

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 10, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 70

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. BRUCE D. McINTOSH, Chaplain of the House of Representatives and assistant pastor of Faith Bible Fellowship Church, York, Pennsylvania, offered the following prayer:

Good afternoon, everybody.

I have no lessons for you this afternoon. I stuck my finger in the toaster this morning and burned it, but the only lesson there is do not put your finger in the toaster. So why do we not just pray.

Father, we are grateful to You for loving us and being patient with us in our frailties, in our foolishnesses, and, Father, we look to You now and ask that You will supply our needs, give us this day our daily bread. In body, in mind, in emotion, and most importantly, in spirit help us, Lord, to be in tune with You, and I ask it in Your most precious name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, December 5, 2001, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals for Tuesday, September 25; Wednesday, September 26; Monday, October 1; and Tuesday, October 2, 2001, are available and in print. Without objection, these Journals will stand approved. The Chair hears no objection. The Journals are approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2214 By Representative CREIGHTON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

Referred to Committee on JUDICIARY, December 10, 2001.

No. 2215 By Representatives PIPPY, RAYMOND, M. BAKER, BARD, BELARDI, BELFANTI, BLAUM, BROWNE, CAPPELLI, COLEMAN, CORNELL, COSTA, CREIGHTON, CRUZ, DALLY, DiGIROLAMO, J. EVANS, FAIRCHILD, FEESE, GEIST, GEORGE, GORDNER, GRUCELA, HALUSKA, HARPER, KELLER, LAUGHLIN, LEDERER, LESCOVITZ, MARKOSEK, MAYERNIK, McCALL, McILHATTAN, MELIO, PETRARCA, PRESTON, SATHER, SCHULER, SHANER, SOLOBAY, R. STEVENSON, T. STEVENSON, SURRA, E. Z. TAYLOR, TIGUE, TURZAI, WANSACZ, WATSON, WOJNAROSKI, M. WRIGHT, YOUNGBLOOD, KAISER, HESS, EACHUS, YUDICHAK, SCHRODER, McGEEHAN, THOMAS, JAMES, HORSEY, MAHER, FRANKEL, HARHAI, L. I. COHEN and DeLUCA

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for benefits.

Referred to Committee on LABOR RELATIONS, December 10, 2001.

No. 2216 By Representatives KREBS, TRICH, CLYMER, NAILOR, TRAVAGLIO, SATHER, HERMAN, JAMES, GEORGE, WATSON, HARHAI, DALEY, WILT, CAPPELLI, CREIGHTON, GEIST, SHANER, CLARK, DAILEY, YOUNGBLOOD, HORSEY, McILHATTAN, TRELLO, HARHART, R. MILLER, WANSACZ, SEMMEL, McCALL, STEELMAN, G. WRIGHT and E. Z. TAYLOR

An Act establishing a bill of rights for individuals enrolled in institutions of higher education in this Commonwealth; and conferring duties on the Council of Higher Education of the State Board of Education.

Referred to Committee on EDUCATION, December 10, 2001.

No. 2217 By Representatives L. I. COHEN, BARD, BEBKO-JONES, BROWNE, CRUZ, CURRY, FRANKEL, GEORGE, HENNESSEY, HORSEY, MCGILL, MELIO, PALLONE, ROBINSON, SHANER, THOMAS, G. WRIGHT and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining the offense of ethnic intimidation to include ancestry.

Referred to Committee on JUDICIARY, December 10, 2001.

No. 2218 By Representatives STABACK, ALLEN, BEBKO-JONES, BELFANTI, CALTAGIRONE, CLARK, COY, CURRY, FAIRCHILD, FRANKEL, FREEMAN, GABIG, GEORGE, GRUCELA, HALUSKA, HENNESSEY, HORSEY, JAMES, JOSEPHS, LEDERER, MANDERINO, MANN, McCALL, MCGEEHAN, MELIO, PRESTON, SHANER, SOLOBAY, STEELMAN, SURRA, J. TAYLOR, THOMAS, TRAVAGLIO, TRELLO, WALKO, WANSACZ, WASHINGTON, WOJNAROSKI, G. WRIGHT, YOUNGBLOOD, TIGUE and DeLUCA

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for date of application for absentee ballot, for approval of application for absentee ballot, for absentee electors files and lists, for voting by absentee electors and for canvassing of official absentee ballots.

Referred to Committee on STATE GOVERNMENT, December 10, 2001.

No. 2219 By Representative J. TAYLOR

An Act authorizing certain racetrack gaming; providing for disbursements of revenues; establishing the Racetrack Gaming Control Board and the State Gaming Fund; imposing duties on the State Horse Racing Commission; imposing a slot machine tax; and making an appropriation.

Referred to Committee on FINANCE, December 10, 2001.

No. 2220 By Representatives THOMAS, KENNEY, MANDERINO, J. TAYLOR, KIRKLAND, WATERS, OLIVER, HORSEY, BISHOP, MYERS, WASHINGTON, PRESTON, J. EVANS, YOUNGBLOOD, J. WILLIAMS, CRUZ, ROEBUCK and JOSEPHS

An Act amending the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act, further defining "finance officer," "governing body" and "school district"; further providing for creation of tax increment districts and approval of project plans, for allocation of positive tax increments, for determination of tax increment and tax increment base and for financing of project costs.

Referred to Committee on FINANCE, December 10, 2001.

No. 2221 By Representatives METCALFE, ROHRER, T. STEVENSON, STEELMAN, ARMSTRONG, MAHER, TURZAI, R. STEVENSON, CAPPELLI, CREIGHTON, FORCIER, EGOLF, YOUNGBLOOD, BASTIAN, WILT, HENNESSEY, HORSEY, PIPPY and GRUCELA

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

Referred to Committee on EDUCATION, December 10, 2001.

No. 2222 By Representatives ROONEY, VEON, FRANKEL, BUXTON, GEORGE, GRUCELA, SATHER, FAIRCHILD, STABACK, SHANER, NICKOL, SOLOBAY, TRELLO, STEELMAN, MCGEEHAN, WASHINGTON, BEBKO-JONES, HARHAI, HERSHEY, JAMES, YOUNGBLOOD, CREIGHTON, DeLUCA, HORSEY, G. WRIGHT, THOMAS, STETLER, J. WILLIAMS, S. MILLER, HENNESSEY and PALLONE

An Act providing for viatical settlements and for powers and duties of the Insurance Department.

Referred to Committee on INSURANCE, December 10, 2001.

No. 2223 By Representatives PISTELLA, MAYERNIK, CAPPELLI, CRUZ, DeLUCA, DERMODY, DIVEN, FRANKEL, GEORGE, JAMES, KELLER, READSHAW, SCHULER, SHANER, T. STEVENSON, WOJNAROSKI, YOUNGBLOOD and MELIO

An Act amending the act of June 12, 1919 (P.L.476, No.240), referred to as the Second Class County Recorder of Deeds Fee Law, providing for additional fees; and establishing a County Records Improvement Fund.

Referred to Committee on LOCAL GOVERNMENT, December 10, 2001.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 377 By Representatives T. STEVENSON, STAIRS, HERMAN, GEIST, PHILLIPS, PIPPY, GEORGE, CALTAGIRONE, CRUZ, GORDNER, SHANER, VANCE, SCHULER, LESCOVITZ, READSHAW, YUDICHAK, JAMES, WOJNAROSKI, GRUCELA, PETRARCA, FRANKEL, THOMAS, SAYLOR, CAPPELLI, YOUNGBLOOD, STERN, STEELMAN, PALLONE, S. MILLER and JOSEPHS

A Resolution directing the Joint State Government Commission to conduct a study on the shortage of applicants for administrative positions serving the Commonwealth's 501 school districts.

Referred to Committee on RULES, December 10, 2001.

SENATE BILLS FOR CONCURRENCE

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

SB 238, PN 1579

Referred to Committee on TRANSPORTATION, December 10, 2001.

SB 978, PN 1174

Referred to Committee on LOCAL GOVERNMENT, December 10, 2001.

SB 985, PN 1586

Referred to Committee on LOCAL GOVERNMENT, December 10, 2001.

SB 1000, PN 1580

Referred to Committee on JUDICIARY, December 10, 2001.

SB 1014, PN 1431

Referred to Committee on JUDICIARY, December 10, 2001.

SB 1100, PN 1381

Referred to Committee on LOCAL GOVERNMENT, December 10, 2001.

SB 1169, PN 1581

Referred to Committee on STATE GOVERNMENT, December 10, 2001.

SB 1213, PN 1569

Referred to Committee on APPROPRIATIONS, December 10, 2001.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills be taken from the table:

HB 102;
HB 641;
HB 1923;
HB 2087;
HB 2130;
HB 2203;
SB 16;
SB 611; and
SB 820.

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 102, PN 3011; HB 641, PN 697; HB 1923, PN 3018; HB 2087, PN 2772; HB 2130, PN 3013; HB 2203, PN 3015; SB 16, PN 1585; SB 611, PN 662; and SB 820, PN 1583.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills be recommitted to Appropriations:

HB 102;
HB 641;
HB 1923;
HB 2087;
HB 2130;
HB 2203;
SB 16;
SB 611; and
SB 820.

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

SENATE MESSAGE**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 372, PN 1578**.

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

The clerk of the Senate, being introduced, returned **HB 1633, PN 3001**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 372, PN 1578

An Act repealing, in part, a limitation on the complement of the Pennsylvania State Police.

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

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1633, PN 3033 (Amended) By Rep. PERZEL

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

RULES.

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of an actuarial note for SB 16, PN 1585.

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

GUESTS INTRODUCED

The SPEAKER. The Democratic leader, Mr. DeWeese, has as guests on the floor of the House today six constituents from his district who are visiting the Capitol Building. They are Jacqueline and John Evans, Marion and Grant Mitchell, Sr., and Linda and Grant Mitchell, Jr. Would the guests please rise.

**COMMUNICATION FROM
DEMOCRATIC LEADER**

The SPEAKER. The clerk will read the following communication from the gentleman, Mr. DeWeese.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

December 5, 2001

Honorable Phyllis Mundy
PA House of Representatives
115B East Wing
Harrisburg, PA 17120

Dear Representative Mundy:

This is to inform you that I have appointed you to serve as Vice Chairman to the House Children & Youth Committee, for the remainder of the 2001-2002 Legislative Sessions of the General Assembly, thereby replacing Representative Connie Williams.

I am pleased to make this appointment and look forward to working with you.

Sincerely,
H. William DeWeese
The Minority Leader

HWD/kemm

cc: Honorable Matthew J. Ryan, Speaker
Honorable Joseph Markosek, Democratic Chair, Committee on Committees
Honorable George Hasay, Republican Chair, Committee on Committees
Honorable Michael Gruitza, Democratic Chair, Children & Youth Committee
Honorable Jerry Birmelin, Republican Chair, Children & Youth Committee
Susan Brown, Joint State Government Commission
Kathy Carl, Office of Chief Clerk
Clancy Myer, Esq., Parliamentarian

**COMMUNICATION FROM
DEPARTMENT OF PUBLIC WELFARE**

The SPEAKER. The Chair acknowledges receipt of the 2000 Quality Control Report for the General Assistance Program submitted by the Department of Public Welfare.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip for leaves of absence. The gentleman, Mr. Smith, requests a leave for the week for the gentleman from Schuylkill, Mr. ALLEN; the gentleman from Delaware, Mr. CIVERA; and for the day for the gentleman from Lancaster, Mr. ZIMMERMAN. Without objection, the leaves will be granted. The Chair hears no objection.

The Chair recognizes the gentleman from Beaver, Mr. Veon, the Democratic whip, who requests a leave for the gentleman from Westmoreland, Mr. TANGRETTI; the gentleman from Philadelphia County, Mr. RIEGER; the gentleman from Washington County, Mr. TRICH. The Tangretti request is for the week; the other two are for the day. Without objection, the leaves 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—196

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

JUNIOR RIFLE SHOOTERS PRESENTED

The SPEAKER: The House will please come to order; the House will please come to order. Members, please take your seats.

The Chair recognizes the gentleman, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I am joined here today by Representative Godshall also, and today we are presenting and pleased to be able to present citations on behalf of the Pennsylvania House of Representatives to six very talented junior competitive rifle shooters. They are Jeremy Branning, David Petrun, Adam Bester, Jessica Bester, Calvin Roberts, and Scott Roberts, who are standing behind me.

In August these outstanding teenage shooters, sponsored by the Pennsylvania Rifle and Pistol Association, competed in the National High Power Rifle Championships held in Camp Perry, Ohio. Firing the same rifles used by our men and women in the United States military, they turned in a brilliant performance capturing the prestigious Minuteman Trophy.

This coveted award is given to the winning six-person team of junior shooters firing high-powered service rifles in a 50-shot match at ranges of up to the length of six football fields.

Mr. Speaker, I urge my colleagues to join me in congratulating these champion shooters on their performance in bringing home to Pennsylvania the prestigious Minuteman Trophy.

We are also joined by Representative Roberts here who has constituents on that team from his district.

Thank you, Mr. Speaker.

**WYOMISSING HIGH SCHOOL GIRLS
CROSS-COUNTRY AND TENNIS TEAMS
PRESENTED**

The SPEAKER. The Chair recognizes the lady from Berks County, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

If my colleagues in the House of Representatives think there is something in the water in Berks County that makes for State champions, I think you are right, because I am here again before you with not just one exceptional State championship team but two, and they are from Wyomissing High School in Berks County.

The girls cross-country and the girls tennis teams each recently won the Class AA championships in their respective sports, outstanding achievements for these young ladies and a tribute to their determination and their discipline to their sports.

