

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 29, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 56

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

HON. RICK SACCONI, member of the House of Representatives, offered the following prayer:

Father God, as the Scripture says, let Your Word be a light unto our paths and a lamp unto our feet. Let us plant Your Word in our minds, Lord. Let us live a life pleasing to You.

Father God, we pray for our State and our nation. You said that "...if my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then I will hear from heaven, and I will forgive their sin and will heal their land."

Lord, make us humble. Let us understand the foolishness of our own wisdom and turn to You. Help us to swallow our pride and lean on You. Heal our land and revive our yearning for You.

Lord, we thank You for the endless blessings You have bestowed on this country since its inception, and let us always remember they came from You and not from our own efforts. We give all honor and praise to You, in Jesus' name. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, June 28, 2011, will be postponed until printed.

#### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The members will remain in caucus, and we will be recessing until the call of the Chair, very shortly.

### BILL REREPORTED FROM COMMITTEE

**SB 907, PN 1452** (Amended)

By Rep. ADOLPH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for time for filing returns for certain sales and use taxpayers; establishing a restricted account within the Agricultural College Land Scrip Fund; in borrowing for capital facilities, further providing for definitions, for Neighborhood Improvement Zone Fund, for Keystone Opportunity Zone and for duration and providing for Commonwealth pledges and for confidentiality, providing for financially distressed municipalities and for Keystone Special Development Zones; in education tax credits, making an editorial change and providing for Department of Revenue and for Department of Community and Economic Development; in special funds, further providing for funding and reviving and further providing for investments; providing for 2011-2012 budget implementation and restrictions; in general budget implementation, further providing for executive offices and for the Auditor General, providing for Pennsylvania Infrastructure Investment Authority Accounts, further providing for the Pennsylvania Higher Education Assistance Agency, repealing provisions related to the Legislative Department, providing for the Catastrophic Loss Benefits Continuation Fund and further providing for the State Gaming Fund; in 2010-2011 budget implementation, further providing for the Department of Education; providing for audits; and making related repeals.

#### APPROPRIATIONS.

#### SENATE MESSAGE

AMENDED HOUSE BILLS RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 488, PN 2225; HB 1336, PN 2091; HB 1352, PN 2227; and HB 1485, PN 2228**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

#### GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the rostrum, the Chair welcomes Alexa Tamosaitis. She is the guest of Representative Delozier. Please rise and be recognized.

Located to the left of the Speaker, the Chair welcomes Mallory Reed from South Heights. She is a senior at Penn State's University Park campus, where she is pursuing a degree in political science. Mallory is working as an intern in Representative Sturla's office this summer. Please rise and be recognized.

Located in the rear of the House, the Chair welcomes members of the National Parliament of Kyrgyzstan. The council is the unicameral Parliament of the Kyrgyz Republic. It has 120 seats with members elected for 5-year terms. We should be so fortunate. Welcome.

Located in the rear of the House, the Chair welcomes students from Linconia Community Center. They are guests of Representative DiGirolamo. Please rise and be recognized.

Located in the well of the House, the Chair welcomes guest pages Anthony Mangeri and Nicholas DeLissio. They are the nephews of Representative Pam DeLissio. Please rise and be recognized.

### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Just a reminder, both caucuses will be continuing their respective caucuses.

### RECESS

The SPEAKER pro tempore. The House now 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 (SAMUEL H. SMITH) PRESIDING

### SENATE MESSAGE

### HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 589, PN 573**, and **HB 870, PN 908**, with information that the Senate has passed the same without amendment.

### 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:

#### **HB 589, PN 573**

An Act designating U.S. Route 1 in Bucks County from mile marker 66.8 to mile marker 80.2 as the Detective Christopher Jones Memorial Highway.

#### **HB 870, PN 908**

An Act amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further defining "recreational purpose."

### **SB 387, PN 373**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

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

### RULES COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Rules Committee in room 39, East Wing; an immediate meeting of the Rules Committee in 39 East Wing. The House gives the committee the permission to meet. We will not be taking any votes, but we will be doing some other housecleaning issues here at the desk.

### LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. HESS, from Bedford County for the day, and the gentleman, Mr. GODSHALL, from Montgomery County for the remainder of the week. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. BRENNAN, from Lehigh County for the day. Without objection, the leave will be granted.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 750** By Representatives COX, R. BROWN, GABLER, GILLEN, KAUFFMAN, KNOWLES, MALONEY, METZGAR, OBERLANDER, O'NEILL, ROAE, ROCK, CULVER and MAHER

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the First Industries Program.

Referred to Committee on COMMERCE, June 29, 2011.

**No. 1575** By Representatives CREIGHTON, AUMENT, BOYD, CALTAGIRONE, GEIST, GINGRICH, GODSHALL, MOUL, MURT, QUINN and TAYLOR

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

Referred to Committee on JUDICIARY, June 29, 2011.

**No. 1753** By Representatives KORTZ, BLOOM, BRENNAN, CAUSER, D. COSTA, CUTLER, DENLINGER, DeWEESE, EVERETT, GABLER, GEIST, GEORGE, GIBBONS, HESS, HORNAMAN, KAUFFMAN, KOTIK, METZGAR, MILLARD, MIRABITO, MULLERY, READSHAW, VULAKOVICH and WHITE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in the Uniform Firearms Act, further providing for licenses and for sale or transfer of firearms.

Referred to Committee on JUDICIARY, June 29, 2011.

**No. 1754** By Representatives MILLER, PERRY, AUMENT, BEAR, BLOOM, BOBACK, BOYD, CAUSER, COX, CREIGHTON, CUTLER, DELOZIER, DENLINGER, EVANKOVICH, EVERETT, GABLER, GILLEN, GILLESPIE, GINGRICH, GRELL, GROVE, HARRIS, HICKERNELL, KAMPF, KAUFFMAN, F. KELLER, M. K. KELLER, KNOWLES, LAWRENCE, MAJOR, MARSICO, METCALFE, METZGAR, MOUL, OBERLANDER, PICKETT, PYLE, RAPP, ROCK, SAYLOR, CULVER, SONNEY, SWANGER, TALLMAN and TURZAI

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

Referred to Committee on LABOR AND INDUSTRY, June 29, 2011.

**No. 1755** By Representatives WAGNER, BENNINGHOFF, BRIGGS, CALTAGIRONE, D. COSTA, DEASY, EVERETT, FLECK, FRANKEL, GEIST, HALUSKA, HESS, HORNAMAN, JOSEPHS, KULA, MAHONEY, MICOZZIE, MILLARD, MILNE, M. O'BRIEN, SCAVELLO, K. SMITH, STERN, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate and placard.

Referred to Committee on TRANSPORTATION, June 29, 2011.

**No. 1756** By Representatives WAGNER, BRENNAN, DAVIS, DENLINGER, DONATUCCI, FABRIZIO, FARRY, FREEMAN, GEORGE, GIBBONS, GROVE, MANN, MURT, RAVENSTAHL, READSHAW and WILLIAMS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in magisterial district judges, further providing for definitions; and providing for authority to grant access to the Pennsylvania Justice Network.

Referred to Committee on JUDICIARY, June 29, 2011.

**No. 1757** By Representatives BISHOP, COHEN, DeLUCA, DONATUCCI, FABRIZIO, JOSEPHS, KOTIK, KULA, MURT, MYERS, PASHINSKI, THOMAS, VULAKOVICH, WATSON, YOUNGBLOOD, BROWNLEE and B. BOYLE

An Act establishing the Child Care Health Consultant Task Force and providing for its powers and duties.

Referred to Committee on CHILDREN AND YOUTH, June 29, 2011.

