

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JULY 4, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 49

HOUSE OF REPRESENTATIVES

The House convened at 6 p.m., e.d.t.

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING**

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.
Happy Fourth of July.

Let us pray:

We lift up our hearts, O God, on this day of celebration in gratitude for the gift of being Americans. We rejoice with all those who share in the great dream of freedom and dignity for all. With flags and feasting with family and friends, we salute those who have sacrificed that we might have the opportunity to bring the fulfillment of our many God-given gifts.

As we deny all prejudice a place in our hearts, may we also clearly declare our intention to the work for the time when all people, regardless of race, religion, or sex, will be granted equal dignity and worth.

Come, O gracious God, who led our children, Israel, from slavery. Keep us free from all that might hold us in bondage. Bless our country and join our simple celebration that we may praise You, our source of freedom, the one in whom we place our trust. For Your honor and glory, we pray, O God. 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 Sunday, July 3, 2005, will be postponed until printed.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the day for the gentleman from Mercer, Mr. WILT. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the day for the gentleman from Philadelphia, Mr. RIEGER; the gentleman from Northampton, Mr. SAMUELSON. Without objection, those leaves will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. The members will proceed to vote.

The following roll call was recorded:

PRESENT—198

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhatten	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causer	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic

Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Rieger	Samuelson	Wilt
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LEAVES CANCELED—1

Samuelson

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 607**, **PN 766**, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006.

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 members will proceed— The clerk will strike the board.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Over temporarily.

* * *

The House proceeded to third consideration of **SB 608**, **PN 640**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhatten	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causar	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

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The House proceeded to third consideration of **SB 609, PN 641**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhatten	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causar	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski

DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger Samuelson Wilt

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

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

* * *

The House proceeded to third consideration of **SB 610, PN 642**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhatten	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback

Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causer	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger Samuelson Wilt

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

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

* * *

The House proceeded to third consideration of **SB 611, PN 643**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Ross
Allen	Feese	Mackereth	Rubley
Argall	Fichter	Maher	Ruffing
Armstrong	Fleagle	Maitland	Sainato
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhatten	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causer	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Reichley	Yudichak
Ellis	Leach	Roberts	Zug
Evans, D.	Lederer	Roebuck	
Evans, J.	Leh	Rohrer	Perzel,
Fabrizio	Lescovitz	Rooney	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Rieger Samuelson Wilt

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

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

* * *

The House proceeded to third consideration of **SB 612, PN 644**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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.

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Northampton, Mr. Samuelson. His name will be added to the master roll.

CONSIDERATION OF SB 612 CONTINUED

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Feese	Mackereth	Rubley
Allen	Fichter	Maher	Ruffing
Argall	Fleagle	Maitland	Sainato
Armstrong	Flick	Major	Samuelson
Baker	Forcier	Manderino	Santoni
Baldwin	Frankel	Mann	Sather
Barrar	Freeman	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Bebko-Jones	Gannon	McCall	Schroder
Belardi	Geist	McGeehan	Semmel
Belfanti	George	McGill	Shaner
Benninghoff	Gerber	McIlhattan	Shapiro
Biancucci	Gergely	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, B.
Bishop	Gingrich	Melio	Smith, S. H.
Blackwell	Godshall	Metcalfe	Solobay
Blaum	Good	Micozzie	Sonney
Boyd	Goodman	Millard	Staback
Bunt	Grell	Miller, R.	Stairs
Butkovitz	Grucela	Miller, S.	Steil
Buxton	Gruitza	Mundy	Stern
Caltagirone	Habay	Mustio	Stetler
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.

Causer	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	O'Neill	Taylor, E. Z.
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Payne	Thomas
Corrigan	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Josephs	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Derlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—2

Rieger Wilt

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

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

* * *

The House proceeded to third consideration of **SB 613, PN 645**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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—199

Adolph	Feese	Mackereth	Rubley
Allen	Fichter	Maher	Ruffing
Argall	Fleagle	Maitland	Sainato
Armstrong	Flick	Major	Samuelson
Baker	Forcier	Manderino	Santoni
Baldwin	Frankel	Mann	Sather
Barrar	Freeman	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Bebko-Jones	Gannon	McCall	Schroder
Belardi	Geist	McGeehan	Semmel
Belfanti	George	McGill	Shaner
Benninghoff	Gerber	McIlhatten	Shapiro
Biancucci	Gergely	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, B.
Bishop	Gingrich	Melio	Smith, S. H.
Blackwell	Godshall	Metcalfe	Solobay
Blaum	Good	Micozzie	Sonney
Boyd	Goodman	Millard	Staback
Bunt	Grell	Miller, R.	Stairs
Butkovitz	Grucela	Miller, S.	Steil
Buxton	Gruitza	Mundy	Stern
Caltagirone	Habay	Mustio	Stetler
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	O'Neill	Taylor, E. Z.
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Payne	Thomas
Corrigan	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Josephs	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—2

Rieger Wilt

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

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

* * *

The House proceeded to third consideration of **SB 614, PN 646**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

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—199

Adolph	Feese	Mackereth	Rubley
Allen	Fichter	Maher	Ruffing
Argall	Fleagle	Maitland	Sainato
Armstrong	Flick	Major	Samuelson
Baker	Forcier	Manderino	Santoni
Baldwin	Frankel	Mann	Sather
Barrar	Freeman	Markosek	Saylor
Bastian	Gabig	Marsico	Scavello
Bebko-Jones	Gannon	McCall	Schroder
Belardi	Geist	McGeehan	Semmel
Belfanti	George	McGill	Shaner
Benninghoff	Gerber	McIlhatten	Shapiro
Biancucci	Gergely	McIlhinney	Siptroth
Birmelin	Gillespie	McNaughton	Smith, B.
Bishop	Gingrich	Melio	Smith, S. H.
Blackwell	Godshall	Metcalfe	Solobay
Blaum	Good	Micozzie	Sonney
Boyd	Goodman	Millard	Staback
Bunt	Grell	Miller, R.	Stairs
Butkovitz	Grucela	Miller, S.	Steil
Buxton	Gruitza	Mundy	Stern
Caltagirone	Habay	Mustio	Stetler
Cappelli	Haluska	Myers	Stevenson, R.
Casorio	Hanna	Nailor	Stevenson, T.
Causar	Harhai	Nickol	Sturla
Cawley	Harhart	O'Brien	Surra
Civera	Harper	Oliver	Tangretti
Clymer	Harris	O'Neill	Taylor, E. Z.
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Payne	Thomas
Corrigan	Herman	Petrarca	Tigue
Costa	Hershey	Petri	True
Crahalla	Hess	Petrone	Turzai
Creighton	Hickernell	Phillips	Veon
Cruz	Hutchinson	Pickett	Vitali
Curry	James	Pistella	Walko
Daley	Josephs	Preston	Wansacz
Dally	Kauffman	Pyle	Waters
DeLuca	Keller, M.	Quigley	Watson
Denlinger	Keller, W.	Ramaley	Wheatley
Dermody	Kenney	Rapp	Williams
DeWeese	Killion	Raymond	Wojnarowski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	

Evans, J.
Fabrizio
Fairchild

Lescovitz
Levdansky

Rooney
Ross

Perzel,
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Rieger

Wilt

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

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

* * *

The House proceeded to third consideration of **SB 361, PN 1049**, entitled:

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 home education programs.

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

The SPEAKER. The gentleman, Mr. Pallone, offers the following amendment—

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair will be temporarily over this bill. That has not been caucused.

GUEST INTRODUCED

The SPEAKER. We have a special guest this evening, the guest of Representative Sue Cornell. His name is Doug Mauer. Would Doug please rise and be recognized, to the left of the Speaker.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HR 177, PN 2451.

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

PARLIAMENTARY INQUIRY

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

Mr. VITALI. I am just wondering, prior to voting on the suspension rule, is there a mechanism to give members a notice of what we are voting to suspend?

The SPEAKER. I just made an announcement, Mr. Vitali. I just said HR 177, PN 2451.

Mr. VITALI. My question is, a brief description of that. What is HR 177?

The SPEAKER. The title is printed in the calendar, Mr. Vitali, and it is on the system, Mr. Vitali.

Mr. VITALI. I mean, could the maker of the amendment say, this amendment requires a study for this or that?

The SPEAKER. It is not an amendment, Mr. Vitali. It is a resolution.

Mr. VITALI. Or a resolution. No. A description of the contents so when we have to vote on the rules suspension, we know what we are voting on.

The SPEAKER. We have never done that before, Mr. Vitali, for any other resolution. Is it the intention of the gentleman to have every sponsor stand up and explain the resolution?

Mr. VITALI. No, it is not my intent. This actually has a little controversy to it. So this is not a run-of-the mill suspension. But I just—

The SPEAKER. Mr. Vitali, at this point in time you say, the gentleman is in order; the gentleman can say anything he would like.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Vitali.

Mr. VITALI. Parliamentary inquiry.

Is there a mechanism by which when we vote on rules suspensions, members are alerted to the content of the resolution, bill, or amendment for which the suspension would apply?

The SPEAKER. Not automatically, no.

Mr. VITALI. Further inquiry.

How can we have that information conveyed to the members because—

The SPEAKER. The gentleman could draft up an amendment to the rules.

Mr. VITALI. Tried that. Did not work.

The SPEAKER. It is not going to work next time either.

Mr. VITALI. Okay.

The SPEAKER. You are allowed to pull it up on the computer and read it, if the gentleman would like to do that, before you come to the floor, Mr. Vitali.

Mr. VITALI. But sometimes the amendments are not on the screen yet because we are suspending them to consider them. So we really have to vote blindly.