This year marks the third straight title for the girls cross-country team and coach Tim Hetrich. The Spartans' accomplishment is even more noteworthy considering that no Berks County team has ever won more than two consecutive State titles.

The girls tennis team had an equally impressive record at the championships at Hershey Racquet Club with individual team members finishing second, third, and fourth, and this is their second consecutive State title.

Berks County is proud of these young women for their commitment to each other. They have challenged themselves to be the best and have achieved their goals.

I would like to take just a moment to recognize the coaches and the team captains of both teams at this time. From the cross-country team we have coach Tim Hetrich and senior team captains Astrid Chastka, Lauren Shaub, and Erin Crider.

From the tennis team we have coach Mike Gyomber and senior team captains Michele Friedmann and Katie Jaxheimer.

Please join me, if you would, at this time in congratulating both of these Wyomissing High School championship teams as Representative Sam Rohrer, who shares the Wyomissing High School, presents them with their citations from the House of Representatives, and I would like to ask that the remainder of the teams in the rear of the House chamber please stand at this time for your well-deserved recognition.

CITATIONS SUBMITTED FOR THE RECORD

Mrs. MILLER. Mr. Speaker, if I could please ask that the citations that were just presented be made part of the House Journal. Thank you very much.

Mrs. MILLER submitted the following citations for the Legislative Journal:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

CITATION

WHEREAS, The Wyomissing High School Girls' Cross Country Team recently captured the 2001 PIAA Class AA Girls' Cross Country State Championship; and

WHEREAS, The team won its third consecutive PIAA Class AA Girls' Cross Country State Championship with a score of seventy-two points. En route to the State championship, the team also won the Berks County and District III titles and finished the last three seasons undefeated with a stellar record of 50 wins. Under the expert guidance of head coach Tim Hetrich and assistant coaches Erik Uliasz, Larry Levy, Chris Krow, Maria Sajone and Mike Miller, the Wyomissing High School Girls' Cross Country Team is comprised of Debbie Huss, Amy Huss, Ashley Iwanowski, Karen Rogers, Astrid Chastka, Lauren Shaub, Erin Crider, Jessie Schlegel, Elisa Champlin, Amy Buck, Rachel Shapiro, Michaela McElroy, Jaime Knudsen, Kate Sweitzer, Danielle Booth, Chrissie Mena, Hillary Rieveley, Elise Johnston and Jackie Shor. The managers who assisted the team are Ian Jacobi, Conor Larkin, Carrie Magistro, Eric Munsing and Lindsay Sakman.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates the Wyomissing High School Girls' Cross Country Team upon winning its third consecutive PIAA Class AA Girls' Cross Country State Championship; heartily commends the team members and coaches for their ability, dedication and tireless pursuit of athletic excellence; offers best wishes for continued success in all future endeavors;

And directs that a copy of this citation, sponsored by the Honorable Sheila Miller on December 5, 2001, be transmitted to the Wyomissing High School Girls' Cross Country Team, 630 Evans Avenue, Wyomissing, Pennsylvania 19610.

Sheila Miller, Sponsor

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

CITATION

WHEREAS, The Wyomissing High School Girls' Tennis Team recently captured the 2001 PIAA Class AA Girls' Tennis Team State Championship; and

WHEREAS, The State title was the second consecutive win for the team, which also won the Berks County League and the District III championships for the third consecutive year. Additionally, the team went undefeated over the past three seasons, finishing with a stellar record of 68 wins. Under the expert guidance of head coach Mike Gyomber and assistant coach Matt Babiarz, the Wyomissing High School Girls' Tennis Team is comprised of Jessie Abribat, Sarah MacAusland, Lauren Neiman, Jennifer Fromuth, Susan Pollack, Ashley Reed, Samantha Rothenberger, Lauren Thomas, Grace Blakely, Rebecca Rees, Sarah Simon, Keri Dorko, Michele Friedmann, Kathryn Jaxheimer, Kaitlin Zintak and Mallory Zintak.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates the Wyomissing High School Girls' Tennis Team upon winning its second consecutive PIAA Class AA Girls' Tennis Team State Championship; heartily

commends the team members and coaches for their ability, dedication and tireless pursuit of athletic excellence; offers best wishes for continued success in all future endeavors;

And directs that a copy of this citation, sponsored by the Honorable Sheila Miller on December 5, 2001, be transmitted to the Wyomissing High School Girls' Tennis Team, 630 Evans Avenue, Wyomissing, Pennsylvania 19610.

Sheila Miller, Sponsor

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

REPUBLICAN CAUCUS

The SPEAKER. The Chair at this time recognizes the majority caucus chairman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

At the announcement of the recess House Republicans will caucus downstairs. We will require 90 minutes.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

There also will be a Democratic caucus.

The SPEAKER. Is 90 minutes adequate, Mr. Cohen?

Mr. COHEN. I would guess so, Mr. Speaker.

The SPEAKER. Very good.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. Mr. Kenney.

Mr. KENNEY. To announce a meeting, Mr. Speaker.

The House Urban Affairs Committee will meet at the recess in room 39E. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

AGING AND OLDER ADULT SERVICES
COMMITTEE MEETING

The SPEAKER. Are there any other committee announcements?

Mr. Schuler, did you have an announcement?

Mr. SCHULER. Thank you, Mr. Speaker.

The Aging and Older Adult Services Committee will meet at the rear of the House at the break. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CALENDAR

BILL ON SECOND CONSIDERATION

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

SB 1215, PN 1582.

BILL RECOMMITTED

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

Mr. BARLEY. Mr. Speaker, I move SB 1215 be recommitted to Appropriations.

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

The SPEAKER. Mr. Barley, do you desire an Appropriations Committee meeting?

Mr. BARLEY. Thank you, Mr. Speaker, for the recognition.

I will need an Appropriations Committee meeting. However, we have a very full agenda. Some of the bills are being referred from committees that are meeting presently, so our agenda is not in place at this point. So I am thinking later in the day, maybe when we adjourn or if we have a second recess, we will then be prepared to have an Appropriations Committee meeting.

The SPEAKER. Very good. Thank you.

RECESS

The SPEAKER. Any further announcements?

Hearing none, this House will stand in recess until 3 p.m., unless sooner recalled by the Chair or extended by the Chair.

AFTER RECESS

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Barley, who calls for a meeting of the Appropriations Committee at 2:55 in the Appropriations Committee conference room; 2:55 in the Appropriations Committee conference room. Secretaries, would you be kind enough to advise your members, many of whom have left the floor, of this meeting.

Any further business? The Chair hears none.

RECESS

The SPEAKER. This House stands 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
(PATRICIA H. VANCE) PRESIDING****JUDICIARY COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clark, for the purpose of an announcement.

Mr. CLARK. Madam Speaker, at the call of the Chair I would like to announce a Judiciary Committee meeting in room 40 of the East Wing.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. Does the majority or minority leader have anything else to report?

If not, the House will stand in recess until 3:30.

AFTER RECESS

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING****BILLS REREPORTED FROM COMMITTEE**

HB 936, PN 3037 (Amended)

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, adding definitions relating to inheritance tax; and further providing for transfers not subject to inheritance tax.

APPROPRIATIONS.

HB 1469, PN 2872

By Rep. BARLEY

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, defining "listing administrator" and "telephone solicitation call"; prohibiting blocking of caller identification and other telemarketing screening products or services; and prohibiting unwanted telephone solicitation calls.

APPROPRIATIONS.

HB 2131, PN 2843

By Rep. BARLEY

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

APPROPRIATIONS.

SB 286, PN 1181

By Rep. BARLEY

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, amending the title of the act; and further providing for definitions, for repair obligations, for manufacturer's duty for refund or replacement and for resale of returned motor vehicle.

APPROPRIATIONS.

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

HB 2202, PN 3038 (Amended) By Rep. SCHULER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "vehicle"; defining "electric personal assistive mobility device" or "EPAMD"; and further providing for driving upon sidewalk.

AGING AND OLDER ADULT SERVICES.

HB 2213, PN 3039 (Amended) By Rep. SCHULER

An Act establishing the Intragovernmental Council on Long-term Care and providing for its powers and duties; and making a repeal.

AGING AND OLDER ADULT SERVICES.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1285 be taken from the table.

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

BILL ON SECOND CONSIDERATION

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

HB 1285, PN 3012.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move HB 1285 be recommitted to Appropriations.

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

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Valerie Smith of Central High School, who is visiting the Capitol as part of a graduation project. She is here as the guest of Representative Jerry Stern. Would the guest, who is standing to the left of the Speaker, please rise, and she is standing. Thank you.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. HB 2018 is over.

* * *

The House proceeded to third consideration of **HB 2109, PN 2819**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for liability for violations of general and specific criminal statutes and for merger of sentences.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move HB 2109 be recommitted to the Committee on Rules.

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **HB 593, PN 650**, entitled:

An Act providing for procedures for students expelled from school and for powers and duties of boards of school directors.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. Agreeable to the provisions of the Constitution— Mr. Cohen, I am sorry. For what purpose does the gentleman rise?

Mr. COHEN. To speak on the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order and is recognized on HB 593.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, HB 593 is a bill that we debated to some degree last week in the absence of the sponsor. I wonder if the sponsor of the bill would be able to submit to interrogation?

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that in this bill a parent could be sentenced to community service if the parent's son or daughter engages in an improper conduct. Could the gentleman discuss with us under what circumstances a parent could be sentenced and how this would work?

Mr. EGOLF. Thank you, Mr. Speaker.

I do not know if I would use the term "sentence." It gives the parents an opportunity to do community service if they cannot afford to pay for the schooling of an expelled student. So a student would be expelled from the school and then this bill would require them to fund education during the time that they are expelled, whether it is through a private tutor, whether it is through a parochial school or private school, or whatever. And the parents, however, if they show that they cannot afford it, they could, in agreement with the school board or even a court, if it gets that far, they might work it out through community service.

Mr. COHEN. And the cost of the alternative education for the student—

Mr. EGOLF. Right.

Mr. COHEN. —that would be generally more than the regular cost of the school district. Is that correct?

Mr. EGOLF. Would you repeat that question again?

Mr. COHEN. The cost of the alternative education for the student, that would be generally more than the regular program in the school district, would it not?

Mr. EGOLF. Not necessarily. It depends what they choose, and of course, it does have to be some kind of an education program that is approved by the public school district, but it can vary. Obviously, the cost of a private school might be more than possibly a private tutor or it could be the other way around, but this can vary depending on what they decide.

The SPEAKER. Will the gentleman yield.

The noise level is unacceptable. The conference on the floor, please.

Mr. Cohen or Mr. Egolf; I am not sure who is up. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have no further questions for the prime sponsor of the legislation. I would like to speak for a couple minutes on the bill.

The SPEAKER. The gentleman is permitted. Go ahead.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, like the prime sponsor of the bill, I, too, am concerned about the problems of disruptive behavior in the schools. Some of the disruptive behavior not only threatens the conduct of the classroom but it poses a physical danger to other students, and we in the legislature have taken a whole variety of steps over the last 5 or 10 years to deal with this problem. This is one more step. However, it is one more step that to some degree erodes the concept of individual responsibility for one's acts, and it also erodes the concept of the State supporting education for every student. Making parents pay for their kid's education if the child is extremely disruptive is certainly a sanction against the parent. Saying that if the parent cannot afford to pay for the private education of a student is also a sanction for the parents, but it is a sanction that basically requires parents to work in order to avoid making payment of money which they do not have.

Now, when you require people to do physical labor as a result of the wrong action of a child, we are eroding the longstanding concept of individual responsibility. We are saying that the conduct is so bad that a parent should be punished for the action of his or her child.

I think this bill is going at least a little bit too far, and I would urge a "no" vote on this piece of legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Fleagle.

Mr. FLEAGLE. Thank you, Mr. Speaker.

I rise in support of HB 593.

Mr. Speaker, we as legislators are often asked what criteria we use to either vote for or against a bill, and one of those criteria that I use and I am sure many others use is whether a bill will help strengthen families or weaken them, and hand in hand with that criteria is whether a bill will empower families. I believe that this bill both strengthens families and empowers them.

This is not a punishment bill; this is a responsibility bill. We are telling parents that you can, on the one hand, either let the government be responsible and accountable for our children or confirm that raising, responsibilities, and accountability for children lies with parents.

Now, I applaud Representative Egolf for indeed strengthening families and letting them know that our public policy is to empower parents and put responsibility where it belongs, not in the hands of government but in the hands of parents.

I urge my colleagues to vote "yes" on this bill because it is good family policy. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 593.

In the city of Philadelphia we have 215,000 kids; 180,000 are minority kids. One of the biggest problems is crime and crime-like events taking place in the Philadelphia school system.

Once we voted on a resolution on the House floor, a student, a principal, was being shot. Another day we voted and we debated a resolution on this floor and a first grader was being shot, a first grader being shot in the Philadelphia public school system, and today, Mr. Speaker, we are devoting our debate to HB 593 as to whether we should expel kids or not and what should be the consequences. Well, about a month ago we had a student again who was beaten in the school to the point where he had to have brain surgery, and this is a regular, ongoing thing.

Now, I have met personally with about 40 principals, 40 principals and the parents within the last 30 days, and their biggest argument, their biggest question is, we do not have any control over students who have been incarcerated coming back into our school and wreaking havoc on the school and the students. This bill partially addresses that, Mr. Speaker. It puts the responsibility from teenagers back to parents, which is where it belongs, back to parents — control your child, control your child, control your child. And just for the record, children, as much as we would like to, do not have the same rights as adults; they do not have the same rights of adults. They are still the responsibility of their parents, and at times when we send them to school, we put them in the control of teachers, and there are situations and times where teachers cannot control them, and the only resort is to expel them.

