	Samuelson	
Eachus	Lynch	Santoni	Ryan.
Egolf	Mackereth	Sather	Speaker

NAYS—1

Steelman

NOT VOTING—0

EXCUSED—3

Cappabianca

Dailey

McNaughton

A majority of the members required by the rules having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **McGEEHAN** offered the following amendment No. **A1859**:

Amend Sec. 2, page 7, line 10, by striking out "JULY" and inserting

June

On the question,

Will the House agree to the amendment?

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. McGeehan.

Mr. **McGEEHAN**. Thank you, Mr. Speaker.

What this amendment essentially does is strike out the word "July" and insert "June." It was done, Mr. Speaker, for the purposes of allowing many of our colleges and universities in the State System to avail themselves of this bonding program. It is an important element. I want to commend the State System for their diligence and quick action in trying to implement a sprinkler system, and this simply reinforces that message by saying that the effective date of this bond program will begin not in July but in June and, in that way, enable many of these colleges and universities who are about to begin that work, to allow them to do just that.

So I would ask for a "yes" vote.

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—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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

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

* * *

The House proceeded to third consideration of **HB 613, PN 1192**, entitled:

An Act establishing the Career and Vocational Education - Employer Partnership Program; and providing for business tax credits.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A1828**:

Amend Sec. 6, page 6, line 14, by inserting after "year."

Such rules and regulations shall ensure that the tax credits granted for programs approved under this act are equitably distributed among rural, suburban and urban regions of this Commonwealth.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horse	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	
Cohen, M.	Jadlowiec	Pippy	
Colafella	James	Pistella	
Coleman	Josephs	Preston	
Cornell	Kaiser	Raymond	
Corrigan	Keller	Readshaw	
Costa	Kenney	Reinard	
Coy	Kirkland	Rieger	
Creighton	Krebs	Roberts	

Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca Dailey McNaughton

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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-199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horse	Phillips	Vance

Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colaella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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.

CONSIDERATION OF HB 975 CONTINUED

The SPEAKER pro tempore. The Chair returns to HB 975, PN 1868, of supplemental calendar C.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti

Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colaella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 508**, PN 546, entitled:

An Act providing for oversight and review of capital projects; establishing the Capital Projects Oversight Board and providing for its powers and duties.

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

Mr. **GEORGE** offered the following amendment No. **A1825**:

Amend Bill, page 3, by inserting between lines 12 and 13
Section 8. Publication of projects on Internet.

The board, within 120 days of the final appointment to the initial board, shall electronically publish on the Internet, a list of the projects for which the board has oversight, as well as the times and dates of all board meetings.

Amend Sec. 8, page 3, line 13, by striking out "8" and inserting
9

Amend Sec. 9, page 3, line 17, by striking out "9" and inserting
10

Amend Sec. 10, page 3, line 20, by striking out "10" and
inserting
11

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhatten	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rublely	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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

On the question,

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

Bill as amended was agreed to.

The SPEAKER 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—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhatten	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rublely	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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.

SUPPLEMENTAL CALENDAR C CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 437, PN 474**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of fertilizer and of soil and plant amendments; providing for the powers and duties of the Department of Agriculture; establishing the Agronomic Regulatory Account; prescribing penalties; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

The **SPEAKER** pro tempore. The gentleman, Mr. George, has withdrawn his amendments.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.
Bard	Forcier	Mayermik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra

Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

Cappabianca Dailey McNaughton

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

RESOLUTIONS

Mr. **GRUITZA** called up **HR 33, PN 438**, entitled:

A Resolution memorializing the Congress of the United States to investigate the causes and effects of the recent surge in natural gas prices in Pennsylvania and across the country.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Maitland	Schroder
Allen	Fairchild	Major	Schuler
Argall	Feese	Manderino	Scrimenti
Armstrong	Fichter	Mann	Semmel
Baker, J.	Fleagle	Markosek	Shaner
Baker, M.	Flick	Marsico	Smith, B.

Bard	Forcier	Mayernik	Smith, S. H.
Barley	Frankel	McCall	Solobay
Barrar	Freeman	McGeehan	Staback
Bastian	Gabig	McGill	Stairs
Bebko-Jones	Gannon	McIlhattan	Steelman
Belardi	Geist	McIlhinney	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Bunt	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Thomas
Cappelli	Hasay	Oliver	Tigue
Casorio	Hennessey	Pallone	Travaglio
Cawley	Herman	Perzel	Trello
Civera	Hershey	Petrarca	Trich
Clark	Hess	Petrone	Tulli
Clymer	Horsey	Phillips	Vance
Cohen, L. I.	Hutchinson	Pickett	Veon
Cohen, M.	Jadlowiec	Pippy	Vitali
Colafella	James	Pistella	Walko
Coleman	Josephs	Preston	Wansacz
Cornell	Kaiser	Raymond	Washington
Corrigan	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Daley	Lawless	Rohrer	Wojnaroski
Dally	Lederer	Rooney	Wright
DeLuca	Leh	Ross	Yewcic
Dermody	Lescovitz	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-3

Cappabianca Dailey McNaughton

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

Mr. BUTKOVITZ called up HR 165, PN 1633, entitled:

A Resolution authorizing and directing the Subcommittee on Cities, Counties - First Class of the Urban Affairs Committee to conduct an investigation into the problems relating to school violence and possession of weapons in the Philadelphia School District.

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

The SPEAKER pro tempore. For the information of the House, last week we were debating this resolution, specifically

the gentleman, Mr. Roebuck's amendment 1698, when we went over the resolution. We are now returning to consider the gentleman, Mr. Roebuck's amendment 1698.

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

The clerk read the following amendment No. A1698:

Amend Title, page 1, lines 4 and 5, by striking out "the Philadelphia School" in line 4 and all of line 5 and inserting public and private schools in Philadelphia.

Amend Seventh Whereas Clause, page 2, line 20, by inserting after "public"

and private

Amend First Resolve Clause, page 3, line 1, by striking out "the Philadelphia School District" and inserting public and private schools in Philadelphia

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

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I stand to offer this amendment No. 1698, which would broaden the scope of the resolution being offered by requiring that in looking at violence in schools, we look at violence not only in public schools but that in fact we look at violence in all schools.

Now, Mr. Speaker, clearly violence is not the monopoly of one particular school system. Violence occurs in all schools, and it ought to be the consideration of this legislative body to look at violence in schools wherever it occurs. Indeed, violence in nonpublic schools is probably even more insidious than it is in public schools, because it is oftentimes not reported, and indeed, it is oftentimes ignored. I have constituents who come to me and tell me of incidents involving their children in a nonpublic school where a violent issue is merely pushed aside and ignored and nothing is done against the perpetrator of that violence. Mr. Speaker, that is wrong, and that certainly should be something that we as a legislative body, when we look at violence, ought to be concerned about.

Now, this is not a new issue, Mr. Speaker. When this resolution was adopted last session, I raised exactly this same point, and I in fact drafted a parallel resolution asking that this committee look at violence in nonpublic schools. Unfortunately, Mr. Speaker, that resolution remained in Rules Committee, despite the fact that it had the support of the majority leader, the chairman of the committee, the author of the resolution, on the request that the scope be broadened.

Mr. Speaker, the issue here is a very clear one. It seems to me that if we read the language of the proposed resolution, it talks about making a complete study, yet how complete a study can you make when you focus on only one part of the problem? Mr. Speaker, was the question raised in committee as to whether students who were expelled from nonpublic schools came into public schools and created a violent situation? Was the question raised, Mr. Speaker, as to whether students who had been incarcerated had come originally from nonpublic schools and then reentered public schools, where they continued to create

havoc? I am not certain, Mr. Speaker. I have read the report. It is an excellent report. But these issues—

The SPEAKER pro tempore. Will the gentleman suspend.

Please. Conferences on the floor of the minority leader's desk, would you please break up. Thank you.

The gentleman, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

But these issues which are fundamental to the integrity of this process I do not believe were raised in the report.

Understand, Mr. Speaker, that this committee is an extraordinary committee created by this resolution in the powers that it is given. This committee, under this resolution, is given the power to subpoena individuals. This committee is given the power to hire staff. I even saw TV commercials in my area that came out of the investigation of this committee. So it has the power to do what I am asking, and that is simply to broaden the scope to include all schools in order that we really go after this problem of violence.

Now, Mr. Speaker, let me just note by way of concluding the initial argument that the Attorney General of this State, in offering his analysis of violence, felt it important to look not only at public but at nonpublic schools, and indeed, that report includes a specific section that addresses issues of violence in nonpublic settings. This committee, Mr. Speaker, should do no less.

Let me remind you that the only incident that I am aware of in this State which involved the use of weapons of one student against another student occurred not in a public school but in a nonpublic school where one student shot another student in this Commonwealth. This, Mr. Speaker, demands the attention of this body, and we should not allow ourselves to somehow narrow the scope of what should be a fundamental effort to address a serious problem for our young people.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who requests that a leave be granted for the gentleman, Mr. LESCOVITZ. Without objection, the leave is granted. The Chair hears no objection.

CONSIDERATION OF HR 165 CONTINUED

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

Mr. TAYLOR. Thank you, Mr. Speaker.

I would ask that the members of the House oppose the gentleman's amendment, and I ask for opposition to this amendment because it fundamentally changes the resolution that is proposed.

For the history of the members, I would like to just go over the purpose of this resolution. Last term we approved HR 303. HR 303 specifically talked about the Philadelphia School District, and it did so not in terms of the fact that there is violence, as there is in every school district, but it talked about the ways in which the Philadelphia School District deals with violence. It talked about investigating the ways that they report

violence, and yes, it was specific and it was narrow and it was aimed at the Philadelphia School District.

Mr. Speaker, just 2 weeks ago I stood on the floor and asked for additional moneys for this district for a variety of reasons. Despite their need for money, it is my view and the view of many members here that unless they change the way they are dealing with violent behavior, unless they change the way they are reporting violent behavior, no amount of money is going to change their fundamental problem.

In the course of our investigation that lasted over 15 months, we solicited input from the public. We interviewed over 300 parents, teachers, and students. We held seven public hearings. We had weekly meetings. It ended in a comprehensive report that made recommendations about ways to deal with the way that the Philadelphia School District deals with violence. We even passed a substantial piece of legislation as a result of these hearings.

The subpoena power that the gentleman mentioned stemmed from the fact that the school district in many ways fought us over and over and over in trying to obtain basic information. But, Mr. Speaker, there is a new mayor in Philadelphia, a new school superintendent. We feel that the attitude at this point has altered. We are looking forward to the superintendent's suggestion that over five separate policy changes will be implemented that were brought about by this investigation.

Again, Mr. Speaker, I think that this language, while it is meritorious in the fact that it should be looked at, needs to be looked at in some other forum, some other committee, because we spent an unbelievable amount of time dealing with just that one issue. The way the school district handled it made us spend even more time. And I do not dispute that there is violence in Philadelphia private schools, that there is violence in other different schools in the Commonwealth, and that should be looked at. But one of the recommendations that we made in our report, one of the critical recommendations, was that this investigation needs to be continued. We have many more things to look at in the process that we are investigating, and I think if the gentleman wants to have those items investigated, he can do so in another resolution or in other legislation or in the very committees that are empowered to do such a thing.

Again I would ask for your opposition to this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Philadelphia, Mr. Butkovitz.

Mr. BUTKOVITZ. Mr. Speaker, I also rise to oppose the Roebuck amendment.

I am the author of the underlying resolution, HR 165, as I was of HR 303 last session, and we were able to achieve an unusual amount of focus and policy change as a result of a very, very extensive investigation.

To remind the House, this whole process has a long history in this legislature, going back at least to 1993, when Representative Evans led an investigation of school violence in the Commonwealth, which led to the development of a legislative package, including the enactment of a law that said that if you brought weapons to school, your expulsion was mandatory. What happened in Philadelphia was that there were media disclosures that that requirement was ignored in almost every instance; that there were over 900 incidents of students who were caught with weapons in Philadelphia public schools,

which resulted in only 15 expulsions. Essentially, the superintendent, Dr. Hornbeck, created his own law.

What happened was that, as Representative Taylor indicated, there was a strong, focused investigation over a period of 15 months. Over 250 witnesses were interviewed. Public hearings were conducted. A veil of silence which had been constructed by the school district had to be penetrated. People were afraid to tell their stories, for fear— Teachers were afraid, for fear that they would be disciplined or transferred. Teachers who did give important testimony in this case were in fact fired. There were incidents of contempt to the House and to the committee in honoring of the House's subpoenas. And after all of that was done, we were successful in the course of one session in making a significant policy change, in enacting a victim's advocate in the school district, and in effecting a radical change in attitude on the part of the new chief executive of the school district, who conceded that there was much valuable data developed as a result of this investigation and committed himself to improving school safety in the violence area as one of the top priorities of the new administration. The mayor has been moved by the findings of this investigation and is strongly on board in terms of doing what has to be done to make the Philadelphia public schools safe.

This is not something that is being done as a symbolic measure. Any effort to water it down, to dilute the focus, because of the kinds of symbolic battles that we frequently engage in on the education front is going to do real damage to the cause of really getting a head of steam accomplished and really making the Philadelphia schools a model of improvement in the school violence field.

This is important to us. I urge a "no" vote on the Roebuck amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Last session, as the interim chairman of the House Urban Affairs Committee, it was my pleasure to work, I think in a very bipartisan fashion, with many of my colleagues on this effort. Certainly the two previous speakers have spoken of the importance of the subcommittee's efforts. They, I believe, have gotten off to a very good start, and I would ask that their work be allowed to continue without changing the direction in midstream, and so I would ask for a negative vote on this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

It is sort of like *deja vu* all over again.

Mr. Speaker, let me just point out what was said in the record a year ago when we debated this. It was exactly the same response from the sponsor of the resolution that we got today, and when asked about violence in all schools, the sponsor said, I have no objection to a separate resolution, and indeed, the sponsor agreed to sign on a separate resolution, as did the gentleman who chairs the committee, yet that resolution remained in committee. So let us be truthful about this, Mr. Speaker. It is not about another resolution or another direction; it is about doing the job right.

I do not want to water this down. I want us to make an honest effort to address violence wherever it occurs. It does not simply occur in public schools. If we create this fantasy that that is what is happening, Mr. Speaker, then indeed we can feel comfortable if we produce a report that suggests that we are dealing with violence in one segment of our society. Violence does not just exist in that single segment. The gentleman who sponsored the resolution knows that; the chairman of the committee knows that. So I should introduce another separate resolution and have it sit in the Rules Committee for another 2 years, Mr. Speaker? Is that what is being suggested?

Let us be honest with this, Mr. Speaker. Let us broaden the scope of this. Indeed, it is not broadening the scope; it is focusing on what we should focus upon — violence wherever violence occurs. School violence, whether it is a public setting or a private setting, is simply wrong, and we need to focus on it in its entirety, not in a selective manner.

I applaud the committee again on what it has done, but they need to do the job right, and if they fail to do the job right, Mr. Speaker, then the effort itself is less than what it should be.

I would ask for my colleagues to support a simple amendment that requires that the committee look at violence wherever violence occurs in a school district, plain and simple. It is not diluting; it is not trying to change direction. It is getting them to do what they should do correctly, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Very briefly, this is not a simple amendment, and speaking of *deja vu* all over again, the kind of argument the gentleman just put forth is the same argument that the Philadelphia School District put forth when we began our investigation over 2 years ago — namely, well, violence happens everywhere; let us investigate everybody.

This is aimed directly at the Philadelphia School District. We make no apologies for that. We had significant findings. We developed significant solutions, and yes, I would say to the gentleman, what he proposed last time, this does belong in a separate resolution. Whatever happens to that is a separate issue, and I ask for the defeat of this amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

I want to join my colleagues, Representatives Taylor and Butkovitz, from Philadelphia in opposing this amendment.

As one of the previous speakers, Chairman Argall, who was chairman of the Urban Affairs Committee, mentioned, this is a continuation of what the First Class Subcommittee has already been doing. That is what this resolution asked for, a continuation of the good work they have been doing. Even the sponsor of this amendment admits they have been doing good work. I would encourage the sponsor also, as a member of the House Education Committee, if he sees fit to expand this, he could certainly work with the House Education Subcommittee on Basic Education, where he is the subcommittee chairman, and move this issue forward.

But this amendment would not continue the work that the First Class Subcommittee has been doing, and I ask for its rejection. Thank you, Mr. Speaker.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

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

The following roll call was recorded:

YEAS—40

Bebko-Jones	Hanna	Michlovic	Stetler
Bishop	Horsey	Mundy	Sturla
Blaum	James	Myers	Tangretti
Cohen, M.	Josephs	Oliver	Thomas
Coy	Kirkland	Petrarca	Veon
Curry	Krebs	Preston	Wansacz
DeWeese	LaGrotta	Robinson	Washington
Evans, D.	Levdansky	Roebuck	Waters
Freeman	Manderino	Scrimenti	Williams, C.
George	McCall	Steelman	Williams, J.

NAYS—157

Adolph	Donatucci	Mackereth	Sather
Allen	Eachus	Maher	Saylor
Argall	Egolf	Maitland	Schroder
Armstrong	Evans, J.	Major	Schuler
Baker, J.	Fairchild	Mann	Semmel
Baker, M.	Feese	Markosek	Shaner
Bard	Fichter	Marsico	Smith, B.
Barley	Fleagle	Mayernik	Smith, S. H.
Barrar	Flick	McGeehan	Solobay
Bastian	Forcier	McGill	Staback
Belardi	Frankel	McIlhattan	Stairs
Belfanti	Gabig	McIlhinney	Steil
Benninghoff	Gannon	Melio	Stern
Birmelin	Geist	Metcalfe	Stevenson, R.
Boyes	Godshall	Micozzie	Stevenson, T.
Browne	Gordner	Miller, R.	Strittmatter
Bunt	Grucela	Miller, S.	Surra
Butkovitz	Gruitza	Nailor	Taylor, E. Z.
Buxton	Habay	Nickol	Taylor, J.
Caltagirone	Haluska	O'Brien	Tigue
Cappelli	Harhai	Pallone	Travaglio
Casorio	Harhart	Perzel	Trello
Cawley	Harper	Petrone	Trich
Civera	Hasay	Phillips	Tulli
Clark	Hennessey	Pickett	Vance
Clymer	Herman	Pippy	Vitali
Cohen, L. I.	Hershey	Pistella	Walko
Colafella	Hess	Raymond	Watson
Coleman	Hutchinson	Readshaw	Wilt
Cornell	Jadlowiec	Reinard	Wogan
Corrigan	Kaiser	Rieger	Wojnarowski
Costa	Keller	Roberts	Wright
Creighton	Kenney	Rohrer	Youngblood
Cruz	Laughlin	Rooney	Yudichak
Daley	Lawless	Ross	Zimmerman
Dally	Lederer	Rublely	Zug
DeLuca	Leh	Ruffing	
Dermody	Lewis	Sainato	
DiGirolamo	Lucyk	Samuelson	Ryan,
Diven	Lynch	Santoni	Speaker

NOT VOTING—1

Yewcic

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

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 adopt the resolution?