The SPEAKER. This one is, Mr. Vitali. It is on the screen.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—185

Adolph	Fabrizio	Leh	Rohrer
Allen	Fairchild	Lescovitz	Rooney
Argall	Feese	Levdansky	Ross
Armstrong	Fichter	Mackereth	Rubley
Baker	Fleagle	Maher	Ruffing
Baldwin	Flick	Maitland	Sainato
Barrar	Forcier	Major	Santoni
Bastian	Frankel	Manderino	Sather
Bebko-Jones	Freeman	Markosek	Saylor
Belardi	Gabig	Marsico	Scavello
Belfanti	Gannon	McCall	Schroder
Benninghoff	Geist	McGeehan	Semmel
Biancucci	George	McGill	Shaner
Birmelin	Gerber	McIlhattan	Shapiro
Bishop	Gergely	McIlhinney	Siptroth
Blackwell	Gillespie	McNaughton	Smith, B.
Boyd	Gingrich	Melio	Smith, S. H.
Bunt	Godshall	Metcalfe	Sonney
Butkovitz	Good	Micozzie	Staback
Buxton	Goodman	Millard	Stairs
Caltagirone	Grell	Miller, R.	Steil
Cappelli	Grucela	Miller, S.	Stern
Causar	Gruitza	Mundy	Stetler
Cawley	Habay	Mustio	Stevenson, R.
Civera	Haluska	Myers	Stevenson, T.
Clymer	Hanna	Nailor	Surra
Cohen	Harhai	Nickol	Tangretti
Cornell	Harhart	O'Brien	Taylor, E. Z.
Corrigan	Harper	Oliver	Taylor, J.
Costa	Harris	O'Neill	True
Crahalla	Hasay	Payne	Turzai
Creighton	Hennessey	Petrarca	Veon
Cruz	Hershey	Petri	Walko
Curry	Hess	Petrone	Wansacz
Daley	Hickernell	Phillips	Waters
Dally	Hutchinson	Pickett	Watson
DeLuca	James	Pistella	Wheatley
Denlinger	Kauffman	Preston	Williams
Dermody	Keller, M.	Pyle	Wojnaroski
DeWeese	Keller, W.	Quigley	Wright
DiGirolamo	Kenney	Ramaley	Yewcic
Diven	Killion	Rapp	Youngblood
Donatucci	Kirkland	Raymond	Zug
Eachus	Kotik	Readshaw	
Ellis	LaGrotta	Reed	
Evans, D.	Leach	Reichley	Perzel,
Evans, J.	Lederer	Roberts	Speaker

NAYS—14

Blaum	Mann	Solobay	Tigue
Casorio	Pallone	Sturla	Vitali
Herman	Roebuck	Thomas	Yudichak
Josephs	Samuelson		

NOT VOTING—0

EXCUSED—2

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

RESOLUTION

Mr. ARMSTRONG called up **HR 177, PN 2451**, entitled:

A Resolution establishing a select committee to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth at State-related and State-owned colleges and universities and community colleges in this Commonwealth.

On the question,
Will the House adopt the resolution?

Mr. **LEACH** offered the following amendment No. **A02760**:

Amend Resolution, page 3, by inserting between lines 27 and 28
RESOLVED, That if an individual makes an allegation against a faculty member claiming bias, the faculty member must be given at least 48 hours' notice of the specifics of the allegation prior to the testimony being given and be given an opportunity to testify at the same hearing as the individual making the allegation; and be it further

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

The **SPEAKER**. The Chair recognizes the gentleman, Mr. Leach.

One second, Mr. Leach.

The Chair would recognize at this time the gentleman, Mr. Armstrong, for an explanation of the resolution.

Mr. ARMSTRONG. Thank you, Mr. Speaker.

HR 177 is a product of several months of study and negotiation by members on both sides of the aisle, members from the higher education establishment. We have worked very long and hard with members of both sides. In fact, the resolution as it now stands currently includes two amendments that were offered from the minority party, and those amendments were offered and accepted without objection.

The resolution itself will direct that the Higher Education Subcommittee of the Education Committee plus two members, one from each party, study the degree to which students are able to learn and gain instruction in an academic environment where free speech and tolerance are the norms of the day.

Thank you, Mr. Speaker.

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

The House will be at ease for a moment.

The Chair recognizes the gentleman from Montgomery, Mr. Leach, on amendment A2760.

Mr. LEACH. Thank you, Mr. Speaker.

This amendment says that if a student were to accuse a professor of bias, that professor would have to be given notice ahead of time and an opportunity to come to the hearing of the committee and give his or her side of the story.

Thank you, Mr. Speaker.

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

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

Mr. ARMSTRONG. Thank you, Mr. Speaker.

In the work of this committee, the standard of evidence needs to be high, and I agree with Representative Leach that this is a good amendment, and I encourage the members to vote in favor of amendment 02760.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Levdansky	Rubley
Allen	Feese	Mackereth	Ruffing
Argall	Fichter	Maher	Sainato
Armstrong	Fleagle	Maitland	Samuelson
Baker	Flick	Major	Santoni
Baldwin	Forcier	Manderino	Sather
Barrar	Frankel	Mann	Saylor
Bastian	Freeman	Markosek	Scavello
Bebko-Jones	Gabig	Marsico	Schroder
Belardi	Gannon	McCall	Semmel
Belfanti	Geist	McGeehan	Shaner
Benninghoff	George	McGill	Shapiro
Biancucci	Gerber	McIlhattan	Siptroth
Birmelin	Gergely	McIlhinney	Smith, B.
Bishop	Gillespie	McNaughton	Smith, S. H.
Blackwell	Gingrich	Melio	Solobay
Blaum	Godshall	Metcalfe	Sonney
Boyd	Good	Micozzie	Staback
Bunt	Goodman	Millard	Stairs
Butkovitz	Grell	Miller, R.	Steil
Buxton	Grucela	Miller, S.	Stern
Caltagirone	Gruitza	Mundy	Stetler
Cappelli	Habay	Mustio	Stevenson, R.
Casorio	Haluska	Myers	Stevenson, T.
Causar	Hanna	Nailor	Sturla
Cawley	Harhai	Nickol	Surra
Civera	Harhart	O'Brien	Tangretti
Clymer	Harper	Oliver	Taylor, E. Z.
Cohen	Harris	O'Neill	Taylor, J.
Cornell	Hasay	Pallone	Thomas
Corrigan	Hennessey	Payne	Tigue
Costa	Herman	Petrarca	True
Crahalla	Hershey	Petri	Turzai
Creighton	Hess	Petrone	Veon
Cruz	Hickernell	Phillips	Vitali
Curry	Hutchinson	Pickett	Walko
Daley	James	Pistella	Wansacz
Dally	Josephs	Preston	Waters
DeLuca	Kauffman	Pyle	Watson
Denlinger	Keller, M.	Quigley	Wheatley
Dermody	Keller, W.	Ramaley	Williams
DeWeese	Kenney	Rapp	Wojnaroski
DiGirolamo	Killion	Raymond	Wright
Diven	Kirkland	Readshaw	Yewcic
Donatucci	Kotik	Reed	Youngblood
Eachus	LaGrotta	Roberts	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Lederer	Rohrer	
Evans, J.	Leh	Rooney	Perzel,
Fabrizio	Lescovitz	Ross	Speaker

NAYS—1

Reichley

NOT VOTING—0

EXCUSED—2

Rieger

Wilt

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

On the question,
Will the House adopt the resolution as amended?

Mr. **LEACH** offered the following amendment No. **A02762**:

Amend Resolution, page 3, by inserting between lines 27 and 28
RESOLVED, That no individual will be called to testify whose allegation of bias is based solely on a grade he received; and be it further

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Leach.

Mr. **LEACH**. Mr. Speaker, this amendment would have said that no student could come to the committee and complain solely on the basis that he or she did not receive the grade that they thought they deserved.

Representative Armstrong, the prime sponsor of the resolution, has indicated it is his intention that that happen. That is good enough for me, and I will be withdrawing that amendment.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.
Is the gentleman still offering 2761?

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

Mr. **LEACH** offered the following amendment No. **A02761**:

Amend First Resolve Clause, page 2, line 18, by striking out
“ONE MEMBER” and inserting
three members

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Leach.

Mr. **LEACH**. Mr. Speaker, this amendment is not an agreed-to amendment. What this amendment says is that if we are going to have a committee looking into ideological bias in Pennsylvania colleges, that the committee be evenly divided. Mr. Speaker, there are a lot of issues that we have various committees for, but there are some issues that are so inherently partisan in their nature that it seems to me unfair to have one side with a guaranteed majority, and we see this, Mr. Speaker, in a lot of other contexts. For example, ethics committees are typically the same number of Democrats and Republicans, because an ethics complaint is inherently something that the parties would disagree on, depending on which party the member being accused of the ethics violation is a member. So we have an evenly divided committee for the perception of fairness. Similarly, we should have an evenly

divided committee here, Mr. Speaker, so that as we examine ideological bias or the allegation of ideological bias, we do not have the allegation of an ideologically biased committee looking at that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Armstrong.

Mr. ARMSTRONG. Mr. Speaker, this is not an ethics committee. This is simply a fact-finding body.

Establishing the precedent referred to would set a very unusual precedent, and I encourage the members to vote “no.”

The SPEAKER. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

I would like to support the gentleman from Lancaster’s request for a negative vote.

In reading the resolution, I believe that most of us would be willing to put a considerable amount of faith into the members of the Higher Education Subcommittee, all of whom will automatically be appointed to this select committee. If you go down through the names of this subcommittee – Mr. Stevenson, Mr. Diven, Mr. Fleagle, Mr. Herman, Mrs. Mackereth, Mr. O’Neill, Mr. Quigley, as well as all the minority members – I have faith that none of them are going to come to this effort with a partisan agenda, and I cannot remember when I last saw a committee set up where the minority leader would have three appointments and the Speaker would have one, and I just do not see the need for this. If indeed we have trust in the members of this committee, at least one of whom took a class that I offered in college and we were able to work it out fine, I believe that the members of this subcommittee will also be able to work their way through these details, and there is simply no need for an amendment of this kind.

So I would ask that we support the gentleman, the prime sponsor, and move ahead with a negative vote.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

Mr. DeWEESE. Would the gentleman from Lancaster submit to a brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. DeWeese, is in order and may proceed.

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

My only question to the honorable gentleman is, why was it not in the committee’s best judgment to make it an even number – half Democrats, half Republicans? This does not seem to be a very partisan issue, and it would have avoided this amendment, would have avoided this incipient and limited contention. This is certainly not an issue that we should go to political war over, but I am just curious as to why in your early ruminations on this subject it was not an evenly divided committee, and I will ask no further questions. I will just listen for the gentleman’s response.

Thank you very much, Mr. Speaker.

Mr. ARMSTRONG. Mr. Speaker, this is appropriately the work of the Subcommittee on Higher Education, and that is why that committee is being asked to look at it, and that committee is structured to reflect the makeup of the General Assembly.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I support the maker of this, well, not the maker of the amendment to the amendment, but the maker of the resolution and oppose this amendment.

We debated this issue quite a bit in our Education Committee. When the resolution first came to the committee, it was somewhat like a select committee made up of the membership of the House, and we thought, the Democrat and Republican members of the Education Committee, that to give this a fair hearing and to be really aboveboard to everybody involved, it was best to have the Higher Ed Subcommittee, and I really feel confident of the caliber of members on the Higher Ed Subcommittee with Representatives Stevenson and Curry being the two chairmen of the subcommittee. We have some good members, and any chance of bias or, you know, underhandedness, I think, is really an illusion, really.