So I am going to support the bill based on the 215,000 kids in Philadelphia and the 180,000 of them that are minority, suggesting that we need to do something like create alternative institutions for these kids as opposed to putting them back into the classroom. We need to in fact create alternatives for them,

because what we have in Philadelphia is a few students, maybe 2,000, disrupting classes for 215,000, and that just will not work in a democracy. Those 213,000 kids have a right to an education that is not disrupted and threatened by violence in the classroom, and I would urge support of HB 593.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Would the sponsor of the bill stand for just a couple questions, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. Will the gentleman yield.

Please. Conferences on the floor move to the outer chambers.

Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, currently if a student is expelled from school and the school district provides the education for the student, does the school district pay for that education and is the school district reimbursed by the State for that student's daily average attendance?

Mr. EGOLF. Under current law the school district does pay for the expelled student; that is correct. As far as whether they are reimbursed by the State, not necessarily, unless he would be in a special alternative program, but not necessarily. This has to come out of the school's budget in addition to what they are normally paying for the student, to educate the students in the school. This one now is in addition to that. It is over and above.

Mr. LESCOVITZ. But, Mr. Speaker, I thought that under the school funding formula that we have, that school districts are reimbursed by the weighted daily average reimbursement. You are saying if a student is expelled, the school district does not receive those dollars?

Mr. EGOLF. If I understand your question, you are talking about the additional cost. In other words, if he is in a private school or something.

Mr. LESCOVITZ. No.

Mr. EGOLF. Otherwise, they get the normal reimbursement for that student as if he is in school; right, but the additional cost, if he has been expelled and is now in a private school, that is an additional cost that the school has to bear.

Mr. LESCOVITZ. Underneath your legislation, if the parents are required to pay for the student's education, is that full tuition? If it is a tutor or a private school, would the parent be obligated, if it costs \$6,000 a year, to pay for that student's education? If they were expelled at the beginning of the year, would it be the parent's responsibility to pay for that student's entire education?

Mr. EGOLF. Under my legislation, yes, they would be responsible for that, although there are provisions in the legislation, in the bill, that if the parents cannot afford it and they negotiate with the school — they go back to the school, the administrator, and tell them that they cannot afford it — the school, of course, can ask for records to show why they cannot, but if they determine that they cannot, they can do anything from partial payment; they can require and ask the parents to do community service. It could be anywhere from, you know, depending on what they can afford, up to full payment. For \$6,000 they may end up having to pay the \$6,000, unless they can prove, you know, that they cannot afford it.

Mr. LESCOVITZ. Mr. Speaker, let me use the example again. If it costs the student who was expelled \$6,000 a year to provide that education and they are reimbursed at a 60-percent level or 50 percent — \$3,000 from the State, \$3,000 from the school district — would the school district receive not only the \$6,000 from the parent but also the \$3,000 from the State for that student?

Mr. EGOLF. The school would still receive what they have been getting from the State, and of course, their costs are not going to go down. They still have to have a teacher for that classroom; they still have to have the buildings and everything else. Just because they have one less student in the class does not change their overall costs. So they are still getting reimbursed from the State, but now this expelled student is now going to a different school, as I say, you know, a private school or a tutor. That expense, if I understand your question, that part, if it is costing \$6,000 to go to the private school, this legislation is saying that the parents should pay for that.

Mr. LESCOVITZ. Okay. Let me clarify this: If a student in school, if it costs to have that student in a particular school, if it costs \$6,000 a year in that particular school, now the student is expelled and it is going to cost to send them to another school or to have them home-schooled or tutored \$6,000 a year, the same as it would be to have them in that school district, the parents are going to have to pay the \$6,000 for that to the school district. The school district is going to receive that \$6,000 plus they are going to receive a reimbursement from the Commonwealth of Pennsylvania for that student?

Mr. EGOLF. The parents would not pay it to that school district; no. They would pay it to whoever is providing that education, the private school or parochial school. That would not go into the public school.

Mr. LESCOVITZ. But the school district where the student came from would still get a reimbursement for that student even though that student is not in their school district.

Mr. EGOLF. Okay. I think, if I understand then, you are saying that while that student is expelled, the average daily membership would not count that student. So, yes, they would not get that reimbursement from the State, if that is what you are asking. So they would lose that while he is expelled.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

That concludes my interrogation.

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

Mr. LESCOVITZ. Thank you, Mr. Speaker.

After hearing the information from the prime sponsor, it is my understanding that under his legislation, it will now be the parent's responsibility to pay for the student's education here in the Commonwealth of Pennsylvania if that student is expelled.

CONSTITUTIONAL POINT OF ORDER

Mr. LESCOVITZ. Mr. Speaker, under Article III, section 14, of the Constitution, it is my belief that the State is responsible for maintaining and supporting through an efficient system of education for a student's education. If the parents now are going to be responsible for paying for the student's education, Mr. Speaker, I believe that is in conflict with Article III, section 14, of the Constitution, and, Mr. Speaker, because it is in conflict with Article III, section 14, I would ask for consideration on whether this legislation, HB 593, is constitutional.

The SPEAKER. The gentleman, Mr. Lescovitz, raises the point of order that HB 593 is unconstitutional.

Under rule 4, I am required to submit questions affecting the constitutionality of a bill to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. LESCOVITZ. Thank you, Mr. Speaker.

After debate last week and after the debate this week, it is clear to me that we are now requiring the responsibility of educating a student from the school district and from the Commonwealth of Pennsylvania, for providing that form of education in the Constitution, to the parent. I believe under that Article III, section 14, it is not the parent's responsibility for providing public education or education; it is the Commonwealth of Pennsylvania's responsibility, and therefore, I believe that HB 593 is unconstitutional.

The SPEAKER. The gentleman, Mr. Egolf.

Mr. EGOLF. Thank you, Mr. Speaker.

I would say that that is incorrect.

According to Article III, section 14 — and I will read what it says, and then there is a court case that has been determined that your contention is not correct — it says in here, in the Constitution, "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." It does not go any further to say that each individual is guaranteed a free education. It just says the State must provide for the maintenance and support of a thorough system of public education.

Now, in a court case, in Commonwealth— Let us see. In 1976, O'Leary v. Wisecup — the pronouncement, I am not sure if it is correct — but in that case in 1976, it says, the court decided "The right to a public education is not a fundamental right and is therefore limited by the statutory provisions which create that right."

In 1987, Agostine v. Philadelphia School District, "The right to a public education in Pennsylvania is a statutory right" — statutory right — "and does not guarantee any specific level or quality of education. An abuse of discretion standard is used by the court in reviewing a common pleas order granting a motion for judgment on the pleadings." So they are saying it is a statutory, not a constitutional right, and we are statutorily making a change in this legislation. So I contend that it is not a constitutional right for a free education.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman who just spoke has something in common with me. Both of us are innocent of any academic attainment past the baccalaureate, especially in the field of constitutional law. So we are naive, at least compared to some of our colleagues.

But I would rise and support the gentleman from Washington County relative to constitutionality. I do not think it is close from a commonsense perspective. "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education...";

the General Assembly shall. If the gentleman, Mr. Egolf's legislation is enacted statutorily, then the parents shall have to provide for that maintenance and support of a thorough and efficient system for their child.

So the constitutional underpinning which he alleges I think is quite frail, and I would think that the gentleman from Washington County is right to call for a question on constitutionality. The General Assembly, where we work, this body, this room, we are in charge of providing that education, and notwithstanding poor behavior, notwithstanding some of the travails in the classroom, if the gentleman's legislation is enacted, the parents — the parents — will have to provide for that thorough and efficient system of education, not the General Assembly.

I think the Constitution is on the side of the gentleman from Washington County, Mr. Lescovitz, and I will support with a favorable vote the motion on unconstitutionality.

The SPEAKER. On the question, Mr. Smith.

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

Mr. Speaker, just to follow up on the previous speaker's comments, I think that it is important to notice that the word "efficient" is in there and that the General Assembly is attempting to provide for an efficient education, and at some point those disruptive students make it impossible to educate the majority of the students in an efficient way. We are therefore providing a mechanism to efficiently educate and run an efficient system.

So I do not think that his argument is accurate, but more importantly probably on the question of constitutionality and the point that the gentleman was making, the bill as it is written says that if the parents are deemed to be incapable of paying for the alternative placement, then the school district will pick up that bill. So ultimately, at the end of the day, if someone is incapable of paying for it, the Commonwealth, the citizens, the taxpayers of this State, are going to continue to pay for that in any case.

So I think the motion saying that this is unconstitutional is probably incorrect and would urge the members to support the gentleman, Mr. Egolf, in the promotion of this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I rise to also say that this is not constitutional, because I think that we as legislators have a responsibility, and maybe we are forgetting about those people who are less enfranchised. If we care anything, some of you who always deal with the middle class, what about the person who has mental health, who is mentally and physically challenged but is only assessed after they have been expelled or suspended? Potentially, we will be also asking those parents to be able, who can afford something, to be able to pay for it, and when we get to the discussion after this is over, perhaps the gentleman would be willing to clarify these issues, but I raise this issue because all through in the urban and the rural and the suburban areas, they continuously are having people who are misdiagnosed, who are expelled or suspended for particular reasons and we find out that it was other different forms of learning disabilities.

Now, within this 30-day period, they may not even be professionally assessed. Some of them, some of them are even

put within institutions that the State currently has to pay, where those parents have to be able to pay those costs of someone being put in a State institution because of their own particular behavior. I would like to be able to see that in writing, because it does not seem to be within that bill, and perhaps we would be asking parents to pay for people institutionalized in our own State institutions or in Western Psych, out in my area, and other different forms of hospitals bills. I would like to be able to see that, because we know that there is not health care.

The Constitution says we should defend and we should support those people who are less fortunate. It appears that perhaps Mr. Egolf's bill just does not do that.

Thank you.

The SPEAKER. The gentleman, Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask for a vote on unconstitutionality for a couple of reasons. This bill may seem not that significant because we are only talking about a couple hundred students in Pennsylvania who are expelled every year, but let me tell you why this thing is so important.

What we are saying today is that if a student is suspended and he now is out there and the district now sets up a program for this student — keep in mind the school district is being reimbursed for this student — but what this bill is saying is that is not enough for the school district. They now want some extra moneys from the parent for this student to continue in a program.

Well, let me tell you why this is wrong and why this is setting a precedent. You know the way we fund special education in Pennsylvania is based on percentage. We have some kids in special ed where school districts pay \$20,000. If we set a precedent today, why cannot a school district then say down the road, well, we do not want to pay \$20,000 for a kid in special ed; we are only willing to pay \$5,000; we are going to ask the parents for \$15,000. That is not right. It is not right for the school district to collect money for a program for this kid from the State and now ask for additional moneys.

Quite frankly, to simplify this thing, the only people who will probably ever pay are rich parents whose kids are suspended or expelled, because poor parents will appeal to the school board, but the bill sets a bad precedent. A school district should not get moneys from the State for the education of a child and then ask for additional moneys from the State to get parental involvement. This is wrong. This does not make sense. This is not what the Constitution tells us to do. We are to provide an education for kids whether they are expelled, whether they are in special education, or whether they have other kinds of problems.

For those reasons I ask you to vote for this to be unconstitutional.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, those voting "aye" vote to declare the bill to be constitutional; those voting "no" will be voting to declare the bill to be unconstitutional.

On the question recurring,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—127

Adolph	Feese	Lynch	Ruffing
Argall	Fichter	Mackereth	Sainato
Armstrong	Fleagle	Maher	Samuelson
Baker, J.	Flick	Maitland	Sather
Baker, M.	Forcier	Major	Saylor
Bard	Gabig	Mann	Schroder
Barley	Gannon	Markosek	Schuler
Barrar	Geist	Marsico	Semmel
Bastian	Gordner	Mayernik	Shaner
Benninghoff	Grucela	McCall	Smith, B.
Birmelin	Habay	McGeehan	Smith, S. H.
Boyes	Haluska	McGill	Stairs
Browne	Hanna	McIlhattan	Steil
Bunt	Harhart	McIlhinney	Stern
Butkovitz	Harper	McNaughton	Stevenson, R.
Cappelli	Hasay	Metcalfe	Stevenson, T.
Clark	Hennessey	Micozzie	Strittmatter
Clymer	Herman	Miller, R.	Taylor, E. Z.
Cohen, L. I.	Hershey	Miller, S.	Taylor, J.
Coleman	Hess	Nailor	Tulli
Cornell	Hutchinson	Nickol	Turzai
Corrigan	Jadlowiec	O'Brien	Vance
Coy	Kaiser	Perzel	Watson
Creighton	Keller	Petrarca	Wilt
Cruz	Kenney	Phillips	Wogan
Dailey	Krebs	Pickett	Wright, M.
Dally	LaGrotta	Pippy	Yewcic
DiGirolamo	Lawless	Raymond	Youngblood
Diven	Lederer	Reinard	Zug
Donatucci	Leh	Rohrer	
Egolf	Levdansky	Ross	Ryan,
Evans, J.	Lewis	Rubley	Speaker
Fairchild			

NAYS—66

Bebko-Jones	Eachus	Myers	Stetler
Belardi	Frankel	Oliver	Sturla
Belfanti	Freeman	Pallone	Surra
Bishop	George	Petrone	Thomas
Blaum	Gruitza	Pistella	Tigue
Buxton	Harhai	Preston	Travaglio
Caltagirone	Horsey	Readshaw	Trello
Casorio	James	Roberts	Veon
Cawley	Josephs	Robinson	Vitali
Cohen, M.	Kirkland	Roebuck	Waiko
Colafella	Laughlin	Rooney	Wansacz
Costa	Lescovitz	Santoni	Washington
Curry	Lucyk	Scrimenti	Waters
Daley	Manderino	Solobay	Wojnaroski
DeLuca	Melio	Staback	Wright, G.
Dermody	Michlovic	Steelman	Yudichak
DeWeese	Mundy		

NOT VOTING—3

Evans, D.	Godshall	Williams, J.
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EXCUSED—6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,
Shall the bill pass finally?