**No. 1758** By Representatives REICHLEY, TALLMAN, AUMENT, BAKER, BENNINGHOFF, B. BOYLE, BRADFORD, BRIGGS, BUXTON, CALTAGIRONE,

CARROLL, COHEN, DALEY, EVERETT, FARRY, FLECK, GEIST, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HESS, KAUFFMAN, F. KELLER, W. KELLER, KILLION, KOTIK, LONGIETTI, MURPHY, OBERLANDER, M. O'BRIEN, O'NEILL, PETRARCA, READSHAW, SCAVELLO, STABACK, STEVENSON, TAYLOR, TOOHIL, VULAKOVICH, YOUNGBLOOD, MILLARD and MILLER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the pay of officers and enlisted personnel in active State service.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 29, 2011.

**No. 1759** By Representatives M. SMITH, MICCARELLI, AUMENT, BURNS, CALTAGIRONE, D. COSTA, CUTLER, DALEY, DAVIS, DONATUCCI, EVANKOVICH, FARRY, FREEMAN, GABLER, GODSHALL, HENNESSEY, HESS, HORNAMAN, LONGIETTI, MAHONEY, MANN, MILLARD, MIRABITO, MURPHY, MURT, PETRI, ROAE, SCHRODER, SHAPIRO, STEVENSON, SWANGER, TALLMAN, THOMAS, TOEPEL, WHITE, YOUNGBLOOD and MALONEY

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for wearing of military uniform at graduation ceremony.

Referred to Committee on EDUCATION, June 29, 2011.

**No. 1760** By Representatives J. EVANS, STABACK, GERGELY, CALTAGIRONE, COHEN, DALEY, DeLUCA, EVANKOVICH, EVERETT, FABRIZIO, GOODMAN, HORNAMAN, KILLION, METCALFE, MULLERY, MURT, SONNEY, VEREB, VULAKOVICH and WHEATLEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting hunting on Sunday.

Referred to Committee on GAME AND FISHERIES, June 29, 2011.

**No. 1761** By Representatives M. SMITH, TURZAI, WAGNER, DERMODY, FRANKEL, MUSTIO, P. COSTA, DEASY, FABRIZIO, READSHAW and WHITE

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in employees' retirement system, further defining "compensation"; further providing for retirement board; providing for tax qualification; and further providing for employees eligible for retirement allowances and for amount of retirement allowances.

Referred to Committee on FINANCE, June 29, 2011.

**No. 1762** By Representative BARRAR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the establishment of standards for emergency towing and for towing rotation lists.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 29, 2011.

**No. 1763** By Representatives MICCARELLI, DiGIROLAMO, HALUSKA, HARKINS, O'NEILL, SWANGER, YOUNGBLOOD, DAVIDSON and MURT

An Act providing for physician contracts with health insurers.

Referred to Committee on INSURANCE, June 29, 2011.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 995, PN 1445

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 29, 2011.

#### SB 1128, PN 1434

Referred to Committee on LABOR AND INDUSTRY, June 29, 2011.

### 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 326, PN 1387**, and **SB 369, PN 1409**.

### 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 163, PN 148

An Act designating a bridge on that portion of State Route 0006 over the Lackawaxen River, Honesdale Borough, Wayne County, as the Brigadier General Richard J. Tallman Memorial Bridge.

#### SB 263, PN 240

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for proposed regulations and procedures for review and for criteria for review of regulations.

#### SB 326, PN 1387

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

#### SB 369, PN 1409

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic highways, providing for the designation of a portion of U.S. 219, U.S. 322, State Route 969, State Route 879, State Route 153, State Route 453, State Route 1001, State

Route 729, State Route 4005 and the Greenville Pike and Bilger's Rocks Road in Clearfield County as scenic byways.

#### SB 723, PN 707

An Act designating the bridge that connects South Williamsport to Williamsport, known as the Market Street Bridge, carrying U.S. Route 15 over the Susquehanna River in Loyalsock Township, Lycoming County, as the Carl E. Stotz Memorial Little League Bridge.

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

### RULES COMMITTEE MEETING

The SPEAKER. A change in location for the Rules Committee meeting. It will be in 60 East Wing; Rules Committee immediately in room 60, East Wing.

### GUESTS INTRODUCED

The SPEAKER. The Speaker would like to announce a couple of guests that are with us.

Located to the left of the rostrum, the Chair welcomes Richard Dellinger, and he is a guest of Representative DePasquale. Will our guests please rise, and welcome to the hall of the House.

The Speaker would also like to welcome some guests that are up in the gallery. They are the Historical Societies of Lynn-Heidelberg and Weisenberg-Lowhill Townships. Along with them is former member Joe Zeller, and they are the guests of Representatives Day, Harhart, and Reichley. Will our guests please rise, and welcome to the hall of the House.

### RULES COMMITTEE MEETING

The SPEAKER. For clarification, the Rules Committee is currently meeting in room 39, East Wing. That would be three-niner echo wombat to those of you in confusion land.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—200

Adolph	Ellis	Kotik	Ravenstahl
Aument	Emrick	Krieger	Readshaw
Baker	Evankovich	Kula	Reed
Barbin	Evans, D.	Lawrence	Reese
Barrar	Evans, J.	Longiatti	Reichley
Bear	Everett	Maher	Roae
Benninghoff	Fabrizio	Mahoney	Rock
Bishop	Farry	Major	Roebuck
Bloom	Fleck	Maloney	Ross
Boback	Frankel	Mann	Sabatina
Boyd	Freeman	Markosek	Saccone
Boyle, B.	Gabler	Marshall	Sainato
Boyle, K.	Galloway	Marsico	Samuelson
Bradford	Geist	Masser	Santarsiero
Briggs	George	Matzie	Santoni
Brooks	Gerber	McGeehan	Saylor

Brown, R.	Gergely	Metcalf	Scavello
Brown, V.	Gibbons	Metzgar	Schroder
Brownlee	Gillen	Miccarelli	Shapiro
Burns	Gillespie	Micozzie	Simmons
Buxton	Gingrich	Millard	Smith, K.
Caltagirone	Goodman	Miller	Smith, M.
Carroll	Grell	Milne	Sonney
Causser	Grove	Mirabito	Staback
Christiana	Hackett	Moul	Stephens
Clymer	Hahn	Mullery	Stern
Cohen	Haluska	Mundy	Stevenson
Conklin	Hanna	Murphy	Sturla
Costa, D.	Harhai	Murt	Swanger
Costa, P.	Harhart	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hickernell	Parker	Turzai
Davidson	Hornaman	Pashinski	Vereb
Davis	Hutchinson	Payne	Vitali
Day	Johnson	Payton	Vulakovich
Deasy	Josephs	Peifer	Wagner
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
DePasquale	Keller, M.K.	Preston	Williams
Dermody	Keller, W.	Pyle	Youngblood
DeWeese	Killion	Quigley	
DiGirolamo	Kirkland	Quinn	Smith, S.,
Donatucci	Knowles	Rapp	Speaker
Dunbar	Kortz		

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Brennan	Godshall	Hess
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LEAVES CANCELED—1

Hess

The SPEAKER. Two hundred members having voted on the master roll call, a quorum is present.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce an immediate meeting of the House Appropriations Committee in the majority caucus room; an immediate meeting of the House Appropriations Committee in the majority caucus room. Thank you.

The SPEAKER. The House will be at ease for the duration of the Appropriations Committee meeting.

The Appropriations Committee will meet in the majority caucus room immediately.

The House will come to order.

**BILLS REREPORTED FROM COMMITTEE**

**SB 101, PN 1427** By Rep. ADOLPH

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

APPROPRIATIONS.

**SB 227, PN 991** By Rep. ADOLPH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

APPROPRIATIONS.

**SB 260, PN 1400** By Rep. ADOLPH

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for legislative intent, for consent to HIV-related tests and for counseling.

APPROPRIATIONS.

**SB 728, PN 734** By Rep. ADOLPH

An Act designating a bridge on that portion of Interstate 99 in Freedom Township, Blair County, as the Cpl. Harry Raymond Harr Memorial Bridge.

APPROPRIATIONS.

**STATEMENT BY MINORITY LEADER**

The SPEAKER. For what purpose does the minority leader, Mr. Dermody, rise?