RULES SUSPENDED

The SPEAKER. Mr. Colafella, I understand that you wish to suspend the rules to offer amendment 1840, is it?

Mr. COLAFELLA. That was Curry's amendment.

The SPEAKER. Who? Oh, Mr. Curry.

Mr. COLAFELLA. Mr. Speaker, it is Mr. Curry's amendment, and I am going to speak on Representative Curry's amendment, and I think he had submitted the amendment to you.

The SPEAKER. He did submit the amendment, but it was not done in a timely fashion. Therefore, it will be necessary to suspend the rules.

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

The SPEAKER. On the question of suspending the rules to permit the immediate consideration of the Curry amendment, which Mr. Colafella is going to debate, those in favor—Mr. Taylor, do you desire recognition on suspension? It is only debatable by the leaders. Is that what you are rising for?

On the question of suspension of the rules, Mr. Colafella, do you desire to be heard, or shall I run the vote?

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Maitland	Schuler
Allen	Evans, J.	Major	Scrimenti
Argall	Fairchild	Manderino	Semmel
Armstrong	Feese	Mann	Shaner
Baker, J.	Fichter	Markosek	Smith, B.
Baker, M.	Fleagle	Marsico	Smith, S. H.
Bard	Flick	Mayernik	Solobay
Barley	Forcier	McCall	Staback
Barrar	Frankel	McGeehan	Stairs
Bastian	Freeman	McGill	Steelman
Bebko-Jones	Gabig	McIlhattan	Steil
Belardi	Gannon	McIlhinney	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio

Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Vance
Clymer	Hess	Phillips	Veon
Cohen, L. I.	Horseý	Pickett	Vitali
Cohen, M.	Hutchinson	Pippy	Walko
Colafella	Jadlowiec	Pistella	Wansacz
Coleman	James	Preston	Washington
Cornell	Josephs	Raymond	Waters
Corrigan	Kaiser	Readshaw	Watson
Costa	Keller	Reinard	Williams, C.
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wogan
Curry	LaGrotta	Rohrer	Wojnaroski
Daley	Laughlin	Rooney	Wright
Dally	Lawless	Ross	Yewcic
DeLuca	Lederer	Rubley	Youngblood
Dermody	Leh	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher	Schroder	Speaker

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

A majority of the members required by the rules 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 adopt the resolution?

Mr. CURRY offered the following amendment No. A1840:

Amend First Resolve Clause, page 2, line 28, by inserting after "Committee"
, together with four members of the Committee on Education, two to be appointed by the Majority Leader and two to be appointed by the Minority Leader, deemed to be members of the Subcommittee on Cities, Counties - First Class of the Urban Affairs Committee for the purposes of this resolution,

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

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

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, first of all, I want to commend the maker of this resolution. I think this is a very good idea to explore and look at the violence that occurs in the Philadelphia School District and especially in the area of possession of guns.

However, Mr. Speaker, as I look at the resolution, there is not one member on the Subcommittee on Cities and Counties of the First Class who is a member of the Education Committee, and, Mr. Speaker, members of the Education Committee have

visited schools all over this State. They provide a tremendous amount of—

The SPEAKER. Will the gentleman yield.

Please. Sergeants at Arms, clear the center aisle. Members of staff, please hold your conversations to a minimum.

Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I think it is only fair that four members of the Education Committee be placed on this subcommittee to look at school violence in Philadelphia. I think it makes a great deal of sense, because we are talking about schools, we are talking about education, and members who serve on the Education Committee have a great deal of experience in exploring educational matters.

Mr. Speaker, two members would be selected by the majority leader and two members would be selected by the minority leader, and I ask everyone for their support of this amendment. Thank you, Mr. Speaker.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

For all the same arguments, I would respectfully ask that the House oppose this amendment and vote "no."

The first amendment tried to change the subject matter that we are investigating. This amendment tries to change the members of the committee who are doing the investigation. I do not understand this, Mr. Speaker, but why will we try to dilute the focus of a study that I think could be the most important thing that is done in education in Philadelphia? We talk about the changes that have to be made. We think we had a role in some proposed changes that have just occurred. We want to continue that. We do not want to dilute that. We do not want to change the subject matter. We do not want to change the members of the committee.

What is more, Mr. Speaker, this resolution calls for the First Class Subcommittee of the House Urban Affairs Committee. That was the vehicle. That is the reason I am standing here, because that was my subcommittee chairmanship last term. I was part of the investigation. We think it is necessary to continue that investigation with the same members. And again, what are people afraid of that they do not want this thing studied and looked at?

Furthermore, Mr. Speaker, if the Education Committee wants to investigate this, they have the ability to do just that. That does not change what we want to do; that does not change what we need to do, and I would ask that you oppose this amendment.

The SPEAKER. The gentleman, Mr. Curry.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, nobody is trying to dilute this effort. Violence seriously interferes with the educational process. Members of the Education Committee have already visited Philadelphia schools. Members of the Education Committee are deeply concerned with the impact of violence not only in Philadelphia but elsewhere. I think we are willing to focus on the problem and the phenomena of violence in Philadelphia, but in no way are we trying to dilute the effort. As a matter of fact, members of the committee may find and bring something to the Urban Affairs Committee about the educational process. We may be able to add to this. It seems to me a waste of time and money to do it twice; to ask a separate committee, a second

committee, to go in and review the same people and the same material and the same concern.

All we are suggesting, all this amendment suggests, is that members of the Education Committee — just four — join with the Urban Affairs Committee in looking at the issue. I think it is as helpful to the members of the Education Committee as it would be to the overall hearing. Thank you.

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

Mr. BUTKOVITZ. Mr. Speaker, I again join Representative Taylor in very strongly opposing this amendment to our resolution. The First Class Cities Subcommittee has developed tremendous expertise on this issue and has been very successful in maintaining a focus and in changing the policies of the top officials of the Philadelphia School District.

The pattern in bureaucracies is not to confront popular policies but to pretend to embrace them and water them down, and that is exactly what is happening here. The gentleman who just spoke has had every opportunity, the Education Committee has had every opportunity for a decade to delve into this issue. Those of us who initiated this investigation waited and prodded and lobbied for years for someone else to take up this mission.

Now that we are successful; now that the Philadelphia Inquirer, now that the Philadelphia Daily News, who both started out skeptical in this investigation, have endorsed the recommendations and applauded our findings; now that the chief executive of the school district has embraced the findings; now that the Governor has signed the legislation that was proposed by the committee; now that we are on a track of achieving reform and change and protecting these children, now there are protests on the basis of form.

That is wrong. That obstructs real reform, real change, for the children in Philadelphia, and I again urge a “no” vote on this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—58

Becko-Jones	Freeman	Mundy	Scriminti
Belardi	George	Myers	Staback
Blaum	Gruela	Oliver	Stetler
Caltagirone	Haluska	Pallone	Sturla
Cohen, M.	Hanna	Petrarca	Surra
Colafella	James	Petrone	Travaglio
Corrigan	Josephs	Preston	Trello
Coy	Kirkland	Rieger	Trich
Curry	Krebs	Roberts	Veon
Daley	LaGrotta	Robinson	Walko
DeLuca	Levdansky	Roebuck	Wansacz
Dermody	Manderino	Rooney	Washington
DeWeese	McCall	Samuelson	Williams, C.
Eachus	Melio	Santoni	Williams, J.
Evans, D.	Micozzie		

NAYS—139

Adolph	Evans, J.	Mackereth	Schuler
Allen	Fairchild	Maher	Semmel
Argall	Feese	Maitland	Shaner
Armstrong	Fichter	Major	Smith, B.
Baker, J.	Fleagle	Mann	Smith, S. H.
Baker, M.	Flick	Markosek	Solobay
Bard	Forcier	Marsico	Stairs

Barley	Frankel	Mayernik	Steelman
Barrar	Gabig	McGeehan	Steil
Bastian	Gannon	McGill	Stem
Belfanti	Geist	McIlhattan	Stevenson, R.
Benninghoff	Godshall	McIlhinney	Stevenson, T.
Birmelin	Gordner	Metcalfe	Strittmatter
Bishop	Gruitza	Michlovic	Tangretti
Boyes	Habay	Miller, R.	Taylor, E. Z.
Browne	Harhai	Miller, S.	Taylor, J.
Bunt	Harhart	Nailor	Thomas
Butkovitz	Harper	Nickol	Tigue
Buxton	Hasay	O'Brien	Tulli
Cappelli	Hennessey	Perzel	Vance
Casorio	Herman	Phillips	Vitali
Cawley	Hershey	Pickett	Waters
Civera	Hess	Pippy	Watson
Clark	Horse	Pistella	Wilt
Clymer	Hutchinson	Raymond	Wogan
Cohen, L. I.	Jadlowiec	Readshaw	Wojnarowski
Coleman	Kaiser	Reinard	Wright
Cornell	Keller	Rohrer	Yewcic
Costa	Kenney	Ross	Youngblood
Creighton	Lawless	Rubley	Yudichak
Cruz	Lederer	Ruffing	Zimmerman
Dally	Leh	Sainato	Zug
DiGirolamo	Lewis	Sather	
Diven	Lucyk	Saylor	Ryan,
Donatucci	Lynch	Schroder	Speaker
Egolf			

NOT VOTING—1

Laughlin

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

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 adopt the resolution?

The SPEAKER. Mr. Horsey, on the resolution, final passage of the resolution.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I remember when this resolution was passed a couple years ago, and the exact day that we voted on this resolution that was presented by Representative Butkovitz, the exact day we voted on this resolution, there was a principal at Bartram being shot. Three weeks ago I put forth a resolution on children's safety in schools again, and there were a few members who voted against that resolution, and there was a kindergarten kid being shot — the point being, Mr. Speaker, whenever it comes to children's safety, we as a House have got to be on point, and I think that any member who votes against our ability to deal with the issue of violence, and especially among children, they are not on point.

So I would encourage both sides of the aisle to vote for this HR 165. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 665, PN 738**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for compensation of auditors.

On the question,

Will the House agree to the bill on third consideration?

Mr. **NICKOL** offered the following amendment No. **A0633**:

Amend Sec. 1 (Sec. 1053), page 2, line 13, by inserting after "other"

actual

Amend Sec. 1 (Sec. 1053), page 2, line 14, by inserting after "costs,"

necessarily

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

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

On the question,

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

Mrs. **MILLER** offered the following amendment No. **A1624**:

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

; changing gender-specific references to members of the governing body; and making editorial changes.

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Section 234 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 234. Property; Assets; Liabilities; Ordinances; Wards; Election Districts and Certain Officers.—Upon the formation of the borough government, all of the property and assets of the city shall become the property of the borough, and such change of government shall not in any way affect any liabilities incurred, rights accrued or vested, obligations, issued or contracted, or any suits or prosecutions pending or instituted to enforce any right or penalty accrued, or punish any offense committed prior to such change. All ordinances of the former city shall continue in force in the new borough until altered or repealed in the manner provided by law. The wards and election districts of the city shall become the wards and election districts of the borough until altered or changed as may be provided by law. And in the election of [councilmen] members of council from the several wards, two [councilmen] members of council shall be elected from each ward, unless thereafter changed as provided by law. All constables, aldermen and election officers in office in the city, when the borough government is organized, shall remain in office until the expiration of their respective terms of office.

Section 2. Section 601 of the act, amended October 9, 1967 (P.L.399, No.181), is amended to read:

Section 601. Power of Court to Erect, Abolish and Change Wards and to Adjust, Alter and Establish Lines.—The court of quarter sessions, upon petition, may divide boroughs into wards, erect new wards out of two or more adjoining wards or parts thereof, consolidate two or more wards into one ward, divide any ward already erected into two or more wards, alter the lines of any two or more adjoining wards or cause the lines or boundaries of wards to be ascertained or established, or abolish all wards. No borough shall be divided or redivided into more than thirteen wards.

No ward shall be created containing less than three hundred registered electors therein, and all wards which now or at any time hereafter shall contain less than three hundred fifty registered electors therein may, in the discretion of the court, be abolished and if so abolished, the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct. All other wards as heretofore established shall remain as heretofore, until altered or divided as provided in this article.

In boroughs wherein any ward shall be abolished as herein provided and the number of wards shall be reduced to less than five, then the [councilman] member of council or [councilmen] members of council in the ward or wards abolished shall continue in office for the

term for which elected and shall become a [councilman] member of council or [councilmen] members of council at large from such borough.

If the latest official census of the United States shall disclose that in any borough the population of any ward exceeds by fifty percent or more or is fifty percent or more less than the average population of all the wards of such borough, the court of quarter sessions upon application of the borough council or, in case of failure of the council so to apply, upon petition of any citizen of the borough, shall adjust the boundaries of any or all of the wards in such borough, for the purpose of more nearly equalizing ward populations throughout the said borough. The provisions of sections 602, 603 and 604 of this act shall not apply in cases of ward boundary adjustment as provided for by this paragraph.

Section 3. Section 805 of the act is amended to read:

Section 805. Election of Borough Officers When Boroughs Created, Etc.—Whenever a borough is incorporated under the provisions of sections 201 to 219 inclusive of this act, or whenever two or more boroughs are consolidated under the provisions of sections 221 to 228 of this act, or whenever a borough is created from a city of the third class under the provisions of sections 231 to 235 of this act, the officers of the borough, provided for in section 806 of this act, shall be elected at the appropriate municipal election as provided in said sections and such officers shall take office on the first Monday of January succeeding such election.

At any such election, if the borough is not divided into wards, of the seven [councilmen] members of council to be elected, three or four [councilmen] members of council, as the case may be, shall be elected for terms of two years each, and three or four [councilmen] members of council, as the case may be, shall be elected for terms of four years each, to coincide with the number of [councilmen] members of council elected at such election in existing boroughs under the provisions of section 811 of this act.

In the case of the consolidation of two or more boroughs into one borough, or the creation of a borough from a city of the third class, and where in either event two [councilmen] members of council are to be elected from each ward, one [councilman] member of council shall be elected from each ward for a term of two years and one [councilman] member of council shall be elected from each ward for a term of four years.

In all boroughs coming within the provisions of this section, three auditors shall be elected, one for a term of two years, one for a term of four years, and one for a term of six years.

All other officers of the borough shall be elected at such election for terms of two or four years, as the case may be, to coincide with the terms of officers elected under this act at such election in the existing boroughs.

Section 4. Section 806 of the act, amended March 30, 1988 (P.L.309, No.40), is amended to read:

Section 806. Officers to be Elected.—It shall be lawful for the electors of the borough to elect:

(1) In boroughs not divided into wards, seven [councilmen] members of council, one mayor, one assessor, except in those boroughs where, under the applicable county assessment law, the office of elected assessor in boroughs shall have been abolished; a tax collector and three auditors or one controller except in such boroughs where there shall be an appointed auditor in lieu of elected auditors or controller. In any borough with population, as determined by the latest official census, of less than three thousand, the total number of [councilmen] members of council may be reduced from seven to five or to three upon petition to the court of common pleas, as provided in section 818 of this act.

(2) In boroughs divided into wards, at least one, and not more than two [councilmen] members of council in each ward, except in boroughs where prior to the passage of this act three [councilmen] members of council were elected in each ward. In such boroughs, the number of [councilmen] members of council is fixed at three in each ward until such number is reduced in the manner provided by this act.

[Councilmen] Members of council shall be residents of the ward from which they are elected, and chosen by the electors of the ward; also a mayor, a tax collector and three auditors or a controller, except in such boroughs where there shall be an appointed auditor in lieu of elected auditors or controller, and an assessor, except in those boroughs where, under the applicable county assessment law, the office of elected assessor shall have been abolished who shall be chosen by the electors of the boroughs at large.

Section 5. The heading of subdivision (b) of Article VIII of the act is amended to read:

(b) [Councilmen] Members of Council

Section 6. Section 811 of the act, amended February 24, 1967 (P.L.1, No.1) and October 9, 1967 (P.L.399, No.181), is amended to read:

Section 811. Election of [Councilmen] Members of Council.—At the municipal election to be held in the year 1967, there shall be elected in each borough a sufficient number of [councilmen] members of council to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding, and, where such entire number is seven, nine, or eleven, then sufficient to constitute three, four, or five, as the case may be; the aforesaid [councilmen] members of council, to be elected in the year 1967, being successors to those elected in the year 1963, whose terms, as heretofore provided by law, expire on the first Monday of January, 1968. All [councilmen] members of council whose terms expire on the first Monday of January, 1970 shall continue to hold their office until the first Monday of January, 1970, as now provided, and their successors shall be elected at the municipal election in the year 1969, to serve for a term of four years, from the first Monday of January next succeeding. If for any reason [councilmen] members of council are not elected as hereinabove provided, [councilmen] members of council whose terms end on the same date shall cast lots to determine who shall serve for a two-year term and who shall serve for a four-year term. The secretary of the borough shall certify the results to the appropriate county board of elections. Biennially thereafter, at the municipal election, a sufficient number of [councilmen] members of council shall be elected, for a term of four years from the first Monday of January next succeeding, to fill the places of those whose terms, under the provisions of this act, shall expire on the first Monday of January next following such election.

Section 7. Sections 812, 813, 814, 816 and 817 of the act are amended to read:

Section 812. Election of [Councilmen] Members of Council Where New Wards Created.—Whenever the [court of quarter sessions] court of common pleas shall divide any borough into wards, erect new wards out of two or more wards or parts thereof, divide a ward already erected into two or more wards, or create a new ward out of annexed territory, and when the report, in such case, is confirmed by the court, it shall, at the same time, decree the election of an equal number of [councilmen] members of council, in each of the wards, in such manner as not to interfere with the terms of those theretofore elected. Where a borough is first divided into wards, the court shall fix the number of [councilmen] members of council in each ward at not more than two. In decreeing such election, when the entire number of council shall be composed of an even number, the decree shall be so made that one-half of the entire number shall thereafter be elected at each municipal election. When the entire number of council shall be an odd number, the court shall divide such council into two classes, and shall make its decrees so that one-half of the entire number of [councilmen] members of council, less one, shall, as soon as possible, take their office in a year divisible by four, and the remaining number of [councilmen] members of council shall take their office in an even-numbered year not divisible by four. The apportionment shall be so made by the court that there shall be equal or as nearly equal as possible, representation by wards in each class. Biennially thereafter, at each municipal election, a sufficient number of [councilmen] members of council shall be elected, for the term of four years from the first Monday of January next succeeding, to

fill the places of those whose terms shall expire on the first Monday of the January next following such election.