BILL PASSED OVER TEMPORARILY

The **SPEAKER**. Without objection, this bill is going over temporarily at the request of the majority leader.

SUPPLEMENTAL CALENDAR C

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1633, PN 3033**, as further amended by the House Rules Committee:

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

On the question,

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—196

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

- | | | | |
|------------|-----------|-----------|------------------|
| DeLuca | Lederer | Rooney | Wright, M. |
| Dermody | Leh | Ross | Yewcic |
| DeWeese | Lescovitz | Rubley | Youngblood |
| DiGirolamo | Levdansky | Ruffing | Yudichak |
| Diven | Lewis | Sainato | Zug |
| Donatucci | Lucyk | Samuelson | |
| Eachus | Lynch | Santoni | |
| Egolf | Mackereth | Sather | Ryan,
Speaker |
| Evans, D. | Maher | | |

NAYS—0

NOT VOTING—0

EXCUSED—6

- | | | | |
|--------|-----------|-------|-----------|
| Allen | Rieger | Trich | Zimmerman |
| Civera | Tangretti | | |

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.

CALENDAR CONTINUED

CONSIDERATION OF HB 593 CONTINUED

On the question recurring,
Shall the bill pass finally?

The **SPEAKER**. I have three names for debate: Bishop, Sturla, and Ms. Mundy.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the sponsor of the bill rise for a brief interrogation?

The **SPEAKER**. Will the gentleman repeat that.

Mr. STURLA. Will the sponsor of the bill rise for a brief interrogation?

The **SPEAKER**. The gentleman, Mr. Egolf, will stand for interrogation. You may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, can you tell me how many students are expelled in Pennsylvania each year from public schools and what the average time period is for those students that are expelled?

Mr. EGOLF. For the 1999-2000 school year, 970 students were expelled, 970, and that ranged from a year to much less than a year.

Mr. STURLA. Okay. And, Mr. Speaker, of those 970 students that were expelled from anything from a day to a year, do you know how many fall within the guidelines of being financially able to pay versus those that would not be financially able to pay under the guidelines of this bill?

Mr. EGOLF. No, sir, Mr. Speaker, I do not. I have no idea.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have a question regarding the ability to pay and what various school districts will constitute as the difference in ability to pay. With 501 school districts around the State, it would be my understanding that there would be various

options at those 501 different school districts that would be available to students that were expelled in order to get their education. In one school district they might be able to acquire an education for several thousand dollars and in another school district in another part of the State it might be \$10,000 or \$12,000 to educate that same student. Given that disparity in the cost of education that might be available or educational opportunities that might be available to students throughout the State and given the fact that school districts would then be able to determine, it might stand that in one part of the State somebody who is making \$20,000 a year might be deemed to be able to pay for their child's education, whereas someone else in the other part of the State might not be deemed as eligible to pay for their student's education. Do you believe that there is any problem with the Constitution or the laws in Pennsylvania where we would have one person in the State charged with the cost of the education versus another person, even though they fell into the same category financially?

Mr. EGOLF. Do I see a problem with that? No, I do not. In fact, I think you have made a good case to leave this up to the local districts, the local school boards, and ultimately, if it goes that far, to the local courts, because it would vary. There should not be, I do not think, in my mind, there should not be something that mandates it across the State that it be the same thing. It would vary just as it does now for the different school districts. There are different costs per student in different parts of the State, so it would be the same type thing.

Mr. STURLA. So perhaps somebody in a rural area where they might be able to find education for their child for \$4,000 would be required to pick up that bill, but if I lived in a wealthy suburban area where it might cost me \$10,000 or \$12,000, I could say, gee, I am impoverished and cannot afford that and would not have to pay for my student's education. Is that correct?

Mr. EGOLF. I guess that is correct if they can convince, again, the local school district that they cannot afford it based on their income in that area. But I think we really also need to keep in mind what the costs in the terms of education are to the students in those school districts when we keep the expelled student, the disruptive student, there. We need to get the disruptive students out, but we also need to get the parents involved with that student, I think, and that is what hopefully this would do.

Mr. STURLA. Mr. Speaker, a couple more questions.

In your legislation it says that if a student is identified as having a disability, that their parents would not be responsible under this act because they would be covered by legislation dealing with students with disabilities. Is that correct?

Mr. EGOLF. That is right. Anybody that is under IDEA (Individuals with Disabilities Education Act), this legislation would not affect them in any way whatsoever.

Mr. STURLA. Mr. Speaker, my followup question to that then is, if as a parent, and as some parents do, they have resisted having their child identified as having a disability and that child now gets expelled from school and they subsequently go and have that child identified as having a disability, would that child then be allowed upon that rediagnosis or upon that diagnosis to come back into the school because they were under IDEA at that point in time, or would they still be disqualified because they were not allowed back in the school?

Mr. EGOLF. I would have to say that I think it is a possibility. I cannot say exactly, but obviously if they are brought under IDEA, then that applies; that takes priority. So I am assuming that what you are saying would be the case, because that has priority over any and this legislation in particular, so I agree that it would.

Mr. STURLA. Mr. Speaker, I have a question about students that are in prison. Currently it is my understanding that if a student commits a crime off the school grounds, they are sent to prison, that does not necessarily constitute reason for expulsion from the school because the crime was not committed at the school, and the school districts are required to continue to educate those children even though they are in prison or a detention facility. The question I have is, given this type of legislation, if there are students that are in prison, could the school districts now use that as a basis or grounds for expelling the student and then, therefore, have the parents be responsible for the cost of the education while the student is in prison?

Mr. EGOLF. This legislation does not deal with that, so I would assume that, you know, the way the law is now, the school district has to pay for that education in the prison. But this legislation does not address that.

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

I am done with my interrogation. If I could make a few brief comments?

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

MOTION TO RECOMMIT

Mr. STURLA. Mr. Speaker, there are some questions here that I think need to be sorted out, and this bill moved out of the Education Committee prior to this, and I think there has been some information brought to light here on the floor with previous speakers as well as some questions that I had asked that the gentleman did not have answers to. He said he sort of thought maybe but was not quite sure, and as a result of that I would ask that we recommit this bill to the Education Committee so we can work some of those things out.

I have full confidence that the Education Committee will put this bill back out again once we can sort out some of those issues, but I think it would be best done in the Education Committee. I think we have shown the responsibility of putting this bill out at one point in time; I think we will do it again, but I would like to have some of these issues clarified.

The SPEAKER. The gentleman, Mr. Sturla, moves that the bill be recommitted to the Committee on Education.

On the question,

Will the House agree to the motion?

The SPEAKER. On the question of recommitment, Mr. Egolf.

Mr. EGOLF. Mr. Speaker, this legislation has been debated and debated and debated. This is the third session that we have dealt with this bill. The first time around it went out of the committee unanimously. However, it was too late in the session to get considered. The next session it again came out of the Education Committee, was debated on the floor of the House. We put in several amendments, about four amendments, to take care of some concerns. It was done with bipartisan action and with the School Boards Association, and we came up, I thought,

with a good amendment, that people that had concerns agreed with it. It finally passed; this was last session. It passed the House pretty overwhelmingly; I do not have the number— It passed 186 to 9 after much debate, and now again it has this session come out of committee, and it was reported out of committee 21 to 3, so it was debated there. It has been debated again today. I do not think it needs to go back to the Education Committee. I do not know what else can be debated. It has been thoroughly, thoroughly debated previously.

Thank you.

The SPEAKER. On the question of recommittal, those in favor of recommitting the bill to Education will vote “aye”; those opposed to recommittal will vote “no.”

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

The following roll call was recorded:

YEAS—85

Bebko-Jones	Evans, D.	Mann	Scrimanti
Belardi	Fairchild	McCall	Shaner
Belfanti	Frankel	McGeehan	Solobay
Bishop	Freeman	Melio	Staback
Butkovitz	George	Michlovic	Steelman
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Myers	Sturla
Casorio	Harhai	Pallone	Surra
Cawley	Hess	Petrarca	Tigue
Cohen, M.	Horsey	Petrone	Travaglio
Colafella	James	Phillips	Trello
Corrigan	Josephs	Pistella	Veon
Costa	Kaiser	Preston	Vitali
Coy	Keller	Readshaw	Walko
Cruz	Kirkland	Roberts	Wansacz
Curry	LaGrotta	Robinson	Washington
Daley	Laughlin	Roebuck	Williams, J.
Dermody	Lederer	Rooney	Wojnaroski
DeWeese	Lescovitz	Ruffing	Wright, G.
Diven	Levdansky	Santoni	Youngblood
Donatucci	Lucyk	Schroder	Yudichak
Eachus			

NAYS—107

Adolph	Fichter	Maher	Samuelson
Argall	Fleagle	Maitland	Sather
Armstrong	Flick	Major	Saylor
Baker, J.	Forcier	Markosek	Schuler
Baker, M.	Gabig	Marsico	Semmel
Bard	Gannon	Mayernik	Smith, B.
Barley	Geist	McGill	Smith, S. H.
Barrar	Godshall	McIlhattan	Stairs
Bastian	Gordner	McIlhinney	Steil
Benninghoff	Habay	McNaughton	Stern
Birmelin	Haluska	Metcalfe	Stevenson, R.
Blaum	Hanna	Micozzie	Stevenson, T.
Boyes	Harhart	Miller, R.	Strittmatter
Browne	Harper	Miller, S.	Taylor, E. Z.
Bunt	Hasay	Nailor	Taylor, J.
Cappelli	Hennessey	Nickol	Tulli
Clark	Herman	O'Brien	Turzai
Clymer	Hershey	Oliver	Vance
Cohen, L. I.	Hutchinson	Perzel	Watson
Coleman	Jadlowiec	Pickett	Wilt
Cornell	Kenny	Pippy	Wogan
Creighton	Krebs	Raymond	Wright, M.
Dally	Lawless	Reinard	Yewcic
DeLuca	Leh	Rohrer	Zug
DiGirolamo	Lewis	Ross	

Egolf	Lynch	Rubley	Ryan,
Evans, J.	Mackereth	Sainato	Speaker
Feese			

NOT VOTING—4

Dailey	Manderino	Thomas	Waters
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EXCUSED—6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The gentleman from Allegheny County, Mr. Preston, is recognized.

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

Mr. Speaker, I think you heard some of my comments, but I would like to start off with several questions.

First, for an example, in Allegheny County there are 39 separate school districts. Basically we do have a county juvenile detention center; they do have an educational unit that covers some of the school districts. Who would be able to pay that cost for the people who are sent there by their respective district magistrates or court systems out of their respective school districts, because they all do not pay for that; I think the State does. Would the parents have to wind up paying for that now?

Mr. EGOLF. Thank you, Mr. Speaker.

You are asking who then would be responsible for paying for the education of those who are incarcerated?

Mr. PRESTON. No. Well, they are sent to a juvenile— They are held.

Mr. EGOLF. Adjudicated.

Mr. PRESTON. They have not even— They are waiting to even go into a hearing, but they are held in a system; that is, Allegheny County, the juvenile detention center, Shuman Center. They are sent there; they are placed there by a judge or by the sheriff or other. When they are arrested, that is where they are taken, and sometimes they are there for days or months before they are actually adjudicated. Who would wind up paying for that?

Mr. EGOLF. It is my understanding now, currently it is the home school district. I know it is that way—

Mr. PRESTON. I am interested right now in Allegheny County. I represent Wilkinsburg, Pittsburgh, and soon eventually the Aspinwall area. Can you tell me that?

Mr. EGOLF. Well, this legislation does not address it, but I am fairly certain—

Mr. PRESTON. Well, in other words, if a young man or a young woman has an altercation in school, they are automatically suspended or expelled — and most school districts have a right — the police take them to the juvenile detention center and they are held, 45 or 90 days later they may or may not go in front of a judge depending on the legal representation that they have, whether or not they have been assessed or

evaluated professionally, who pays for that time when they are being held and they have not gone through an adjudication system, because if they have been expelled — I am listening to you — it would be, no matter what, if it is any form of infraction, and I have followup questions again once we get to evaluations as far as professional assessment.

Mr. EGOLF. Truthfully, I cannot really answer it, but I think that, I know in the case of the YDC (youth development center) at Loysville, the State reimburses— The local district that the YDC is located in is responsible for education for them, but they will be reimbursed from the State is my understanding. But I am not positive on that; I am not knowledgeable on that.

Mr. PRESTON. Are they reimbursed even before adjudication in any of the counties in Pennsylvania?

Mr. EGOLF. I do not know. I cannot answer that.

Mr. PRESTON. So in other words, if they are not, it could be possible under your legislation that parents possibly could be responsible for the costs as provided by that service.

Mr. EGOLF. During that interim time, possibly; possibly. And again, though, I do not think that is such a bad idea during that interim time, because again, hopefully, the idea for this is to get the parents involved, and if the parents are involved, I think any educator will tell you that is the biggest factor in getting those kids turned around and getting those kids a good education and getting their attention. So I am just saying if what you are saying is the case, that the parents end up having to pay that or a portion of that cost, I think it is all the better.

Mr. PRESTON. Unfortunately, that cost could be \$5,000 a month.

Mr. EGOLF. Well, again, if they do have to pay it because the local district is required to pay it, they can go to the local district and say that they cannot afford it. I mean, there are provisions in this legislation that if they cannot afford it, they have a way out, and maybe just having to go through that process, even if they end up not having to pay it, going through that process will maybe get the parents' attention, and that is what we are trying to do with this, try to save these students.