Mr. DERMODY. Mr. Speaker, I would just like to make a few comments on the Rules Committee that took place.

The SPEAKER. The gentleman may proceed.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I am and I believe every Democrat who serves on the Rules Committee is disappointed and would want to make some comments for the record on the conduct of the Rules Committee today.

The meeting, one of the most important meetings we will have all year, took place in 39 East Wing. There was no TV. It was very, very crowded. As a matter of fact, in the middle of the meeting, or near the end of the meeting, security came in and indicated that the meeting was so crowded that it was unsafe and should be moved. We attempted to offer several amendments to the Senate-amended budget, and it was the only situation, it is the only time, it is the only place where we have an opportunity to offer an amendment to the Senate amendment to this budget. We were denied the ability to right that, to offer those amendments. We believe that our amendments were in order. We had several great amendments that would have added revenues to education and to human services and to the environmental protection and public safety and the Department of Health. All those amendments were held to be out of order. We were not allowed to speak or debate. I appealed the ruling

of the Chair, and we were denied the opportunity to debate that ruling.

So, Mr. Speaker, we would appreciate it if the Rules Committee would meet in a place that could accommodate the people who want to participate and be allowed our opportunity to offer our amendments.

The SPEAKER. The Speaker thanks the gentleman.

Mr. DERMODY. Thank you, Mr. Speaker.

### BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

**HB 15, PN 2223** By Rep. TURZAI

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer expenditures and investments.

RULES.

**HB 38, PN 2224** By Rep. TURZAI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in governance of the system, further providing for establishment of fees and charges and for costs; in facilities and supplies, further providing for surcharges; and, in budget and finance, further providing for Commonwealth portion of fines.

**HB 463, PN 2226** By Rep. TURZAI

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for determination of eligibility.

RULES.

**HB 488, PN 2225** By Rep. TURZAI

An Act authorizing Venango County to convey a right-of-way over certain Project 70 lands in Oakland Township, Venango County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to East Norriton Township certain lands situate in East Norriton Township, Montgomery County, in exchange for East Norriton Township's granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to the existing lands of the Norristown Farm Park; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to remove the deed restrictions on a portion of the lands previously conveyed by the Department of General Services in accordance with section 1(c) of the act of July 10, 1985 (P.L.201, No.51); authorizing East Norriton Township to convey the property it receives from the Commonwealth of Pennsylvania pursuant to this act to Montgomery County for nominal consideration for public highway improvements; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Chester certain lands situate in East Vincent Township, Chester County; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Ohiopyle Borough certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of

Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Susquehanna Township Authority a permanent sanitary sewer easement over certain lands of the Commonwealth of Pennsylvania, situate in Susquehanna Township, Dauphin County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County; and making a related repeal.

RULES.

**HB 1336, PN 2091** By Rep. TURZAI

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

RULES.

**HB 1352, PN 2227** By Rep. TURZAI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in preliminary provisions, further providing for background checks of prospective employees and conviction of employees of certain offenses; providing for collection of identifying information of students attending institutions of higher education, for moratorium on certain data collection systems and data sets and for certified safety committees; in school finances, providing for reopening of 2011-2012 budget; in grounds and buildings, providing for acquisition of buildings, sites for school buildings and playgrounds and disposing thereof; further providing for approval by department of plans of buildings and exceptions and for approval of lease agreements; in intermediate units, further providing for subsidies for services and for financial reports; in district and assistant superintendents, further providing for purpose and for eligibility; in professional employees, providing for professional and temporary professional employees of schools formerly operated by the Commonwealth; in certification of teachers, further providing for certificates qualifying persons to teach, for kinds of State certificates, for continuing professional development, for program of continuing professional education, for continuing professional education for school or system leaders and for certificates issued by other states; providing for postbaccalaureate certification; in pupils and attendance, further providing for admission of beginners, for cost of tuition and maintenance of certain exceptional children in approved institutions; in safe schools, further providing for reporting, for safe schools advocate in school districts of the first class, for standing and for enforcement; in interscholastic athletics accountability, further providing for council recommendations and standards; in opportunities for educational excellence, further providing for definitions, for responsibilities of school entities, for concurrent enrollment committees, for concurrent enrollment agreements and for enrollment in concurrent courses; in charter schools, further providing for school staff; in community colleges, further providing for financial program and reimbursement of payments; in transfers of credits between institutions of higher education, further providing for duties of public institutions of higher education; providing for participation by State-related institutions; in funding for public libraries, providing for State aid for 2011-2012; in reimbursements by Commonwealth and between school districts, further providing for definitions, for basic education funding for student achievement and for accountability to Commonwealth taxpayers; providing for basic education funding for 2010-2011 school year; and further providing for payments to intermediate units, for special education payments to school districts, for payments on account of homebound children, for payments on account of pupil transportation and for Pennsylvania Accountability Grants.

RULES.

**HB 1485, PN 2228**

By Rep. TURZAI

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments and the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

RULES.

**BILL REREPORTED FROM COMMITTEE**

**HB 1525, PN 2023**

By Rep. TURZAI

An Act amending the act of December 21, 1989 (P.L.672, No.87), known as the Health Club Act, further providing for employee available to administer CPR.

RULES.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. DiGIROLAMO called up **HR 356, PN 2229**, entitled:

A Resolution honoring the U.S.S. Forrester on the occasion of the 44th anniversary of the onboard fire that nearly resulted in her loss.

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Mr. K. BOYLE called up **HR 357, PN 2230**, entitled:

A Resolution recognizing and honoring the 100th anniversary of Saint Cecilia's Parish in the Fox Chase section of Philadelphia.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—200

Adolph	Ellis	Kotik	Ravenstahl
Aument	Emrick	Krieger	Readshaw
Baker	Evankovich	Kula	Reed
Barbin	Evans, D.	Lawrence	Reese

Barrar	Evans, J.	Longiatti	Reichley
Bear	Everett	Maher	Roae
Benninghoff	Fabrizio	Mahoney	Rock
Bishop	Farry	Major	Roebuck
Bloom	Fleck	Maloney	Ross
Boback	Frankel	Mann	Sabatina
Boyd	Freeman	Markosek	Saccone
Boyle, B.	Gabler	Marshall	Sainato
Boyle, K.	Galloway	Marsico	Samuelson
Bradford	Geist	Masser	Santarsiero
Briggs	George	Matzie	Santoni
Brooks	Gerber	McGeehan	Saylor
Brown, R.	Gergely	Metcalfe	Scavello
Brown, V.	Gibbons	Metzgar	Schroder
Brownlee	Gillen	Miccarelli	Shapiro
Burns	Gillespie	Micozzie	Simmons
Buxton	Gingrich	Millard	Smith, K.
Caltagirone	Goodman	Miller	Smith, M.
Carroll	Grell	Milne	Sonney
Causier	Grove	Mirabito	Staback
Christiana	Hackett	Moul	Stephens
Clymer	Hahn	Mullery	Stern
Cohen	Haluska	Mundy	Stevenson
Conklin	Hanna	Murphy	Sturla
Costa, D.	Harhai	Murt	Swanger
Costa, P.	Harhart	Mustio	Tallman
Cox	Harkins	Myers	Taylor
Creighton	Harper	Neuman	Thomas
Cruz	Harris	O'Brien, D.	Tobash
Culver	Heffley	O'Brien, M.	Toepel
Curry	Helm	O'Neill	Toohil
Cutler	Hennessey	Oberlander	Truitt
Daley	Hickernell	Parker	Turzai
Davidson	Hornaman	Pashinski	Vereb
Davis	Hutchinson	Payne	Vitali
Day	Johnson	Payton	Vulakovich
Deasy	Josephs	Peifer	Wagner
DeLissio	Kampf	Perry	Waters
Delozier	Kauffman	Petrarca	Watson
DeLuca	Kavulich	Petri	Wheatley
Denlinger	Keller, F.	Pickett	White
DePasquale	Keller, M.K.	Preston	Williams
Dermody	Keller, W.	Pyle	Youngblood
DeWeese	Killion	Quigley	
DiGirolamo	Kirkland	Quinn	Smith, S.,
Donatucci	Knowles	Rapp	Speaker
Dunbar	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Brennan	Godshall	Hess
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolutions were adopted.