And I think most importantly, Jim Roebuck and myself, Representative Roebuck and myself are both chairmen of this committee, and we have oversight capacity on this, and Representative Roebuck and I have worked very closely together on our committees. So I am sure that if things do kind of start to stray, which I do not think they will, we can be assured Representative Roebuck and myself will get cracking on this real quickly and make sure that nothing happens. So I want to assure the members that we are going to do a great job of oversight, and I support the maker of the resolution, Mr. Armstrong, with using the Higher Ed Subcommittee.

The SPEAKER. Mr. Vitali. The gentleman waives off.

Mr. Herman.

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

Mr. Speaker, I am going to probably be voting against this resolution when it comes to final passage. However, regarding the amendment, you know, in my view – and I argued this before the House Education Committee – and that is I felt that the full Subcommittee on Higher Education should take on this task, if any subcommittee should, to include not the additional appointees by both the majority and the minority leaders or the Speaker and the minority leader, and that I think is a great abrogation of the subcommittee process. I made my views known then. But this amendment takes it clearly out of balance even further, and that is why I think that everybody in this chamber should vote against this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Leach, for the second time.

Mr. LEACH. Mr. Speaker, I would only say that again, you know, the more minds we bring to the task, the better the result will be. I will be speaking more on this issue on final passage, Mr. Speaker, but I urge a “yes” vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–90

Bebko-Jones	Evans, D.	Manderino	Santoni
Belardi	Fabrizio	Mann	Shaner
Belfanti	Frankel	Markosek	Shapiro
Biancucci	Freeman	McCall	Siptroth

Bishop	George	McGeehan	Solobay
Blackwell	Gerber	Melio	Staback
Blaum	Gergely	Mundy	Stetler
Butkovitz	Goodman	Myers	Sturla
Buxton	Grucela	Oliver	Surra
Caltagirone	Gruitza	Pallone	Tangretti
Casorio	Haluska	Petrarca	Thomas
Cawley	Hanna	Petrone	Tigue
Cohen	Harhai	Pistella	Veon
Corrigan	James	Preston	Vitali
Costa	Josephs	Ramaley	Walko
Cruz	Keller, W.	Readshaw	Wansacz
Curry	Kirkland	Roberts	Waters
Daley	Kotik	Roebuck	Wheatley
DeLuca	LaGrotta	Rooney	Williams
Dermody	Leach	Ruffing	Wojnarowski
DeWeese	Lederer	Sainato	Yewcic
Donatucci	Lescovitz	Samuelson	Yudichak
Eachus	Levdansky		

NAYS—109

Adolph	Fleagle	Maher	Rohrer
Allen	Flick	Maitland	Ross
Argall	Forcier	Major	Rublely
Armstrong	Gabig	Marsico	Sather
Baker	Gannon	McGill	Saylor
Baldwin	Geist	McIlhattan	Scavello
Barrar	Gillespie	McIlhinney	Schroder
Bastian	Gingrich	McNaughton	Semmel
Benninghoff	Godshall	Metcalfe	Smith, B.
Birmelin	Good	Micozzie	Smith, S. H.
Boyd	Grell	Millard	Sonney
Bunt	Habay	Miller, R.	Stairs
Cappelli	Harhart	Miller, S.	Steil
Causar	Harper	Mustio	Stern
Civera	Harris	Nailor	Stevenson, R.
Clymer	Hasay	Nickol	Stevenson, T.
Cornell	Hennessey	O'Brien	Taylor, E. Z.
Crahalla	Herman	O'Neill	Taylor, J.
Creighton	Hershey	Payne	True
Dally	Hess	Petri	Turzai
Denlinger	Hickernell	Phillips	Watson
DiGirolamo	Hutchinson	Pickett	Wright
Diven	Kauffman	Pyle	Youngblood
Ellis	Keller, M.	Quigley	Zug
Evans, J.	Kenney	Rapp	
Fairchild	Killion	Raymond	
Feese	Leh	Reed	Perzel,
Fichter	Mackereth	Reichley	Speaker

NOT VOTING—0

EXCUSED—2

Rieger Wilt

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

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

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. The resolution will be over temporarily.

The Chair recognizes the gentleman, Mr. Wheatley, and after that, the gentleman, Mr. George. The gentleman, Mr. Wheatley, under unanimous consent. The gentleman, Mr. George, is also under unanimous consent.

The gentleman, Mr. Wheatley, requests a few more moments.

STATEMENT BY MR. GEORGE

The SPEAKER. The gentleman, Mr. George, is recognized under unanimous consent.

Mr. GEORGE. Thank you, Mr. Speaker, for recognizing me.

Mr. Speaker, the President of the United States made the following July 4 comments this morning. He said, "Times of war are times of great sacrifice, and the burden falls especially hard on the" military "families.... All Americans are inspired by the strength and the sacrifice of our military families."

Mr. Speaker, the President asked every American to find a way to thank the men and women who are defending our freedoms. He said, "You can fly the flag, or send a letter to the troops in the field, or help a military family down the street."

Mr. Speaker, I am proud of this House of Representatives in that we started an effort a couple of weeks ago that has raised thousands of dollars in just the last few weeks that will help Pennsylvania military families. Operation JumpStart is a voluntary effort to raise money. I would encourage every Pennsylvanian to go to that Web site at www.OperationJumpstart.net or www.supportmilfamily@aol.com to learn about this effort.

Pennsylvanians have been strong supporters of our troops and their families from Valley Forge in 1777 to beyond, and today I ask for their continued support, and I thank all of you in this House that have been instrumental and helpful and especially our colleague, Representative Tom Tigue. Mr. Speaker, thank you for allowing me this opportunity.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. TIGUE

The SPEAKER. The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand this afternoon to supplement the comments made by the previous speaker, Mr. George. Operation JumpStart is an important thing to help the families of military guardsmen and reservists and active duty personnel over a financial difficulty. We did pass legislation which would provide for a tax checkoff, but it will not occur until next year. So as Representative George said, we have been successful in getting thousands of dollars now.

I would ask all of our colleagues here in the House, the Senate, and anyone out there who is listening in Pennsylvania or other places, please help us to get money into Operation JumpStart so we can help these families who are struggling financially because their husbands, wives, daughters, sons, et cetera, are serving our country in the Middle East.

Thank you, Mr. Speaker.

STATEMENT BY MR. WHEATLEY

The SPEAKER. The gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I want to wish all the members a happy Fourth of July, a happy Independence Day. I know that they probably would want to be with their families at this time, but unfortunately, we are here trying to do some of the people's business.

I wanted to rise today and speak on unanimous consent and actually give you a brief reading of a very important speech. I think with a lot of the conversation we had this previous week around the issues of race, there was a gentleman in 1841, in 1841 there was a famous gentleman, Frederick Douglass. Frederick Douglass gave a speech, gave a speech, and he talked about what the Fourth of July meant to the slaves, to slaves, and in that speech – this is a synopsis now, and I will submit the entire speech for the record, because I think it is important for us to have for the record – I think a lot of what he talks about is still prevalent today. In his speech he talks about the glory that our fathers, our fathers of this country, he talked about the glory they had, the spirit they had, and what formed this country. And during the speech he talked about, he talked in his speech about the pride by which people of this country, the people of this country had when they broke free from the British, but he also as part of his speech, he talked about this unique position that this country found itself in in this day and age.

I am giving you halfway through his speech that unique position. He says, "But, such is not the state of the case. I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought life and healing to you, has brought stripes and death to me. This Fourth [of] July is yours, not mine. You may rejoice, I must mourn. To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhumane mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak to-day? If so, there is a parallel to your conduct. And let me warn you that it is dangerous to copy the example of a nation whose crimes, lowering up to heaven, were thrown down by the breath of the Almighty, burying that nation in irrecoverable ruin! I can to-day take up the...lament of a peeled and woe-smitten people!"

"By the rivers of Babylon, there we sat down. Yea! we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For there, they that carried us away captive, required of us a song; and they who wasted us required of us mirth, saying, Sing us one of the songs of Zion. How can we sing the Lord's song in a strange land? If I forget thee, O Jerusalem, let my right hand forget her cunning. If I do not remember thee, let my tongue cleave to the roof of my mouth."

"Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not

faithfully remember those bleeding children of sorrow this day, 'may my right hand...cleave to the roof of my mouth!' To forget them... '...will not excuse;' I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgement is not blinded by prejudice...shall not confess to be right and just....

"For the present, it is enough to affirm the equal manhood of the negro race. Is it not astonishing that, while we are ploughing, planting and reaping, using all kinds of mechanical tools, erecting houses, constructing bridges, building ships, working in metals of brass, iron, copper...and secretaries, having among us lawyers, doctors, ministers, poets, authors, editors, orators and teachers; that, while we are engaged in all manner of enterprises common to other men, digging gold in California, capturing the whale in the Pacific, feeding sheep and cattle on the hill-side, living, moving, acting, thinking, planning, living in families as husbands, wives and children, and, above all, confessing and worshipping the Christian's God, and looking hopefully for life and immortality beyond the grave, we are called upon to prove that we are men!....

"What, am I to argue that it is wrong to make men brutes, to rob them of their liberty, to work them without wages, to keep them ignorant of their relations to their fellow men, to beat them with sticks, to flay their flesh with the lash, to load their limbs with irons, to hunt them with dogs, to sell them at auction, to sunder their families, to knock out their teeth, to burn their flesh, to starve them into obedience and submission to their masters? Must I argue that a system thus marked with blood, and stained with pollution, is wrong? No! I will not. I have better employments for my time and strength, than such arguments would imply....

"What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy – a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

"Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival."

Today, Mr. Speaker, I submit for the record that, because I think that is a historic statement and speech, that on this day of independence for our country, we still, we still have amongst us the disparity between those who have benefited from the forefathers of this country and those who have not. And as we travel through this budget cycle and as we travel through next year in this chamber, I hope we keep those disparities in mind as we make our laws, because I believe that we still have a long way to go to meet the greatness of this nation.

I thank the members of this chamber for bearing with me on this hectic day to give that brief reading. I would like to submit the entire speech for the record, if I will, and again, thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

SPEECH SUBMITTED FOR THE RECORD

Mr. WHEATLEY submitted a speech for the Legislative Journal.

(For speech, see Appendix.)

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

The Republican Caucus will meet immediately following the call of the recess.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

The Democrats also will caucus immediately upon the call of the recess.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

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

Mr. KENNEY. Thank you, Mr. Speaker.

At the break the Health and Human Services Committee will meet in the rear of the House. Thank you, Mr. Speaker.

The SPEAKER. Health and Human Services will meet in the rear of the House at the break.

HOUSE SCHEDULE

The SPEAKER. The Chair will recess for approximately 45 minutes, at which time we will take back up the resolution that was before the floor.

Please be prompt. We would like to break so that you all have the opportunity of seeing the fireworks, since you are enjoying the Fourth of July here all together. So we will be back at 7:45.