Mr. PRESTON. Let me give you another brief scenario. A couple makes \$95,000 a year. Their daughter throws a chair at a teacher; she is picked up; she is taken to a detention center; she is held there. Sixty to ninety days later she is evaluated; she is determined to be manic-depressive and schizophrenic; she is placed then within an institution. She still has not been to trial or court adjudicated yet. Who would be responsible for paying it?

Mr. EGOLF. Okay. I think we found the answer to it. The school district of residence must pay for that.

Mr. PRESTON. Can you show me where in your legislation, on what line and what page?

Mr. EGOLF. It does not say it in this legislation. You are asking where—

Mr. PRESTON. I am asking where is the protection within your legislation that that is not going to happen? In black and white, in your bill, what protects that working family?

Mr. EGOLF. In my legislation it does not specifically address that situation, but again, if the local school district is having to pay for that education, the district of residence of that student, then it would fall back on the parents. But again, the parents can go to the district and say that they cannot, you know, if they can show that they cannot afford it—

Mr. PRESTON. My scenario was a family makes \$95,000 a year.

Mr. EGOLF. Well, then they would have to pay for it.

Mr. PRESTON. They would wind up having to pay for that? Would that also be the case if a person was determined, before they were court adjudicated, that potentially they had drug problems or other different forms of emotional situations?

Mr. EGOLF. This does not say anything about being adjudicated, and I do not think that the school district— Just because a student has been adjudicated does not mean that they are expelled from the school. Now, obviously the school could take action to expel the student, but right now they would not necessarily be expelled. They have gone through this course, through the adjudication process rather than the expulsion process. So they may not have to— In other words, they would not fall under this legislation unless they have been expelled.

Mr. PRESTON. So, Mr. Speaker, are you saying then that if a parent or parents are showing and have been trying to work with their child, and let us say the same scenario: They make \$95,000 a year, and they have worked; they have been to the school; they have been back and forth, and the school still expels their child. Who is responsible for the cost?

Mr. EGOLF. If the school expels the child, then it is going to fall now back on the parents.

Mr. PRESTON. Even though the parents have shown that they care and they have done everything possibly they could?

Mr. EGOLF. I think from what you are saying it seems to me that would be a very rare case, because what this is dealing with are students who are expelled for serious causes, and it has to be pretty serious. You will find that schools do not go through this process to expel them very often unless it is very serious, whether a student is acting dangerously, threatening other students, or carrying weapons to school. Things like that is what gets them expelled. So I think, you know, that is the kinds of cases we are talking about in this legislation.

Mr. PRESTON. Are you assuming then that because a child is having a problem, that the parents are not involved?

Mr. EGOLF. Would you repeat that question, please.

Mr. PRESTON. Are you assuming that because a child is having problems or a young person is having problems in school and is being expelled, that the parents are not involved?

Mr. EGOLF. No, I am not assuming that at all, but the records show that in most cases, you know, quite a few cases that is, that is what happens. Most of the time, and I taught school, and I think if you talk to teachers you will find that the kids who are in trouble, the majority — and that is a generalization, I realize — but by far the majority are not the kids whose parents are involved within their school; it is the kids whose parents are not involved, and that shows up in the kids many times in their behavior in school.

So again, it is a generalization. I am sure there are going to be exceptions to it, but you are going to find that the large majority, and I would say, you know, talk to teachers. In fact, I do not know if you have gotten this, but the letters from the PSEA (Pennsylvania State Education Association) are very much behind this legislation. The PSBA, the School Boards Association, is much behind this legislation. They realize what it takes in schools, and the teachers know that it is the kids whose parents are not involved with them who are the problem kids in most cases. Now, that does not mean that all kids are

going to be a problem just because their parents are not involved, but that is what shows in the majority of cases.

Mr. PRESTON. Mr. Speaker, I guess I have served under three Governors, and I have watched three Governors through their own reassessment order direct our State hospitals and our institutions to do reassessment where we are potentially seeing people who have mental health and mentally challenged situations. Some of them are within our school districts currently right now where parents could not even work with them. Out in western Pennsylvania, I am sure you are familiar with the Western issue that we have had about, you know, closing that facility. When we have someone who is within our own institution, at one time we were the guardians or the caretakers. Who is going to be responsible for those who are under reassessment who are pushed out there and forced into independent living within the educational systems? Who is going to pay that cost, the State or the relatives of the loved one?

Mr. EGOLF. I think, now, you mentioned the ones, the mentally challenged and so on. Most of those students that fall under that category are already going to be under the Federal program, the IDEA, and again, IDEA takes priority, and this legislation does not affect those students who are under that that are mentally challenged, have educational problems that fall under IDEA, the Federal program.

Mr. PRESTON. Mr. Speaker, I am not even addressing that. What percentage of the ones who are assessed are under the Federal government? What percentage and which percentage are not covered by the Federal program?

Mr. EGOLF. The ones that are assessed— I did not understand your question.

Mr. PRESTON. What percentage of those people—

The SPEAKER. The gentleman will yield.

Please. Members and staff not involved in this debate, please cooperate.

Mr. Preston.

Mr. PRESTON. What percentage of the mentally and physically challenged are covered by the Federal programs who would fall within this realm of being eligible to be in a public school or private school system who are not covered by it? In other words, how many are and what is the percentage that are not?

Mr. EGOLF. If I understand your question, how many students who should be are actually covered by IDEA? I have no idea. I do not know what the—

Mr. PRESTON. But you have been talking about it.

Mr. EGOLF. I do not know what the numbers would be, but I know it. My experience is that it is a very liberal program, and many students, in fact I have heard complaints from teachers that students who are under the IDEA program should not be. So I think it really goes overboard, so I cannot imagine students who should be under it would not be under it, under that program. But, you know, again, maybe there are some that fall through the cracks, but I cannot imagine there are very many.

Mr. PRESTON. Thank you.

Mr. Speaker, because my concern about this, and I understand that you have experience in maybe 1, 2, or several different school districts — there are over 500 school districts within the Commonwealth of Pennsylvania; again, 39 — and from my experience of being here 19 years, each and every one of them have their own different personality, their own different

school board. Some kids can be expelled for carrying a fingernail file; some kids can walk through school almost literally carrying a gun as long as it is unloaded—

The SPEAKER. Mr. Preston, have you concluded your interrogation?

Mr. PRESTON. No. No, sir.

The SPEAKER. It appears that you are debating, or—

Mr. PRESTON. No, sir.

The SPEAKER. I am sorry.

Mr. PRESTON. —and every school district has different reasons as far as what causes this. So we may have 551 different reasons for expulsions at different levels, and what we would be doing potentially is subjecting parents to an unequal piece of legislation depending on the level of the suspension for each school district as compared to what you have experienced. What in your legislation will give everybody a fair and equal, level playing field as compared to Pike County versus Allegheny County versus Fayette County versus Adams County?

Mr. EGOLF. Well, Mr. Speaker, that is why we have locally elected school boards to make decisions, because it does vary across the State. But beyond that, we have safeguards in this legislation that if a school board does not make the right decision as far as who to charge for the education of the expelled student, they still have recourse to go through the court system. So I do not know what more we can really do, because I feel it is so important, first of all, that we consider the education of those students who are there to get an education, and when you have disruptive students, it affects everybody — it affects the students; it affects the teachers — so the schools have to have a process of getting them out, and that is the expulsion process. And then beyond that, my aim here is to get the parents, try to at least save those kids, too. We do not want to just dump them out somewhere. Maybe we can save a few of them by hopefully getting their parents involved, and that is the idea of this legislation.

Now, obviously we cannot cover every instance, and obviously you are going to have some school boards that are a little bit more lenient or a little more strict than another school board, but again, we elect those officials to do that. We also pay administrators large sums to be good administrators, and hopefully, you know, they will take care of these types of situations and determine, first of all, that students who need to be are under the IDEA program. Many of those, I think, we found are cases they should not be, and they should also then be under the, you know, if they are causing disruption and so on, they ought to be able to be expelled, but they are not, because they are under IDEA.

So I think that, really, there are programs that are there. You cannot, obviously, account for every instance, but I think that the safeguards are there in place now. The school boards are there to take action, the administrators are there, and the court system is there, and we have to rely on them to take care of some of these cases. I just think it is so important, because maybe one or two, you know, may end up where the parents have to pay and maybe they should not be or maybe they are very involved with the student versus other ones who are not, but I do not think that the problem is so great, that I think, you know, we need to consider the other students and all those who are maybe not getting a good education because of the disruptive students.

So I just think that, you know, maybe there are cases that you are talking about that are not covered, but I think the legislation is so important that we have to take that chance. It is worse if we do not do anything, and then there are more students that are lost from our system if we do not do anything. Thank you.

Mr. PRESTON. Thank you.

Mr. Speaker, that concludes my interrogation. I would like to be able to speak on the bill.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I keep on hearing the number potentially one or maybe two. Also I hear the issue about parental involvement, and it concerns me, because sometimes we are always feeling that we are trying to do the good thing. You know, it is like the Federal government always tries to do something good here with the State, and it seems to me that here we are giving an unfunded mandate again, only to parents this time. The unfortunate thing is, those people who are going to wind up paying are the people who are working-class people, not the lower income or the moderate income or even someone with even a high income, because they are carried and they can afford to pay for their health insurance and, by the different forms of insurance programs, be able to cover these types of things.

I raise another concern, too, because in some cases, especially in my own legislative district, I have raised a concern because — and judges will attest to this — some kids sometimes are trying for their own personal safety to get away from their parents and need to be in a court-adjudicated program. Here in some cases we set a potential liableness situation on our school district because we are mandating that the school district talk to and bring in the parents at the same time, and I am not just talking about just other different forms of personal situations. We have numerous, not one or two across this State, but every single one of the counties have had, every single one of these school districts have had these respective situations that have happened on a personal and a private level that wind up in court-adjudicated programs. I have judges who finally stepped in and have taken the child out of homes — middle-class, upper-middle-class, and lower-class income brackets within my own legislative district — to be able to protect some of these students because they were not properly assessed or they were not evaluated, and children actually reached out for help. Now we are putting the school district in the middle about forcing people to sit down and try to get together.

I think the gentleman's intentions are well, but for him to always say in his personal experience that most parents are not involved with their children I think is an insult to an awful lot of Pennsylvanians. I know that there may be an awful lot of different cases and a lot of different reasons, but for us to be able to say that the parents have to pay is more than just unconstitutional; it is just not right. It is just really not right for us to be able to deal with that for people who cannot even afford to really, really pay, and he could not even answer all of my questions relating to all the counties. It is just not because someone is expelled that are the reasons. An awful lot of these people, not 1, 2, 3, 4, 10, thousands of these young people need professional assessment and need help and need to be able to be reached out to for us to be able to put them in a closed room and, unfortunately, force our school districts also to become a social working environment.

Currently right now, I know in my own school district we use the University of Pittsburgh and Western Pennsylvania Psychiatric and St. Francis hospital for an awful lot of professional assessment. So we use doctors, we use psychologists, social workers, different forms of other different assessments to see what happens, and not only that, a lot of these young people wind up being determined that they have learning disabilities.

But this is just not the time to be able to do this, because again, here we are again putting a cost factor on parents. It is just as bad as raising taxes; it is just as bad as raising taxes on middle-class individuals, because now, and in some cases this could be a \$5,000- or \$10,000-a-month burden on middle-class parents, on middle-class parents who are buying their homes. I can also potentially see health-care institutions possibly not even covering some of the programs that are currently offered right now because of this particular situation and also putting our school districts in a certain liability issue.

I believe the gentleman's intentions are good, but unfortunately, this just does not work for me, Mr. Speaker, and I would ask for a "no" vote on this piece of legislation.

The SPEAKER. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair interrupts the proceedings and puts the House at ease for a period of 3 to 5 minutes for the Judiciary Committee to meet in the rear of the hall of the House.

Mr. Gannon?

Mr. GANNON. Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease for 5 minutes.

Mr. Gannon.

Mr. GANNON. Thank you.

Mr. Speaker, for clarification, this is a reconvening of the Judiciary Committee meeting that was recessed.

The SPEAKER. The Chair thanks the gentleman.

The Chair apologizes to the members for the interruption, but because the Christmas break is coming up, this week is going to be one of interruptions so that we can clean up our calendars before we leave for the Christmas break.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Mr. Speaker, to make an announcement.

Mr. Speaker, thank you.

I would like to remind the members of the State Government Committee that we are meeting at 10 o'clock sharp in room 39. That is 10 o'clock sharp tomorrow, Tuesday, in room 39. Thank you.

The SPEAKER. That is a.m.?

Mr. CLYMER. a.m.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 1259, PN 3040 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to child victims and witnesses; and updating a policy declaration.

JUDICIARY.

HB 1434, PN 3041 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the verification of identity in summary offense cases.

JUDICIARY.

SB 406, PN 1609 (Amended) By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for frivolous litigation; further providing for wrongful use of civil proceedings; and making an editorial change.

JUDICIARY.

SB 1089, PN 1370 By Rep. GANNON

An Act amending the act of May 28, 1995 (1st Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual and Violent Offenders Act, further providing for DNA sample required upon conviction and for expungement.

JUDICIARY.

SB 1180, PN 1608 (Amended) By Rep. KENNEY

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further defining "port district"; and further providing for economic development projects.

URBAN AFFAIRS.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move the following bills from the table:

SB 1180;
SB 1089;
SB 406;
HB 1434; and
HB 1259.

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

BILLS RECOMMITTED

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

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

SB 1180;
SB 1089;
SB 406;
HB 1434; and
HB 1259.

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

CONSIDERATION OF HB 593 CONTINUED

The SPEAKER. The Chair returns to today's calendar, HB 593, and recognizes the gentleman from Clearfield, Mr. George. The gentleman will yield for a moment.