Section 813. Fixing Number of [Councilmen] Members of Council When Wards Created.—Whenever upon the division of any borough into wards, or the creation of a new ward or wards, the number of [councilmen] members of council cannot be equally divided among the wards of the boroughs, it shall be lawful for the court, in decreeing such division or creation, to increase the number of council to, and not exceeding, such number as will enable the court to make an equal apportionment of the same among the several wards of such borough. But where a borough is first divided into wards, the number of [councilmen] members of council provided for a ward shall not exceed two.

Section 814. Increase in Number of [Councilmen] Members of Council.—The [court of quarter sessions] court of common pleas, having fixed the number of [councilmen] members of council, as provided in section 812 of this article, may, upon petition of at least five percent of the registered electors of the borough, increase the same to any number not exceeding two for each ward. The sufficiency of the number of signers to any such petition shall be ascertained as of the date when the petition is presented to court.

Section 816. Election of [Councilmen] Members of Council Where Wards Abolished.—Whenever the [court of quarter sessions] court of common pleas shall abolish all wards in any borough and when the report in such case is confirmed by the court, it shall, at the same time, decree the election of seven [councilmen] members of council at large for the borough in such manner as not to interfere with the terms of those ward [councilmen] members of council theretofore elected. In decreeing such election, where there were theretofore:

(1) Seven [councilmen] members of council, the decree shall be so made that, at the first municipal election thereafter the electors shall elect three or four [councilmen] members of council, as the case may be, the number to be elected to be that which, when added to the number of [councilmen] members of council already in office whose terms are not about to expire, shall bring the membership of the council to seven. Such newly elected [councilmen] members of council shall serve for terms of four years from the first Monday of January next succeeding such first municipal election, except that, in any case where the election of four [councilmen] members of council shall be required to bring the membership of council to its full complement of seven, and only three [councilmen] members of council are elected at such municipal election in the other boroughs of the State not divided into wards, three [councilmen] members of council shall be elected for four-year terms and one for a two-year term. Thereafter, at every succeeding municipal election, the electors shall elect three or four [councilmen] members of council, as the case may be, each to serve for a term of four years from the first Monday of January following such municipal election.

(2) Eight or more [councilmen] members of council, the decree shall be so made that, at the first municipal election thereafter the electors shall elect a sufficient number of [councilmen] members of council that, when added to the number of [councilmen] members of council already in office whose terms are not about to expire, will bring the membership of the council to seven. Such newly elected [councilmen] members of council shall serve for terms of four years from the first Monday of January next succeeding such first municipal election. At the second municipal election after such decree, the electors shall elect a sufficient number of [councilmen] members of council, that, when added to the number of [councilmen] members of council elected at the previous municipal election, shall bring the membership of council to its full complement of seven, some of such [councilmen] members of council elected at such second municipal election to serve for a four-year term following the first Monday of January next succeeding, the remainder to serve for a two-year term, the number in each case to be that required to bring the number of [councilmen] members of council to be elected in such borough in succeeding municipal elections into conformity with the number elected in the other boroughs of the Commonwealth not divided into

wards. In the third and all subsequent municipal elections following such decree of court, the electors shall elect three or four [councilmen] members of council, as the case may be, each to serve for a term of four years from the first Monday of January following such municipal election.

In any such borough where, under the ward system of electing [councilmen] members of council, the council shall have been so large that there shall be seven or more [councilmen] members of council whose terms shall not expire on the first Monday of January following the first municipal election after such decree, no [councilmen] members of council shall be elected at such first municipal election, and the [councilmen] members of council remaining in office shall constitute such borough council until the first Monday of January following the second municipal election following such decree. At such second municipal election, seven [councilmen] members of council shall be elected in such borough, some to serve for a four-year term of office from the first Monday of January following such second municipal election, the remainder to serve for a two-year term, the number in each case to be such as to bring the number of [councilmen] members of council to be elected in such borough in succeeding elections into conformity with the number elected in other boroughs of the Commonwealth not divided into wards. Thereafter, at the third and all subsequent municipal elections following such decree, the electors shall elect three or four [councilmen] members of council, as the case may be, each to serve for a term of four years from the first Monday of January following such subsequent municipal election.

(3) Six or fewer [councilmen] members of council, the decree shall be made so that at the first municipal election thereafter, the electors shall elect a sufficient number of [councilmen] members of council that, when added to the number of [councilmen] members of council already in office whose terms are not about to expire, will bring the membership of council to its full complement of seven. Of such newly elected [councilmen] members of council, either three or four, as necessary to bring the number of [councilmen] members of council to be elected in such borough in succeeding municipal elections into conformity with the number elected in other boroughs of the Commonwealth not divided into wards, shall be elected for four-year terms of office, beginning the first Monday of January following such first municipal election, and the balance shall be elected for two-year terms. Thereafter, at the second municipal election following such decree and at all subsequent municipal elections, the electors shall elect three or four [councilmen] members of council, as the case may be, to serve for a term of four years from the first Monday of January following such subsequent municipal election.

In any case where a vacancy may occur, at any time following such decree, in the office of a [councilman] member of council originally elected or appointed from a particular ward, the person appointed to fill such vacancy need not be a resident of the area formerly comprising such ward, but need only be a registered elector of the borough.

Section 817. Vacancies Created After a Primary Election.—Whenever a decree of court is made after a primary election and, as a result thereof, a vacancy is created in the office of [councilman] member of council, it may be filled by nomination made by such committee as is authorized by the rules of the party to make nominations in the event of vacancies on the party ticket.

Section 8. Section 818 of the act, amended March 30, 1988 (P.L.309, No.40), is amended to read:

Section 818. Decrease in Number of [Councilmen] Members of Council.—The court of common pleas may, upon petition of at least five percent of the registered electors of any borough, which, according to the latest official census, had a population of not more than three thousand, reduce the total number of [councilmen] members of council for such borough from seven to five or to three. The sufficiency of the number of signers to any such petition shall be ascertained as of the date when the petition is presented to court.

The court shall give notice of the filing of such petition by advertisement in the legal journal of the county, if one is published in

the county, and in one newspaper of general circulation in the borough, and in such notice shall fix a day and time for hearing. After such hearing, the court may decrease the number of [councilmen] members of council elected in such borough from seven to five or three, as requested in the petition.

At the municipal election following the decrease in the number of [councilmen] members of council in such borough, from seven to five, if four [councilmen] members of council would otherwise have been elected, there shall instead be elected three [councilmen] members of council; if three [councilmen] members of council would otherwise have been elected there shall instead be elected two [councilmen] members of council. At the second municipal election following the decrease in the number of [councilmen] members of council in such borough, if four [councilmen] members of council would otherwise have been elected, there shall instead be elected three [councilmen] members of council; if three [councilmen] members of council would otherwise have been elected, there shall be elected two [councilmen] members of council. At all following municipal elections, there shall be elected the proper number of [councilmen] members of council to correspond to the number of [councilmen] members of council whose terms are to expire the first Monday of the following January.

At the municipal election following the decrease in the number of [councilmen] members of council in such borough from seven to three, if four [councilmen] members of council would otherwise have been elected there shall instead be elected two [councilmen] members of council; if three [councilmen] members of council would otherwise have been elected there shall instead be elected one [councilman] member of council. At the second municipal election following the decrease in the number of [councilmen] members of council in such borough, if four [councilmen] members of council would otherwise have been elected, there shall instead be elected two [councilmen] members of council; if three [councilmen] members of council would otherwise have been elected, there shall be elected one [councilman] member of council. At all the following municipal elections, there shall be elected the proper number of [councilmen] members of council to correspond to the number of [councilmen] members of council whose terms are to expire the first Monday of the following January.

In any borough where, under the provisions of this section, the number of [councilmen] members of council shall be reduced, the [councilmen] members of council then in office shall remain in office until the end of their respective terms. If any such borough shall thereafter attain a population in excess of three thousand, according to the latest official census, the number of [councilmen] members of council shall automatically be increased from three or five to seven, following the reverse of the procedure set forth in the third or fourth paragraph of this section, as the case may be.

Section 9. Sections 903 and 904 of the act are amended to read:

Section 903. Right of Council to Declare Seat of [Councilmen] Member Vacant for Failure to Qualify.—If any person, elected or appointed as a member of council, who has been notified of [his] election or appointment, shall refuse or neglect to qualify as such member of council within ten days next succeeding the beginning of [his] the person's term of office, unless prevented by sickness or prevented by necessary absence from the borough, the borough council, acting without such person, may declare [his] the person's office as member of council vacant, and may fill such vacancy as provided in section 901 of this act. For such actions a majority of the remaining members of the council shall constitute a quorum.

Section 904. Right of Council to Declare Seat of [Councilman] Member Vacant for Failure to Attend Meetings, Etc.—If any person, having qualified as a member of council, shall neglect or refuse to attend two successive regular meetings unless detained by sickness, or prevented by necessary absence from the borough, or if in attendance at any meetings shall neglect or refuse to vote or by [his] withdrawal from council or otherwise refuse to act in [his] the person's official capacity as a member of council, the borough council, acting without such person, may declare [his] the person's office as a member of council vacant, and may fill such vacancy as provided in section 901 of this

act. For such actions a majority of the remaining members of the council shall constitute a quorum.

No such office shall be declared vacant for failure to attend meetings of the council until the holder thereof shall have been given opportunity of hearing before the remaining members of the council, at which time he shall show cause why he shall not be removed. He shall be given at least ten days' written notice of the time and place of such hearing.

Section 10. Section 1001 of the act, amended October 31, 1995 (P.L.346, No.58), is amended to read:

Section 1001. Organization of Council; Quorum; Compensation; Eligibility.—The borough council shall organize on the first Monday of January of each even-numbered year, by electing one of their number as president and one of their number as vice-president, who shall hold such offices at the pleasure of the council. If the first Monday is a legal holiday, the meeting and organization shall take place the first day following. Any action taken by any borough council at any time between 12:01 o'clock ante meridian on January 1 of an even-numbered year and the organization of council in that year shall be subject to reconsideration by the new council at any time within ten days after such organization. The council may at the organization meeting elect such other officers as may be provided for by law or ordinance, or as may be deemed necessary for the conduct of affairs of the borough and may transact such other business as may come before the meeting. The president, and during [his] the president's absence or incapacity the vice-president, shall preside over the meetings of council and perform such other duties as are prescribed by this act or by ordinance. A majority of the membership of council then in office shall constitute a quorum. [Councilmen] Members of council may receive compensation to be fixed by ordinance at any time and from time to time as follows: In boroughs with a population of less than five thousand, a maximum of eighteen hundred seventy-five dollars (\$1875) a year; in boroughs with a population of five thousand or more but less than ten thousand, a maximum of two thousand five hundred dollars (\$2500) a year; in boroughs with a population of ten thousand or more but less than fifteen thousand, a maximum of three thousand two hundred fifty dollars (\$3250) a year; in boroughs with a population of fifteen thousand or more but less than twenty-five thousand, a maximum of four thousand one hundred twenty-five dollars (\$4125) a year; in boroughs with a population of twenty-five thousand or more but less than thirty-five thousand, a maximum of four thousand three hundred seventy-five dollars (\$4375) a year; and in boroughs with a population of thirty-five thousand or more, a maximum of five thousand dollars (\$5000) a year. Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act.

The population shall be determined by the latest available official census figures. In no case shall the compensation for any [councilman] member of council exceed that of the mayor in any given borough: Provided, however, That wherever the mayor's compensation exceeds that authorized by this section for [councilmen] members of council, the president of council may receive compensation not to exceed that of the office of mayor.

Section 11. Sections 1002, 1003, 1004 and 1005(7) of the act are amended to read:

Section 1002. Oath of (Councilmen) Members of Council.—Before entering upon the duties of their office, the [councilmen] members of council shall take and subscribe an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform the duties of their office with fidelity, together with such loyalty oath as is prescribed and required by law. The oath or affirmation may be taken before any judge or justice of the peace of the county, or before the mayor of the borough when he has qualified, and shall be filed with the borough secretary and be preserved among the records of the borough for a period of six years.

Section 1003. When the Mayor May Preside Over Council and Vote; Attendance of Mayor at Council Meetings; Breaking Tie Votes.—The mayor shall preside over the organization of the council, until it is

organized as provided in section 1001, and he shall be deemed a member of council at the organization meeting if his membership becomes necessary to constitute a quorum, but he shall not vote thereat unless his vote shall, for any reason whatsoever, be required to effect the organization of council, or to elect any officer who is required to be or may be elected at the organization meeting. In case of the absence of the mayor at the organization meeting, one of the members of council, chosen by the members present at the meeting, shall preside.

The mayor may attend any or all regular and special meetings of council and may take part in the discussions of the council on matters pertaining to borough affairs, subject to any restrictions applicable to [councilmen] members of council contained in the rules of order or bylaws of the council. In all cases where, by reason of a tie or split vote, the council of any borough shall be unable to enact or pass any ordinance, resolution, or motion, or to declare or fill any vacancy in its membership, or in any other borough office, or to take any action on any matter lawfully brought before it, the mayor, if in attendance at the meeting, may at his option cast the deciding vote, or request that the matter be tabled until a special meeting of council to be held within not less than five days or more than ten days at which time the matter shall be reconsidered by council and, if a tie or split vote still exists, it shall be the duty of the mayor at that time to cast the deciding vote. If such a tie or split vote shall occur at any meeting when the mayor is not in attendance the matter shall be tabled to a special meeting to be held within not less than five days or more than ten days as set by the president of council, and the mayor shall be given at least five days' notice of such meeting, at which meeting it shall be the duty of the mayor to cast the tie-breaking vote.

Section 1004. Failure of Council to Organize.—If the council of any borough shall fail to organize within ten days from the time prescribed in this article, the court of [quarter sessions] common pleas, upon the petition of at least ten registered electors of the borough verified by the affidavit of one of the petitioners, shall issue a rule upon the delinquent [councilmen] members of council to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue and, after hearing, the court may declare the seats of such [councilmen] members of council, as are responsible for such failure to organize, vacant, and shall thereupon appoint others in their stead, who shall hold office for the respective unexpired terms.

Section 1005. Powers of Council.—The council of the borough shall have power:

(7) To provide by ordinance passed by a two-thirds vote of the entire number of [councilmen] members of council elected, for the appointment of an independent auditor who shall be a certified public accountant, registered in Pennsylvania, a firm of certified public accountants so registered or a competent public accountant or a competent firm of public accountants. Where such an ordinance has been so adopted, an independent auditor shall be appointed, annually, by resolution before the close of a fiscal year, to make an independent examination of the accounting records of the borough for such fiscal year and such independent auditor shall also perform the other duties and exercise the powers as conferred upon him by subdivision (k) of article XI of this act. When an independent auditor is appointed as herein provided, the office of elected borough auditor or controller, as the case may be, is thereby abolished although the borough auditors, or controller, then in office shall continue to hold their office during the term for which elected and the borough auditors or controller shall not audit, settle, or adjust the accounts audited by such independent auditor but shall perform the other duties of their office.

Whenever any borough has provided by ordinance for the audit of its accounts by an appointed auditor, the borough shall have the right at any time to repeal said ordinance, and thereupon the office of appointed auditor shall be abolished, as of the date set in such ordinance and said borough shall have the further right at the next municipal election following the repeal of said ordinance to elect three auditors, one for a term of two years, one for a term of four years, and

one for a term of six years, from the first Monday of January succeeding such election, which auditors so elected shall succeed the appointed auditor and shall have and possess all the powers and perform all the duties provided in this act for elected auditors. If at any time after the effective date of any such ordinance abolishing the office of appointed auditor, there shall be a vacancy in the office of elected auditor, council shall fill such vacancies in the manner prescribed in section 901 of this act.

Section 12. Section 1030 of the act, amended December 17, 1990 (P.L.739, No.184), is amended to read:

Section 1030. When President or Vice-President of Council to Act as Mayor.—Whenever the mayor is absent or incapacitated, or there is a vacancy in the office, the duties of the office shall be discharged by the president of council, or in the absence or incapacity of the president of council, or where there is a vacancy in the office, by the vice-president of council. While discharging the duties of mayor, the president or vice-president of council shall be entitled to the same salary as the mayor would receive, and, during the time such salary is paid to the president or vice-president of council as acting mayor, the mayor shall not be paid compensation. The president or vice-president of council, when acting as mayor, shall have power to veto any proposed ordinance or to break a tie, but shall not have power to vote as [councilman] a member of council.

Section 13. Section 1053 of the act, amended April 11, 1974 (P.L.255, No.64), is amended to read:

Amend Bill, page 2, line 15, by striking out all of said line and inserting

Section 14. Section 1104 of the act, amended March 28, 1990 (P.L.82, No.18), is amended to read:

Section 1104. Appointments; Incompatible Offices.—Unless there is incompatibility in fact, any elective or appointive officer of the borough shall be eligible to serve on any board, commission, bureau or other agency created by or for the borough, or any borough office created or authorized by statute and may accept appointments thereunder, but no mayor or [councilman] member of council shall receive compensation therefor. No elected borough official of a borough with a population of 3,000 or more may serve as an employee of that borough. Where there is no incompatibility in fact, and subject to the foregoing provisions as to compensation, appointees of council may hold two or more appointive borough offices, but no mayor or member of council may serve as borough manager or as secretary or treasurer. No person holding the office of justice of the peace may at the same time hold the office of borough treasurer. The offices of secretary and treasurer may be held by the same person when so authorized by ordinance. Nothing herein contained shall affect the eligibility of any borough official to hold any other public office or receive compensation therefor. All appointments to be made by the council or the corporate authorities shall be made by a majority of the members of council attending the meeting at which the appointment is made, unless a different vote is required by statute.

Section 15. Sections 1194 and 1404 of the act are amended to read:

Section 1194. Penalty.—Any [councilman] member of council who, by his vote, causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision, or any [councilman] member of council or member of the commission who wilfully refuses to comply with, or conform to, the provisions of subdivision (j) of this article, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), or suffer imprisonment not exceeding three months, or both.