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 511, PN 1053; SB 600, PN 1052; SB 697, PN 1060; and SB 722, PN 1051.**

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 126, PN 109

An Act designating a certain bridge carrying State Route 322 over Conestoga River in Earl Township, Lancaster County as the Representative Leroy M. Zimmerman Memorial Bridge.

SB 141, PN 128

An Act designating a bridge in Westtown Township, Chester County, the L. Charles Scipione Bridge.

SB 511, PN 1053

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing, in Family Savings Account Program, for definitions and for administration; and further providing, in technology work experience, for definitions, for approved courses, for emerging technology companies, for responsibility of approved educational institutions and for eligible interns.

SB 565, PN 1038

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys; and making repeals.

SB 600, PN 1052

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain land being conveyed to the county by the Department of Transportation.

SB 677, PN 815

An Act designating a portion of State Route 322 in Delaware County as the Senator Clarence D. Bell Memorial Highway.

SB 697, PN 1060

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Pennsylvania company, or its assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Pier 25 North Associates Limited Partnership land within the bed of the Delaware River in the City of Philadelphia; and authorizing the Department of Transportation to convey to Montour County two tracts of land situate in the Borough of Danville, Montour County, Pennsylvania.

SB 722, PN 1051

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for definition of "department," for powers and duties of the Environmental Quality Board, for interim requirements for aboveground storage tanks and underground storage tanks, for the expiration of the additional allocation and for the Underground Storage Tank Environmental Cleanup Program; and providing for investigations and closure costs.

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

RECESS

The SPEAKER. This House is in recess until 7:45.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

HOUSE BILLS INTRODUCED AND REFERRED

No. 1877 By Representatives FREEMAN, CAPPELLI, MANN, GEIST, ALLEN, BEBKO-JONES, CALTAGIRONE, DeWEESE, EACHUS, GOODMAN, OLIVER, PALLONE, PISTELLA, SAINATO, SHANER, SOLOBAY, STABACK, STETLER, STURLA, WATERS and YOUNGBLOOD

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

Referred to Committee on URBAN AFFAIRS, July 4, 2005.

No. 1920 By Representatives ROHRER, DENLINGER, WILT, YEWIC and SCAVELLO

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the imposition and rate of the sales and use tax and for transfers to the Public Transportation Assistance Fund; designating certain sales and use tax revenue for transfer to the Education Operating Fund; and further providing for the imposition and rate of the State Real Estate Transfer Tax and for the disposition of certain moneys raised by the Local Real Estate Transfer Tax.

Referred to Committee on RULES, July 4, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 196, PN 1040

Referred to Committee on JUDICIARY, July 4, 2005.

SB 639, PN 737

Referred to Committee on FINANCE, July 4, 2005.

SB 640, PN 738

Referred to Committee on FINANCE, July 4, 2005.

SB 669, PN 808

Referred to Committee on JUDICIARY, July 4, 2005.

SB 712, PN 1055

Referred to Committee on COMMERCE, July 4, 2005.

The SPEAKER pro tempore. Will the gentleman, Mr. Pallone, please report to the floor. Mr. Pallone, please report to the floor.

Will the gentleman, Mr. Blaum, please come to the rostrum.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Dauphin County district attorney Ed Marsico, who is the guest of Representative Ron Marsico. He is located to the left of the Speaker's rostrum.

CONSIDERATION OF HR 177 CONTINUED

The SPEAKER pro tempore. The Chair returns to page 6 of today's calendar, HR 177.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentlelady, Ms. Mundy, from Luzerne County.

The members will come to order. The gentlelady is entitled to be heard.

Ms. Mundy may proceed.

Ms. MUNDY. Mr. Speaker, I rise in opposition to HR 177.

As far as I am concerned, this resolution is just another example of misplaced priorities. Of all the issues that the Education Committee members could be studying, could be shedding light on, could be spending money on, this just does not even rise to the level of a problem that any constituent of mine has ever brought to my attention, and I would daresay probably none of you have received these kinds of complaints either.

We had lengthy discussions about this resolution in the Education Committee, and there actually was an article in the Patriot-News, I believe it was, as an example of the kinds of problems that we may be studying. This article referenced a student who had gotten a grade in a women's studies course that she felt was not as good a grade as she deserved because she disagreed with the professor.

Now, I have to ask, is this an appropriate pursuit for the Education Committee to be taking up? We are now going to be getting involved in disputes between students and their professors. This kind of micromanagement of our State-owned and State-related colleges and universities is highly inappropriate, very unnecessary, and really smacks of just the opposite of what the resolution purports to do.

Mr. Speaker, again, when you form a select committee, there are expenses involved – there are per diems for members; there are travel expenses – and there are a lot of issues that the House Education Committee could be addressing where we could have a greater impact. What are we really going to get for the money

and the time and the effort that will be spent on a resolution like this? Are we going to be telling colleges and universities maybe whom they should hire? Maybe how they should resolve disputes between professors and students? Highly inappropriate; highly inappropriate and very unnecessary.

Mr. Speaker, if I believed that there was an appropriate legislative remedy for the kinds of issues that I am sure will be discussed at these hearings, then I would be the first to stand here and say, well, this might be something we should do. But there is no appropriate legislative remedy for how college and university professors deal with their students, and for us to purport to be forming a select committee to solve these problems is just ludicrous, and we are going to spend taxpayer dollars, staff time and effort, member time and effort, on something that is so silly.

Mr. Speaker, this resolution is in search of a problem that I do not believe exists, and I would urge all the members in this chamber to reject it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Surra, from Elk County.

Mr. SURRA. Thank you, Mr. Speaker, and if the prime sponsor of the resolution would stand for brief interrogation.

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

Mr. SURRA. Mr. Speaker, I believe you mentioned in your opening comments that the rationale for the resolution to form a select committee is to promote free speech and make sure that free speech, there is no intolerance in our university system. Is that not correct?

Mr. ARMSTRONG. Mr. Speaker, the resolution takes a look at diversity of thought on our college campuses. Yes, that is correct.

Mr. SURRA. Thank you.

Now, I am a member of the Subcommittee on Higher Education. I think it is important to note that it has been stated that we are going to handle this, but this is a select committee. There will also be appointees to that committee. As a member of that committee, I have not seen and have not really heard from students across this Commonwealth nor faculty of this looming serious problem out there in our university system. I have never had a complaint, Mr. Speaker, and you have mentioned that you have had a series of complaints. Could you share with me the makeup of those complaints and some idea of what these problems are that deserve the forming of a select committee?

Mr. ARMSTRONG. Mr. Speaker, I would be happy to briefly do that. Many of the complaints revolve around the inappropriate use of class time, a professor taking time from the class to interject personal opinion on a subject not germane to the course material and things of that nature. In fact, one of our State-related institutions did admit that they did have a professor in a science class that just prior to an election did in fact show his class a political documentary, and they agreed that that was inappropriate.

Mr. SURRA. Mr. Speaker, could you go into a little more detail of the inappropriate documentary? I am at a loss. Could you describe the inappropriate documentary, what it was about?

Mr. ARMSTRONG. Well, Mr. Speaker, the subject of the documentary is not as important as the fact that if a student, his or her parents, and we as taxpayers are paying for a professor to instruct on the subject of science, it does not matter if it is a

documentary on George Washington. That is an inappropriate use of class time.

Mr. SURRA. Mr. Speaker, did the inappropriate documentary have a title, and in what course was it in? I am trying to get an idea of what the inappropriateness was. I think it is a legitimate question, since you are the beneficiary of all these complaints that I do not believe many of the members of the General Assembly have ever had.

Mr. ARMSTRONG. Well, I have talked to other members, and they have let me know that they have received complaints as well, and they are at liberty to make those remarks for the record if they so choose. But the point is this. I mean, I will mention it was a biology class, because that is what the institution forwarded to us. But again, the nature of the documentary is not as important as the fact that it was shown. What matters is that a professor who is getting paid to teach biology was taking time, a significant amount of class time, to present material that was not germane to the course.

Mr. SURRA. Well, Mr. Speaker, I am unable to make that determination since you are not willing to give us the name or the subject area or anything to do with the documentary, and that is one of my concerns with this whole escapade.

Mr. Speaker, in these numbers of complaints that you have had, to your knowledge, did any of these students bring their displeasure to the attention of the professor?

Mr. ARMSTRONG. Mr. Speaker, of the students I have heard from, some have, some have not, and whether there is adequate grievance machinery in place and whether the students availed themselves of that machinery ought to be a subject that the Subcommittee on Higher Education should look into.

Mr. SURRA. I do not believe I heard an answer to my question. Did they bring— My question is this, and I will be in a little more detail for you: These aggrieved students, did they use the proper chain of command, so to speak? Did they go to their professors, and if they were not happy with the answer or response, did they then go to their dean of the department or the head of the department? If not happy with their response, did they go then to the president of the university, or did they then, unhappy with the answer, go on to the board of trustees of the State-related or State System school, Mr. Speaker?

Mr. ARMSTRONG. Mr. Speaker, some did, some did not, and some may have not been aware that their university had grievance machinery in place, and I think that that is an appropriate subject matter for the Subcommittee on Higher Education. Do the students adequately understand the means of recourse at their disposal? I do not think that they all do.

Mr. SURRA. So because some students did not authorize the proper chain of command and you believe that some students did not understand the proper chain of command, you feel it necessary that we form a select committee and go across the State and jump over the entire chain of command and study this problem? Is that what the resolution does, Mr. Speaker?

Mr. ARMSTRONG. Well, Mr. Speaker, all this resolution does is gather facts, and I think that freedom of speech and the right of conscience in the classroom is sacred enough that, especially on Independence Day, that we as the legislature, who has a fiduciary responsibility to from time to time look into what is going on at our State-owned and State-related universities, take a little time to see that our students adequately understand the rights that are available to them in the classroom. This is about diversity and tolerance, Mr. Speaker.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, would this be similar to some of your other complaints? Let us say I am taking a geology class, and my professor starts talking about things that happened on the earth millions and millions of years ago, and I as a student would stand up and say, "Professor, that can't be, because I believe that the earth is only 6,000 years old." And I kept on with that train of thought and I answered things like that on my test, because I have a religious belief that the world is only 6,000 years old, and I received a failing grade in that geology class then, Mr. Speaker. Would that be one of the driving things we need to investigate under free speech and intolerance?

Mr. ARMSTRONG. Well, Mr. Speaker, that is a question for the subcommittee, but to answer your question with my opinion, Mr. Speaker, if a student signs up for a course and understands that he is going to be taught an evolutionary theory of the origins of mankind or of the world, I would think it would be incumbent upon that student to learn that course material to the best of his ability.