Sergeant at Arms, ask the members behind the rail to move to one of the outer offices.

Mr. Gannon? The committee meeting has concluded. Members, please return to your seats.

Member of the press, you are not permitted on the floor there.

Members, please take your seats. Members, please take your seats.

Mr. George.

Mr. GEORGE. Mr. Speaker, I rise today and I feel somewhat awkward in that I believe that this vote today will be one that you could analyze in this manner, that you are darned if you do and you are darned if you do not. And I would firmly believe that the sponsor of this legislation wants to do his very best for the school systems in Pennsylvania, and I do not intend to ask the gentleman any questions in that it is not the honest answers that he can give me that makes me hesitate, but the answers that nobody can give me is what concerns me.

If you will, Mr. Speaker, I do not gather their attention very well.

The SPEAKER. I am not having much luck either, Mr. George.

Please.

Mr. GEORGE. I could do this in the morning—

The SPEAKER. The gentleman will yield.

Members, please take your seats.

Mr. George.

Mr. GEORGE. Thank you, sir.

Again, as we come down here as individual legislators, some of us experienced in specific avenues, some of us merely a jack-of-all-trades and master of none, sometimes we do not deal with all that is in our mind and all that we review as being proper, but mostly we deal with the findings of the day and the matters that we most believe that our people concern themselves about.

There is no argument, Mr. Speaker, that today we find that because of what had transpired not only on September 11 and even long before that, we take a more difficult look at some of these young people who the Commonwealth of Pennsylvania

insists that we must educate for a minimum of years and who we must insist continue to go to school until they become a certain age, and if I could ask the gentleman, the sponsor, and he said it most honestly, there are some things that just are not answerable. I have heard and I tried to listen very intently when the gentleman said, Mr. Speaker, that there could be upwards of 150 or 200 people who were students and could have been kicked out of school or suspended or whatever the situation is that we can call. Neither he nor I are going to take credit for knowing what makes these young people so disruptive, Mr. Speaker. I can only tell you that some of us can attest that if more parents were like our parents, we would not be so disruptive and that we were reared at home and not in the public educational system.

But again, before we put everybody to sleep, I worry about what I heard in regard to who will pay and who will not. I heard the Democrats for 2 years insisting that we should do something to get that school subsidy up to where it should be under law. I do not know what the law says, but I keep hearing it should be 50 percent and it is only 30. I keep hearing school districts and the individuals whom we entrust to run them telling me that there is something wrong that we are mandating and we are not paying for it.

I listen to the calls for help from both sides, and the gentleman, the prime sponsor, very well put it when he said that the school will have an opportunity to make a decision based on an individual's affluency of whether or not they have to pay, and I accept that. But there are two things that bother me, Mr. Speaker. One of them is that we have alternative schools in Pennsylvania that number a couple of hundred, with thousands of kids that fall a little bit short of being disruptive to the point where they are expelled, and this is what concerns me, that we have several thousand of these young people who maybe some of them on their own would place themselves into these alternative schools but thousands of them have been placed there as a last resort, and the school districts are paying for those.

Now, if the situation would be that there was a true answer to how we make the recommendations on payment, if we do not simply say, well, only the rich are going to pay, because I want to know, Mr. Speaker, that when the school board comes forward and attempts to analyze an individual, the husband and wife or both, of what their earning capacity is, how much money they make, how much money they have in the bank, when they do that and they come along with a determination of what it is that the family should pay in regard to the young man or young woman being placed in another educational facility, I wonder about in June when this is analyzed to the degree honestly and then in March of the next year or whatever the date may be the man loses his job and the income level is just not where it was at the time a decision was made on the amount of payment.

I think we would all like to do something about disruptive students and we would all like to do something about getting our schools more money, and we would all like to do something, Mr. Speaker, because we are legitimately concerned about these young people who ignore discipline. But it was not too long ago our former Governor was pushing school choice and we were pushing different alternatives in education, and now we are saying, you know, if you misbehave, on the right hand one school might ignore it, on the left hand you might get

expelled. I do not want to see an individual who has been incorrigible and has broken the law and has taken this kind of demeanor to even put his or her family in this position, but it happens, and when it happens, then we quickly say, well, we are going to make you pay, and if you are going to pay, I simply want to know who is going to pay, what alternative would there be, how will we come about it, how will it be handled if an individual in the household loses their job, if in fact the situation occurs that places this family in a very bad financial means like sickness, then what is going to happen?

I am not against anyone trying their very best to place the responsibility on the right individuals, but, Mr. Speaker, there are a lot of uncertainties in this bill, and we are going to basically involve a lot of people who are not going to be able to live up to the proposals that I heard, and that is why I am going to vote "no."

Thank you.

THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny County, Mr. DeLuca. Does the gentleman, Mr. DeLuca, desire recognition? The gentleman is recognized.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of HB 593, and I do so because of the fact, I personally do not think there is anything wrong with parents having responsibility for their children. I think there are safeguards in this bill pertaining to individuals who cannot pay, and that is one of the reasons I will be voting for this.

Secondly, when we talk about the State paying our school districts for the money that we send to these children for tutors — as you know, we have to provide that within 30 days — we only spend 36 percent on education in the Commonwealth of Pennsylvania. Now, the people who have to pick up the other 64 percent are the taxpayers in our local school districts, the taxpayers back there who foot the majority of the bill for education in this Commonwealth, and why should they have to pick up the tab for some child out there whose parents can afford it and they do not take the interest and maybe discipline their child to make them a better student in our school districts. Why should our students in the school districts who want to learn, who want to be educated, have to put up with these disruptive students, and a lot of times our schools are reluctant to discipline and expel some of these students because of the cost factor involved.

This is a good piece of legislation. I commend the prime sponsor, and we should pass it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 593, and before I begin I would like to start by saying any student — I do not care if they are from Philadelphia, Pennsylvania, or any State in this union — who throws a chair at a teacher should be expelled/suspended from the classroom. It is not the responsibility of teachers to

discipline children. That comes from home. We have gone from a society that suspends students for talking too loud to trying to convince people it is acceptable to throw chairs at teachers. Listen to the logic there; listen to the logic. It is not acceptable. If a student throws a chair and hits and injures a teacher, that means 30 kids cannot be educated for one incident by one student. Listen to the logic there. If we argue against this bill, we are saying that kids from Columbine who shot students have a right to return to that same school. That is crazy. There is no logic there.

In the city of Philadelphia, Mr. Speaker, the process is, students who come from out of detention, come from out of prison, and are readmitted back into the classroom, principals do not have a right to their records. So the only thing a principal gets is this student is being transferred to your school, and in one single school in one year in one incident, a school received 150 students who were just coming out of incarceration, and the principal had no idea where they were coming from. They were just being transferred to that school. Are you going to tell me that principal and those teachers do not have a right to know that, that they have to put their lives on the line not to discipline kids but to teach them. That is what we are talking about. We are talking about schools, and their primary responsibility is not to discipline kids but to teach them, and when one or two get out of line, we need to be able to arm principals and arm teachers to expel and suspend them, because they are disruptive. And I am not talking about 5 or 100 students; in the city of Philadelphia we are talking about 2,000. And just for the record, for those who have been following the Philadelphia situation, Mr. Speaker, 2 years ago under this administration, under the Philadelphia Board of Education, under the unions, they okayed privatization to come into the city of Philadelphia and discipline kids. So now when we do it for the whole school district, it is an issue. When everybody was on board 2 years ago when we were talking about doing it for alternative schools, we brought in a private company from Texas, and we gave them and we armed them with \$20 million to build a new school, alternative school, for kids, kids who were disrupting the classroom.

The responsibility for the discipline of kids first starts at home, Mr. Speaker. It is not the duty of teachers, and we keep trying to make it the duty of teachers. It is not. That is the responsibility of parents. How dare you insist that teachers should assume that. That is not their responsibility; it is the parents' responsibility, and anything that I can do in this chamber to help teachers and principals educate kids, I will do it.

I stand in support of HB 593. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the bill.

I think when anybody wants to talk about education reform, the contents and the principles contained in this legislation must be part of it. There is a saying that too often we miss the forest for the trees, and I think too often we miss the children because we are always looking into delinquents.

Mr. Speaker, I come at this from a little different direction. I think the most important part of this bill is that which is not contained in it, and that is the education of the 25 kids left in

that classroom when the very disruptive student is removed. When I talk to teachers, Mr. Speaker, the biggest problem they have is discipline and the disruptive students in their classes. When I talk to school directors and ask them, why do you not expel that student, Mr. Speaker, they talk about the enormous costs connected with that expulsion.

Mr. Speaker, I think the gentleman, Mr. Egolf, has crafted a piece of legislation if not perfect certainly something that is worthy of the title of education reform and a necessary piece of everything we do in the various bills we pass under the label of education reform. Mr. Speaker, what we provide is for the expulsion of the student who does not want to be in that school classroom. Mr. Speaker, we charge the parents for the cost of that expulsion and for providing the alternative education. Mr. Speaker, if the parents or guardian cannot afford to pay for that alternative education, we make provisions. Mr. Speaker, that sounds pretty fair to me.

I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne County, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the sponsor of the bill, please.

The SPEAKER pro tempore. The gentleman, Mr. Egolf, indicates that he will stand for interrogation. The gentleman is in order.

Mr. TIGUE. Mr. Speaker, on page 3, section 4, it provides for 12 months or the period of expulsion, whichever is less. Is it possible that someone would be expelled for longer than 12 months?

Mr. EGOLF. Yes, Mr. Speaker; that is correct. They could be expelled for longer than 12 months. However, this was put in there to give a limit, because some people thought that maybe the schools would now have an incentive to expel the student for a couple years because, you know, they would have now the parents pay for that education and they would be rid of the student. So this was put in there as another safeguard.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, another question. You talk about the compulsory age. It is my understanding compulsory age in Pennsylvania is from 8 years of age to 16, which this requires payment by the parents for those students. What about the student who is 17 or 18 years old who is expelled? Those parents do not have to pay. Is that correct?

Mr. EGOLF. Actually, compulsory age is 8 to 17.

Mr. TIGUE. Okay.

Mr. EGOLF. So beyond that, if they are in school beyond that age—

Mr. TIGUE. But— Excuse me, Mr. Speaker.

Mr. EGOLF. Okay; okay.

Mr. TIGUE. But the bill says compulsory age, so I am not sure you are right on 17. So if I am 18 years old and I am expelled, my parents would not have to pay, or I am 19 or 20 or 21, because in Pennsylvania we allow people to come back to school until 21.

Mr. EGOLF. I think, in answer to your question, if they are beyond the compulsory school age, they can still be expelled, and then if the parents want them educated, they are going to have to pay to do that. If they want them back in the

school district up until age 20, they are going to have to comply with certain requirements of that school district.

Mr. TIGUE. But the point is, the parents do not have to pay. Is that correct?

Mr. EGOLF. If they want them to have an education, they will have to. If they do not want them to have an education, then they may go out and stay away from school from then on. But it is most likely that those students did not want to be there in the first place, so we have probably already lost them.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, one other question. What about the case of foster children? If I am a foster parent and I take in some kids, what happens if one of them is expelled?

Mr. EGOLF. The bill says parent or guardian, so foster parents at this point would be the guardian.

Mr. TIGUE. So the foster parent would be responsible for paying for the child.

Mr. EGOLF. That is correct.

Mr. TIGUE. Okay.

That concludes my interrogation, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman desire recognition on the bill?

Mr. TIGUE. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. TIGUE. Mr. Speaker, first of all, I would like to thank the sponsor of the bill for his patience in answering questions this afternoon, and I appreciate what everyone for or against the bill has said earlier, that we have to do something about disruptive students. I do not think there is anyone here that believes a disruptive student should remain in a classroom and interfere with the education of the other students in that class.

I am for expelling students. However, I am also for individual responsibility, and when I go to schools, I ask children from as young as third and fourth grade if they know the difference between right and wrong, and I have yet to hear a child say, "I don't know the difference." And I tell them at that point, you are responsible for your behavior — not your teachers, not your parents, not anyone; you are. And the reason why I bring that up is, I guess there is a certain age where we lose control of our children, whether we like it or not, and many of us here, if we would ask our parents, we would have to admit that being a good parent does not mean your children are good all the time.

This bill may be well intended. However, the payment — and I have been against this before; this is not a new concept to me — however, the idea that the parents must pay the freight because of what their child did, and we just heard in response to the questions that if I am an 18-year-old, they do not have to pay for me, but if I am a 7-year-old, they have to pay for me. If I am willing to take in foster children in my home and that foster child gets expelled — and remember, we live in the age of zero tolerance — for whatever reason, whether it is severe or not, I am responsible as a foster parent. That, Mr. Speaker, is not fair; that is not fair.

If you are adjudicated a juvenile and a court sends you to a school for a crime you committed, we the taxpayers pay for your education in that alternative institution. We do not ask the parents to pay us when we send that child to an institution who has been adjudicated. We say, this child, this person, whether you are a student or you are an individual in society and you are disruptive and must be removed from where you are, we the

taxpayers shoulder the burden and the responsibility for making sure that other people have their rights protected. So if you are a student, we should expel you. If you commit a crime so bad you should be incarcerated, we should do that. We should not turn around then and say, you have to pay me.

And then we get into who can pay and who cannot, and we allow for those who the school district determines cannot pay to do community service, but nothing happens to the expelled student. Why do we not require them to do community service or to pay something? Are we responsible for our children that have a traffic citation? If they commit some violation, who is responsible and at what age?

Again, I believe strongly in individual responsibility. I do not believe that parents are responsible for everything their children do. This may be well intentioned, and I know it is — knowing the gentleman, I know he is well intentioned — but this is not the answer to disruptive students. What happens if the parents say, I am not going to pay; I am not going to do the community service? So we just allow the child not to come back to school?