**FILMING PERMISSION**

The SPEAKER. The Speaker is about to give permission for media access to the House floor to Brad Bower, photographer with the Associated Press, for still photos. It is generally for about 10 minutes.

Additional media access to Kimberly Davidow and Jace Codi, WFMZ-TV, channel 69 News, videotaping and videotaping with audio for approximately 10 minutes.

**REMARKS SUBMITTED FOR THE RECORD**

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

Mr. MIRABITO. To submit floor remarks on the passage of SB 723.

The SPEAKER. The Speaker thanks the gentleman.

Submit them to the clerk and they will be spread upon the record.

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

Thank you, Mr. Speaker, for this opportunity to honor the life of Carl E. Stotz, the founder of Little League baseball.

I am here speaking on behalf of the residents of the 83d Legislative District; international Little League teams; baseball coaches; team moms, dads, aunts, uncles; and volunteers from all over the world.

On June 14, 2010, this House passed unanimously HB 2305, a bill I sponsored, renaming the Market Street Bridge after Carl E. Stotz.

Today, with the final passage of SB 723, we acknowledge the excellent vision, wisdom, and hard work of Carl E. Stotz.

Carl E. Stotz was a determined man who wanted children to be able to participate and share in something great. He wanted them to be able to believe in something just, something fair, something bigger than themselves – baseball.

Baseball is America's pastime. It is Norman Rockwell and Americana at its best, along with ice cream and hot summer nights under the lights.

In 1938 when Carl Stotz first founded Little League baseball, growing up to become a professional baseball player was one of the grand dreams of a young boy. He gathered together boys aged 7 to 12 from within his neighborhood and experimented with different distances for the base paths and pitching during the fall of 1938. No other adults were involved in the process at this time.

In the spring of 1939, Mr. Stotz realized that funding for a new league would be problematic. As the Williamsport area and the rest of the country struggled near the end of the Great Depression, he was not deterred. He visited dozens of Williamsport area businesses before receiving a commitment for the first sponsorship of a team from Lycoming Dairy. He also obtained sponsorships from Penn Pretzel Company and Lundy Lumber.

Mr. Stotz realized he needed to recruit other adults in order to provide the teams with managers. In 1939 the first board of directors for the local Little League came into existence.

Since the beginning, millions of dedicated and selfless individuals have contributed their time, work, and funds to help further the objectives established by Carl Stotz – to use the sport of baseball to help mold good citizens.

In 1954 Peter J. McGovern wrote the Little League Pledge. He was the president of Little League baseball at the time. Peter J. McGovern wanted to write a pledge reflecting some of the sentiments of the Pledge of Allegiance, and he added elements of sportsmanship and the desire to excel. The text of the Little League Pledge was sent to U.S. President Dwight D. Eisenhower on February 22, 1955, and has been sent to every President since.

Here is the Little League Pledge:

I trust in God  
I love my country  
And will respect its laws  
I will play fair  
And strive to win  
But win or lose  
I will always  
Do my best

It should be noted that Mr. Stotz never took credit for inventing youth baseball. Nevertheless, when it comes to Little League baseball, the identity of its founder is Carl E. Stotz, and the location is Williamsport, Pennsylvania. Mr. Stotz passed away in 1992 at the age of 82.

By renaming the Market Street Bridge that connects Williamsport and South Williamsport through Loyalsock Township as the Carl E. Stotz Little League Bridge, we create a lasting tribute to a hometown hero who created a game that gives summers of fun and lifelong memories to millions of children around the world. We also acknowledge that his vision is still alive and well in the home of Little League baseball.

It is a privilege to stand before you to honor Carl E. Stotz for his great vision and his desire to inspire a world with great values.

Most of all, congratulations to his family on behalf of the children whose dreams of participating in something greater than themselves, playing in a fair and just game, and being part of a team have come true.

Thank you to his family for your perseverance in making the renaming of the Market Street Bridge as the Carl E. Stotz Memorial Little League Bridge a reality.

Thank you, Mr. Speaker.

**SUPPLEMENTAL CALENDAR C****BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1485, PN 2228**, entitled:

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments and the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Adolph, that the House concur in the amendments inserted by the Senate.

The House will come to order, please. Members will please take their seats. If we could clear the aisles. The Sergeants at Arms will clear the aisles, please. Members will please take their seats. Members will please take their seats and hold the



conversations down. Members will hold the conversations down and please take their seats. Members will please take their seats and hold the conversations down.

On the question, the Speaker recognizes the gentleman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I first would like to give the House a short overview of the Senate amendments to HB 1485. Mr. Speaker, the Senate amendment added \$30 million to the basic education subsidy. It also restored, as everyone knows in this chamber, that they also added over \$300 million to higher education.

The SPEAKER. Will the gentleman suspend, please.

### PARLIAMENTARY INQUIRY

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

Mr. VITALI. Thank you, Mr. Speaker.

I have two amendments filed to this, and I am wondering when would be the proper time to make my motion to suspend for the consideration of these amendments?

The SPEAKER. The Speaker had been informed that there were no amendments that were going to be offered to this; however, the gentleman would be in order when he is recognized on the floor on the bill. We are on final passage, concurrence in Senate amendments.

Mr. VITALI. Maybe this is a parliamentary inquiry.

I am wondering, do you do the amendments prior to considering the concurrence vote? Generally, you do the amendments and then the— Are these not traditionally done first? Is that the way it generally works? I thought generally the first things we considered are the amendments and then we move on to the substance. I could be wrong on that.

The SPEAKER. The question before the House is concurrence in Senate amendments to HB 1485. The gentleman, Mr. Adolph, has been recognized for debate under that, as will other members in the order that we normally would follow. Since these amendments would require a suspension of the rules, it is not like we are on second consideration where we would consider amendments at the beginning of the debate.

Mr. VITALI. Okay.

That is the Chair's ruling? That is the Speaker's ruling?

The SPEAKER. I do not know that I was making a ruling. I was answering your parliamentary inquiry.

Mr. VITALI. All right. Could I have a ruling on when the appropriate time is to consider amendments to a bill which is on concurrence, because I simply was operating on the assumption that the proper time to consider amendments was at the outset of the debate. That is the way we have, to the extent I can recall, the way we have done things here.

The SPEAKER. The question before the House is concurrence in Senate amendments. It is at the Chair's discretion as to when members are recognized to speak on that.

Mr. VITALI. I understand. If I could be recognized at the appropriate time, I would appreciate that. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman, Mr. Adolph, may proceed.

Mr. ADOLPH. Thank you, Mr. Speaker.

I will just back up a little bit regarding higher education. The Senate restored approximately over \$300 million to higher

education, which is now in HB 1485. As everybody knows, the Senate also removed from the general appropriations bill the \$330 million in the Tobacco Settlement Fund, and they are kept separate now as they always have been.

The Senate did agree with \$404 million in the savings that the House identified out of the \$471 million in HB 1485 in the Welfare Department.

The Senate also made restorations to breast cancer, rape crisis, and domestic violence programs. The Senate restored funding to specialty hospitals, to burn centers, to trauma centers, to neonatal and critical care centers to 75 percent of the fiscal year 2010-2011. Autism funding was restored to the Governor's number. The hospital assessment was increased to generate \$109 million in savings for the Commonwealth and a net gain of approximately \$500 million for our Pennsylvania hospitals. The Senate imposed a \$4 copay for medical assistance transportation rides; that is up from our \$1 recommendation. The Human Service Development Fund, partially restored. The community-based family centers was also partially restored to maintain the very important Federal matching funds.