Mr. SURRA. Thank you, Mr. Speaker.

And then if his religious and personal beliefs disagreed with the scientific beliefs of the teacher and he received a subsequent failing grade for that belief, then you would think that is okay then, Mr. Speaker?

Mr. ARMSTRONG. Mr. Speaker, when a student takes a college class, it is incumbent upon him or upon her to learn the material they are presented, and if you take an English class and you decide you have your own rules of grammar and you just cannot understand why your professor does not understand that "ain't" is not acceptable in formal prose, I think a professor has every right to mark you down.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, in our quest to make sure that intolerance is unacceptable and free speech is something that is accepted in our university system, do you think we should expand and would it be appropriate for the select committee to deal and delve into the intolerance that Blacks and Hispanics may feel at Penn State or someone that is being persecuted or not receiving a fair shake because of their religious beliefs or because of their sexual preference, Mr. Speaker? Is that one of the things on intolerance that we should be looking at also?

Mr. ARMSTRONG. Well, Mr. Speaker, to answer your question about tolerance and diversity, tolerance of every perspective is very important, particularly on our college campuses, and you know, Mr. Speaker, we already spend a lot of money ensuring that we have gender and racial tolerance and diversity on our college campuses. In fact, last year, according to the State System of Higher Education, we spent over \$2 million in diversity programming, over \$200,000 in diversity training, over \$1.5 million in diversity retention, and over \$1 million in diversity recruitment. So, Mr. Speaker, we already spend a lot of time and effort addressing areas of racial diversity and so forth, and if the gentleman had wished to offer an amendment, he could have done that either in committee or on the floor.

Thank you, Mr. Speaker.

Mr. SURRA. So then the answer to my question is if the intolerance of this select committee that we are forming, looking at intolerance along Blacks, Hispanics, religion, or sexual preference, we are not going to be looking into intolerance in those areas? Is that what I heard you say, Mr. Speaker?

Mr. ARMSTRONG. That is correct.

Mr. SURRA. Thank you, Mr. Speaker.

You mentioned cost. Mr. Speaker, I may have gotten one, but we have had a lot of stuff come across our desks. Did we receive a fiscal note on what this select committee will cost the taxpayers, Mr. Speaker?

Mr. ARMSTRONG. No, Mr. Speaker.

Mr. SURRA. There is no fiscal note, Mr. Speaker, on what this select committee is going to cost?

PARLIAMENTARY INQUIRY

Mr. SURRA. I would ask, how are we supposed to vote on something that is very controversial and we have no clue what it is going to cost, Mr. Speaker? To the Chair I would ask that question.

The SPEAKER pro tempore. Mr. Surra, the Chair has been advised that there is no such requirement for a resolution.

Mr. SURRA. There is no such requirement to form a select committee that is going to go across the State?

The SPEAKER pro tempore. No, Mr. Surra, you are placing words in the Speaker's mouth, so to speak. What I said was that a fiscal note is not required of this resolution.

Mr. SURRA. Thank you, Mr. Speaker, and I apologize for putting words in your mouth.

The SPEAKER pro tempore. Apology accepted.

Mr. SURRA. Do we have any idea what this is going to cost? How many meetings there are going to be? How many members are going to be in the select committee? Where we are going to go in the State? How many hundreds of thousands of dollars could this potentially cost, or do we have to have a stenographer that we are going to pay for and the transcript and hotel fees, traveling expenses, per diems for all the members, Mr. Speaker? I am looking for an idea of the total cost of what we are going to be voting on to the taxpayer for this problem that you perceive exists in Pennsylvania, Mr. Speaker. I am looking for an idea of what the cost is.

Mr. ARMSTRONG. Well, Mr. Speaker, that will be a subject left to the chairman of the Subcommittee on Higher Education as well as yourself, who happens to be a member of that subcommittee. If I were to give a number, I would guess, I think \$10,000 or less would be a very reasonable number, which is but a fraction of what we spend to ensure other types of diversity in our State System.

Mr. SURRA. Mr. Speaker, that is your guess, I would guess. I disagree with that.

I believe that I am done with my interrogation. I would like to speak on the resolution.

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

Mr. SURRA. Mr. Speaker, I think you all heard from my interrogation that we are not really sure what the problem is. The prime sponsor is not really willing to divulge the information on what the problem is. We are not sure what the cost is going to be to form this select committee.

I have serious, serious problems with this, Mr. Speaker, as we all should, and I want you to know that the Education Committee also had serious problems. This came out of the Education Committee on a 13-12 vote, on a mixed-party vote.

It was not all Democrats and all Republicans voting one way or the other.

I frankly have a great deal of respect for our State System and State-related universities. I have a great deal of respect for the academic freedom that we have at those State System and State-related universities. I am a proud graduate of the Pennsylvania State University, and I remember sitting through classes, having discussions with professors that I very much did not agree with.

I am reading from the resolution now, Mr. Speaker: "...faculty members have the responsibility to not take advantage of their authority position to introduce inappropriate or irrelevant subject matter outside their field of study; therefore..." we need to form a select committee.

Well, I will tell you, I have the utmost respect for coach Joe Paterno. Personally, Mr. Speaker – I understand he is also a professor – I was a bit offended when I saw some of the things happening in the last political season at our State-related school, on our grounds. But you know, I thought about it. He has that right; he has that right as a citizen of this Commonwealth. Many times professors will bring up things, Mr. Speaker, in a university setting that they do not necessarily believe in or agree with just to spur the debate. They play the devil's advocate, Mr. Speaker.

Mr. Speaker, I believe that this is a subcommittee in search of a problem. I have not had one call on these issues, and it is clear that the chain of command to deal with these problems was not followed. They did not go to their professors; they did not go to their deans; they did not go to their university presidents; they did not go to the board of trustees. They are jumping over that: We are going to the State House of Representatives Subcommittee on Higher Education, and we are going to spend countless thousands of dollars, man-hours traveling across the State, in search of a problem that really does not exist, that really cannot be explained, that really does not have a price tag.

Out of respect, Mr. Speaker, for the Clarions, the Edinboros, the Slippery Rocks, the Kutztowns, the Penn States, the Pitts, the Temples, the Lincolns, many of which we all went to and graduated from, and the people that work their every day, I request a "no" vote on HR 177.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wondered if the maker of this resolution would stand for brief interrogation.

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

Mr. ROEBUCK. Mr. Speaker, I want this to be in fact an affirmation of the intent of the resolution and in fact reflects in part questions I did ask in the committee, but I wanted to be on the record of the House so we can be clear on exactly what we are doing. The first has to do with the term "academic atmosphere." What is meant by the term "academic atmosphere"?

Mr. ARMSTRONG. Well, Mr. Speaker, let me read for you the American Association of University Professors 1940 statement, portions thereof, on academic freedom, and I think it would clear up that question: "Teachers are entitled to full freedom in research and in the publication of the results.... Teachers are entitled to freedom in the classroom in discussing

their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject."

Thank you, Mr. Speaker.

Mr. ROEBUCK. Mr. Speaker, you gave me a definition of "academic freedom." Are you using "academic freedom" and "academic atmosphere" to be synonymous?

Mr. ARMSTRONG. Well, Mr. Speaker, I think the definitions are fairly close in that the atmosphere would encompass "academic freedom" and what goes on in the classroom.

Mr. ROEBUCK. But there must be a distinction, because you use both terms in the resolution. If it were only "academic freedom," then you would have no need to use the term "academic atmosphere," if I am understanding correctly. There must be some different concept in your mind at least as to what "academic atmosphere" is as opposed to a definition of "academic freedom," which applies largely to faculty at a college campus, and I am not certain that that is what "academic atmosphere" applies to.

Mr. ARMSTRONG. Well, Mr. Speaker, I think "academic atmosphere" pertains in a broader context not just to academic freedom but in terms of how the student learns, their ability to have access to information and interact with their professor.

Mr. ROEBUCK. So we are merely talking about the ability of a student to interact with their professor by academic atmosphere. Am I understanding that clearly?

Mr. ARMSTRONG. How they interact with their professor, with other students, and the tone of the classroom, that kind of thing. Yes, Mr. Speaker.

Mr. ROEBUCK. Let me then go on, Mr. Speaker, if I could.

You at least in previous conversation around this resolution referenced, and I referenced my individual experience as a student of the University of Virginia at a time when that institution was in the process of becoming a desegregated institution, and I suggested that I certainly knew there were faculty members who thought I should not even be in the classroom in which I was seated and that I felt probably they might have had certain feelings about me that influenced their attitude when it came to their evaluation of my performance. And I might also add that I have had other colleagues say the same thing to me about their experience in the process of education, and when I asked about that, you indicated that you thought that was a proper item for discussion under the scope of this resolution, yet just a few minutes ago when that question was raised, you said that you did not feel that racial discrimination was properly an item that ought to be discussed under academic atmosphere/academic freedom. I am wondering if you might clarify. Now, are you saying that problems of racial discrimination that affect the way a student is treated on a college campus is not within the scope of your concern?

Mr. ARMSTRONG. Mr. Speaker, I am sorry to hear about your personal experience, but I would think that matters of any kind of discrimination would always be a matter of interest for the Education Committee and the Subcommittee on Higher Education in particular when those instances take place on our State-owned and State-related universities.

Mr. ROEBUCK. Within the scope of this resolution, Mr. Speaker?

Mr. ARMSTRONG. Mr. Speaker, just because that is not mentioned within the scope of this resolution does not mean that

a member of the Subcommittee on Higher Education is precluded from hearing such testimony or such a story.

Mr. ROEBUCK. Well, Mr. Speaker, let me be clear. Much of the discussion about this resolution has focused on the idea that we are dealing here with ideological differences on college and university campuses. I want to be crystal clear that it is my understanding and your understanding that in fact we are dealing with something broader than just ideology. We are dealing, for example, with problems having to deal with racial discrimination on college campuses, if that were in fact something that affected either academic freedom or academic atmosphere. Is that correct, Mr. Speaker?

Mr. ARMSTRONG. That is correct, and in fact, if you read the language of this resolution, it does mention quality of life, and I would think that that would fall within the purview of the resolution.

Mr. ROEBUCK. Would we also then include in that as well sexual discrimination?

Mr. ARMSTRONG. If it has an impact on quality of life, yes, Mr. Speaker.

Mr. ROEBUCK. And also discrimination as to sexual preference would also be included in that. Am I correct?

Mr. ARMSTRONG. Well, if it has an impact on the quality of life of the student, that is correct, Mr. Speaker.

Mr. ROEBUCK. Within the definition you have given me of "academic freedom"/"academic atmosphere." Am I correct?

Mr. ARMSTRONG. I am sorry, Mr. Speaker. I missed the question.