Section 1404. Penalty for Personal Interest in Contracts or Purchases.—Except as otherwise provided in this act, no borough official either elected or appointed, who knows or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree either directly or indirectly in any purchase made or contract entered into or expenditure of money made by the borough or

relating to the business of the borough, involving the expenditure by the borough of more than one thousand dollars (\$1000) in any calendar year, but this limitation shall not apply to cases where such officer or appointee of the borough is an employee of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction, and in which he cannot be possibly benefited thereby either financially or otherwise. But in the case of a [councilman] member of council or mayor, if he knows that he is within the exception just mentioned he shall so inform council and shall refrain from voting on the expenditure or any ordinance relating thereto, and shall in no manner participate therein. Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the borough and to ouster from office, and shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars (\$1000), or not exceeding one hundred eighty days' imprisonment, or both.

Section 16. Section 3103 of the act, amended October 9, 1967 (P.L.399, No.181), is amended to read:

Section 3103. Oaths of Members, Secretary and Health Officer; Organization; Bonds.—The members of the board shall severally take and subscribe to the oath prescribed for borough [councilmen] members of council together with such loyalty oath as is prescribed and required by law; and shall annually organize by electing a president from among the members of the board, a secretary who may or may not be a member of the board, and a health officer shall receive such salary as may be fixed by the board, and ratified by the borough council, and shall serve for a period until such time as their successors may be elected and qualified. If the borough council shall so require, they shall severally give bond to the borough in such sums as council shall prescribe for the faithful discharge of their duties. They shall take and subscribe to the oaths required of members of the board.

Section 17. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady.

Mrs. MILLER. Thank you, Mr. Speaker.

Last session I had the privilege of attending the conference of the Pennsylvania State Association of Boroughs and was honored to officiate at the ceremony at which Barbara Breining, a Robesonia borough council member, was installed as president of the statewide organization. Barbara has been a dedicated public servant in our area for many years. It was wonderful seeing family, friends, and fellow council members and mayors from Robesonia, Sinking Spring, Bernville, and other parts of Berks County on hand to witness this milestone in Barbara's public service career.

Barbara is also representative of the changing face of our government. More and more women are accepting the call to serve their communities as elected officials. Women serve in key Cabinet posts, in the House, in the Senate, and on borough councils and township supervisor posts and school boards. I look forward to the day when hopefully a woman President shares the White House with the "first spouse."

Terms like "Senator," "Representative," "supervisor," and "school director" can easily apply to both men and women. But as Barbara pointed out to me, the elected officers on the borough council level are legally referred to as "councilmen." While this wording in the Pennsylvania Borough Code may have been appropriate in the past, an estimated 1,200 women now serve on borough councils across the Commonwealth, and it is time to bring our code up to date.

Mr. Speaker, that is why I introduced this amendment to this legislation and ask that all my colleagues vote in favor of it. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Cappabianca	Dailey	Lescovitz	McNaughton
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. 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—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
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Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

The SPEAKER. May I have your attention, please.

We are going to take a break now until 7 o'clock, this for the purpose of having dinner, which will be in both caucus rooms, and the reason for this delay is we are awaiting redrafting of legislation from Reference Bureau. Both the majority and minority leaders are aware of this problem that we have had, and it is by agreement that we are going to break at this time.

COMMITTEE MEETING CANCELED

The SPEAKER. Mr. Reinard, for what purpose do you seek recognition?

Mr. REINARD. For an announcement, Mr. Speaker.

Mr. Speaker, the House Liquor Control Committee meeting for this evening is going to be rescheduled.

The SPEAKER. The Chair thanks the gentleman.

CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. Mr. Birmelin.

Mr. BIRMELIN. The Children and Youth Committee meeting was scheduled for tomorrow at 9 a.m., but I understand that the caucus has been scheduled for that time. We will meet at the end of the general session tomorrow, provided it is at a reasonable hour.

The SPEAKER. The Chair thanks the gentleman.

PROFESSIONAL LICENSURE COMMITTEE MEETING

The SPEAKER. Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

The Professional Licensure Committee meeting which was to be at 10 o'clock tomorrow morning, Tuesday, will be postponed and it will be called at the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

Any further announcements?

May I emphasize, may I emphasize that we will be back at 7 o'clock and we will start up promptly, I am told. What has to be done between now and 7 apparently is on schedule, and there is no reason why we have to delay, so be back in your seats at 7 p.m.

Anything further, the majority or minority leader?

RECESS

The SPEAKER. Without more, this House stands in recess until 7 p.m., unless called back sooner by the Chair or extended by the Chair.

AFTER RECESS

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 996, PN 1878 (Amended)

By Rep. PERZEL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the establishment of independent schools; further providing for contracts with private residential rehabilitative institutions; providing for professional teacher assessment, for automatic external defibrillators, for an education support services program and for an educational improvement tax credit; and further providing for special education payments to school districts.

RULES.

BILL REREPORTED FROM COMMITTEE

HB 1094, PN 1871 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for emission inspections and removing provisions relating to certain settlements.

TRANSPORTATION.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 494, PN 981**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for appropriations to conservation districts.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
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Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

The House proceeded to third consideration of **HB 495, PN 533**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for appropriations to conservation districts.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong	Feese	Mann	Semmel
Baker, J.	Fichter	Markosek	Shaner
Baker, M.	Fleagle	Marsico	Smith, B.
Bard	Flick	Mayernik	Smith, S. H.
Barley	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhatten	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	Melio	Stern
Benninghoff	George	Metcalfe	Stetler
Birmelin	Godshall	Michlovic	Stevenson, R.
Bishop	Gordner	Micozzie	Stevenson, T.
Blaum	Grucela	Miller, R.	Strittmatter
Boyes	Gruitza	Miller, S.	Sturla
Browne	Habay	Mundy	Surra
Bunt	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Cappelli	Harper	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Hennessey	Perzel	Trello
Civera	Herman	Petrarca	Trich
Clark	Hershey	Petrone	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horse	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Daley	Laughlin	Rohrer	Wojnaroski
Dally	Lawless	Rooney	Wright
DeLuca	Lederer	Ross	Yewcic
Dermody	Leh	Rubley	Youngblood
DeWeese	Levdansky	Ruffing	Yudichak
DiGirolamo	Lewis	Sainato	Zimmerman
Diven	Lucyk	Samuelson	Zug
Donatucci	Lynch	Santoni	
Eachus	Mackereth	Sather	Ryan,
Egolf	Maher	Saylor	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

Cappabianca Dailey Lescovitz McNaughton

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.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Lescovitz. He should be taken from the leave list.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 996, PN 1878**, as further amended by the House Rules Committee:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the establishment of independent schools; further providing for contracts with private residential rehabilitative institutions; providing for professional teacher assessment, for automatic external defibrillators, for an education support services program and for an educational improvement tax credit; and further providing for special education payments to school districts.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. The Chair recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Mr. Speaker, just a point of clarification.

The bill that is on the computer as HB 996 is listed as PN 1755, the copy that was available a few hours ago. Is there a newer version? If there is, the House members do not have a copy of that newer version.

The SPEAKER. I am just told that the gentleman is accurate, and it will take a few minutes for the computer to catch up.

The House will be at ease.

Mr. Cohen, Mr. DeWeese, come to the rostrum, please.

(Conference held at Speaker's podium.)

The SPEAKER. For the information of the members, the amendment, which is now the bill, is on the systems under your

old printer's number; that is where you will find it, which is PN 1878.

The House will come to order.

HB 996, PN 1878, is on the computers. There are hard copies available, if you do not feel like reading it on the computer screen. Mr. Cohen's office was just given 25 copies, and the young lady has them here in the well of the House.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. On the question, Mr. Michlovic, do you desire recognition? Will the gentleman yield.

Please, conferences in the aisles, please break up. Conferences, please break up.

Mr. Michlovic.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

I would like someone connected with the legislation to give us a brief description of the contents since there have been different versions floating around the floor. I would rather have a better idea what is in the bill.

The SPEAKER. The gentleman, Mr. Smith, will stand for interrogation. You may begin.

Mr. MICHLOVIC. Mr. Speaker, if you could describe the major features of the bill and what is contained in HB 996 as it is under PN 1878.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, this bill started off with the provision to allow school districts to receive defibrillators. What was added to it was a provision that provides for independent schools to be offered as a new alternative; it provides teacher testing, focusing on the classroom academics; it provides tax credits that will open the doors for businesses to help disadvantaged children. In addition, it also provides remedial education grants which would be in the form of tutoring assistance, and probably the largest single item in this bill is a 10-percent increase for special education.

Mr. MICHLOVIC. Mr. Speaker, on the independent schools, as discussed in our caucus, there were features allowing—

The SPEAKER. Will the gentleman please yield.

This is an important debate. Members, please be seated; please.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, as reported in our caucus earlier today, there were features in the independent schools portion of the legislation — and that is the part that I am most concerned about — that allowed a school board to simply vote by a majority vote of the school board to go into an independent school, and that allowed a whole series of educational changes to be made. I would like a better description of what authority the independent schools gives the school board to make those kinds of decisions, the provisions in this bill about independent schools gives school boards to make those kinds of decisions rather arbitrarily.

Mr. S. SMITH. Mr. Speaker, let me try to answer that question this way: The authority that is granted is not to the independent school; it is to the actual school board. They would have the authority to form an independent school. In the process of doing that, some of the other changes from what was some of the language that had been circulated previously include the fact

that the teachers would now be part of the vote on determining or establishing of an independent school. The employees that would be assigned to that independent school remain employees of the school district, not as a separate employee of the, quote, "independent school." I think that is a pretty significant change, and above and beyond that, all of the traditional, professional, standard-type things — the tenure, certification, sabbaticals — all of those types of measures would remain with these employees, because they are still an employee of the school district and not technically of the independent school.

Mr. MICHLOVIC. Thank you.

If the school board were in a negotiation, a tough negotiation with their union, they could no longer just decide to move to an independent school and circumvent that whole negotiation and that process.

Mr. S. SMITH. No. They cannot circumvent that because of tenure.

Mr. MICHLOVIC. Okay.

Thank you, Mr. Speaker. I thank the gentleman.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I have a problem with a couple aspects of this bill. The first part of this bill, \$23.6 million will be provided to parents who have children that have not scored well on the PSSA Test (Pennsylvania System of School Assessment Test) and they would be given \$500 to receive instruction from a profit or nonprofit entity. I mean, this makes no sense. We are going to provide moneys to these parents to send their children to entities where we have no idea what type of educational expertise they have. For example, the Sylvan Learning Center would be able to provide instruction to all these youngsters. The Sylvan Learning Center may have people who are not certified to teach in an area and so on. What we ought to be doing is diverting these moneys to our schools to help our youngsters pass the PSSA Test.

The second part of this bill that I find onerous is the area of the teacher testing program, where \$4 million will be designated for teacher testing. Here are the fallacies with this particular component of the bill. First of all, teachers are not even required to take the test. And this, I think, is the best part: Teachers are only going to be tested in math and reading. So if you are a high school English teacher, you are going to be tested in math and reading to determine whether you are a good English teacher. I mean, this makes about as much sense as a pro football team testing a quarterback on whether they are a good wide receiver. I mean, there is no correlation. It makes no sense.

The last component of the bill that I do not particularly like is the establishment of independent schools. I know back home and probably in every one of our districts there are people in this Commonwealth who are running for school board. They have signs out there. They are running hard to be a good school board member. What this legislation says is that we are going to entrust the school board to establish an independent school. That is not why people elect school board members. They elect people to serve on the school board so that they can improve public education in Pennsylvania.

Mr. Speaker, for all those reasons, that is the reason why I intend to be opposed to HB 996. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Thomas, from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the prime sponsor?

The SPEAKER. The gentleman, Mr. Smith, will stand for interrogation. You may begin.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to turn your attention to the section on Education Support Services Program, and I have a couple questions. My first question is, would you clarify whether or not my understanding is correct in that a parent, child — either parent or child — can apply for educational support?

Mr. S. SMITH. The money only goes to the parent, not to the child specifically. It has to be a parent, a guardian, or a person acting, you know, in that role.

Mr. THOMAS. Okay. But, Mr. Speaker, that was the first clarification I wanted in terms of who is the recipient. So the money would go directly to the parent.

Now, I notice it— I do not see and hear where there are any provisions for guardians or guardian ad litem or grands as parents. I do not see any provisions in there for that.

Mr. S. SMITH. Mr. Speaker, they are listed as a— The grant recipient in the bill is defined as "A RESIDENT OF THIS COMMONWEALTH WHO IS A PARENT, GUARDIAN OR PERSON IN PARENTAL RELATION TO AN ELIGIBLE STUDENT." That is how the grant recipient is defined in the bill.

Mr. THOMAS. So with the growing number of grandparents that we have in Pennsylvania who are now asked to take care of their grandchildren, or caregivers, extended caregivers who now have to take care of their children—

Mr. S. SMITH. Absolutely, in that case—

Mr. THOMAS. —they would qualify.

Mr. S. SMITH. Excuse me, Mr. Speaker. Absolutely, in that case a grandparent, even in a foster child relationship, there would be an eligibility for the grant to go to that, you know, parent, quote, "parent and family."

Mr. THOMAS. Secondly, Mr. Speaker, am I correct in my understanding that this Education Support Services Program would be limited to those enrolled in the third, fourth, fifth, and sixth grades?

Mr. S. SMITH. That is correct, Mr. Speaker.

Mr. THOMAS. So, Mr. Speaker, the growing number of middle school— I believe the last data I saw said that the highest dropout rate was with middle school kids going to high school. This would not provide them with any educational support, that growing population?

Mr. S. SMITH. Mr. Speaker, that is correct. However, let me try to explain real briefly what the strategy is by looking at the third, fourth, fifth, and sixth grades. It is believed that that is when the children are most responsive to this kind of tutoring intervention. The goal is therefore to reach them while we can get at those basic reading and, you know, basic elements of education. That is why we are focusing on that particular grade group.

Mr. THOMAS. Okay. So this would not give any support to, I guess, child-care matters or somebody — the statewide child-care organizations who say that the best time to invest in the development of our children is in Head Start, prekindergarten, and in that first grade, first and second grades.

Mr. S. SMITH. Mr. Speaker, there are other elements of the overall State General Fund budget education programs that will address preschool and some of those earlier intervention aspects

of education, you know, that tie in to this. This particular program is just one of several that will be considered in due time.

Mr. THOMAS. Mr. Speaker, is it also correct to conclude that the Department of Community and Economic Development will be the pass-through for these grants?

Mr. S. SMITH. No. Excuse me, Mr. Speaker. The Department of Education is who will more or less administer the tutoring program. The Department of Community and Economic Development is involved in the tax credit element of this bill.

Mr. THOMAS. Okay. So this would be strictly limited to the Department of Education.

Mr. S. SMITH. Yes, sir, Mr. Speaker.

Mr. THOMAS. And, Mr. Speaker, the \$23.6 million or the dollars appropriated for this section of the bill, is there any indication of how many third, fourth, fifth, and sixth graders this money will service? I mean, do we have any data on if the Governor signs this bill into law tomorrow, do we have any data on the need out there in the Commonwealth of Pennsylvania?

Mr. S. SMITH. Mr. Speaker, we are not sure exactly how many children this will address, primarily because we first have to evaluate which children are not achieving, you know, to the levels that we think are satisfactory. So we are not really sure how many children, you know, may actually be eligible to take advantage of this.

Mr. THOMAS. So, Mr. Speaker, there is no correlation between the \$23.6 million that is available and a targeted population.

Mr. S. SMITH. This was a number that the Governor's Office chose to plug in. You know, I am not sure what all their reasoning was for choosing that. It is a first-year funding level to try to get it off the ground. So I am not sure, you know, what their total basis really is for that number. We will see how successful the program is coming out of, you know, this coming fiscal year and go from there, build on it from there.

Mr. THOMAS. So, Mr. Speaker, are there any provisions in the bill? Let us assume that the Governor signs the bill and we get a flood of parents who want this extra support for their kids, and let us assume that after we go through the eligibility criteria, we find that the \$23.6 million is gone but there is a population of third, fourth, fifth, and sixth graders who need it. Are there any provisions for additional dollars to be appropriated to this component of the bill?

Mr. S. SMITH. At this point we are going to have to live with what will be appropriated in the General Fund budget for this particular program. Of course, any time a particular program might use up all of its appropriation, it is not beyond the scope of the legislature and the Governor's Office to come back and reappropriate or make some other appropriation if such a thing were deemed necessary.

Mr. THOMAS. Mr. Speaker, recognizing that in the Commonwealth of Pennsylvania we have a diverse group of providers who can provide young people with support services, in light of that fact, suppose a parent wanted to send his or her child to a provider that, let us say, does not provide support services to kids from urban Pennsylvania or it does not provide support services to kids from rural Pennsylvania. Are all provider doors open to all kids who need the additional support services?

Mr. S. SMITH. The provider actually applies to the Department of Education. The Department of Education reviews that application and puts them on a list as an eligible provider. Then the parents would choose from that group of eligible providers where they would go to for the tutoring services for their child.

Mr. THOMAS. So the bill will require the Department of Education to establish eligibility guidelines for the providers.

Mr. S. SMITH. Mr. Speaker, that is correct.

Mr. THOMAS. And, Mr. Speaker, my last concern is, assuming that this component becomes a real lighthouse for these third, fourth, and fifth graders, is there a possibility that this component could be extended to the young people in middle school or young people in our high schools in later years?

Mr. S. SMITH. Mr. Speaker, if this program becomes the lighthouse, as you say, and is successful, I think certainly this legislature can consider expanding it in future years. At this point we are attempting to focus on the area that we feel most certain we can achieve success — with third, fourth, fifth, and sixth graders — but certainly in coming years that could be considered through the regular legislative process that, you know, we are working through tonight.

Mr. THOMAS. And, Mr. Speaker, my last concern runs to the penalties for grant recipients. It appears as though the penalty runs not only to the parent who might violate the program but the penalty also runs to providers who might violate the program. Is that correct?

Mr. S. SMITH. Yes, Mr. Speaker, that is correct.

Mr. THOMAS. So, Mr. Speaker, a parent who applies for support services identifies a particular provider but, say, through circumstances which might be beyond their control, does not end up receiving services from that provider and the provider does not end up benefiting from that contractual agreement, are you saying that a parent who is unable to substantiate how circumstances might have interfered with that provider getting their money or the child benefiting from the support grant, that that parent could end up being prosecuted and charged with a — what is it? — a third-degree misdemeanor?

Mr. S. SMITH. Mr. Speaker, the key phrase in the legislation is "knowingly defraud." Therefore, given the scenario that you presented, I do not think a parent who in good faith attempted to get these types of services for their child or, for that matter of fact, a provider who in good faith provided services but perhaps did not get the, you know, hoped-for result, that would not fall under the "knowingly defrauded" language.

Mr. THOMAS. And so, Mr. Speaker, while we have many statutes that deal with knowingly or willful conduct but provide for good-faith waivers or good-faith exceptions to the knowingly and willful conduct, you do not feel that we need to add a good-faith exception in this particular bill.