The Senate restored approximately \$2 million to various agricultural programs. And of course everyone in the House knows, because we just voted on it yesterday, it moved \$44 million from Penn State University's nonpreferred appropriation to a General Fund scrip fund within the Agriculture Department.

Mr. Speaker, generally speaking, I would like to inform the members that as amended by the Senate, HB 1485 now spends \$27.14 billion in the General Fund spending. This is a reduction of \$1.17 billion over last year's budget. This represents a little over a 4-percent reduction in general spending.

Mr. Speaker, this is a historic budget from this standpoint. This is only the third time in nearly 40 years that Pennsylvania will be spending less than the prior year's budget. Education, Mr. Speaker, remains a priority, and the \$5.354 billion that is being spent in basic education funding subsidizing, replacing the \$1 billion in stimulus funds, Federal stimulus funds with State dollars represents the largest investment of State dollars for that funding stream ever.

The fiscal year 2011-2012 budget does not rely on any tax increases to balance this budget. This budget is built upon realistic and sustainable revenues. This budget will not create a deficit by spending beyond our means. The 2011-2012 fiscal year represents the first time in 3 years Pennsylvania will not receive Federal stimulus money, and obviously, everyone here realizes the difficulty of trying to balance a budget when you lose 10 percent of last year's revenue. The Commonwealth of Pennsylvania's budget that we are talking about here today does not include the Federal stimulus money of \$3 billion that we have had in the last 3 years. That money was spread over \$1.1 billion for education, \$91 million in higher education, \$180 million for correction, and \$1.7 billion for the Department of Welfare.

Mr. Speaker, this proposal makes education a priority. It responsibly identifies cost savings within the Department of Public Welfare. It actually has tax decreases in it such as the capital stock and franchise taxes, which will save our Pennsylvania companies tax dollars and help them create jobs here in the Commonwealth. It sets a sustainable budget based on available and a reliable budget, and it more equitably distributes the fiscal impact caused by limited revenues and the loss of the \$3 billion in Federal stimulus money.

Mr. Speaker, I have heard from my good friend, Chairman Markosek, and many members of the other side of the aisle that we should be using some of the reserves. Well, Mr. Speaker, this budget does just that, and we will get into that debate and show you how that money was spent reasonably, but also cautiously, leaving a couple dollars left but not relying at all on that revenue to sustain the budget.

And most of all, Mr. Speaker, after we pass this budget today, this budget will be delivered on time for the first time in 8 years. Thank you very much.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, would the sponsor of the bill please stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, in this bill there is a new or an additional assessment on hospitals, and that is essentially a tax. And what I would like to ask is, has that tax been approved by the responsible folks – or irresponsible folks – that normally approve whether it is a tax or it is not a tax or whether it is proper or whether we reduce something else? Do we have approval from outside the boundaries of the State indicating that this is in fact a tax? And it is in fact something that we on our side of the aisle do not necessarily respond to, but a lot of folks on your side of the aisle seem to respond to that outside influence.

Mr. ADOLPH. Thank you, Mr. Speaker.

The hospital assessment is a method that actually started in last year's budget, and from my understanding, it was a 3-year agreement between the administration and the Hospital Association. And the purpose of this agreement is that because of the difficult times that all States were in – and especially Pennsylvania, this time last year – without the additional revenue, we were unable to draw down on some very necessary Federal funding. So the Hospital Association agreed on an assessment, a fee, that they send to the Commonwealth of Pennsylvania and thus becomes eligible for Federal funding. It is my understanding that 95 percent, 97 percent of all hospitals actually receive more money after everything is said and done. Now, it is my understanding that this administration, the current administration, has renegotiated with the Hospital Association asking for an increase in their subsidy or fee thus resulting in the ability to receive additional Federal funding.

Now, if some folks in this General Assembly believe that is an added tax – I would be willing to pay a type of tax that actually gives me more money in the end, every single day. So I do not see this as a tax. I see this as a way that the Pennsylvania hospitals actually receive more money than they give the Commonwealth of Pennsylvania in order to access the Federal funding.

Mr. MARKOSEK. Okay. So this is in fact a tax which then makes this budget not a no-tax budget. Am I correct?

Mr. ADOLPH. Nowhere, nowhere last year or this year did either administration, whether it was the Rendell administration or whether it was the Corbett administration or the Hospital

Association or the many members of this General Assembly, call this Pennsylvania hospital assessment a tax. This is not a tax; this is a fee. This is a hospital assessment. The city of Philadelphia also uses an assessment for the local hospitals as well, and it benefits the hospitals themselves.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I know the gentleman is citing the party line, but if it walks like a tax and quacks like a tax, then it must be a tax. This is a tax on hospitals. This is not a no-tax budget, and to deny it any further is really not fooling anybody, certainly in this room or anybody in Pennsylvania.

The SPEAKER. Is the gentleman continuing under interrogation or was he going to—

Mr. MARKOSEK. I have another question, sir.

We will temporarily change the subject—

Mr. ADOLPH. Mr. Speaker, I was just given some information. When this assessment was voted upon, Chairman Markosek, who is claiming that this Pennsylvania assessment was a tax, also voted for it, and it was on October 3, 2009. And Chairman Markosek at that time did not feel that this was a tax, that it was a Pennsylvania assessment.

Mr. MARKOSEK. Mr. Speaker, whether anybody in this chamber voted for that in the past or not is really not relevant to the question. The question was, is it a tax or is it not a tax?

But let me ask another question, Mr. Speaker. Earlier today we had a Rules Committee meeting, and I had asked the question about the use of \$100 million in block grant money that was moved from this year to the fiscal year coming up, which essentially, and if I understood your answer, was use of the surplus. Some or all of that money came from this surplus. So can we be honest with each other and say that, yes, we are in fact using the surplus? I know prior to today, well, we had heard this great denial that we were using anything out of the surplus, but this morning's meeting indicated that, yes, in fact we are using money from the surplus.

Mr. ADOLPH. Thank you, Mr. Speaker.

In my opening remarks, I stated that \$430 million of the unanticipated revenue has been spent, and on the restoration of accountability block grants – and I talked about this a little bit in the Rules Committee – when the bill left the House in May, I got a clear message that the House wanted to continue the accountability block grants. We had to appropriate \$100 million for that. During our negotiations with the Senate and Governor, it was the opinion of the Governor that he wanted to move this money into the basic education funding line and not have it listed as the accountability grants. And obviously, the Governor suggested to us, and we agreed, that we would step up to the plate and each caucus will come up with the necessary money to continue this program. The Governor came up with \$50 million and the legislature came up with \$50 million of last year's reserves, sending it to our school districts this coming year. So yes, the gentleman is correct: This is part of the unanticipated revenue that we had and will not jeopardize next year's budget.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, if I am correct then on indicating that this is in fact use of surplus dollars, does that not then raise the spend number for this year's budget by that same \$100 million? Should that not be included in the spend number that the Governor – and I believe you had just said here earlier, this was a \$27.14 billion spend number – should that minimum then not be a \$27.24 billion spend number?

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, if you include last year's surplus, I would agree with you that it is \$100 million more than the \$27.148 in new revenue.

Mr. MARKOSEK. Mr. Speaker, I know that the nursing home payments in the budget, for example, have been delayed by 1 week, which actually changes the spend number again. I believe it is \$77 million. So that should be added also, should it not?

Mr. ADOLPH. Thank you, Mr. Speaker.

By doing this, Mr. Speaker, you are actually saving the nursing homes money by delaying the payment by 7 days.

Mr. MARKOSEK. Mr. Speaker, that was not the question – or that was not the answer to the question. The question is, should that not then be added to the spend number?

Mr. ADOLPH. No; it is actually a reduction. It is part of this year's budget. It does not add to the spend.

Mr. MARKOSEK. I am sorry. I did not hear all that; sorry.

Mr. ADOLPH. Mr. Speaker, it saves the Commonwealth of Pennsylvania \$54 million in this year's budget.

Mr. MARKOSEK. Again, is it included in the spend number? It is a simple enough question.

Mr. ADOLPH. Yes.