Mr. ROEBUCK. Within the definition you gave me of what is "academic freedom"/"academic atmosphere." Is that correct?

Mr. ARMSTRONG. Yes, Mr. Speaker.

Mr. ROEBUCK. Thank you, Mr. Speaker.

If I could speak on the resolution.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. ROEBUCK. Mr. Speaker, I certainly concur with my colleagues who spoke previously to this resolution, and I question the need for this kind of resolution. I am not quite certain what we are doing. Clearly in my mind there is a difference between what is called academic freedom and what in this resolution is something called academic atmosphere.

Further, certainly I as the Democratic chair of the House Education Committee have not received any of those complaints that apparently everyone else in this chamber has received from students about problems on State-owned college campuses. If indeed this is a widespread problem, if indeed all of us have received those complaints, perhaps there is a need for this resolution. I do not believe that that is in fact the reality, Mr. Speaker. I think that perhaps there have been some students who have been dissatisfied for whatever reason. I believe that the author of the resolution suggested in the Education Committee that he had probably 50 complaints out of the thousands and thousands and thousands of students in college campuses across the Commonwealth. I question why we are going to undertake this effort to respond to a very small number of complaints, even though I do not deny that there are legitimate complaints. To do it in this manner does not really address the problem.

I am not certain that we are going to find any substantial evidence that would justify this kind of investigation, and I am not certain clearly where we go in terms of providing a solution to the complaints of a few students across the Commonwealth who might have had difficulty with a professor they did not like,

whose ideology they disagreed with, who felt that somehow that ideology influenced the way in which they were graded, the way in which they were treated. I think that is a very dangerous road to go down, and I would urge us to reject this resolution in lack of any substantial evidence that there is in fact a problem in State-owned universities, on State-owned campuses, in any of the universities across the Commonwealth.

I would urge that we vote "no" on HR 177. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Mrs. Taylor, from Chester County.

Mrs. TAYLOR. Mr. Speaker, I rise in support of this resolution. It is time that we do address this problem. And any of you who say they are not sure that there is a problem, I would suggest that you, as I, move your district office within five blocks of a State-owned university. I would suggest to you that there are students out there that will know the system, know where they should go — first to the faculty member and the dean and the president. They know all that, but they also know that to speak their mind in some of their classes where the professor has abused academic freedom, and it is being abused on our campuses, and anything that would address this problem, let me tell you, Mr. Speaker, it is about time. It is just about time.

I, too, graduated from a State teachers college, which is now a State university. I am a trustee at that university. I am a distinguished alumna of that university, and I support all those teachers and professors who take their job very, very seriously and interpret academic freedom as the way that they should address their discipline to their students and not use a captive audience because you are running for mayor or because you are running for another office, to use that time to abuse what we all know as academic freedom, and we support that.

But for those of you to stand and say, well, I do not think there is a problem, you know; where is the problem? First of all, as I said, students come to my office after they have gone through every single step, and they wait until they get their grades, and they do not come to me about their grades but they come to me and say, Elinor, you know, I sat through that class and I made no attempt to cross the professor, but I am telling you what is going on in these classrooms, and I would strongly suggest that we support this resolution.

And I am very happy that it is going through the committee system. We have a committee system in this House that is not often used, and now we are going through the committee system. So I strongly urge an affirmative vote on this resolution.

The SPEAKER pro tempore. The Chair thanks the lady.

For the information of the members, we have eight more members seeking recognition, and the Chair understands that many people wanted to see the Fourth of July fireworks, which is at 9 o'clock, so short, pithy remarks will be appreciated.

With that, the gentleman, Mr. Cohen, from Philadelphia County is recognized.

Mr. COHEN. Mr. Speaker, this is a very interesting subject, and if Mr. Smith or Mr. Argall would like to move to table this resolution tonight so we can go out and celebrate the Fourth of July here, I would be glad to second it. But in the absence of that, I think I and others have serious criticisms of this resolution.

When the House passes a resolution to study something, there ought to be a clear legislative purpose in mind. There should be bills out there with remedies to the perceived

problems. We ought to be holding hearings on what the remedies ought to be. Nobody in this House or in the State Senate, to the best of my knowledge, has offered any remedy. On one hand, we are told by a small number of people that they are flooded with complaints, while the rest of us, in my case in 32 years, have not received one single complaint, and it is odd that in some areas we are told there is such intensity of feeling and in other areas there is no feeling whatsoever. But if there is to be a hearing on this, there first ought to be bills showing what the range of remedies are, and if you have some remedies proposed, then you have some focus for the hearings. Otherwise, it is just a very, very confused situation.

Mr. Speaker, it is very difficult to know what academic orthodoxy is. Orthodoxy and independence are really in the mind of the beholder. If somebody believes that the United States was right in fighting the Revolutionary War over 200 years ago, to a British scholar that is ideological orthodoxy. I am sure kids in Great Britain are not given the same textbooks as our kids are given. I am sure in Great Britain kids hear an awful lot more about what a great job the British Crown did in the Colonies than our kids hear. In Alabama and Mississippi, I am sure the kids hear a lot more positive things about the Confederate States of America than they do in Pennsylvania. In Germany, the question of what degree kids ought to hear positive things about Nazis is a very hotly contested domestic issue, and some people think, some people in Germany believe that kids ought to hear positive material about Nazis in their curriculum, and that is seriously argued and appears in our press from time to time.

I am not certain, Mr. Speaker, where you draw the line, and I do not think it is really possible for us to draw the line. You want to balance the views in every course. I am not sure, if you start teaching the history of the American civil rights revolution, whom do you quote in opposition to civil rights? Do you quote the Ku Klux Klan? Do you look at the transcripts of hearings about the people who went on trial for killing African-Americans and quote them? Or do you try to look for more respectable people such as Sam Ervin or J. William Fulbright, people whom history has looked favorably upon because of their work and others but who nevertheless found reason to oppose civil rights legislation?

Whomever you quote, Mr. Speaker, there is no way to quote all people, and the idea that every course has to be a reflection of diverse perspectives on every issue kind of limits the amount of material you can cover in any course. If when we quote Thomas Jefferson and the Declaration of Independence we have to find some person who thought that Thomas Jefferson was wrong in writing the Declaration of Independence, and there are a lot of such people in Philadelphia – the high percentage of the people in Philadelphia left the city after the United States won the War for Independence – do we have to quote somebody who is against the War for Independence? Do we have to quote King George? Do we have to quote the majority of the British Parliament as to what a terrible idea American independence was? The more people we have to quote, the more readings the students have to do, the smaller the amount of subject matter they can take.

One way that you communicate knowledge from one generation to another is to sift through all the vast amount of material that is available and say, we think of the 10 million possible sub-subjects that can be discussed, we think the following curriculum is important and you ought to know this

for this course, and if you want to know other things, take another course in it. But the idea that every course has to be evenly balanced and we are going to investigate to see whether every course is evenly balanced and whether somebody was discriminated against somehow, and whether that film that we heard Representative Armstrong talk about was in fact relevant to that particular course and how many people would say it is relevant and how many people would say it is not relevant, and we could bring the professor in and ask him why it was relevant and we could bring the student in and say why it is not relevant, and then we could bring in 10 other professors and 10 other students and have a real debate about the relevance of that film and that course at that time and whether that 30 minutes or 45 minutes was the most valuable use of the student's time, what was in that film, you are going to consume days and days of investigation on that.

I believe that the purpose of government is to do important things well. What this resolution seeks is to have us focus on doing trivial things poorly. This is not a significant problem. This is not a problem that legislators ought to be investigating based on the information that has been presented to us. We do not even know what that film was. We do not know what the course was. We do not know what the institution was. We have no information at all. We have not been given any copies of letters. I have submitted a copy to you; it is on your desks, a statement from the American Association of University Professors as to why this concept is a bad idea. Nobody has given us copies of letters that they have received. You would think if there were 10 or 20 or 50 or 100 or 1,000 or 10,000 letters, at least 1 could be shared with us. Maybe 5 or 10 could be shared with us. If the students are afraid, if the students are afraid that they will be punished somehow, take their names off the letters. But we ought to have that information, and there has been no sharing of information that this is in fact a big problem.

What we have is what seems to me, personally, to be just an attempt to respond to a national movement led by David Horowitz, who is organizing an attempt, a national organization of sorts, Students For Academic Freedom, and it seems to me we are just trying to fall in line with the national effort, and it has been done in some States, so why should it not be done here? But in none of the States in which they have introduced resolutions or bills has anything actually happened, because there is very little substance to this. On Mr. Horowitz's Web site, there is a statement from a student, and he actually quotes a few students, and a student is quoted as saying that he or she got a poor grade in a course, and he or she does not think that that grade is fair, and the reason that grade is not fair is because the student proofread the paper and spellchecked the paper, and therefore, because he proofread the paper and spellchecked the paper, the paper had to be worth a very high grade. He does not deal at all with the content of the paper; that is the total quote. If you proofread the paper and spellcheck it, it has got to be a good paper.

Students have to know about information. They have to be able to evaluate sources. They have to be able to have some knowledge of the content of the courses.

One of the problems in academia today is grade inflation. Students get As a very high percentage of the time. The vast majority of grades given are now As and Bs. A lot of academics are concerned about that because the grades are less reflective of reality than they used to be. All this resolution is going to do is to push us in the direction of having a near universal A for all

the students so then nobody will have a grade to complain about and then there will be no grievances.

The reputation of our State institutions is not nearly as good as it should be. This will not help the reputation of the State institutions. The reputation of the legislature is not nearly as good as it should be, and this certainly is not going to help our reputation either.

I would urge that we wait until such time as we have bills and other suggested remedies out there for the problems, until we are able to conduct focused hearings on real, clear problems and not just on generalities that apply to every course ever given, to every professor who ever lived. Everybody has to make decisions as to what is relevant to a course and what is not. There is not and never will be any universal agreement as to what is relevant in any given course. Every course on a college campus is somewhat different based on who is teaching it.

Let us face reality; let us protect the reputation of our State colleges and of ourselves, and let us vote “no” on this resolution.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

I rise to oppose this resolution. I would like to start out by saying that I was in the Education Committee when we debated this, and I have been working on various suggestions with Representative Armstrong, the prime sponsor of the resolution. I believe that Representative Armstrong is sincere in his own views, and I also want to compliment him. Even though he has the votes, he has addressed the concerns of me and others who disagree with the resolution with dignity and respect, and I think that should be a model for how we conduct business around here.

That said, I feel compelled by my conscience to get up and say a few words about this resolution, because whatever the vote is tonight, I want people watching on TV, any press that is reporting this, and the members of this chamber to understand exactly what this is because there have been some who have claimed that this is some sort of ideologically neutral attempt just to see what is going on in campuses. There is no agenda here, and we are just taking a look.