Mr. S. SMITH. No, Mr. Speaker.

Mr. THOMAS. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman who has been answering questions on this bill rise for a brief interrogation?

The SPEAKER. The gentleman, Mr. Sturla, may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on page 1 of this amendment as we see it, it talks about the establishment of independent schools. To the best of your knowledge, have there been any hearings in the House or the Senate relating to the establishment of independent schools in the State of Pennsylvania?

Mr. S. SMITH. Not that I am aware of, Mr. Speaker.

Mr. STURLA. So, in other words, this is the first time that anybody has discussed this and we are going to vote on it today. Is that correct?

Mr. S. SMITH. No, that is not accurate either, Mr. Speaker. Similar language to this was discussed during the enactment of the empowerment legislation a year or so ago.

Mr. STURLA. Okay. But it was not implemented. Is that correct?

Mr. S. SMITH. Yes, it was. It is currently in law.

Mr. STURLA. In those distressed districts.

Mr. S. SMITH. Yes, Mr. Speaker.

Mr. STURLA. But not in the rest of the State.

Mr. S. SMITH. Correct, Mr. Speaker. However, the language that we are now looking at under the establishment of independent schools is not identical to what was in the empowerment zone. It is similar but it is not identical in that regard.

Mr. STURLA. Okay. So maybe we are going to establish the entire State as an empowerment area. Is that what you are hinting at?

Mr. S. SMITH. Mr. Speaker, that is absolutely not the case here.

Mr. STURLA. Okay.

Mr. Speaker, under the establishment of independent schools, can a district declare that all its schools are independent? So can an entire district become independent or can only one school in the district become independent? Is there a limit on the number of schools in the district?

Mr. S. SMITH. Mr. Speaker, the district could only establish one independent school at a time. However, it would be my understanding that if they chose to wade through it, they ultimately could make each school within the district an independent school. However, please remember that all of those employees of those multiple independent schools are still employees of the overriding umbrella school district.

Mr. STURLA. Right. But as they became independent schools, if a school district opted and were so inclined to do one school, they could do all the schools in their district, and then in effect, as the contracts came up and as new hirings took place, they would not have to be hiring certified teachers and the like.

Mr. S. SMITH. No; that is incorrect, Mr. Speaker. The articles XI and XII are still in place which would provide the protection to those teachers.

Mr. STURLA. To the existing teachers. What about new teachers? Do new teachers have to be certified under this independent schools act?

Mr. S. SMITH. Mr. Speaker, all but 25 percent.

Mr. STURLA. Okay. So if currently I have a school where 100 percent of the teachers are certified and I made all my schools independent, the next 25 percent of my hires or the next number of my hires up to 25 percent of my total employees could be noncertified teachers. Is that correct?

Mr. S. SMITH. If the local board chose to put that in the original agreement that created the independent schools, and

I might add that that now also has the input from the teachers in making that decision.

Mr. STURLA. And they have a vote on that?

Mr. S. SMITH. Mr. Speaker, the teachers have a vote on the initial establishment of the independent schools and the governing board that would in essence operate that independent school.

Mr. STURLA. So you are saying that if the school district supervisors vote to create an independent school, the teachers in that school can block that creation of an independent school?

Mr. S. SMITH. Mr. Speaker, I am not sure that they have arbitrary veto power as in block, if that is what you meant, but they do have a fair say in that process.

Mr. STURLA. Well, Mr. Speaker, if they do not have a vote, how do they have a say?

Mr. S. SMITH. They have a vote. All I said, Mr. Speaker, was I do not know that they singularly have veto power. They are a participant. They are at the table with the school district's overriding board that creates the governing board of the independent school. They do not have an absolute veto power but they have a say in that establishment process.

Mr. STURLA. So they might have 2 votes out of 10 or something like that? Is that what you are saying?

Mr. S. SMITH. It depends on how many people are on the governing board, Mr. Speaker. That could vary from district to district, I presume.

Mr. STURLA. So really they do not have control over it. They may have a vote but they do not have control over it. Is that what you are saying?

Mr. S. SMITH. Mr. Speaker, they have a say in the process. They do not have, they would not have an overriding veto power, just like each other individual member of the board has a vote, and, you know, just like you have a vote and I have a vote, they would have a vote.

Mr. STURLA. I was going to say, Mr. Speaker, there are many times where members of the minority have had a vote but we have not really had a say in the process.

The SPEAKER. The gentleman—

Mr. STURLA. I will continue with my questioning.

The SPEAKER. —is under interrogation, not debate.

Mr. STURLA. Correct, Mr. Speaker.

The SPEAKER. And the hour grows late.

Mr. STURLA. Mr. Speaker, on page 4 where it talks about professional teacher assessment, was this a topic where there have ever been hearings in the House or the Senate Education Committees regarding these professional teacher assessments?

Mr. S. SMITH. Not to my knowledge, Mr. Speaker.

Mr. STURLA. Okay. So we are at the second issue in this legislation that we are voting on tonight having seen for a good 10 minutes here.

Mr. Speaker, on page 8, "Education Support Services Program." Under "Definitions" on page 8 where it talks about "Provider," it says, "A school entity, an institution of higher education, a nonprofit or for-profit organization or a certified teacher employed by a school entity, that is approved by the Department of Education to provide education support services." Mr. Speaker, I applaud the fact that it says a school entity. I am assuming that means that the schools themselves could be the recipient of the \$500 voucher if that is where a parent chose to send their kids for tutoring? Is that correct?

Mr. S. SMITH. Mr. Speaker, that is correct. However, that school entity would have to hold itself out as a provider and be approved by the Department of Education.

Mr. STURLA. Okay. And it says that a teacher employed by that entity; I agree with that. The for-profit organizations—Well, it says, "...a certified teacher employed by a school entity..." So I am assuming that a noncertified teacher employed by a school entity under one of the independent schools could not be a tutor. Is that correct?

Mr. S. SMITH. You are correct, Mr. Speaker.

Mr. STURLA. Would a noncertified teacher that was working for one of the for-profit organizations be allowed to offer services?

Mr. S. SMITH. If, Mr. Speaker, if that individual has the proper background check, they could be.

Mr. STURLA. So if a noncertified teacher works for a school entity and we charge them with teaching our kids every day, they cannot provide this service, but someone who is not qualified to teach in a public school but works for a for-profit organization can provide this service. Is that correct?

Mr. S. SMITH. Mr. Speaker, a noncertified teacher could apply on their own to be a provider, and if the Department of Education upon reviewing their background deemed them qualified, then they could be a provider.

Mr. STURLA. And that is solely up to the Department of Education to deem them qualified?

Mr. S. SMITH. Yes.

Mr. STURLA. Mr. Speaker, on page 9 of this amendment, it talks about "Powers and duties of the department," and it says, "Establish criteria to annually identify eligible students in grades three, four, five and six to participate in the program..." and I know earlier you had mentioned that that is when we identify these kids as perhaps not being able to read or do math or do those types of things. Is there any money in this legislation for those kids that we identify in grades K through 2 where they are learning to read and write and do those things that are falling behind that helps them come up to speed?

Mr. S. SMITH. No. That is somewhat a different issue, I believe.

Mr. STURLA. Okay. So it is only after their formidable years where they are supposed to be learning how to read and write and do arithmetic that when they fail—

The SPEAKER. Mr. Sturla?

Mr. STURLA. —in doing that—

The SPEAKER. Mr. Sturla?

Mr. STURLA. —that we then—

The SPEAKER. Mr. Sturla, you are debating. Ask questions.

Mr. STURLA. Mr. Speaker, so it is only after—

Mr. S. SMITH. Let me try to clarify it, Mr. Speaker. In grades, say, kindergarten, first, and second grades, it is a little tough to provide some kind of standardized test to really evaluate how they are doing. So therefore, once they get into the third, fourth, fifth, and sixth grades, we feel you are a little more capable of determining where they are. If we can reach them at that point if they have not succeeded in learning those basic skills in K, 1, 2, that is when we feel we can remediate it through the tutoring.

Mr. STURLA. So then this tutoring is provided based on failure in standardized testing, not an assessment by the teacher?

Mr. S. SMITH. No. Mr. Speaker, it is strictly based on the standardized testing.

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

On page 11 where it talks about the educational improvement tax credit, have there been any hearings in the House or the Senate regarding the educational improvement tax credit?

Mr. S. SMITH. None in the House that I am aware of, Mr. Speaker.

Mr. STURLA. Mr. Speaker, the educational improvement tax credit, can that go to public schools?

Mr. S. SMITH. Yes, Mr. Speaker.

Mr. STURLA. Okay. And I guess a followup question then. As I read it on page 11, lines 27, 28, and 29, which is talking about an educational improvement organization, one of the qualifiers is that it contributes at least—

Mr. S. SMITH. Excuse me, Mr. Speaker. Where are you?

Mr. STURLA. Page 11, lines 27, 28, and 29, item No. (2).

Mr. S. SMITH. Okay.

Mr. STURLA. It says that this educational improvement organization "contributes at least 80% of its annual receipts as grants to a public school for innovative educational programs." Does that mean that if they give 30 percent to a private school, that they do not qualify as an educational improvement organization?

Mr. S. SMITH. Correct, Mr. Speaker. If they do not give 80 percent, just what it says, "...80% of its annual receipts as grants to a public school for innovative educational programs," if it does not do that, then it is not qualified.

Mr. STURLA. Okay.

Mr. S. SMITH. So the goal is there that it is going to put some of that money back into, you know, the public schools.

Mr. STURLA. You may have won me over.

Mr. S. SMITH. I would hope so.

Mr. STURLA. Mr. Speaker, on page 11 also, where it talks about an eligible student, we talk about a household having an income of \$50,000, but then it also says that there is an income allowance of \$10,000 for each eligible student. If I have five children, does that mean I can make up to \$100,000 and still be eligible for this program?

Mr. S. SMITH. Correct, Mr. Speaker.

Mr. STURLA. On page 12 of the legislation where it talks about the scholarship program, it says, on lines 22, 23, and 24, it says, "The award of scholarships to eligible students shall be made without limiting availability to only students of one school." I am assuming this means that you cannot set up one of these organizations just to give awards for your school. So you cannot say, I have got a Martin Luther King School scholarship fund, and if you contribute to that, you get money, but it only applies to these kids from this one school. Is that correct? It has to apply, like, throughout the school district or something?

Mr. S. SMITH. Mr. Speaker, that is correct.

Mr. STURLA. Mr. Speaker, in lines 31 through 35 on page 12, it talks about "School age." It says, "Children from the earliest admission age to a school's kindergarten program or, when no kindergarten program is provided, the school's earliest admission age for beginners, until the end of the school year the student attains 21 years of age or graduation from high school, whichever occurs first."

Two questions there. One, because it is now my understanding, I guess, that this goes mainly to public schools, does this mean that school districts that now offer kindergarten programs or K-3 programs or K-4 programs which are not paid

for by the State, that those programs would be eligible to receive scholarship money to pay for those kids in those kindergarten programs in public schools, and is this a way to actually fund those kindergarten programs as a result of the State's failure to do so?

Mr. S. SMITH. That is correct, Mr. Speaker. If the school district identifies a K-4 program at its earliest age of admission, then those scholarships would be — a child in that K-4 program could be eligible for the scholarship.

Mr. STURLA. Okay. And then to follow up on that where it talks about "...until the end of the school year the student attains 21 years of age or graduation from high school..." Mr. Speaker, in my school district we have a unique program where we have teamed with Thaddeus Stevens College of Technology and we have 11th graders actually attending the college and taking college courses so that they can get a leg up on that first year of college courses. They have not graduated from high school; they are not 21 years of age. Would these funds be able to be used to pay for their tuition at that college?

Mr. S. SMITH. Based on the way you have described that, I believe they would be.

Mr. STURLA. Great. Thank you, Mr. Speaker.

Mr. S. SMITH. Does that mean you are supporting it now?

Mr. STURLA. Well, you are getting me there; you are moving me.

Mr. Speaker, on page 13, line 42, it talks about the grant for tax credit being up to 90 percent. Do you know the reasoning behind why we have decided in this particular grant program to go to tax credits up to 90 percent when with our neighborhood assistance tax credit program we only do 50 percent tax credits?

Mr. S. SMITH. That is an additional incentive, Mr. Speaker, which is being provided to a business that commits for more than 1 year of funding or of providing, you know, money to that innovative educational unit or the scholarship, you know, nonprofit.

Mr. STURLA. Mr. Speaker, are there any safeguards in here so that we do not shift all our money that is currently being contributed to the neighborhood tax assistance credits to these types of tax assistance credits where a company says, gee, if I can get a 90-percent tax credit by contributing to the public school as opposed to a 50-percent tax credit by contributing to the community organization where that school exists, I will take the 90-percent tax credit instead. You know, are there any safeguards to protect that neighborhood assistance tax credit program?

Mr. S. SMITH. Mr. Speaker, if a business decided to make a contribution and apply for the neighborhood assistance tax credit, they are obviously making the determination as to whether they are going to give it to a community action agency or perhaps they choose to give it to an educational opportunity group of some sort. So to that degree, the safeguard is really up to the person making the donation. However, the neighborhood assistance program still has the moneys, the credits that are available to it for the traditional ways that we historically have used those credits in the community.

Mr. STURLA. Okay.

Mr. Speaker, at the bottom of page 13 it talks about "Activities" and says, "No tax credit shall be approved for activities that are a part of a business firm's normal course of business."

Mr. S. SMITH. Mr. Speaker, if I am a company that is doing some kind of on-the-site job training where I am in the education business, I am not eligible for the tax credit.

Mr. STURLA. Okay.

On page 14 where it talks about "Nontaxable income," it says these scholarships shall not be considered taxable income for the purposes of Article III with regard to the Pennsylvania code. How does this apply to the Federal tax code? Would these scholarships be considered income for those parents that would receive these?

Mr. S. SMITH. Mr. Speaker, I cannot speak to how the IRS (Internal Revenue Service) might view that particular source of income to a household. All we can speak to in this hall of the House is that it will not be subject to the Pennsylvania personal income tax. How the Fed looks at it will be determined by them.

Mr. STURLA. Mr. Speaker, one final question. I want to go back to the educational — I have only had 10 minutes to look at this bill, so I am limited with my questions — the educational improvement tax credit, because I am really intrigued by this idea that those organizations —

Mr. S. SMITH. Mr. Speaker, excuse me. Where are you looking now?

Mr. STURLA. Back on page 11, the educational improvement tax credit. I guess I want to understand that this money can only go to educational improvement organizations and that those organizations must contribute at least 80 percent. Are there any other ways that you can funnel money from these tax credits into nonpublic schools other than the 20 percent that might be allowed under the definition on lines 27, 28, and 29?

Mr. S. SMITH. Mr. Speaker, I think you are misreading something in there. There are two types of organizations which could receive the contribution from the private business: One is an organization that has the innovative educational plans and one is a nonprofit organization which provides scholarships. That 80 percent language is part of the definition of what an eligible nonprofit innovative school program is or an eligible provider of scholarships, and the key is that we want to make sure that if that entity is eligible for, you know, allowing the tax credit, that they in fact are using the majority of their money, 80 percent of their money, for that very purpose.

Mr. STURLA. So I guess that you — I understand that educational improvement organization part, and I agree with that. What is the other part where moneys can go?

Mr. S. SMITH. To scholarships. If you are a private corporation and you chose to donate money, you can donate it to one of two types of organizations — an organization that provides scholarships or an organization that has innovative education programs as their mission. The 80 percent only reflects that those two types of organizations — an innovative program or a scholarship program — are committed to that mission, so that they are not doing 50 percent of their money somewhere else or that it is not going into a myriad of places. It is focused on education, those two types of organizations.

Mr. STURLA. Okay. So then that scholarship organization on page 12, as it is defined on lines 13 through 18, those scholarships can go to any type of school, public or private.

Mr. S. SMITH. Correct, Mr. Speaker.

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

The SPEAKER. The gentleman, Mr. Vitali.

I expect all of your questions have been answered by the previous interrogator.

Mr. VITALI. He missed one or two, Mr. Speaker.

Thank you, Mr. Speaker.

How much moneys have been allotted to this tax credit program we were just discussing?

The SPEAKER. The gentleman, I assume, is suggesting that Mr. Smith—

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. —submit himself to interrogation?

Mr. VITALI. Yes, Mr. Speaker.

The SPEAKER. The gentleman will stand for interrogation. You may begin. I am sorry I interrupted you.

Mr. VITALI. Mr. Speaker, how much has been allotted towards this educational improvement tax credit program?

Mr. S. SMITH. Mr. Speaker, on page 13 of the amendment that was handed out or the copy that was handed out, it says that the amount, the total aggregate amount of all tax credits approved shall not exceed \$30 million in a fiscal year.

Mr. VITALI. Okay. \$30 million. I just want to be clear.

Now, it is the business that gets the tax credit, and businesses in Pennsylvania could get up to \$30 million which they could distribute to these entities you discussed. Is that right?

Mr. S. SMITH. That is correct, Mr. Speaker, and there is a \$100,000 limit per business.

Mr. VITALI. Okay. Now, could they distribute this money directly, for example, to parochial schools?

Mr. S. SMITH. No, Mr. Speaker. They must contribute the money to one of the two types of organizations that we were discussing with the previous speaker.

Mr. VITALI. Could you give me an example of each of those two type organizations—

The SPEAKER. Will the gentleman yield.

Mr. VITALI. —an organization that is existing today.

The SPEAKER. Will the gentleman yield.

Please. There are seven names listed to follow Mr. Vitali. Now, let us go off the floor if we have to confer with our friends and let those who are debating debate.

Mr. Vitali.

Mr. VITALI. Okay. Could you give me examples, Mr. Speaker, of entities that exist today that meet these definitions? I am just trying to get a feel for who the businesses would be giving this \$30 million to. Give me an example of some entities out there who would get that.

Mr. S. SMITH. Mr. Speaker, since the authority does not exist at this moment, I do not know that there are necessarily any purely in existence today, but an example might be an intermediate unit that chose to develop an innovative education program that it would provide to its schools within its intermediate unit. The Urban League of Pittsburgh is a scholarship-oriented entity that might craft its giving to qualify.

Mr. VITALI. Okay. So it would not go directly to either schools or students. Is that right?

Mr. S. SMITH. That is correct, Mr. Speaker.

Mr. VITALI. Okay. Okay.

A philosophical question. Where we have this \$30 million, and it is going to entities, who are giving it to nonprofits, who are giving it to, eventually, schools or students, I suppose, to improve education, why are we not as a Commonwealth, philosophically, just giving it to our schools to make them better? What is the point, philosophically, of going through this circuitous route with this money for education?