We keep talking about the families, the breakdown of the family. What about the kids who do not have families; nobody cares whether they are educated or not. That, unfortunately, is our responsibility to make sure that that young child understands their responsibility is to be a student and our responsibility is to educate them.

There are too many unanswered questions. I would ask you sincerely not to vote for this because it sounds like a good idea or because it may be popular to do, but think about what you are saying to that child or to that parent, to that single parent who has a 17-year-old son whom they cannot control, whom we will not allow them to put into a program involuntarily. The person, the single parent, who has gone to the courts and said, "Please take my child into a program," we will not do that because they have the ability to say, "I don't want to go." That same person then turns around, that child is expelled, and we say, you cannot force that child to be given care, but now we are going to make you pay for what they did in school, after we denied you on the other end.

So I oppose this bill, and I would ask others to oppose it.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Ms. STEELMAN. Thank you, Mr. Speaker.

I am rising because several of my colleagues have asked me if I had withdrawn my amendment to this bill, and I have explained to them on several occasions now that we ran the amendment last Tuesday and that it passed 196 to 0 and that it is now part of the bill. Unfortunately, it was not recognized either in the postsession report nor is it recognized here, and just to save my having to answer this question over and over, I thought I would get a confirmation from the Speaker that the amendment is indeed part of the bill, because if something very peculiar has happened and the amendment is not part of the bill, I do have the amendment here, and I certainly did not withdraw it.

The SPEAKER pro tempore. In answer to the lady's inquiry, your amendment is part of the bill.

Ms. STEELMAN. Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The lady, Ms. Steelman, the report that was put out by the Parliamentarian's Office, the daily session summary, also listed your amendment as being passed, so it is part of the bill. The Chair thanks the lady.

The Chair recognizes the gentleman from Centre County, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I again would like to rise very briefly to support HB 593 and to reiterate a couple comments that were made.

Earlier a presentation by the author of this bill, Representative Egolf, whom I would like to commend for drafting this and for being cooperative in the process in trying to make a very fair bill, had mentioned that historically in the year 1999 to 2000 we had expelled about 907 children across the Commonwealth. Out of 501 school districts, we are talking less than 2 children per school district. None of us want to see any children fall through the cracks, but we must also remember that these are children that have repeatedly gone against the school rules, have been chronic offenders of the school systems and are also interrupting other students who are trying to get a fair education here in the Commonwealth.

We do have a responsibility to students but responsibility to all the students in the classrooms. I do not think it is fair for these individuals who continuously have expressed themselves in a negative manner, obviously do not want to be in the classroom, to be forced to be there.

More importantly, I heard the comments made that it is not fair to the poor people of the Commonwealth of Pennsylvania. Mr. Speaker, I would like to ask you who the poor people are. Is it the senior citizens, the retirees, those on fixed incomes, that are being forced to pay higher, higher taxes every time we have to continuously be funding repetitive problems? There are a lot of people to consider in this recipe.

Mr. Speaker, I would ask my colleagues to support this bill. It is time we send a clear message that going to school is a place to learn; it is not a zoo; it is a place to learn. At the meetings I host around my district, teachers, educators, and administrators repetitively have said to me, this is one of the number one problems they have; their classrooms are constantly disrupted by the same individuals over and over again.

Mr. Speaker, I ask my colleagues to support this, and remember, we talk about the families being responsible to pay this; it does not seem fair to inflict that bill on them. Well, doggone it, I do not think it is fair to inflict on the rest of the people in this Commonwealth either, and those are the ones who constantly have to keep paying the tab that goes up and up and up. Put the responsibility back where it belongs, on those individuals who have created a need.

I thank you, Mr. Speaker, and I ask for support and the passage of HB 593.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Cumberland County, Mr. Nailor.

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

This is an issue that in the Education Committee we have debated for the last three sessions, and we have debated the issue very heavily. We have heard all of the pros and cons, I think, that are out there for us to hear. I think the prime sponsor of this past session has agreed to some

compromise amendments that make the bill even a better bill than it was before. But it is long overdue, and I just do not know why we hesitate when we have a chance to vote on this bill.

I think we have to think of the students who are in school who want to learn, because the students that are addressed in this bill, that we talk about, are students that are expelled. Well, the fact is, they are expelled. They were not sent to retention. They were not put on suspension. They certainly were not put in an alternative education class, for which we are spending tens of millions of dollars a year in the Commonwealth of Pennsylvania. The school boards and these school districts felt they committed such a bad act that they expelled these students from those schools and for good reason, and now the question is, who should pay for the extra education, because if they are going to turn around and they are going to come back to that school — and most do — and if they are going to graduate or be back in those same classes again, they have to be educated while they are out of school, while they are expelled. That is the law.

Now, the question is, who pays for that? Does the parent or the guardian pay for that, or do, as the previous speaker said, do the taxpayers of Pennsylvania, the property owners in Pennsylvania, because that is where the majority of our school taxes come from. Most feel that is not the direction for us to go. Property owners should not be paying for those additional costs for private tutors and for private schools for students who for good reason have been expelled from their public schools.

I think the Representative, Mr. Egolf, has a good bill, and I encourage my colleagues to support it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the author of the bill would stand for brief interrogation.

The SPEAKER pro tempore. The gentleman indicates that he will.

Mr. ROEBUCK. Thank you, Mr. Speaker.

Certainly, my tendency would be to support this legislation. I recognize very clearly that we have problems in our public school system with discipline and the need to deal with the problem of disruptive students, but, Mr. Speaker, the thing that also concerns me is how we apply suspension, and I wondered if the author of the bill could give me the breakdown of suspensions. I know there is a total number of suspensions. Could you give me a breakdown of suspensions by race?

Mr. EGOLF. Mr. Speaker, first of all, we are talking about — just a technicality — we are talking about expulsion rather than suspension, but for expulsion, I cannot give you those figures. I do not know that those figures are available.

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I could speak on the legislation?

The SPEAKER pro tempore. The gentleman is in order.

Mr. ROEBUCK. Mr. Speaker, what concerns me is that it is very clear that expulsion or suspension, whichever term you want to use, is not applied equally across the school system; that if you are a minority student, your opportunity to be expelled or suspended is greater than if you are not a minority student.

Although African Americans constitute 17 percent of the total public school population across this nation, they constitute 33 percent of those students who are expelled from school. There is something fundamentally wrong, Mr. Speaker, if indeed you do not apply things fairly and equally.

The same thing is true in the area of special education, Mr. Speaker. Again there is an inequality in the way we apply the procedures that we set forth. If we are going to enact this legislation, then indeed we ought to ensure in the language of the legislation that the process is fair and applied to every student in the same manner. I ought not to be more at risk in a school because I am African-American than if I were not. That is simply unfair. It is unfair to those students. It is unfair to their parents. And unless we write into this legislation some way in which we address the disparity in the way in which we apply justice in the school system, I think we are passing flawed legislation, Mr. Speaker. It is not deserving of our support unless we can correct the inherent inequities in what we propose to do this day.

I would urge, Mr. Speaker, unless we can do that, we ought not to pass this bill. It is basically unfair to do it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Egolf, on final passage.

Mr. EGOLF. Thank you, Mr. Speaker.

First, I would like to correct one statement, the question by a previous speaker about foster parents, who would be responsible. I was informed that a foster child would come under the children and youth service, child protective service, so they would be responsible for the education of that child when they are expelled.

And another question, the previous speaker, about whether maybe race would come into expulsions, and I do not have those figures, but certainly, my legislation is colorblind. It only applies if a student is expelled and does not question what the motives were as far as race.

And I would just like to also say that there is due process for these expulsions. These expulsions are not taken lightly. They are very expensive to the school district. It is not arbitrary. They are not going to do it on a whim. There is due process, and there should be protections in the system, so I do not know; I cannot imagine that expulsions would be done based on race. It should be done based on the actions of the student.

And then I would like to say for final comments that this bill did pass this House last session as HB 1576 at 186 to 9, so it was very overwhelming. The House adopted many amendments that were incorporated into this bill, which are in the bill now.

The bill exempts a school district from having to pay for the alternative education of a student who has been expelled from the public school. A parent or guardian must, within 30 days, enroll the expelled student in an alternate placement and must notify the district of the enrollment. The placement must meet the criteria for compulsory attendance, and the cost of this placement is to be borne by the parent or guardian.

The purpose of this legislation is to send the message to students who violate school rules or commit acts of violence that actions have consequences. Every student is entitled to free school privileges but only to the extent that they do not violate reasonable rules and regulations for the conduct and

deportment. Court rulings have been fairly clear on this matter: When students violate school rules, they have given up that right to free school privileges and expulsion or some other form of discipline may occur.

Expulsion is not a minor issue. Some districts spend anywhere from \$5,000 to \$10,000 on the expulsion of a student. Many districts consider the money issue to be a minor cost in comparison to the benefit that comes from removal of a violent student from the general student population. It is, after all, the education of the other students that will also be affected by the violent student.

Some would argue that we should treat the problems of students before we get to the point of expulsion. I could not agree more. I would agree with that approach. Unfortunately, it would take several years before any program, if implemented today, would show results, so if we have some programs, I would certainly support that. However, we have the problem now, and I think in the meantime, we have hundreds of students who will create problems in our schools and affect the education of thousands of other students. This bill is a solution to the problem right now.

This bill does affirm that every student has a right to an education. Where that student gets the education and who will pay for it is what this bill determines. I ask for an affirmative vote on HB 593 as amended.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—150

Adolph	Fairchild	Lynch	Samuelson
Argall	Feese	Mackereth	Santoni
Armstrong	Fichter	Maher	Sather
Baker, J.	Fleagle	Maitland	Saylor
Baker, M.	Flick	Major	Schroder
Bard	Forcier	Markosek	Schuler
Barley	Gabig	Marsico	Semmel
Barrar	Gannon	Mayernik	Shaner
Bastian	Geist	McCall	Smith, B.
Belfanti	Godshall	McGeehan	Smith, S. H.
Benninghoff	Gordner	McGill	Solobay
Birmelin	Grucela	McIlhattan	Staback
Blaum	Habay	McIlhinney	Stairs
Boyes	Haluska	McNaughton	Steelman
Browne	Hanna	Melio	Steil
Bunt	Harhai	Metcalfe	Stern
Butkovitz	Harhart	Micozzie	Stevenson, R.
Caltagirone	Harper	Miller, R.	Stevenson, T.
Cappelli	Hasay	Miller, S.	Strittmatter
Casorio	Hennessey	Nailor	Taylor, E. Z.
Cawley	Herman	Nickol	Taylor, J.
Clark	Hershey	O'Brien	Thomas
Clymer	Hess	Perzel	Tulli
Cohen, L. I.	Horsey	Petrone	Turzai
Coleman	Hutchinson	Phillips	Vance
Cornell	Jadlowiec	Pickett	Wansacz
Corrigan	Josephs	Pippy	Watson
Coy	Kaiser	Pistella	Williams, J.
Creighton	Keller	Raymond	Wilt
Cruz	Kenney	Readshaw	Wogan
Dailey	Krebs	Reinard	Wojnaroski

Dally	LaGrotta	Roberts	Wright, M.
DeLuca	Lawless	Rohrer	Yewcic
DiGirolamo	Lederer	Rooney	Youngblood
Diven	Leh	Ross	Zug
Donatucci	Levdansky	Rubley	
Egolf	Lewis	Ruffing	Ryan,
Evans, J.	Lucyk	Sainato	Speaker

NAYS-46

Bebko-Jones	Evans, D.	Mundy	Surra
Belardi	Frankel	Myers	Tigue
Bishop	Freeman	Oliver	Travaglio
Buxton	George	Pallone	Trello
Cohen, M.	Gruitza	Petrarca	Veon
Colafella	James	Preston	Vitali
Costa	Kirkland	Robinson	Walko
Curry	Laughlin	Roebuck	Washington
Daley	Lescovitz	Scrimenti	Waters
Dermody	Manderino	Stetler	Wright, G.
DeWeese	Mann	Sturla	Yudichak
Eachus	Michlovic		

NOT VOTING-0

EXCUSED-6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

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

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

* * *

The House proceeded to third consideration of SB 607, PN 1513, entitled:

An Act amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," further providing for the compensation of clerks of election and machine operators; and making a repeal.

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?

CONSTITUTIONAL POINT OF ORDER

The SPEAKER pro tempore. For what purpose does the lady, Ms. Josephs, rise?

Ms. JOSEPHS. I would like to make a motion having to do with this bill, please, Mr. Speaker.

The SPEAKER pro tempore. The lady is in order and may make her motion.

Ms. JOSEPHS. Thank you.

Mr. Speaker, I understand what this bill is about, and all of us who work on election day — and I think that is all of us — do understand that it would be much more helpful, we might be able to recruit more people to work in the polling places, if we could split the shift between two different clerks of election, but I very much fear that this is an unconstitutional exercise that we are going through. And in order to make my point, I would just like to read section 11 of Article VII of the Pennsylvania Constitution, which says, "District election boards shall consist of a judge and two inspectors, who shall be chosen at municipal elections for such terms as may be provided by law. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk."

What this bill will do will put a second clerk into the polling place, and I think that that is unconstitutional. It says on the face; it is in our Constitution: "...each inspector shall appoint one clerk."

Given my reading of the Constitution as against this bill, I would now move that — if the Speaker will help me with the wording; I have never actually done this — that SB 607 be declared unconstitutional. Thank you.

The SPEAKER pro tempore. The lady did that correctly.

Ms. JOSEPHS. Thank you.