In fact, that is not the case, Mr. Speaker, and I know Representative Cohen made brief reference to this. This is a national movement. It goes under the misnomer Students for Academic Freedom, but in fact, it is really about stifling academic freedom. Students for Academic Freedom’s president and founder is a man named David Horowitz, who also is the founder and president of its parent organization, the Study of Popular Culture. This group is funded by Paul Wyrick and other people in the extreme right. They have a Web site. On their Web site Students for Academic Freedom, if you go on it right now on your computer, you will see that their lead story is the success that they have had in passing Representative Armstrong’s resolution in the Education Committee.

Now, this David Horowitz, the founder of this organization, thinks that this is a neutral effort to find out what is going on on college campuses. Well, he says on his Web site and his articles, American colleges and universities are, quote, “indoctrination centers for the political left” and that many higher education professors, quote, “hate America.” Students for Academic

Freedom suggest that students investigate the professors at their school for bias by looking up their voter registration.

He wants to pressure schools that receive State funding to implement affirmative-action-like programs, ironically, affirmative-action-like programs for conservative professors. And the Center for the Study of Popular Culture’s magazine is called FrontPage, which includes articles such as David Horowitz’s “Hating Whitey” and other progressive causes, and books by Charles Murray and Sean Hannity, Daniel Pipes, and columns by people like Ann Coulter. There are no liberal columnists or authors featured on these Web sites. Horowitz’s Web site also brags of taking on the anti-America left.

Now, what do Students for Academic Freedom Web sites on various campuses say? In Arizona State the SAF Web site says, an overwhelming majority of the professors and student associations and guest speakers and workshops and other activities are biased to the political left. Princeton, they say they are going to fight biased words with—

POINT OF ORDER

The SPEAKER pro tempore. Will the gentleman suspend, please.

For what purpose does the gentleman, Mr. Maher, rise?

Mr. MAHER. Mr. Speaker, I rise with a point of order. I am sure whatever Web site the gentleman has been reading is fascinating to him, but the Web site is not the subject of this debate, and I would hope that in recognition of the time, that we could encourage the gentleman to stay on the subject of the resolution.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Will the gentleman, Mr. Leach, confine his remarks to the points of the resolution only.

Mr. DeWEESE. Mr. Speaker?

Mr. LEACH. Mr. Speaker, I find it very ironic that the gentleman is trying to—

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. Mr. Leach, will you suspend.

Mr. LEACH. I am sorry.

The SPEAKER pro tempore. Mr. DeWeese, you are recognized.

Mr. DeWEESE. My honorable colleague from Allegheny County has inquired to the Chair whether the debate on the Web site was pertinent to the argument. My view is that it is. The very gentle and polite admonition of the Chair to Representative Leach was to please stay on the subject.

Could you tell me, sir, what the decision of the Parliamentarian and the Speaker pro tempore is? Our view over here was that the gentleman, Mr. Leach, notwithstanding the honorable gentleman from Pittsburgh’s objection, our view is that Mr. Leach was on target and that the Web site was a subject that was pertinent to the debate. Please.

The SPEAKER pro tempore. Mr. DeWeese, we never said he was far afield. We were just politely asking him to stick to the points of the resolution, and the points of the Parliamentarian and the Speaker are one and the same.

The gentleman may proceed.

Mr. LEACH. I find it ironic, Mr. Speaker, that someone was trying to stifle my free expression during this debate. The Web site talks about this resolution. Why cannot we? Mr. Speaker, I will move on from the Web site.

What does HR 177 do? It empowers hearings across the State. A self-selected group of students will complain. Some will say— And again, I know this from looking at the complaints that have come on already. Someone wore a Bush-Cheney button and they got a lower grade than they thought they should have gotten. They said the earth was 6,000 years old and they did not get an A in biology class. They were forced to read books written by liberals or which insulted God. Another complained that he wore a black face to a campus costume party and he was told he was being racially insensitive. And how do I know this? Again, Students for Academic Freedom, which is the author of this, the father of this amendment. They post the complaints, and that is what they are. The overwhelming majority of students are unhappy with their grades.

Now, we are cutting Medicaid at a time we are going to spend money to go around the State and listen to students complain about their grades, Mr. Speaker. And what is the methodology? You know, there are a couple of hundred thousand students in the State university system. Representative Armstrong indicated he had about 50 complaints. He would not share them with us, but there were about 50 complaints. But let us assume that every one of them is a valid complaint. It is a tiny, tiny percentage of the total number of students.

And what are we going to do? Are we going to take anecdotes and use those anecdotes to come to some sort of conclusion about the state of the university system? Anyone who knows anything about gathering evidence knows that anecdotes are the poorest excuse. I could find 50 students who think that their hair color was the reason they got a poor grade. Does that mean we should have hair color hearings around the State, Mr. Speaker? Mr. Speaker, this is political correctness run amok. The goals are ultimately to intimidate and/or punish professors who do not tow the line, and it is already working.

I just want to read to you, very briefly, an excerpt from a letter I got, which is representative of many letters I have received from university professors. "I...urge you in the strongest" — this is from the Temple University association of professors — "I want to urge you in the strongest terms possible to vote against this resolution. ...HR 177 would open the door to the kind of political presence in higher education that we haven't seen in Pennsylvania for fifty years.

"To be a forum for the exchange of ideas of all kinds, a college or university must be free from the threat of oversight by those with a particular cultural or political agenda. This is not to say that a public institution of higher education should be unaccountable for how it spends precious tax dollars. Far from it. But it is to say that the intellectual climate on college and university campuses will be far less open if students and professors feel that their work is being monitored by those who answer to a particular group or set of constituents."

And just a sentence from the University of Florida. Professor Auxter said, "This legislation has the effect of undermining academic freedom....It will, if written into law, cause a dumbing down of the mental life of students to the cartoon version of intelligence we find on right-wing talk shows where everything controversial is broken into categories such as

conservative vs. liberal, religious vs. secular humanist, or American vs. communist..."

And every professor's organization I have heard from feels the same way. At the end of this, we are supposed to come up with legislative recommendations, and I want you to think what kind of legislation we would pass monitoring the speech of professors on campus.

I also want to say, Mr. Speaker, one more thing about the composition of the committee. There is a guaranteed Republican majority on this committee. This is an inherently partisan issue. People say we should be able to put partisanship aside, and I suppose in a perfect world that is right, but look at the vote in the committee. We all, but one member, voted along party lines, and look at the vote on the floor on my amendment, which went almost, except for one person, along party lines. I mean, whom are we kidding here? This is like, Mr. Speaker, having hearings on which is a better political party, the Democrats or Republicans, and saying we are going to have four Republicans and three Democrats; we are going to take a vote; we will let you know how it turns out.

This resolution, this resolution should be defeated, Mr. Speaker. There is no rational reason for a Democrat to vote for this. We are the targets of this. But I also would like to think that there are some Republicans of goodwill who do not think that we should be creating thought police on college campuses; who do not believe that we need to do something as divisive as this. You know, Mr. Speaker, we need to come together on some issues. We have important business to do for the people, and this is designed to be divisive, and this is designed to cause bitterness between the parties.

You know, thought police are very troubling, and I think some of the people for this resolution might say, well, you have professors acting as thought police, and we may or may not agree on that. But what is really troubling, Mr. Speaker, is when we have the government, when we have the legislative branch of the government acting as thought police, when we have one of the three branches of government passing resolutions and passing legislation dictating what is said on campus.

You know, I taught — finally, Mr. Speaker — I taught for 14 years. I am starting again at another college in the fall. And I know that the professors on campus took every one of their, every one of them took their responsibilities very seriously. I taught very controversial courses. I taught a First Amendment course where we dealt with things like sedition and pornography and blasphemy and things like that. And I told my students the first day of class that I am probably more liberal than some of you on these issues, I think more accurately, more libertarian than you on some of these issues, but I never had in 14 years a single complaint that someone felt that I was being unfair because we discussed subject openly.

I know that if there is legislation passed that is going to be watching over my shoulder, I am going to be very circumspect about what I say, and as a result, my students will suffer because they will not have the open debate and the wide-ranging exchange of ideas that builds a better student, that makes someone academically prepared to go out in the world, Mr. Speaker.

I have debated a lot of issues since I have been here and watched a lot of debates. I have never felt more strongly about an issue. This is an assault on our First Amendment, but more than that, it is an assault on the dignity of the academic and intellectual process, and you know, I strongly urge a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MOTION TO TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could – I have rather lengthy remarks to make – I would like to first move that we table this resolution until tomorrow.

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Sturla, that HR 177 be tabled until tomorrow?

Mr. STURLA. Whether it is tabled or postponed, just—I hear the fireworks outside, and I know there are members that are trying to get there.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. On the question of tabling, the gentleman, Mr. Argall, is recognized.

Mr. ARGALL. Mr. Speaker, we believe that this is a legitimate subject of legislative inquiry. I was hopeful when you suggested short, pithy speeches, but unfortunately, that did not come to reality. But I would oppose the motion to table and ask that we move ahead with this debate and move to a vote on final passage, as soon as possible.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—73

Belardi	Fabrizio	Levdansky	Siptroth
Belfanti	Frankel	Mann	Solobay
Biancucci	George	Markosek	Staback
Bishop	Gerber	McCall	Stetler
Blaum	Gergely	McIlhatten	Sturla
Butkovitz	Goodman	Melio	Surra
Caltagirone	Gruclera	Mundy	Tangretti
Casorio	Gruitza	Myers	Thomas
Cohen	Haluska	Oliver	Tigue
Corrigan	Hanna	Petrone	Veon
Cruz	James	Ramaley	Vitali
Curry	Josephs	Readshaw	Wansacz
Daley	Keller, W.	Roberts	Waters
DeLuca	Kirkland	Roebuck	Wheatley
Dermody	Kotik	Rooney	Wojnarowski
DeWeese	LaGrotta	Ruffing	Yewcic
Donatucci	Leach	Sainato	Youngblood
Eachus	Lescovitz	Santoni	Yudichak
Evans, D.			