Mr. MARKOSEK. Thank you.

Okay. So we have added \$177 million to the spend number. We have got long-term-care costs shifted to the special funds, the Tobacco Settlement Fund. I believe the total there is about \$76 million. Should that not be added as well?

Mr. ADOLPH. Yes. We realized that as soon as we shifted the money, took the money out of the General Fund, and put it back into the Tobacco Fund.

I do not agree with your previous number regarding the nursing homes, but I also will give the gentleman the benefit of the doubt that I have the tobacco transfer at \$140 million. So I think between your nursing home calculation and my tobacco calculation, we still come up with very similar numbers.

Mr. MARKOSEK. I believe what I was referring to is lottery funds and tobacco, which is above it and beyond the Governor's budget.

Well, okay; but just getting back to the point. We are now over, about \$250 million over the spend number that everybody has been running around here for the last, I do not know, a couple of weeks anyway, month; the Governor's budget and the Republican budget. Then can we say everything you have been telling us is really not factual and that this really does spend a lot more by hundreds of millions, part of it coming out of the surplus, or much of it coming out of the surplus, which are two big denials that you have been making? I have stood on this floor and asked these same questions numerous times and we have had these conversations before, and yet all of a sudden, here we are in the eleventh hour and we get a totally different story about what this budget actually is. Is that true, Mr. Speaker?

Mr. ADOLPH. Thank you, Mr. Speaker.

This is not a different story. As I have said to many members on both sides of the aisle, and I said this on the floor and I have said this to them personally, if they have any ideas regarding the budget, please contact me. And we certainly did, and we took an awful lot of these recommendations and we are using some of the unanticipated revenue, and I believe the unanticipated revenue is being put into good programs. And some of the budget items that we talked about being restored in the Senate

amendments – the breast cancer funding and so forth, the hospitals, the higher education funding – all that was used in order to restore. So I appreciate the gentleman recognizing that, and we should have an ending balance after this of somewhere around \$200 million, and we will wait until the Secretary of Revenue certifies the balance.

Mr. MARKOSEK. All right. Well, we know at least as of yesterday that the surplus was \$611 million; I think even your folks agree with that. So we have a huge surplus, as we have been saying all along, and we have been indicating that some of it should be spent on very needed programs in Pennsylvania so that we could avoid some of the harsh cuts, and now we are hearing that the other side is taking our advice and they are doing just that. We have indicated that we did not necessarily – were not locked into some ridiculous spend number that nobody—

The SPEAKER. The gentleman will suspend.

Mr. MARKOSEK. —really believed or nobody could actually—

The SPEAKER. Will the gentleman please suspend.

Are you continuing under interrogation, or were you leading to the debate of the bill?

Mr. MARKOSEK. I am sorry, Mr. Speaker.

I have completed my interrogation for now, and may I speak on the bill, please?

The SPEAKER. The gentleman is in order on the bill.

Mr. MARKOSEK. Thank you.

As I was saying, we have been calling all of these shots over and over and over and over again, and now we finally get the leadership on the other side of the aisle to admit that, yes, you folks over on our side of the aisle have been correct. We do need to use that surplus money and we do have draconian cuts that have to be restored, at least somewhat, and yes, we are going to have to raise the spend number. Whether the Governor likes it or not, we are going to have to raise the spend number, and yes, we are going to have to pass a tax. Yes, we are going to have to pass a tax whether the Governor likes it or not or whether the people from Washington, DC, or whoever the gentleman is that makes the decisions for Pennsylvania outside the State that says whether it is a tax or it is not a tax or it can be a tax as long as you are reducing something else. I mean, this is all smoke and mirrors. This is the magician's budget, if you will. This is a budget where folks have held their hand out and there is nothing in there, but then they pull money out of the egg in your ear and say, well, gee, look what we found here. This is a budget that is full of hide-and-seek and sleight of hand, if you will. This is just not open government.

And let me just indicate, too, that while we are talking about this, we still have a lot of money on the table that the other side really, outside of that \$100 million, has not addressed education, welfare, human services – on and on and on and on of people who will be suffering – handicapped, chronically ill senior citizens in nursing homes, people that need us the most, the handicapped and the disabled, the elderly, children; many, many children who would be starting kindergarten may not now. So it is a budget that is not fair to Pennsylvania; it is not fair to any of us members here. In spite of all of our protestations and questions, we continually got nonanswers or answers that now we find really lack fact and in fact are not factual.

So as we move forward here, I just want to leave everybody with one thing in their mind. Again, this is not a no-tax budget. This is a budget that has a tax, and if you vote for this budget,

you will be voting for a tax. And I do not care what anybody down in Washington, DC, or anybody else says about it, if you are voting for this, you are voting for that; you can call it an assessment, you can call it a fee: It is a tax, and everybody in this room knows it. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the lady from Philadelphia, Miss Parker.

The Speaker would remind the member that rules of debate on an appropriations bill have a 5-minute limit for members, and only the leaders and Appropriations chairmen have the extended period.

The lady, Miss Parker, may proceed.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues to not concur on HB 1485.

I believe that this budget bill, Mr. Speaker, is unnecessarily harsh, it is inadequate, and ultimately, it is unfair.

We know that we have the revenue that could be used to help restore some of the painful cuts, Mr. Speaker, that are contained in HB 1485. As of June 28 revenue collections have exceeded the official estimate by \$611 million, Mr. Speaker, with additional collections yet to come. When these revenues are carried forward into the base for the 2011-12 estimate, that means that over \$1 billion is available to offset the \$2.6 billion in cuts proposed by the Governor, Mr. Speaker.

In addition to that, I want to note for the record that this budget is not a no-tax budget, Mr. Speaker. It is a tax-shift budget with middle-class homeowners and senior citizens being forced to pick up the tab through local property tax hikes. In the 1980s I remember something called trickle-down economics coming out of Washington, but today we have trickle-down taxation coming out of Harrisburg.

Mr. Speaker, this budget protects big corporations and big oil and natural gas companies from having to pay their fair share of taxes, but it forces working and middle-class families, Mr. Speaker, to pay higher taxes.

In addition to that, Mr. Speaker, when we think about how this budget impacts public education in the Commonwealth, Mr. Speaker, we should all believe that it is shameful. It reduces funding for our public schools by nearly \$1 billion, Mr. Speaker. That is an unprecedented attack on public education, and it is going to hurt kids and cause thousands of job losses in the Commonwealth of Pennsylvania. Let us talk about it slashing the programs; it eliminates the Accountability Block Grant, the Education Assistance Program, and Dual Enrollment.

In addition to that, Mr. Speaker, I want to note that the facts are clear: Women, children, seniors, veterans, the disabled, and our most vulnerable citizens, they are being hurt by this budget, Mr. Speaker, based on the cuts that we see contained in their Medicaid and health-care programs, by nearly half a billion dollars. Calling it an attack, Mr. Speaker, on waste, fraud, and abuse, the cuts contained in this budget as it relates to child-care services and child-care assistance, Mr. Speaker, it is going to ensure that we have a reduction in services for early education and child-care services and to protect quality assurance for children across the Commonwealth of Pennsylvania. There are cuts to long-term care and to hospitals, to domestic violence programs, Mr. Speaker. Funds to assist victims of juvenile

crime are eliminated, and let us not talk about the 63 percent in cuts that we see for maternal and child health.

Now, Mr. Speaker, our county assistance offices, the folks who are on the front line of ensuring that waste, fraud, and abuse in the Department of Public Welfare are under control, these very people who are supposed to be protecting us, they had their budget cut by \$7.7 million in HB 1485.

I think that every budget, Mr. Speaker, is about priorities. They are not just line items in black and white on a piece of paper, but they are about priorities. HB 1485 is inadequate, Mr. Speaker. It is unfair, it is mean-spirited, and it shifts the burden to those who are least able to shoulder it.