The SPEAKER pro tempore. The lady, Ms. Josephs, raises the point of order that SB 607, PN 1513, is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for its decision, which the Chair does now.

Those voting "aye" will vote to declare the bill to be constitutional; those voting "nay" will vote to declare the bill to be unconstitutional.

On the question,
Will the House sustain the constitutionality of the bill?

The SPEAKER pro tempore. Does the gentleman, Mr. Clymer, desire recognition?

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to vote in the affirmative, a "yes" vote on this amendment — a "yes" on constitutionality, to make it more specific.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those voting "aye" will vote to declare the bill constitutional; those voting "no" will vote to declare the bill unconstitutional.

On the question recurring,
Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS-144

Adolph	Evans, J.	Maher	Samuelson
Argall	Fairchild	Maitland	Sather
Armstrong	Feese	Major	Saylor
Baker, J.	Fichter	Markosek	Schroder
Baker, M.	Fleagle	Marsico	Schuler
Bard	Flick	Mayernik	Scrimenti

Barley	Forcier	McGeehan	Semmel
Barrar	Gabig	McGill	Smith, B.
Bastian	Gannon	McIlhattan	Smith, S. H.
Belardi	Geist	McIlhinney	Stairs
Benninghoff	Godshall	McNaughton	Steil
Birmelin	Gordner	Metcalf	Stern
Bishop	Gruitza	Michlovic	Stevenson, R.
Boyes	Habay	Micozzie	Stevenson, T.
Browne	Haluska	Miller, R.	Strittmatter
Bunt	Hanna	Miller, S.	Surra
Butkovitz	Harhart	Myers	Taylor, E. Z.
Buxton	Harper	Nailor	Taylor, J.
Cappelli	Hasay	Nickol	Tigue
Cawley	Hennessey	O'Brien	Tulli
Clark	Herman	Perzel	Turzai
Clymer	Hershey	Petrone	Vance
Cohen, L. I.	Hess	Phillips	Wansacz
Colafella	Hutchinson	Pickett	Watson
Coleman	Jadlowiec	Pippy	Williams, J.
Cornell	Kaiser	Pistella	Wilt
Corrigan	Keller	Preston	Wogan
Creighton	Kenney	Raymond	Wojnaroski
Cruz	Kirkland	Readshaw	Wright, M.
Dailey	Krebs	Reinard	Yewcic
Daley	LaGrotta	Robinson	Youngblood
Dally	Laughlin	Rohrer	Yudichak
DeLuca	Lederer	Ross	Zug
Dermody	Leh	Rublely	
DiGirolamo	Lewis	Ruffing	
Donatucci	Lynch	Sainato	Ryan,
Egolf	Mackereth		Speaker

NAYS—52

Bebko-Jones	Frankel	Mann	Staback
Belfanti	Freeman	McCall	Steelman
Blaum	George	Melio	Stetler
Caltagirone	Grucela	Mundy	Sturla
Casorio	Harhai	Oliver	Thomas
Cohen, M.	Horshey	Pallone	Travaglio
Costa	James	Petrarca	Trello
Coy	Josephs	Roberts	Veon
Curry	Lawless	Roebuck	Vitali
DeWeese	Lescovitz	Rooney	Walko
Diven	Levdansky	Santoni	Washington
Eachus	Lucyk	Shaner	Waters
Evans, D.	Manderino	Solobay	Wright, G.

NOT VOTING—0

EXCUSED—6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

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—189

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

NAYS—7

Casorio	Horshey	Petrarca	Youngblood
Freeman	Manderino	Thomas	

NOT VOTING—0

EXCUSED—6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1469, PN 2872, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, defining "listing administrator" and "telephone solicitation call"; prohibiting blocking of caller identification and other telemarketing screening products or services; and prohibiting unwanted telephone solicitation calls.

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—196

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

- DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, D., Lescovitz, Levdansky, Lewis, Lucyk, Lynch, Mackereth, Maher, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Youngblood, Yudichak, Zug, Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

- Allen, Civera, Rieger, Tangretti, Trich, Zimmerman

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 (MATTHEW J. RYAN) PRESIDING

The House proceeded to third consideration of SB 286, PN 1181, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, amending the title of the act; and further providing for definitions, for repair obligations, for manufacturer's duty for refund or replacement and for resale of returned motor vehicle.

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—196

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

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

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 **HB 2131, PN 2843**, entitled:

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Historical and Museum Commission, for powers and duties of the commission and for publications and reproductions; and making a repeal.

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-196

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Allen	Rieger	Trich	Zimmerman
Civera	Tangretti		

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.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Herman, for the purpose of making an announcement.

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

At the conclusion of today's session, I would like to call a meeting of the Local Government Committee immediately at the rear of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LABOR RELATIONS COMMITTEE MEETING

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

Mr. FLICK. Thank you, Mr. Speaker.

There will be a meeting of the Labor Relations Committee Wednesday morning, 10 a.m., in room 205, Ryan Office Building, for the purpose of considering HB 2183 and any other business that might come before the committee.

Thank you, Mr. Speaker.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

Immediately upon recess this evening, I would like to have a meeting of the Appropriations Committee in the conference room in 245.

The SPEAKER. The Chair thanks the gentleman.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 211, PN 93

By Rep. GANNON

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

JUDICIARY.

The SPEAKER. Mr. Gannon, for what purpose do you rise?

Mr. GANNON. Mr. Speaker, just for an announcement.

The Judiciary Committee meeting of today is adjourned. There will be no further committee activity on today's meeting. Thank you.

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Lawless, rise?

Mr. LAWLESS. A correction of the record, Mr. Speaker.

The SPEAKER. Go ahead.

Mr. LAWLESS. Mr. Speaker, on HB 206, amendment 4238, I was recorded in the negative. I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Upon the announcement of the recess, the House Republicans will caucus downstairs, very important, on the subject of congressional redistricting, and so we would ask that all members report to caucus upon the recess.

STATEMENT BY MS. STEELMAN

The SPEAKER. Ms. Steelman, on unanimous consent.

Ms. STEELMAN. Thank you, Mr. Speaker.

I wanted to bring to the attention of the members of the General Assembly a problem that is being faced by members of the Pennsylvania National Guard and their families.

On the 15th, Governor Schweiker called up units of the Pennsylvania National Guard to provide security at powerplants in Pennsylvania. Last week I was called by the wife of one of those National Guardsmen, who told me that her husband had been on duty since November 15 and he had not yet received a paycheck. We contacted the Department of Military Affairs and were informed that the paychecks were being sent out. Well, I got another call on Friday to let me know that, yes, he had gotten a paycheck; he had gotten a paycheck for November 16 only. And at this point, we have apparently quite a few National Guardsmen who have been separated from their families, separated from their jobs, and serving for the last 3 weeks without being paid at what everyone knows is one of the most difficult times of the year not to have a regular paycheck coming in.

So rather than do a memorial to the Department of Military and Veterans Affairs and the Treasurer, I thought that I would suggest to my colleagues that perhaps we might indicate to the department that it would be desirable for them to expedite paying our National Guard, who are contributing to our security at the cost of their own trouble.

The SPEAKER. The Chair thanks the lady.

INTERROGATION

The SPEAKER. The gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats do not have access to the Republican plan or plans. I wonder if Mr. Argall would consent to brief interrogation.

Mr. ARGALL. I will do my best, Mr. Speaker.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, do you have any sense of the timetable as to when the Republican congressional reapportionment plan will be available?

Mr. ARGALL. No. That is one of the reasons why we need to caucus, Mr. Speaker.

Mr. COHEN. Okay.

The SPEAKER. My information is, there is no plan as such, and he means it when he says that is why we are going to caucus.

Mr. COHEN. Okay. Thank you, Mr. Speaker.

Mr. Speaker, as soon as we have a plan in which to discuss, we will have a Democratic caucus to discuss that information.

The SPEAKER. The Chair thanks the gentleman.

BILLS REMOVED FROM TABLE

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

Mr. BARLEY. Mr. Speaker, I move that HB 2202 and SB 211 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

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

Mr. BARLEY. Mr. Speaker, I move that HB 2202 and SB 211 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RECESS

The SPEAKER. For the information of the members, we will not be coming back to vote this evening. It is the intention of the Chair, rather than keep the desk open and be present, it is the intention of the Chair to recess the House and tomorrow morning take up in Monday's session the reports of the committees that are presently meeting.

That being the case, without objection, the House will stand in recess to the call of the Chair.

AFTER RECESS

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

The SPEAKER. The Chair is now attempting to determine if the Appropriations Committee meeting will be long, it being the thought of the Chair that it would be better to take the report of that committee this evening, if possible.

So the House will stand at ease to the call of the Chair.

BILLS REREPORTED FROM COMMITTEE

HB 582, PN 2996

By Rep. BARLEY

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for criminal mischief and for institutional vandalism; and further providing for the revocation or suspension of operating privilege.

APPROPRIATIONS.

HB 601, PN 2787

By Rep. BARLEY

An Act imposing civil liability on persons participating in the illegal drug market; providing for the recovery of damages by certain persons; and establishing the procedure for bringing a private action to recover damages.

APPROPRIATIONS.

HB 641, PN 697

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to certain appeals from the Pennsylvania Labor Relations Board.

APPROPRIATIONS.

HB 1119, PN 2711

By Rep. BARLEY

An Act requiring public notices relating to certain matters affecting long-term care facilities; and providing for compliance and enforcement.

APPROPRIATIONS.

HB 1285, PN 3012

By Rep. BARLEY

An Act prohibiting false claims; imposing duties on the Attorney General and on district attorneys; and providing for procedures and for penalties.

APPROPRIATIONS.

HB 1406, PN 1652

By Rep. BARLEY

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 the retention of records.

APPROPRIATIONS.

HB 1478, PN 2104

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1519, PN 2613

By Rep. BARLEY

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

APPROPRIATIONS.

HB 2016, PN 2851

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for applicability and uniformity of law and for disposition and use of liquid fuels and fuels tax.

APPROPRIATIONS.

HB 2115, PN 2828

By Rep. BARLEY

An Act making an additional appropriation to the Department of Community and Economic Development for Statewide marketing to attract tourists.

APPROPRIATIONS.

HB 2129, PN 2841

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful possession of retail or library theft instruments.

APPROPRIATIONS.

HB 2130, PN 3013

By Rep. BARLEY

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

APPROPRIATIONS.

HB 2135, PN 2847

By Rep. BARLEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

APPROPRIATIONS.

HB 2182, PN 2939

By Rep. BARLEY

An Act designating the portion of State Route 413 between its intersection with State Route 13 and the Pennsylvania Turnpike in Bristol Township, Bucks County, as Veterans Memorial Highway.

APPROPRIATIONS.

SB 16, PN 1585

By Rep. BARLEY

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for benefits and for payment into police pension funds by members.

APPROPRIATIONS.

SB 211, PN 93

By Rep. BARLEY

A Joint Resolution proposing separate amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

APPROPRIATIONS.

SB 406, PN 1609

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a cause of action for frivolous litigation; further providing for wrongful use of civil proceedings; and making an editorial change.

APPROPRIATIONS.

SB 820, PN 1583

By Rep. BARLEY

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

APPROPRIATIONS.

SB 834, PN 1468

By Rep. BARLEY

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sexual abuse of children; and providing for unlawful use of a computer for solicitation of a minor.

APPROPRIATIONS.

SB 1089, PN 1370

By Rep. BARLEY

An Act amending the act of May 28, 1995 (1st Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual and Violent Offenders Act, further providing for DNA sample required upon conviction and for expungement.

APPROPRIATIONS.

SB 1180, PN 1608

By Rep. BARLEY

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further defining "port district"; and further providing for economic development projects.

APPROPRIATIONS.

SB 1215, PN 1582

By Rep. BARLEY

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for parking authority purposes and powers, bonds and facility transfers and for municipal authority definitions, method of incorporation, school district projects, purposes and powers, bonds, bondholders, governing bodies, contracting, property, termination and conveyances; and providing for continuation in office.

APPROPRIATIONS.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1119 be recommitted to the Committee on Aging.

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

BILL ON SECOND CONSIDERATION

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

HB 2115, PN 2828.

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

SB 985, PN 1586

By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for classification of counties, for expenses of elected county officers attending the annual meetings of their associations and for other meeting expenses paid by the counties.

LOCAL GOVERNMENT.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 985 be taken from the table.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 985 be recommitted to the Committee on Appropriations.

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

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?
Hearing none, this House will stand in recess to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(BRETT FEESE) PRESIDING**

SENATE BILLS FOR CONCURRENCE

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

SB 965, PN 1538

Referred to Committee on STATE GOVERNMENT,
December 10, 2001.

SB 1200, PN 1612

Referred to Committee on STATE GOVERNMENT,
December 10, 2001.

RECESS

The SPEAKER pro tempore. The House will stand in recess to the call of the Chair.

AFTER RECESS

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

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

SB 965, PN 1538

By Rep. CLYMER

An Act relating to the implementation of plans for redistricting the General Assembly.

STATE GOVERNMENT.

SB 1200, PN 1612

By Rep. CLYMER

An Act to apportion the Commonwealth of Pennsylvania into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census.

STATE GOVERNMENT.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 1200 be removed from the table.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that SB 1200 be recommitted to the Committee on Appropriations for a fiscal note.

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

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Mr. Speaker, I move that SB 965 be removed from the table.

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

BILL RECOMMITTED

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

Mr. PERZEL. Mr. Speaker, I move that SB 965 be recommitted to the Committee on Appropriations.

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

BILLS PASSED OVER

The SPEAKER pro tempore. Without objection, all remaining bills on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery, Ms. Harper.

Ms. HARPER. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 11, 2001, at 11 a.m., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 10:59 a.m., e.s.t., Tuesday, December 11, 2001, the House adjourned.