NAYS—126

Adolph	Fichter	Maher	Reichley
Allen	Fleagle	Maitland	Rohrer
Argall	Flick	Major	Ross
Armstrong	Forcier	Manderino	Rubley
Baker	Freeman	Marsico	Samuelson
Baldwin	Gabig	McGeehan	Sather

Barrar	Gannon	McGill	Saylor
Bastian	Geist	McIlhinney	Scavello
Bebko-Jones	Gillespie	McNaughton	Schroder
Benninghoff	Gingrich	Metcalfe	Semmel
Birmelin	Godshall	Micozzie	Shaner
Blackwell	Good	Millard	Shapiro
Boyd	Grell	Miller, R.	Smith, B.
Bunt	Habay	Miller, S.	Smith, S. H.
Buxton	Harhai	Mustio	Sonney
Cappelli	Harhart	Nailor	Stairs
Causser	Harper	Nickol	Steil
Cawley	Harris	O'Brien	Stern
Civera	Hasay	O'Neill	Stevenson, R.
Clymer	Hennessey	Pallone	Stevenson, T.
Cornell	Herman	Payne	Taylor, E. Z.
Costa	Hershey	Petrarca	Taylor, J.
Crahalla	Hess	Petri	True
Creighton	Hickernell	Phillips	Turzai
Dally	Hutchinson	Pickett	Walko
Denlinger	Kauffman	Pistella	Watson
DiGirolamo	Keller, M.	Preston	Williams
Diven	Kenney	Pyle	Wright
Ellis	Killion	Quigley	Zug
Evans, J.	Lederer	Rapp	
Fairchild	Leh	Raymond	Perzel,
Feese	Mackereth	Reed	Speaker

NOT VOTING—0

EXCUSED—2

Rieger

Wilt

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

The SPEAKER pro tempore. Mr. Sturla, do you wish to continue?

Mr. STURLA. Yes, Mr. Speaker.

RESOLUTION PASSED OVER

The SPEAKER pro tempore. We will go over the resolution for the day.

CONSIDERATION OF SB 361 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **PALLONE** offered the following amendment No. **A02663**:

Amend Title, page 1, line 6, by removing the period after “programs” and inserting

, for cyber charter school requirements and prohibitions and for cyber charter school enrollment and notification.

Amend Bill, page 3, by inserting between lines 23 and 24

Section 2. Section 1743-A of the act is amended by adding a subsection to read:

Section 1743-A. Cyber charter school requirements and prohibitions.

* * *

(a.1) Truancy.—In order to enroll a student, the school district in which the student is a resident must certify to the cyber charter school that the student is in compliance with section 1327.

* * *

Section 3. Section 1748-A(a) of the act, added June 29, 2002 (P.L.524, No.88), is amended to read:

Section 1748-A. Enrollment and notification.

(a) Notice to school district.—

(1) Within 15 days of the enrollment of a student to a cyber charter school, the parent or guardian and the cyber charter school shall notify the student's school district of residence of the enrollment through the use of the notification form under subsection (b).

(2) If a school district which has received notice under paragraph (1) determines that a student is not a resident of the school district, the following apply:

(i) Within seven days of receipt of the notice under paragraph (1), the school district shall notify the cyber charter school and the department that the student is not a resident of the school district. Notification of nonresidence shall include the basis for the determination.

(ii) Within seven days of notification under subparagraph (i), the cyber charter school shall review the notification of nonresidence, respond to the school district and provide a copy of the response to the department. If the cyber charter school agrees that a student is not a resident of the school district, it shall determine the proper district of residence of the student before requesting funds from another school district.

(iii) Within seven days of receipt of the response under subparagraph (ii), the school district shall notify the cyber charter school that it agrees with the cyber charter school's determination or does not agree with the cyber charter school's determination.

(iv) A school district that has notified the cyber charter school that it does not agree with the cyber charter school's determination under subparagraph (iii) shall appeal to the department for a final determination.

(v) All decisions of the department regarding the school district of residence of a student shall be subject to review by the Commonwealth Court.

(vi) A school district shall continue to make payments to a cyber charter school under section 1725-A during the time in which the school district of residence of a student is in dispute.

(vii) If a final determination is made that a student is not a resident of an appealing school district, the cyber charter school shall return all funds provided on behalf of that student to the school district within 30 days.

(3) When a school district has received notice under paragraph (1), the school district shall certify to the cyber charter school whether the student is in compliance with section 1327.

* * *

Amend Sec. 2, page 3, line 24, by striking out "2" and inserting

4

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

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

Mr. PALLONE. Thank you, Mr. Speaker.

This amendment is fairly innocuous as it deals with truancy in cyber schools. My local school districts particularly brought this to my attention. The problem is that some of these students that are truant, when they are being called before the magisterial district justice, are then opting out of the school and going into a

local cyber school of their choice at an expense to the local school district, sometimes \$7,000, \$8,000, \$9,000, \$10,000 per student.

What this amendment does is just gives the local school board the authorization, if you will, to have veto power in the instance where the student is truant. It does not limit home schooling or other cyber school students or any other educational program. All it does is give the local school district the option of not allowing a truant or otherwise delinquent student from leaving the school district to avoid the requirements of school attendance in order to enroll in a cyber school at a very expensive cost to the local school districts, and I would ask that the members vote in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—168

Adolph	Evans, J.	Lederer	Sainato
Allen	Fabrizio	Leh	Samuelson
Argall	Fairchild	Lescovitz	Santoni
Baker	Feese	Levdansky	Sather
Baldwin	Fichter	Mackereth	Scavello
Barrar	Flick	Maitland	Schroder
Bastian	Frankel	Major	Semmel
Bebko-Jones	Freeman	Manderino	Shaner
Belardi	Gannon	Mann	Shapiro
Belfanti	Geist	Markosek	Sipproth
Benninghoff	George	Marsico	Smith, B.
Biancucci	Gerber	McCall	Smith, S. H.
Birmelin	Gergely	McGeehan	Solobay
Bishop	Gillespie	McGill	Staback
Blackwell	Gingrich	McIlhattan	Stairs
Blaum	Godshall	Melio	Stetler
Boyd	Good	Micozzie	Sturla
Bunt	Goodman	Miller, R.	Surra
Butkovitz	Grell	Miller, S.	Tangretti
Buxton	Grucela	Mundy	Taylor, E. Z.
Caltagirone	Gruitza	Myers	Taylor, J.
Cappelli	Habay	Nailor	Thomas
Casorio	Haluska	Nickol	Tigue
Cawley	Hanna	O'Brien	True
Civera	Harhai	Oliver	Turzai
Clymer	Harhart	O'Neill	Veon
Cohen	Harper	Pallone	Vitali
Cornell	Harris	Petri	Walko
Corrigan	Hasay	Petrone	Wansacz
Costa	Hennessey	Phillips	Waters
Crahalla	Herman	Pistella	Watson
Cruz	Hershey	Preston	Wheatley
Curry	Hess	Pyle	Williams
Daley	Hickernell	Ramaley	Wojnaroski
Dally	James	Raymond	Wright
DeLuca	Josephs	Readshaw	Yewcic
Dermody	Keller, W.	Roberts	Youngblood
DeWeese	Kenney	Roebuck	Yudichak
DiGirolamo	Killion	Rooney	Zug
Diven	Kirkland	Ross	
Donatucci	Kotik	Rubley	
Eachus	LaGrotta	Ruffing	Perzel,
Evans, D.	Leach		Speaker

NAYS—31

Armstrong	Hutchinson	Mustio	Rohrer
Causser	Kauffman	Payne	Saylor
Creighton	Keller, M.	Petrarca	Sonney
Denlinger	Maher	Pickett	Steil
Ellis	McIlhinney	Quigley	Stern
Fleagle	McNaughton	Rapp	Stevenson, R.
Forcier	Metcalfe	Reed	Stevenson, T.
Gabig	Millard	Reichley	

NOT VOTING—0

EXCUSED—2

Rieger Wilt

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Feese	Mackereth	Ruffing
Allen	Fichter	Maher	Sainato
Argall	Fleagle	Maitland	Samuelson
Armstrong	Flick	Major	Santoni
Baker	Forcier	Manderino	Sather
Baldwin	Frankel	Mann	Saylor
Barrar	Freeman	Markosek	Scavello
Bastian	Gabig	Marsico	Schroder
Bebko-Jones	Gannon	McCall	Semmel
Belardi	Geist	McGeehan	Shaner
Belfanti	George	McGill	Shapiro
Benninghoff	Gerber	McIlhattan	Siptroth
Bianucci	Gergely	McIlhinney	Smith, B.
Birmelin	Gillespie	McNaughton	Smith, S. H.
Bishop	Gingrich	Melio	Solobay
Blackwell	Godshall	Metcalfe	Sonney
Blaum	Good	Micozzie	Staback
Boyd	Goodman	Millard	Stairs
Bunt	Grell	Miller, R.	Steil
Butkovitz	Grucela	Miller, S.	Stern
Buxton	Gruitza	Mundy	Stetler
Caltagirone	Habay	Mustio	Stevenson, R.
Cappelli	Haluska	Myers	Stevenson, T.
Casorio	Hanna	Nailor	Sturla
Causser	Harhai	Nickol	Surra
Cawley	Harhart	O'Brien	Tangretti
Civera	Harper	Oliver	Taylor, E. Z.
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Payne	Thomas
Cornell	Hennessey	Petrarca	Tigue
Corrigan	Herman	Petri	True
Costa	Hershey	Petrone	Turzai
Crahalla	Hess	Phillips	Veon

Creighton	Hickernell	Pickett	Vitali
Cruz	Hutchinson	Pistella	Walko
Curry	James	Preston	Wansacz
Dally	Josephs	Pyle	Waters
DeLuca	Kauffman	Quigley	Watson
Denlinger	Keller, M.	Ramaley	Wheatley
Dermody	Keller, W.	Rapp	Williams
DeWeese	Kenney	Raymond	Wojnarowski
DiGirolamo	Killion	Readshaw	Wright
Diven	Kirkland	Reed	Yewcic
Donatucci	Kotik	Reichley	Youngblood
Eachus	LaGrotta	Roberts	Yudichak
Ellis	Leach	Roebuck	Zug
Evans, D.	Lederer	Rohrer	
Evans, J.	Leh	Rooney	
Fabrizio	Lescovitz	Ross	Perzel,
Fairchild	Levdansky	Rubley	Speaker

NAYS—2

Daley O'Neill

NOT VOTING—0

EXCUSED—2

Rieger Wilt

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.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. For the information of the members— The gentlelady, Mrs. Taylor, is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a 5 p.m. Republican caucus, and we will be on the floor at 7; 5 p.m. Republican caucus and 7 on the floor.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

There also will be a 5 p.m. Democratic caucus with both formal and informal discussions.

RECESS

The SPEAKER pro tempore. The House stands in recess until the call of the Chair.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(ROBERT J. FLICK) PRESIDING**

BILLS AND RESOLUTIONS PASSED OVER

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

RECESS

The SPEAKER pro tempore. The Chair recognizes Representative Ellis.

Mr. ELLIS. Mr. Speaker, I move that this House do now recess until Tuesday, July 5, 2005, at 7 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:59 p.m., e.d.t., Tuesday, July 5, 2005, the House recessed.