Mr. S. SMITH. I do not know that it is a matter of philosophy, Mr. Speaker. However, one of the things that makes for a good educational system is everybody being a part of it. The advantage of bringing businesses into the picture through their corporate giving is that then they are more a partner in our education system. So I do not know if that is philosophy or not, but the bottom line is you are bringing more people into the process and therefore, hopefully, gaining a better end product.

Mr. VITALI. Yeah, but the question is, why not give it to our elected school boards so they can use it in ways that they deem best? Why are we going through two and three jumps to get it into schools and not really we as the legislature and we as the elected school board members of our districts— Why are we just letting go of that control as opposed to directing it right to where we think as elected officials it ought to be? I just do not get it. I am trying to understand.

Mr. S. SMITH. I understand that, Mr. Speaker.

Mr. VITALI. Well, maybe you could help me, because it is not in my language.

Mr. S. SMITH. Mr. Speaker, we continue to put more and more money into education every year through the taxpayers of Pennsylvania. In some areas we do not feel that we are succeeding as well as we should for the money that we are putting into those existing programs. We are looking for innovative ways to bring more people into the educational process, and we believe that this is something that will help do that.

Mr. VITALI. But are we not just totally letting go of the money as soon as we give that tax credit, and where it falls we really do not have a clue?

Has this been done in other States, Mr. Speaker?

Mr. S. SMITH. Yes, it has been done in other States, Mr. Speaker.

Mr. VITALI. Good. Could you give me an example of what States and the track record of this?

Mr. S. SMITH. I am not familiar off the top of my head, Mr. Speaker.

Mr. VITALI. Okay. Okay.

Do either the School Boards Association or the teachers unions have a position on this tax credit?

Mr. S. SMITH. Mr. Speaker, I am not familiar with their position at this moment. I think the key is that we in this body are supposed to be doing what we think is best for the kids of Pennsylvania in terms of providing an education for them, and that is what we are about tonight.

Mr. VITALI. Okay. But we do defer to other experts in figuring this out. We do not know. Neither of those entities, those major entities, in the whole education system in Pennsylvania have weighed in to this, to your knowledge?

Mr. S. SMITH. I believe that they have had some input in this. It has been discussed a little more than was previously alluded to. This fundamental framework of a bill has been floating around for a while now.

Mr. VITALI. They have weighed in and their position is what?

Mr. S. SMITH. I imagine if you—

Mr. VITALI. The School Boards Association, PFT (Pennsylvania Federation of Teachers), PSEA (Pennsylvania State Education Association), their views are what?

Mr. S. SMITH. Mr. Speaker, as of this point in time, I personally have received no communication as to their exact

position. I imagine if you walk in the back of the hall of the House, you might find somebody out there that can give you their position better than I. I do not speak for PSEA or AFT (American Federation of Teachers) or the School Boards Association.

Mr. VITALI. Okay. Okay.

I want to move on to the concept of independent schools, and I must confess I come here with a low base of knowledge, not being on the Education Committee. I, frankly, have never heard of the concept of independent schools before today.

I mean, again, philosophically, what are we trying to accomplish with independent schools? We have our public school system. We have put a lot of effort into making it better. We have established charter schools. What are we trying to accomplish, philosophically, with independent schools? How do they differ from charter schools, and philosophically, what are we trying to accomplish?

Mr. S. SMITH. Well, Mr. Speaker, philosophically, you know, I suspect you are going to have a tough time coming to grips with this one also, but this would be characterized as one more tool in the arsenal of tools or in the tool bucket or tool bag of our educational system, that the bottom line, that what we are seeking, what we are all trying to do is to have our children and your children and everybody else who lives in Pennsylvania get a better education when they come to the end of the school years, and so this is one more tool; it is one more mechanism of which a school district might be able to target or specialize or step a little bit outside the box and the boundaries that we have set up over the years. One of the biggest problems that we have in education may be that we have put everybody in the public school system in a box and they are not allowed outside of that box to do anything. This is one more tool to allow them to maybe get outside of that box if that is where the answers lie.

Mr. VITALI. Well, maybe you could explain how that works, because I know when we did the charter school legislation, that was the reasoning. We wanted to allow for experimentation and specialization, and we had that tool. How does this differ from that with regard to specialization?

Mr. S. SMITH. Mr. Speaker, I do not characterize it as experimentation. I view it as opening up some avenues for professionals in the education business to do a better job at what they do.

Mr. VITALI. And how does this do that? How does this accomplish that?

Mr. S. SMITH. Well, Mr. Speaker, I guess to answer that question you have to be willing to look outside of the box yourself.

Mr. VITALI. Right. Please, please explain. This is debate. This is your language you are defending. Tell me how this language will— Why should we vote for it? Why will this make schools better? Tell me how it works. What is the theory behind it? What is your case?

Mr. S. SMITH. Mr. Speaker, it is a tool that a local school district could use if they feel that at the local level it will give them some additional abilities to educate children. The specifics of how they determine to use that is, frankly, left up to the creativity at that local level.

Mr. VITALI. What could they do with this legislation that they cannot do now with conventional schools or charter schools?

Mr. S. SMITH. It just gives them more flexibility, Mr. Speaker.

Mr. VITALI. Give me an example, if you would.

Mr. S. SMITH. Mr. Speaker, to my knowledge, although independent schools are currently provided for under the Empowerment Act, we have not actually implemented any independent schools as of this point in time, or, no, I should not say we; let me correct that. A local school board has not implemented any independent schools at this time. So there, frankly, is not an example of one in existence in Pennsylvania because we have not allowed for that authority except in the empowerment zones.

Mr. VITALI. I still do not get a sense for how it is going to give my school board the ability to do something it cannot do already right now.

Mr. S. SMITH. You can discuss that with them, Mr. Speaker.

Mr. VITALI. Well, this is your legislation. It has not been passed yet, and you are making the case that it should be passed. Tell me why this is going to give them the ability to educate the kids of my district better.

Mr. S. SMITH. Mr. Speaker, when a member demands that I tell him something, I do not know that I have to respond, and I am not going to answer to a demand of that nature.

Mr. VITALI. Well, let me just please, please respectfully request that you tell me what you can on how this will give my school district the tools to do better. I just want to understand what I am voting on and why we are doing this, because we have a public school system in my district. Frankly, it is a good one. We have the charter school system. If we are going to do another tool, I just want to know how it works. I want to know how it works and the theory behind why it is going to make things better. That is all I want to know.

Mr. S. SMITH. Mr. Speaker, I believe I have answered these questions.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

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

Mr. ROEBUCK. Thank you, Madam Speaker.

I wondered if the maker of the amendment would stand for interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Smith, will stand for interrogation.

Mr. ROEBUCK. Thank you, Madam Speaker.

We have had a rather extended discussion about independent schools, and I wondered if the maker of the amendment could point out for me in the amendment where there is a definition of "independent schools" or "independent school."

Mr. S. SMITH. Madam Speaker, it is already defined in the education code under the Empowerment Act legislation that was put into place previously.

Mr. ROEBUCK. Madam Speaker, I might be correct, but it is my understanding that there is no definition of "independent school" in the Empowerment Act either. I am trying to understand what an independent school is by definition. There is no definition in this amendment; there is no definition in the Empowerment Act.

Mr. S. SMITH. Madam Speaker, in essence we are creating something here. So the definition is really embodied in the language of section 502.1.

Mr. ROEBUCK. Madam Speaker, I am a bit confused. Are you saying that by absence of definition there is a definition? If you look at the— I see characteristics of what is called an independent school. I see no definition of what an independent school is. Are we saying only the characteristics here represent a definition, or can you tell me anyplace else in the School Code where things are defined in this way?

Mr. S. SMITH. I believe, Madam Speaker, I believe what you said as far as the characteristics is the definition of an independent school.

Mr. ROEBUCK. Could you tell me where else in the School Code we define any entity in this way?

Mr. S. SMITH. I am not sure, Madam Speaker, what you are asking for that I can point to. But I think when you look at the establishment of an independent school, you are not talking about the establishment of a building, you are not talking about something of that nature; you are actually talking about more of a program. It is a concept.

Mr. ROEBUCK. Well, Madam Speaker, perhaps I— Madam Speaker, could we have a little order, please?

The SPEAKER pro tempore. The gentleman is correct. Could we have some quiet in the hall of the House, please?

Mr. ROEBUCK. Thank you, Madam Speaker.

I am just, I guess, concerned because if there is no definition of what this thing is, I do not know how we can enact a law that provides for it. If there is no definition in the School Code of what an independent school is, how do we know what we are doing here?

The SPEAKER pro tempore. I would suggest, sir, that you are being argumentative, that you would just merely ask a question.

Mr. ROEBUCK. Okay. Well, I am just asking for a definition from the maker of the amendment where there is no definition, Madam Speaker.

Mr. S. SMITH. Madam Speaker, I am not sure that it needs to be defined. It is a school that is created by a local board, and if you read through the establishment provision, 502.1, therein lies a perfect picture of what an independent school is.

Mr. Speaker, in addition, if you look in the School Code under that same particular section that we are amending, the other items that are listed there are high schools, trade schools, vocational schools, technical schools, agricultural schools, evening schools, kindergartens, schools for adults, parental schools, truant schools — all of those are listed. They are not individually defined; they are all listed as types of schools that can be created by the school, by the local school.

Mr. ROEBUCK. Thank you, Madam Speaker.

I have an additional question. If we go to page 5 of this amendment and we go to the provision for testing of middle school and high school teachers — and I will read the language — it says that “Middle school teachers and high school teachers whose area of assignment or certification includes mathematics or science shall be administered a professional teacher assessment in mathematics.” Can you tell me, Madam Speaker, how it is fair to test someone whose major field is science in mathematics as a way of assessing their professional ability?

Mr. S. SMITH. Madam Speaker, the answer to that question is that in order for one to get to the science degree, they have to go through the mathematics. Therefore, the mathematics would sort of be the lower tier of those two.

Mr. ROEBUCK. So in order to be a good biologist, you have to qualify in mathematics; in order to be a good chemist, you have to qualify in mathematics; in order to be a good scientist, you have to qualify in mathematics. Is that what I am understanding, Madam Speaker?

Mr. S. SMITH. Madam Speaker, mathematics is the underlying and an integral part of a science degree. Therefore, the requirement that we would test mathematics is, again, you are looking at the basis from which they get their science degree.

Mr. ROEBUCK. I guess I am a bit confused. I do not necessarily see that there is a clear correlation of teaching one subject and being tested in a second subject. You might make that argument for any subject, if I understand what you are arguing.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton, Mr. Grucela.

Mr. GRUCELA. Thank you, Madam Speaker.

Madam Speaker, I would like to only address the testing part of this amendment to what I think is a very good bill. However, the amendments that deal with the education, this is the second time since I have been here that major so-called education reform legislation bypassed the committee system. As a teacher of American government in high school, I remember the textbook used to talk about the committee system, and we used to teach the kids what the committee system entailed. Apparently in reality, that really does not work.

John F. Kennedy once said, bullfight critics row on row, line the enormous plaza full, but there is only one who really knows, and that is the one who fights the bull. Madam Speaker, I spent 30 years and 3 months in the classroom, had over a dozen student teachers in my career. I can tell you, there is no written test, there is no written test that will tell you whether a person is a good teacher. A written test will not measure a teacher's rapport; it will not measure good classroom management; it will not measure good example. A teacher is tested every day by the students, and the teacher should be evaluated every day by administrators. If you have good administrators in a school, there is no need for this type of teacher testing. Teaching is an art and it is interaction with the students, and again, none of that can be measured on a written test.

I also believe, Madam Speaker, there are a number of redundancies in this bill. Teachers already have to pass tests to gain certification. They must accomplish new stringent continuing education requirements and meet another similar test to gain permanent certification. Since 1987, Pennsylvania's certified teachers, in addition to being tested in their area of specialization, have had to pass basic reading and math tests. Additionally, all certified educators must meet the State preparation standards. This suggests that these tests are just costly redundancies. Madam Speaker, if we are going to spend this kind of money to improve the quality of education in the State of Pennsylvania, we can do it without any type of teacher testing.

Again, Madam Speaker, I say, there is no written test that will tell you whether a person is a good teacher. If you have not

already visited your schools, you can tell and your students can tell you and your children can tell you who the good teachers are, and again, that is not measured by a written test.

Thank you, Madam Speaker.

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

Mr. HORSEY. Thank you, Madam Speaker.

I want to support the bill, but before I support the bill, Madam Speaker, may I interrogate the maker of the amendment or the bill?

The SPEAKER pro tempore. The gentleman, Mr. Smith, agrees. You may proceed.

Mr. HORSEY. I only have two quick questions.

Madam Speaker, on pages 7 and 8, and we will start on page 7—

Mr. S. SMITH. Excuse me, Madam Speaker. I am having trouble hearing.

The SPEAKER pro tempore. The gentleman, Mr. Smith, cannot hear the questions that are being asked. Could we have quiet in the hall of the House, please.

Mr. HORSEY. Just real quick. On pages 7 and 8 there is a section in there on defibrillators. Just one quick question: What is the intent of that section?

Mr. S. SMITH. That is the bill that was originally passed out of the House unanimously last week — 2 weeks ago; excuse me, Madam Speaker.

Mr. HORSEY. Madam Speaker, on page 7, lines 57, 58, and 59 — I am in favor of the bill, and this is the only mistake I saw in the bill — the bill provides for two defibrillators for every school district.

Mr. S. SMITH. Well—

Mr. HORSEY. Is that true?

Mr. S. SMITH. That is two free ones. If a school district wants additional ones, they would be required to pay whatever that wholesale price that the Department of Education established.

Mr. HORSEY. Thank you.

Thank you, Madam Speaker. May I speak on the bill?

The SPEAKER pro tempore. You may proceed.

Mr. HORSEY. Madam Speaker, I think on the area of independent schools, I think it is an idea that needs to be tried. For the last 6 months Representative Evans has been talking about a type of independent-school concept for, I think, the Penn Cluster area, and I think that it needs to be tried.

In the area of testing for teachers, we require them to go back to school anyway every — what is it? — 3, 4, 5 years. What is the problem with them going to school and then being tested? They have to pick up continuing education classes if they are certified in education. There is no problem with that, which is why probably most of the PSEA and all the other groups, it is accountability and assessment through accountability. It really does not hurt teachers.

The section that governs tax credits, for 8 years under the Rendell administration, Madam Speaker, during his administration he raised between \$250 and \$300 million from the business community while he was mayor. Those types of funds, the business community wants credit for them now. Just last week I read in the newspaper that the Street administration feels as if they can raise \$150 million during his 4-year tenure if allowed to implement this type of program.

The program or innovative programs, and why we are doing this, and what is the problem, and I do not understand — let me explain something to you. We do not give money and we should not give money in large bulks to school districts, because they are not always doing the right thing, and my question is, if you are giving \$100 million to a school district and 60 to 70 percent of their students are still failing, why are we doing it? What are they doing with the money? We should not do that. And another reason why we should not give bulk amounts of money to school districts: because they do not do anything but bulk up on the administrative edge. We have administrators in the city of Philadelphia who never stepped a foot in the classroom every day, and they are making \$100,000, and I am not talking about 1 person or 2 people; I am talking about 20, 30 people. Now, there is something wrong with that, Madam Speaker, and I think with programs like the afterschool programs and these innovative programs, you are zeroing in to what needs to be done in terms of innovative concepts and ideas. Once we vote on this and the Governor signs on it, we have a program in my district called Experience by Exposure, which sends kids on international trips, which allows them to become pen pals by way of the computer with kids and allows them to see other governments in action. They can apply for these types of funding. We have another citywide program called the d'Zert Club that is always crying for funding. They do a very innovative international study program with students who otherwise would never have this experience. This bill and their ability to solicit for the funds will allow them to continue.

So, Madam Speaker, I think it is innovative; I am going to support it, and the bottom line through all of it, Madam Speaker, is, in the House for the last 20 years we fooled around with outcome based and, you know, management by objectives, all these different elaborate programs, but kids are still failing in the State of Pennsylvania and in the city of Philadelphia. Now this particular bill, with independent schools, puts the power in the hands of both schoolteachers and parents, Madam Speaker, and the importance of that is, if it is not being done correctly or well, it is in the hands of the parents, who are voters, and it is in the hands of the teachers, who are also a part of their process, and that is where the power belongs, not with school districts receiving large bulks of money and just abusing those funds.

So I am going to urge support of HB 996. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Elk County, Mr. Surra.

Mr. SURRA. Thank you, Madam Speaker.

Will my good friend from Jefferson County stand for just a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. SURRA. Thank you, Madam Speaker.

It is my understanding that the teacher-testing portion of this legislation would cost approximately \$20 million over 5 years. Is that accurate?

Mr. S. SMITH. \$4 million a year. Yes, Madam Speaker, that is about the estimate on it.

Mr. SURRA. Thank you.

Now, let us take a social studies teacher in a high school. Exactly what would they be tested on, Madam Speaker?

Mr. S. SMITH. Madam Speaker, a social studies teacher would be tested on reading until standards are adopted that would be more specific to social studies.

Mr. SURRA. So eventually then they would be tested on their subject criteria that they teach?

Mr. S. SMITH. Madam Speaker, that is correct.

Mr. SURRA. Thank you.

What would happen, Madam Speaker, if a teacher had an unsatisfactory score on that test?

Mr. S. SMITH. A teacher— Actually, Madam Speaker, nothing would happen, because the scores are kept to that individual and an aggregate for the school. However, if a teacher refused to take the test, then they would no longer be able to avail themselves of the continuing education programs provided through the department.

Mr. SURRA. And these scores would not be subject to public knowledge?

Mr. S. SMITH. That is correct, Madam Speaker.

Mr. SURRA. Thank you.

Mr. S. SMITH. No individual scores would be made available.

Mr. SURRA. Thank you very much.

On the bill?

The SPEAKER pro tempore. You may proceed.

Mr. SURRA. And I want to thank my colleague for his cooperation.

Madam Speaker, once again we are here late in the evening dealing with a major change in public policy dealing with education, circumventing the Education Committees, spending \$20 million in taxpayers' money, and if a teacher happens to fail the test, nothing happens. In fact, we do not even know what teachers do fail the test. I really fail to understand the purpose of it other than maybe being punitive to the public school teachers in Pennsylvania, Madam Speaker. Twenty million dollars of tests that basically all they will do is provide us with information saying, this is how many teachers failed the test.

A social studies teacher will be getting tested on reading if and when the proper tests are provided, and at this point they are not. I do not know that that is a wise expenditure of our tax dollars, Madam Speaker. I think we would be better off putting \$20 million in Head Start or preschool if you really want to help children.

Under this legislation, Madam Speaker, independent schools can have 25 percent of their staff, 25 percent of the teachers, be uncertified.

Now, earlier in our debate my good friend from Jefferson County stated that teachers would have input into the process, but in reality, if 5 members of a 9-member board choose to go to an independent school, there will be an independent school even at the objection of the 12 elementary school teachers at that certain building. So 5 school board members can create an independent school at the unanimous objection of the 12 teachers at an elementary school. They may have input, Madam Speaker, but it is pretty much meaningless.

Once again the Governor is supporting legislation just like in charter schools. Well, if you think back on charter schools, he wanted to have no certification requirements. It was this General Assembly that required at least 75 percent of the teachers be certified. I voted against that for that reason alone. And now again, in independent schools, we are going to require

only 75 percent of the teachers be certified; 25 can be not certified.

Now, the Governor is schizophrenic on teacher certification, Madam Speaker. Just last year at the objection of the House and Senate Education Committees, the Governor and the Education Department of Pennsylvania implemented new teacher certification requirements which require any student in schools in Pennsylvania who wants to become a teacher has to maintain a 3.0 average. Once you are enrolled in college in a curriculum of education, you have to have a 3.0 in high school to get into the department of ed; once you are in that department of ed, you have to maintain a 3.0 average; and after you graduate, you have to take the national teacher's test and you have to score higher in Pennsylvania than any other State in America.

Madam Speaker, Pennsylvania already has the toughest teacher certification requirements in the nation, and now we are going to be the only State that requires our teachers to be tested in a test that is basically meaningless. If you fail, no one will know that it was you. I do not know; that seems like a waste of \$20 million to me, Madam Speaker.

We have the toughest teacher certification requirements in the nation. On the other hand, if you have a private school, we need no certification requirements there. If you have a charter school, the Governor wanted no certification requirements there. We were able, through this General Assembly's work, to get three-fourths of the teachers certified there, and I do not think that is enough. Why are we so hard on public school teachers, and young Pennsylvanians that want to become teachers, why are we so hard on them, but when it comes to charter schools and private schools we do not need any certification requirements? It is confusing to me, Madam Speaker. I think that we may just be punitive to the public school teachers of this Commonwealth.

Madam Speaker, I really believe that if we took our time and we looked at this matter and went through the committee process, we could come up with something that is much better. But once again, circumventing the Education Committees, a major amendment in the Rules Committee — unamendable, we cannot make any changes, it is an up-or-down vote — well, I can tell you, Madam Speaker, I am voting "no." Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Pallone. The gentleman waives off.

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

Mr. DALEY. Thank you, Madam Speaker.

Will the speaker stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. DALEY. Thank you, Madam Speaker.

Regarding section 1203-A, professional teacher assessment, it is my understanding what you are saying here, fundamentally, is that the teacher will be provided a continuing education credit of 1 hour toward the 180 hours that he or she has to do within 5 years. Is that correct?

Mr. S. SMITH. Madam Speaker, that is correct. It is estimated that the test will take approximately an hour. In fact, this testing is a part of the overall continuing education assessment, and so therefore, they are given that 1 hour credit.

Mr. DALEY. And not to go over soil that has already been tilled here, but you are saying that at some point there may be additional criteria added, academic standards added to each test regarding if you are an elementary teacher, a middle school teacher, if you are teaching science or math. Is that correct?

Mr. S. SMITH. Madam Speaker, as the standards are developed and adopted, that would be correct.

Mr. DALEY. And who would be providing those additional academic standards?

Mr. S. SMITH. The State Board, Madam Speaker.

Mr. DALEY. I see that the test will begin next year and that 20 percent of the teaching faculty will be eligible for the test. It will be rotated every year until 100 percent of the faculty is assessed. Is that correct?

Mr. S. SMITH. Madam Speaker, that is correct, and that includes school districts, intermediate units, joint school districts, vocational-technical schools, charter schools, independent schools, the Scotland School for Veterans' Children, and the Scranton School for the Deaf.

Mr. DALEY. Will this particular section have any impact on the 24 credits that teachers must have in order to be certified and also the testing that they must take in order to obtain that certification?

Mr. S. SMITH. No, Madam Speaker. That is not related; no.

Mr. DALEY. Are there any other professions that receive professional certifications from the Department of State; i.e., engineering, architectural, legal, nursing, the medical profession? Do any of those have the same types of teaching, the same kinds of assessment tests, that are utilized for their getting their certification by the State?

Mr. S. SMITH. Madam Speaker, I am not aware of any other certified professionals under, you know, the Board of Professional Licensure. However, I think the standout provision here, there are two key standout provisions. Number one, these are the people that are charged with educating the children of the Commonwealth of Pennsylvania. And in addition to that, this testing, although a previous member was commenting on it not having any real known value to them, this testing would be more an element of a tool for the teachers and the schools to evaluate their performance as opposed to being a test in the punitive sense of saying, you know, a teacher did not pass the test; therefore, we are going to throw them out of the profession. It is more to help them determine where their weaknesses are and be used as a tool for self-improvement.

Mr. DALEY. But there is no prohibition, Madam Speaker, in this particular section that would prohibit school districts from adopting those types of local policies regarding these types of tests?

Mr. S. SMITH. Madam Speaker, the school district does not get the individual results, so they would not be able to use it in a punitive way or in a manner of punishing a teacher who was not performing. It is more of a portion of, I would almost characterize it as, you know, the teacher's self-assessment of where they are.

Mr. DALEY. My next question, Madam Speaker, would be that it is my understanding from the debate this evening that this is done anonymously and that the teacher can opt not to take the test. Is that correct?

Mr. S. SMITH. Madam Speaker, the teacher, if they chose not to take the test, what would happen to that teacher is they would continue to work for that school district, no doubt.

However, they would not be able to avail themselves of the continuing education programs and courses that are provided by the Department of Education. They would then have to go out on their own and meet those continuing education requirements. But as long as they did that, you know, their employment would be based on them doing that on their own.

Mr. DALEY. And those types of programs are in existence, Madam Speaker, throughout the Commonwealth that are not under the auspices of the Department of Education?

Mr. S. SMITH. Absolutely. I believe they could just basically go back to, you know, a standard school of higher education or possibly through an intermediate unit.

Mr. DALEY. What happens, Madam Speaker, if a school district decides that they do not want to go into the program totally?

Mr. S. SMITH. Pardon me, Madam Speaker? I did not understand the question.

Mr. DALEY. What happens, Madam Speaker, if the school district votes to opt out of the program since the test has no meaning or purpose or reason to be in existence? What happens to that particular school district?

Mr. S. SMITH. Madam Speaker, the school district would be subject to the same type of sanction, if you will, in that they would not be able to utilize the continuing education programs that are provided through the Department of Education. Therefore, in order for their teachers to remain certified, they would have to conduct their continuing education hour coursework through a separate program or, you know, some other means.

Mr. DALEY. It says, Madam Speaker, that "The department shall adopt guidelines regarding participation requirements for school entities including standards to excuse teachers...." I am assuming and extrapolating from that language that under certain circumstances, teachers will be excused from taking these types of tests.

Mr. S. SMITH. Madam Speaker, that would be true. An example of that would be if they were on sabbatical or if there were a prolonged illness or something of that nature.

Mr. DALEY. Madam Speaker, I direct your attention to the section regarding the number of teachers that may not pass the test. Who is going to determine what is a passing or competency level? Who is going to make that determination? Will there be local input by the local school boards?

Mr. S. SMITH. The test itself is scored by the Department of Education, and then it is up to the local school district to make the determination that you were asking about.

Mr. DALEY. Madam Speaker, you state that if it is determined that a substantial number of teachers fail to do a certain performance level, that will again be determined by the department or by the school district or by whom?

Mr. S. SMITH. Madam Speaker, that would be determined by the local school district. As I said, this is part of an assessment tool for the school district and the teacher, individually for the teacher, because the teacher can find out what his or her specific score was; for the school district as they look at the aggregate of their school or building or district wide. Therefore, the school district would determine whether or not they are achieving, you know, if their teachers are achieving the level that they would really feel is adequate, and therefore, they will come up with that definition at the local level.

Mr. DALEY. Madam Speaker, my question to you would be, what other States have adopted similar testing programs?

Mr. S. SMITH. I am not aware of any others that have dared to pioneer in this direction, Madam Speaker.

Mr. DALEY. Madam Speaker, my last question is, Madam Speaker, once the determination is made as to the particular needs of a school district, are we anticipating more funding that will be going to the school district to address those needs?

Mr. S. SMITH. Madam Speaker, absolutely. That is provided in the bill under "Professional development assistance," and then basically once the school district makes that determination, we would be able to respond with assistance to help them develop their teachers to a higher level.

Mr. DALEY. So I can understand, this is anonymous? Is that correct, Madam Speaker?

Mr. S. SMITH. Correct.

Mr. DALEY. It will be only utilized in development programs in the school districts based upon the test results?

Mr. S. SMITH. Correct.

Mr. DALEY. It is not utilized for certification or for further teacher continuing education other than the fact they get 1 credit. Is that correct?

Mr. S. SMITH. Correct.

Mr. DALEY. And fundamentally, we are the first State that is pioneering such an endeavor that measures nothing for nothing and will achieve absolutely nothing. Is that correct, Madam Speaker?

Mr. S. SMITH. That would be your characterization, Madam Speaker.

Mr. DALEY. Thank you, Madam Speaker.

No other questions, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna County, Mr. Wansacz.

Mr. WANSACZ. Thank you, Madam Speaker.

I rise today in opposition of this bill for just a couple of reasons.

One, first of all, I am under the impression that we are supposed to be raising the standards of our public education, and the independent school may hire up to 25 percent uncertified teachers. That concerns me.

I also feel that these independent schools will be seen as a means to further privatize our public schools. I can see an effort by private, for-profit school companies helping elected school boards that will then create independent schools run by private, for-profit companies. We are already seeing some charter schools in Pennsylvania and other States that are required to be established by nonprofit entities. I am concerned that our businesses are going to get involved in our education, which we do not need right now.

And as the gentleman from Elk County so eloquently stated, we can do so much more with \$20 million. We can reduce class size. We can implement full-day kindergarten. We can fund programs such as Head Start. Why should we waste \$20 million on a test for teachers that they do not even have to report?

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. Buxton.

Mr. BUXTON. Thank you, Madam Speaker.

Madam Speaker, would the Republican whip please stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. BUXTON. Madam Speaker, on the first page of the amendment in the establishment of an independent school, it is very clear that the establishment of that independent school must be by an act of the board of school directors. Under the Education Empowerment Act that this legislature passed, there are two school districts in Pennsylvania where the board of school directors no longer has control in those school districts. One of those school districts is in my legislative district. The powers that were stripped from the school directors under the Education Empowerment Act I believe lends to my question, and I am trying to get this on the record as legislative intent, and that question would be, would the board of school directors still have to approve the establishment of an independent school in districts where the Education Empowerment Act stripped them of authority?

Mr. S. SMITH. Madam Speaker, the powers were given to the board of control under the Empowerment Act, and that is not the same as what we are doing here.

Mr. BUXTON. Is your answer then that the nonelected board of control would have the authority to establish an independent school?

Mr. S. SMITH. They already do under the Empowerment Act. However, this bill, it does not allow that to be controlled by that board of control. It is created by the individual school districts at the local level.

Mr. BUXTON. Is it my understanding then that the answer would be that if the board of control wishes to establish an independent school within that school district, that they would have to request that action of the sitting board of school directors?

Mr. S. SMITH. No— Madam Speaker, no. That board of control only has the ability to do that within the particular school districts that would be defined under the Empowerment Act as, you know, the ones that were in rather poor shape. So that board of control does not have the ability to step outside of that empowerment legislation. This is just a parallel to that, but they do not have the same authority in the school districts that are not defined under the Empowerment Act.

Mr. BUXTON. Well, Madam Speaker, the original Empowerment Act stripped the school board of any authority other than budgetary matters. We are here tonight considering a new piece of legislation giving school directors the authority to establish independent schools within their school district. Is this now a new authority that was not covered within the Education Empowerment Act which stripped certain school boards of the authority to vote on these actions?

Mr. S. SMITH. Madam Speaker, this language would apply to any school district that is not covered under the Empowerment Act. The board of control that you are referencing, first of all, it is already established, and it only has that authority within school districts that were defined as schools, you know, in need in the Empowerment Act. But that board of control does not have the ability to come out and create an independent school in the districts that are not included under the Empowerment Act.

Mr. BUXTON. So, Madam Speaker, for the purposes of the record, it is your understanding that if we enact this this evening, where a school district is controlled by a board of

control, they would not have authority to implement an independent school within that district?

Mr. S. SMITH. You are talking about a school district that is in an empowerment area. That board would not have the power to create an independent school district; only the board of control does in that area.

Mr. BUXTON. So you are saying that the board of control would have the authority to establish an independent school within the district?

Mr. S. SMITH. That is in the empowerment law, you know, as we speak.

Mr. BUXTON. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Thomas, for the second time. The gentleman is not present.

The Chair recognizes the Democrat whip, from Beaver County— Strike that, please.

The gentleman, Mr. Thomas, from Philadelphia for the second time.

Mr. THOMAS. Madam Speaker, my first time involved interrogation in an effort to get some clarification of just what it is that we were voting on this evening, and, Madam Speaker, now that I have the clarification, I would like to respond to the bill itself, and I rise in opposition to HB 996 for the following reasons.

Number one, Madam Speaker, the Senate in its amendment only addressed the appropriation. It was in House Rules that we developed this amendment dealing with education.

Number two, Madam Speaker, \$500 for educational support, given the data that I have seen and that has been articulated by this House in reference to the population of young people that need support across the breadth of the Commonwealth of Pennsylvania, is inadequate.

Number three, Madam Speaker, I oppose it because the scholarship or the tax credit portion of this bill is troubling at best.

Madam Speaker, the bill fails to—

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. Mr. Thomas, I do not know whether you have good eyes or I have something on that appeals to you. You keep calling me "Madam Speaker." I would appreciate it if you would refer to me as "Mr. Speaker" or even "Hey, Matt."

Mr. THOMAS. Mr. Speaker, I withdraw all references to you as "Madam Speaker," and I apologize.

But, Mr. Speaker—

The SPEAKER. The Chair thanks the gentleman.

Mr. THOMAS. —I laid out four reasons along with a litany of other reasons as to why I cannot support this bill, and, Mr. Speaker, I would like for the record to be clear that when the House addressed HB 996, the bill was labeled the "School Automatic External Defibrillator Access Act," and, Mr. Speaker, given the public policy that was articulated as to why this act was necessary, I strongly supported it. But, Mr. Speaker, because the Senate did not have, the full Senate did not have an opportunity to address the substantive part of this educational component, and really in Rules we gutted the Defibrillator Act and put in this educational component, Mr. Speaker, I would like for the record to reflect that I have

officially withdrawn my name from HB 996 as it left the Pennsylvania House and went to the Senate.

But, Mr. Speaker, in closing let me say, I have heard a variety of arguments, but it needs to be clear, you cannot drive a Cadillac on Volkswagen money. We are looking for a product out of our public school system that is able to survive in America in the 21st century. You cannot have that unless you are willing to make the investment, to make the investment that will guarantee the kind of outcome that we want. We still have failed to do that. I have tried charter schools. I tried Act 46, because my mayor asked for support of Act 46. I have tried some of the other proposed reform initiatives that have been offered by members from both sides of the aisle. Mr. Speaker, this educational support component and this tax credit component look like, act like, walk like, smell like vouchers, and I am not prepared to sign off. If it looks like a voucher, acts like a voucher, walks like a voucher, smells like a voucher, then to me it is a voucher, and I do not think that the people of the Commonwealth of Pennsylvania are prepared to go down this road that offers no real guarantees at the end of the day that we will produce the kind of quality product that we are looking for through our public school system, and for those reasons, Mr. Speaker, I oppose HB 996, not in the Senate amendments but in the House Rules Committee that put in this educational component. Thank you.

The SPEAKER. The lady, Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Will the sponsor of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will. You may proceed. The lady will yield for a moment.

There are only two speakers after the lady. Please, be patient — and silent.

Ms. Steelman.

Ms. STEELMAN. Thank you, Mr. Speaker.

Mr. Speaker, on the subject of independent schools, how do the independent schools as they would be created by this legislation differ, except in the circumstances of their formation, from charter schools?

Mr. S. SMITH. Mr. Speaker, the main differences are that the teachers retain the protection of being employed under the basic school district, and the financial problems that have occurred with the transfer of moneys under the charter schools would not exist under the independent schools.

Ms. STEELMAN. Would the teachers under the creation of an independent school be covered by the transfer-of-entities language in the School Code?

Mr. S. SMITH. Mr. Speaker, the answer to that is no, because they are in the same entity. They have not transferred.

Ms. STEELMAN. So in that case, it still would be a situation in which the teachers' transfer rights into the independent school would be legally protected? There would be no way in which the board of governors of the independent school could declare that they would be hiring a new faculty?

Mr. S. SMITH. Mr. Speaker, the teachers would not be transferring; they are still under the employment of the basic school district. If they were hiring new employees, there might be something different there, but there is no transfer between entities. They are still employed by the current school district.

Ms. STEELMAN. Thank you, Mr. Speaker.

Looking at the professional-teacher-assessment language, we have become more and more fascinated with standardized tests,

but in this case, what evidence exists from studies in other States or studies of teacher performance that testing teachers on something as basic as reading skills is going to have a beneficial effect on these teachers' ability to teach or on these teachers' understanding of what they need to do in order to contribute to their own professional development?

Mr. S. SMITH. Mr. Speaker, I am not aware of any scientific data that addresses the value of this in the sense that you are asking. The provisions of the professional teacher assessment are being put in place for the professional development and improvement of the teachers themselves as well as for the evaluation on behalf of the school district of just where they stand.

Ms. STEELMAN. What will the fiscal impact of the teacher testing program be?

Mr. S. SMITH. Mr. Speaker, the estimate is \$4 million per year.

Ms. STEELMAN. \$4 million a year for 5 years?

Mr. S. SMITH. Mr. Speaker, that is correct.

Ms. STEELMAN. And then at that point will the rotation start all over again so that it will be \$4 million a year into infinite time?

Mr. S. SMITH. Mr. Speaker, the bill does not spell out the continuation at the end of that 5 years, but it is logical and likely that that would be the outcome.

Ms. STEELMAN. In the definition of "Professional teacher assessment," the assessment is defined as an assessment designed to measure a teacher's knowledge of the academic standards included in the PSSA. Now, does that mean that the teacher is supposed to understand what the standards are or that the teacher will be assessed on his or her ability to meet the standards required for the age range that that teacher is instructing?

Mr. S. SMITH. Both; both, Mr. Speaker. The answer is both of those that you outlined.

Ms. STEELMAN. When you mentioned that middle school and secondary school teachers in the sciences will be required to take a mathematics test and justified that on the basis that mathematics is, well, those of us in the sciences refer to it as the handmaiden of the sciences, which makes mathematicians very irritable. But one of the things that is fairly obvious is that the different sciences depend on different branches of mathematics. For example, a geneticist is going to emphasize statistics far more than a chemist will. A chemist is going to be more dependent on algebra, and a physicist is going to be dependent on calculus or geometry, depending on what level of physics she is teaching. Will the assessments be designed to reflect those different significances of the branch of mathematics that is basic to the subject being taught?

Mr. S. SMITH. Mr. Speaker, the tests would be, I think, a little more basic than what you are contemplating in regard to the math and the math test as it relates to a science teacher. I might add that once the assessments are determined or established for a science teacher, then that test would be— Once the standards — excuse me — once the standards are established for a science teacher, then that test for that group of teachers would be tailored a little more to, you know, their particular area of expertise.

Ms. STEELMAN. But by that time the science teachers will be taking, what, three tests? One in mathematics, one in science, and one in reading?

Mr. S. SMITH. It would be subject to the timing of those standards being put into the PSSA.

Ms. STEELMAN. Thank you, Mr. Speaker.

In the Education Support Services Program, I do not see any limits on financial eligibility for recipients of these \$500 grants. Is there a limitation on how high the family income has to be before an individual becomes ineligible for this \$500 in government aid?

Mr. S. SMITH. No; there is no financial criteria.

Ms. STEELMAN. So anyone could apply for these, no matter how high their family income is.

Mr. S. SMITH. That is correct, Mr. Speaker.

Ms. STEELMAN. And there is no mechanism that attempts to ensure that those families with the greatest financial need would have the first opportunity for these grants?

Mr. S. SMITH. Mr. Speaker, I am not aware of the legislation providing preference. It is tailored mostly toward children who are not achieving.

Ms. STEELMAN. However, with— Well, I will save the comment for the time when I am speaking on the bill.

Looking at the educational improvement tax credit, what mechanisms are in place in this language that would prevent educational scholarships from going to students who are already enrolled in private schools in the Commonwealth?

Mr. S. SMITH. Mr. Speaker, there are no safeguards against that.

Ms. STEELMAN. So that as a matter of fact, based on estimates from the previous voucher program, as much as 90 percent of the \$30 million involved here? \$20 million? could wind up going to students who are already enrolled in private schools. How does this contribute to educational improvement in the Commonwealth?

Mr. S. SMITH. Mr. Speaker, first of all, they are not vouchers. and the scholarship that is provided to a student, whether they are already enrolled or a student that is seeking to enroll, that would be determined by the nonprofit organization that is providing those scholarships. So they will actually make that ultimate determination based on the type of scholarship program that they are providing. The limit in that area would be \$20 million, I believe.

Ms. STEELMAN. Thank you.

Circling back to the tuition credits, how much money would be appropriated for that program?

Mr. S. SMITH. \$30 million is the appropriation or the fiscal impact of the entire tax credit program we are talking about here, of which \$20 million would be targeted toward the scholarships.

Ms. STEELMAN. Yes; that is \$30 million for the tax credit program. I was talking about the tutoring grants. How much money is planned to be appropriated for that? There does not seem to be a number in the bill.

Mr. S. SMITH. Mr. Speaker, under the tutoring program, the number that is referenced is \$23 million. However, I believe that is subject to the ultimate appropriation, which will be established in the General Fund appropriation bill that we will be doing, you know, in the coming weeks.

Ms. STEELMAN. Do we have any idea how many students will be eligible for this? It is supposed to be based on some criteria, but I do not see any explicit criteria in the legislation.

Mr. S. SMITH. Mr. Speaker, I already answered that question earlier. We are not sure of that.

Ms. STEELMAN. Okay. And finally, with regard to the tax credit program, are corporations chartered under subchapter S eligible for those tax credits or is it only larger corporations that would be eligible?

Mr. S. SMITH. No.

Ms. STEELMAN. That is subchapter S corporations would not be able to benefit from the tax credits.

Mr. S. SMITH. Correct.

Ms. STEELMAN. Thank you.

On the bill, Mr. Speaker.

The SPEAKER. The lady is in order.

Ms. STEELMAN. It has been said that inside every fat man there is a thin man trying to get out. Inside this fat amendment there is a thin, good bill trying to get out. There are some good ideas here, but it seems to me that the problems with this amendment — for example, the fact that most of our small family-owned businesses cannot benefit from the tax credits offered only to large corporations — create so many problems in the long run that we should reject this bill and permit the better parts of it to be refined through the committee process, come to us through the Education Committee following hearings, and present us with a piece of legislation that we could all be proud to pass. Unfortunately, this is not it.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Sturla, is recognized for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

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

Mr. S. SMITH. Mr. Speaker, I did not know there were any questions left.

The SPEAKER. I guess we are going to find out.

You may proceed.

Mr. STURLA. Mr. Speaker, I just have one question, and it relates to the definition of a nonprofit entity as found on page 11 and page 12 for the educational improvement organizations and the scholarship organizations. Under that definition it says it is a nonprofit entity as spelled out in Federal taxation guidelines of the Internal Revenue Code, and because it says then as a followup that 80 percent of the money in either one of these funds has to either go to improved public education or go to scholarships, I am assuming that allows 20 percent of those funds to be used for other things, like salaries of those people that are running that nonprofit organization. Is that correct?

Mr. S. SMITH. Mr. Speaker, the presumption is that the other 20 percent could go towards the administrative costs of that particular 501(c)(3). However, that would be the maximum amount. The 80 percent is a minimum that must go to the educational services, so that the 20 percent, you know, could go to another— Arguably, it could go to administrative costs, or arguably, it could go to other, you know, unrelated educational interests, conceivably.

Mr. STURLA. And I guess the reason I asked that question, Mr. Speaker, is, as a hypothetical, if I contribute \$20,000 a year to my church and I now go to my minister and say, you know what, if you set up one of these 501(c)(3)s and I can contribute 100,000 dollars' worth of tax credits, how about if you take the \$20,000 and use that for the church, for what I normally contribute at the church, and use the other \$80,000 for the scholarships. It does not cost me a cent, because it is tax credits and I would have had to pay the taxes anyway. I do not have to make the \$20,000 contribution to the church. The minister gets

paid his \$20,000, and the \$80,000 goes to the scholarship entity. Is that reasonable? Would that be eligible or permissible under this law?

Mr. S. SMITH. Mr. Speaker, it does not sound reasonable to me, because ultimately the Department of Education has to approve that entity, the 501(c)(3), as a qualified provider of either the tuition or the innovative educational program. So I do not think that would qualify by either way you defined it.

Mr. STURLA. So I just want to get then, the legislative intent of this amendment is not to allow that to occur. Is that correct?

Mr. S. SMITH. I would agree with that, Mr. Speaker.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the majority whip, please.

The SPEAKER. You may begin.

Mr. TIGUE. Thank you, Mr. Speaker.

First of all, let me commend you for this long interrogation. You have done a good job.

But I have some questions. I guess the procedure for the educational improvement tax credit, the business who would qualify would have to do the contribution and then apply to the Department of Revenue for approval for the tax credit?

Mr. S. SMITH. Yes. Mr. Speaker, basically, a corporation makes the donation to the 501(c)(3) educational organization, and then through that approval process, they would, you know, take that credit against their tax return when they filed it at whatever their fiscal filing deadline was.

Mr. TIGUE. Mr. Speaker, what would occur if more businesses applied for the tax credit beyond the \$30 million?

Mr. S. SMITH. Mr. Speaker, this is on a first-come, first-served basis, so you will have to get in line early.

Mr. TIGUE. Mr. Speaker, based on that first come, first served, and if you look at I guess it is page 11, the definition of "contribution" includes not only financial money contribution but also services and things like that. How would my providing a service to a school district enhance the scholarship fund?

Mr. S. SMITH. Mr. Speaker, that would be under the innovative education program side of the tax credit. That would not be under the scholarship portion. Remember, there are two separate types of 501(c)(3)s which would be recipients of the cash or assistance grant from the corporation.

Mr. TIGUE. Okay. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a statement, please.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I support a number of items in this bill. However, I cannot support the full bill.

Part of it is the income tax credit, and there are a couple of reasons. I think in our rush to do this, this has not been drafted very well. One of the problems is, if what we just heard is correct, if as a business I must offer the money to the scholarship organization and then apply for a tax credit, because it is first come, first served, how do I know when I give the money to the organization that in fact I will receive a tax credit? The money may be gone. It depends on how fast these organizations are and the department is in approving my

contribution as well as approving the tax credit for me, and I think that is a real problem.

The other problem is, in this bill — and I am sorry; all day I do not know if I heard too much discussion about it — but the special education funding is in this bill. We passed an amendment, probably unanimously, a few weeks ago, and we have all talked about special education funding. We have found money to fund other things in here which really are not necessary, but we have taken a step back with special education money, back to what the Governor proposed in his budget address in February. So we are going to get extra money in special ed, more than we did last year, but surely not what we want when we are spending money for other things.

I would ask you to defeat this. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon. Will the gentleman yield.

Conferences on the floor, please break up. There are two members left to speak — Mr. Veon, Mr. DeWeese. Conferences, please break up.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I also want to thank the gentleman for the time that he has put into answering interrogations here this evening, and I would like to make a brief interrogation myself, with permission.

The SPEAKER. The gentleman may proceed.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I believe—

The SPEAKER. You caught me with a mouthful of crackers; pardon me.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, if I could, as the gentleman knows, there was some anxiety and angst throughout the day today on some specific provisions in this bill dealing with independent schools, the formation of independent schools and what the labor law would be surrounding the implementation and creation of those independent schools within a particular school district, and again, with the gentleman's permission, I would like to ask him a few questions, my understanding of what is in this law, and I would appreciate if you could affirm that or clarify it for me, Mr. Speaker.

Mr. Speaker, it is my understanding, again, with a lot of work, that language was improved, in my judgment, in this bill and that in fact in this bill, in the creation of an independent school, you cannot abrogate an existing teacher contract. Mr. Speaker, is that correct?

Mr. S. SMITH. Mr. Speaker, that is correct.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, it is also my understanding in reading this language, new language put in there late today, that you could in fact not fire a teacher indiscriminately in the creation of this independent school or in the governing of this independent school.

Mr. S. SMITH. Mr. Speaker, that is correct.

Mr. VEON. Mr. Speaker, thank you.

Mr. Speaker, it is also my understanding in reading this language that you could not eliminate tenure in the creation of the independent school or in the governing of the independent school. Mr. Speaker, is that correct?

Mr. S. SMITH. Mr. Speaker, that is correct also.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate those answers, and I think those answers— I am sure and confident those answers would be similar on a longer list of labor provisions that I do not think is necessary to go into here this evening.

I am confident that my concerns about the labor provisions on the creation and governing of independent schools have in fact been fixed, improved, in the language of this bill, and again, I want to commend all the members that participated in that process, and I appreciate the gentleman's answers on the interrogation.

Mr. Speaker, on the bill?

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I realize the hour is late, and I certainly understand that there has been a lot of passion on this side of the aisle, on the Democratic side, in their comments here this evening in opposition to this bill, and I understand that passion from these members, because I know the time and effort that the members have put in to trying to improve public education in Pennsylvania, and certainly in their judgment, as they stated here today on the floor of the House, they do not believe that this bill makes significant improvement in public education. In fact, in some cases, as they discussed here tonight, they think that it does exactly the opposite and does harm to public education in Pennsylvania.

Mr. Speaker, clearly this is not the bill that I would write. Clearly this is not the bill that the Democrats would author if we were doing it on our own. But we are here tonight in the give-and-take of the legislative process, the Republicans and Democrats who in fact have had significant input on the final drafting of HB 996 that is in front of us here tonight.

Again, this is a normal give-and-take in the legislative process, and, Mr. Speaker, as part of that normal give-and-take in the legislative process, it is important for me that in fact, in my judgment, I am confident that tomorrow we are going to provide a modest, deserved increase in pensions for thousands of State employees and thousands of schoolteachers. As part of that give-and-take legislative process, we are faced with voting a bill today that perhaps not all of us are 100 percent satisfied with. But, Mr. Speaker, I believe that as part of that give-and-take process, this bill needs to pass, this bill should pass, and, Mr. Speaker, I would in fact encourage members here to pass this bill, HB 996.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese, and then Mr. Smith.

Mr. DeWEESE. Thank you, Mr. Speaker.

There is a wonderful line from Shakespeare's immortal work "As You Like It," offered by Rosalind, a female protagonist. She described tonight's setting here on the floor of the House. She said, "O, how full of briars is this working-day world!"

The gentleman from Beaver, Mr. Veon, has delineated some of our vexations with this proposal, but the exigencies of the moment are substantial. As the gentleman just said and I will reiterate, several hundred thousand State workers, State teachers, and politicians tomorrow will be voting on another measure, and due to the rough-and-tumble of debate over the last week and a half, especially aggressive during the weekend and tumultuous at times this afternoon, about 125,000 schoolteachers were included in this proposal, because compromises have been arranged and agreed to.

"O, how full of briers is this working-day world!" That pretty much sums up our enterprise here on the floor of the House.

There is one caveat that I do want to share before I relinquish the microphone to the honorable gentleman, Mr. Smith, and I also laud his patience and his cooperation tonight with this long interrogation, and that is, for many of us who serve rural school districts who have very challenging special education assignments in those districts, there is a very solid increase in special ed, especially in Greene County, in Southeastern Greene and West Greene — one of the preeminent, one of the best, special education programs in the Commonwealth, West Greene School District — and Central Greene and Jefferson and Carmichaels, as well as my districts in Fayette and Washington.

So although there are some substantial elements in this proposal that are difficult to embrace and one or two that border on repugnant, nevertheless, it is a big bill; it embraces a lot of different elements, and because one and a quarter hundred thousand schoolteachers will be included in a pension adjustment, because of what Mike Veon said relative to the earlier depredations against organized labor that were ameliorated, and thirdly, because of special education money for rural school districts especially, I am very comfortable tonight voting in the affirmative.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Real briefly, I appreciate the cooperation of the members and of the minority leadership.

Just let me say one quick thing, having answered a lot of questions tonight.

This legislation, if you vote for it tonight, basically what you are going to be doing is you are going to be voting for stronger teachers; you are going to be voting for more help for young students who are falling behind; you are going to be voting for a 10-percent increase in special education; and the bottom line is, you are going to be voting for better opportunities for the students of Pennsylvania.

I truly believe that that is what we are all about, and I would appreciate an affirmative vote. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—133

Adolph	Evans, J.	Maitland	Saylor
Allen	Fairchild	Major	Schroder
Argall	Feese	Markosek	Schuler
Baker, J.	Fichter	Marsico	Semmel
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barley	Forcier	McGill	Stairs
Barrar	Gabig	McIlhattan	Steil
Bastian	Gannon	McIlhinney	Stern
Birmelin	Geist	Metcalfe	Stevenson, R.
Bishop	Godshall	Micozzie	Stevenson, T.
Boyes	Gruitza	Miller, R.	Strittmatter
Browne	Habay	Miller, S.	Tangretti

Bunt	Harhart	Myers	Taylor, E. Z.
Butkovitz	Harper	Nailor	Taylor, J.
Caltagirone	Hasay	O'Brien	Trello
Cappelli	Hennessey	Perzel	Tulli
Cawley	Herman	Petrone	Vance
Civera	Hershey	Phillips	Veon
Clark	Hess	Pickett	Walko
Clymer	Horsey	Pippy	Washington
Cohen, M.	Hutchinson	Pistella	Waters
Coleman	Jadlowiec	Preston	Watson
Cornell	James	Raymond	Williams, J.
Corrigan	Kaiser	Readshaw	Wilt
Costa	Keller	Reinard	Wojnaroski
Creighton	Kenney	Robinson	Wright
Cruz	Kirkland	Roebuck	Youngblood
Dally	Lederer	Rohrer	Zimmerman
DeWeese	Leh	Ross	Zug
DiGirolamo	Lewis	Rubley	
Diven	Lucyk	Ruffing	
Egolf	Lynch	Santoni	Ryan,
Evans, D.	Mackereth	Sather	Speaker

NAYS—64

Bebko-Jones	Frankel	Manderino	Shaner
Belardi	Freeman	Mann	Solobay
Belfanti	George	McCall	Staback
Benninghoff	Gordner	Melio	Steelman
Blaum	Grucela	Michlovic	Stetler
Buxton	Haluska	Mundy	Sturla
Casorio	Hanna	Nickol	Surra
Cohen, L. I.	Harhai	Oliver	Thomas
Colafella	Josephs	Pallone	Tigue
Coy	Krebs	Petrarca	Travaglio
Curry	LaGrotta	Rieger	Trich
Daley	Laughlin	Roberts	Vitali
DeLuca	Lawless	Rooney	Wansacz
Dermody	Lescovitz	Sainato	Williams, C.
Donatucci	Levdansky	Samuelson	Yewcic
Eachus	Maher	Scrimenti	Yudichak

NOT VOTING—2

Armstrong	Wogan
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EXCUSED—3

Cappabianca	Dailey	McNaughton
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

The SPEAKER. Members, be advised that tomorrow morning session will begin at 10 a.m.

REPUBLICAN CAUCUS

The SPEAKER. The Republicans have a 9 a.m. caucus.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen, what is your caucus pleasure?

Mr. COHEN. Thank you.

Mr. Speaker, those members who are very interested in the excruciating details of the pension legislation we will be voting

on tomorrow should report promptly at 9 o'clock. For those members who either cannot be there at 9 o'clock or are less interested in the line-by-line analysis but would like to know the basic details, we will have another meeting starting at 9:30.

So 9 or 9:30 tomorrow for the Democratic Caucus.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith, who asks that the gentleman, Mr. WOGAN, be placed on leave. Without objection, the leave is granted. The Chair hears none.

RULES COMMITTEE MEETING

The SPEAKER. There will be a 10 o'clock meeting of the Rules Committee in the majority caucus room tomorrow morning; 10 a.m.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. Are there any announcements? Corrections to the record?

Majority or minority leader?

The Chair recognizes the lady from Bradford, Ms. Pickett.

Ms. PICKETT. Mr. Speaker, I move that this House do now adjourn until Tuesday, May 8, 2001, at 10 a.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 10:06 p.m., e.d.t., the House adjourned.