Again, I hope that the residents of the Commonwealth of Pennsylvania who are old enough to remember take a stroll through history and travel back to our national economy in the 1980s. And we were told then that America's economy would thrive through the use of something called trickle-down economics, Mr. Speaker, and our economy did not rebound. That was called trickle-down economics, Mr. Speaker, and I will daresay to you that this bill is about trickle-down taxation.

I ask you to not concur on the passage of HB 1485. It is unfair to children, women, and just all working-class Pennsylvanians, Mr. Speaker, who are struggling to maintain a quality of life that will allow them to be self-sufficient and take care of their own, Mr. Speaker. Do not concur in HB 1485. Do not support trickle-down taxation. Thank you.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to encourage my colleagues on both sides of the aisle to not concur in HB 1485.

Mr. Speaker, on March 8 the Governor presented his budget to the General Assembly. On April 27 I sent a proposal to leaders from both sides of the aisle, and in that proposal it made it very clear, which was a reflection of democratic principles, and that is that budgets should be about putting families, communities, and children first.

Mr. Speaker, I have looked through this budget from page 1 to the end. It says nothing about the 450,000 people in Pennsylvania who are currently unemployed, and that does not take in consideration the thousands of people in Pennsylvania who are underemployed who need training.

Secondly, Mr. Speaker, we have 41,000 people who have been cut off from the adultBasic health care program and are not included in this HB 1485. Mr. Speaker, according to the Pennsylvania Catholic Conference, there are almost 400-and-some thousand people who are without insurance in the Commonwealth of Pennsylvania.

Mr. Speaker, we had our colleague yesterday raise the question about the escalating violence in communities across Pennsylvania. We talked about much of the deterioration that is taking place in rural, suburban, and urban communities. There is nothing in HB 1485 that strengthens communities, that provides communities with the support that they need.

And, Mr. Speaker, in public education, Pennsylvania spends 38.2 percent on public education K through 12. New Jersey, neighboring States spend higher than that. We only spend \$16,000 a year on a child's education, and, Mr. Speaker, you cannot ask children to give you Cadillac performance and you throw nickels and dimes in paying for their education.

So, Mr. Speaker, there is nothing in this budget from page 1 to the end that deals with improving public education. A few years ago we paid for a costing-out study which said that we need to spend X amount of dollars if we want a decent return on our kids in K through 12. We started last year, but we failed miserably this year.

And last but not least, Mr. Speaker, our hospitals. We cannot afford to ask our hospitals to spend more money while the population of uninsured is climbing every day. Mr. Speaker, we had something called disproportionate share, but this budget, HB 1485, is a disproportionate impact on hospitals throughout the Commonwealth of Pennsylvania.

So, Mr. Speaker, we cannot, cannot concur on HB 1485 and go back and show the 450,000 people that are unemployed that they are included. The people who are without insurance, you cannot show them in this budget.

Housing. Mr. Speaker, we asked that we reestablish the housing and redevelopment assistance line item in the budget. It is not there, Mr. Speaker. We have almost 2,000 people who filed foreclosure and bankruptcy in Pennsylvania in 2011. Where in this budget do we talk about those foreclosures and talk about those bankruptcies?

Mr. Speaker, this budget fails to put people first – put children, communities, and families first. In fact, it might speak to them in certain sections, but at the end of the day, this budget is adversely impacting children, families, and communities in a way that is disastrous.

Do not concur on HB 1485. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Mr. Speaker, it appears that we are going to have a budget finished by June 30, but that is not news. My fellow Republicans or colleagues across the aisle here control both chambers and the Governor's Office. It would only be news if they could not steamroll through a budget. But how they accomplished this budget is news.

Republicans will pass this budget in the nick of time by completely excluding Democrats from the process. We know this. We just experienced it in the Rules Committee of Democratic amendments that were ruled out of order. We experienced it on the nonpreferred appropriations. We were not allowed to offer our amendments. Our voices have been stifled and our constituents have been disenfranchised and debate has not been allowed to take place. But they have also excluded the vast majority of Pennsylvanians clamoring for a Marcellus Shale tax and the many Pennsylvanians concerned about the dramatic cuts to our schools, our universities, and our social services.

To quote another famous Republican, this is a prime example of what a budget looks like when Republicans are the "deciders." Our State budget is not just a spreadsheet of numbers; it should be a reflection of our priorities. For example, last year when Democrats were a part of the process, breast and cervical cancer screening received 17 percent more than in this year's budget. Last year when Democrats were a part of the process, regional cancer institutes received double the funding that is provided by this Republican budget. Last year when Democrats were part of the process, rural cancer outreach programs received nearly \$100,000. This year those programs

receive zero – nothing. Sadly, this budget makes us wonder if cancer prevention is still a priority for Pennsylvanians and this legislature.

And what about education? We hear a lot about it, so the question is, is education still a priority for Pennsylvania? And I am afraid that the numbers do not lie. Many, many other speakers are going to talk about the massive slashing of our education funding in this year's budget, so I would like to talk briefly about the cuts to my school district, the Pittsburgh School District.

Mr. Speaker, the Pittsburgh School District is going to lose a total of nearly \$27 million in this budget. The Republican priority this year is to slash funding in Pittsburgh schools by \$940 per student. This is the same school district where almost 71 percent of the students are eligible for free or reduced lunches. When the Democrats were part of the process, Mr. Speaker, we made education a priority. We made our young people a priority. Sadly, that priority is not reflected in this Republican budget.

Mr. Speaker, I am also sorry to say that to Republicans, our deciders, our most vulnerable residents are not priorities. Right now, 250 low-income individuals are able to receive in-home care because of the Human Services Development Fund, and that is being cut by 15 percent. And also, \$69 million is being cut from home- and community-based services that fund 15,000 disabled Pennsylvanians. This is not acceptable.

I have said it before and I will say it one last time: This budget fails to live up to the Governor's pledge of shared sacrifice. It fails to adequately separate and define the need-to-haves and the like-to-haves. This budget fails the citizens of Pennsylvania, and I urge all my colleagues to vote "no" on HB 1485. Thank you, Mr. Speaker.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Mercer County, Mr. Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

I would just like to submit my remarks for the record.

The SPEAKER. The Speaker thanks the gentleman.

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

Thank you, Mr. Speaker.

Today I rise to support HB 1485, which brings Pennsylvania one step closer to adopting an on-time, fiscally responsible State budget. The \$27.15 billion budget does not contain any new taxes and is \$1 billion, or 4 percent, less than the 2010-11 spending plan.

This budget process was yet again challenging in that many difficult choices needed to be made. Unlike the budgets of the previous 8 years, we cannot rely on one-time revenue sources or borrowed money. The major accomplishment of this budget is its reliance on actual, recurring revenues, instead of one-time infusions that will only continue to put taxpayers on the hook for the total bill.

Most notably, this budget contains increases for both basic and higher education over the Governor's original funding request.

Gov. Tom Corbett's proposal in March set the tone for an austere budget; however, many of us in the House could not go along with his drastic reductions in basic and higher education.

Basic education will benefit from \$9.34 billion, the largest State funding investment for schools, which represents a third of the overall State budget. This also takes schools back to the 2008-09 funding levels, before Federal stimulus money.

In addition, the State System of Higher Education, that includes Slippery Rock University which sits just outside my district, will be funded at 82 percent of its current appropriation, or \$412 million. Governor Corbett had originally proposed slashing the State System's funding by 53 percent. Community colleges will receive \$258 million, or 90 percent of current funding.

The legislature will also designate \$50 million of its reserves to the State's Accountability Block Grant Program to help schools, and the House has cut its own budget by \$15 million this year.

Mr. Speaker, I should also note that \$700 million in one-time State revenue sources during the past couple of months will be used to pay back some of the State's \$50 billion in debt obligations.

Thank you, Mr. Speaker, and I urge an affirmative vote on HB 1485.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Lehigh, Mr. Reichley.

The gentleman, Mr. Reichley, must have walked off the floor. We will come back to him.

The question is, will the House concur in Senate amendments?

The Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to focus on the allocation to the Department of Environmental Protection, because I think these draconian cuts put the health and safety of Pennsylvanians at risk.

Mr. Speaker, the Department of Environmental Protection performs important services, like making sure power plants, mines, drinking water, sewage facilities, drinking water facilities, are safe. This budget has dramatically cut that funding. This amount was at \$200 million in 2006; it is now down to \$135 million. This is the General Fund's component of this now. That is an incredible cut. During that same time period, 10 percent of the DEP (Department of Environmental Protection) staff has been cut over that 5-year period – over 300 DEP personnel, Mr. Speaker – and 67 more people are proposed to be cut under the Corbett proposal.

Mr. Speaker, we have also cut valuable programs. We have cut flood control by \$3.4 million. We have cut general government operations by \$2.3 million. We have cut environmental protection operations by \$1.4 million; safe water by \$682,000; West Nile by \$438,000. Mr. Speaker, we do this, we do this at a time when the responsibilities are increasing for the department. With Marcellus Shale coming online and 50,000 wells coming online projected in the next decade or two, we have more challenges to the environment.

Mr. Speaker, a recent Susquehanna poll indicated that only 17 percent of Pennsylvanians agree or think we should cut the DEP even further, although a contrasting 70 percent agree that we ought to be taxing Marcellus Shale.

### MOTION TO SUSPEND RULES

Mr. VITALI. Mr. Speaker, a former DEP Secretary indicated that the proper funding level should be at about at least

\$170 million for this agency, not the \$135 million. Therefore, Mr. Speaker, I move to suspend the rules to introduce amendment 4716, which would increase DEP funding.

The SPEAKER. The gentleman, Mr. Vitali, moves that the rules be suspended for consideration of amendment A04716.

On the question,

Will the House agree to the motion?

The SPEAKER. The question before the House is, shall the rules be suspended?

Does the gentleman, Mr. Vitali, seek to speak on suspension?

Mr. VITALI. Yes, I do, Mr. Speaker. Thank you.

The SPEAKER. The gentleman may proceed.

Mr. VITALI. Let me just explain what this amendment does, Mr. Speaker. This would add \$34.5 million to the Department of Environmental Protection budget, and it would take it from the Commonwealth Financing Authority.

Mr. Speaker, health and protection of the Commonwealth has to come first. The Commonwealth Financing Authority has about an \$82 million budget, and they received a \$3 million increase this year. And while the goals are genuinely good with regard to the Commonwealth Financing Authority—

The SPEAKER. The gentleman will suspend.

The gentleman has moved that the rules be suspended. He is entitled to give a brief description of what the amendment does, but his arguments should be focused on why we should suspend the rules, not on arguing the merits of the amendment under which he was seeking consideration. That would come after suspension might be granted.

Mr. VITALI. Got you.

I mean, I think the reason this needs to be suspended is because it is the only way we are going to put money to protect the health and safety of Pennsylvanians, and it is a way to get it out of a program that has had a history of political spending. So the rules suspension is needed, and it will not hurt the core functions of government because we are taking it out of a historically political program, moving it into a vital health and safety program. And I think that we should suspend the rules because this is our only opportunity to say to the people of Pennsylvania, we want to do what you are telling us to do; we put the health and safety of Pennsylvanians first.

So I would ask for a rules suspension.

The SPEAKER. The question is, shall the House suspend the rules?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Yes, sir.

We rise in opposition to the motion to suspend the rules. We need to move the budget forward to make sure that schools and hospitals are properly funded, and we need to get about the work of the citizens of Pennsylvania.

In addition, the underlying amendment attempts to take money away from a line that pays for debt service, and taking away that money would impair our ability to pay the debt service and would result in default on the bonds.

Please vote against suspending the rules.

The SPEAKER. The question is, will the House suspend the rules?

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

The following roll call was recorded:

## YEAS—88

Barbin	DeLuca	Kavulich	Petrarca
Bishop	DePasquale	Keller, W.	Preston
Boyle, B.	Dermodly	Kirkland	Ravenstahl
Boyle, K.	DeWeese	Kortz	Readshaw
Bradford	Donatucci	Kotik	Sabatina
Briggs	Evans, D.	Kula	Sainato
Brown, V.	Fabrizio	Longietti	Samuelson
Brownlee	Frankel	Mahoney	Santarsiero
Burns	Freeman	Mann	Santoni
Buxton	Galloway	Markosek	Shapiro
Caltagirone	George	Matzie	Smith, K.
Carroll	Gerber	McGeehan	Smith, M.
Cohen	Gergely	Mirabito	Staback
Conklin	Gibbons	Mullery	Sturla
Costa, D.	Goodman	Mundy	Thomas
Costa, P.	Haluska	Murphy	Vitali
Cruz	Hanna	Myers	Wagner
Daley	Harhai	Neuman	Waters
Davidson	Harkins	O'Brien, M.	Wheatley
Davis	Hornaman	Parker	White
Deasy	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood

## NAYS—111

Adolph	Fleck	Maloney	Reichley
Aument	Gabler	Marshall	Roae
Baker	Geist	Marsico	Rock
Barrar	Gillen	Masser	Roebuck
Bear	Gillespie	Metcalfe	Ross
Benninghoff	Gingrich	Metzgar	Saccone
Bloom	Grell	Miccarelli	Saylor
Boback	Grove	Micozzie	Scavello
Boyd	Hackett	Millard	Schroder
Brooks	Hahn	Miller	Simmons
Brown, R.	Harhart	Milne	Sonney
Causer	Harper	Moul	Stephens
Christiana	Harris	Murt	Stern
Clymer	Heffley	Mustio	Stevenson
Cox	Helm	O'Brien, D.	Swanger
Creighton	Hennessey	O'Neill	Tallman
Culver	Hickernell	Oberlander	Taylor
Cutler	Hutchinson	Payne	Tobash
Day	Kampf	Peifer	Toepel
Delozier	Kauffman	Perry	Toohil
Denlinger	Keller, F.	Petri	Truitt
DiGirolamo	Keller, M.K.	Pickett	Turzai
Dunbar	Killion	Pyle	Vereb
Ellis	Knowles	Quigley	Vulakovich
Emrick	Krieger	Quinn	Watson
Evankovich	Lawrence	Rapp	
Evans, J.	Maher	Reed	Smith, S., Speaker
Everett	Major	Reese	
Farry			

## NOT VOTING—1

Curry

## EXCUSED—3

Brennan	Godshall	Hess
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. The gentleman, Mr. Vitali, had approximately 2 minutes left when he made the motion to suspend and may proceed under his time.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. Two minutes.

Mr. VITALI. I understand the will of the House has spoken with regard to a \$34 1/2 million appropriation to the Department of Environmental Protection. I understand what was said with regard to the Commonwealth Financing Authority.

## MOTION TO SUSPEND RULES

Mr. VITALI. Mr. Speaker, therefore, I have another amendment with regard to a lesser transfer to the Department of Environmental Protection. This amendment would basically bring the Department of Environmental Protection to the level it was last year, the \$145 million level. Even though last year's level was a barebones budget of only \$145 million, and even though we cut even \$10 million beyond that, what I would like to do is simply make last year's budget whole. What I would like to do is simply move \$10 million from the Commonwealth Financing Authority, because again, this authority has an \$82 million budget, just received \$3 million more, and I think at least at a bare minimum, if we do not cut the budget from last year, we would be doing something.

So therefore, I would move to suspend the rules to consider my second amendment, A4717, and I so move.

The SPEAKER. The gentleman, Mr. Vitali, has moved that the rules be suspended for the consideration of amendment A04717.

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

The SPEAKER. Does the gentleman, Mr. Vitali, seek recognition under suspension? On the motion to suspend.

Mr. VITALI. Thank you, Mr. Speaker.

Let me just explain what this amendment does. Essentially, it transfers about \$10 million from the Commonwealth Financing Authority back to the Department of Environmental Protection. It basically does that as follows: It increases the general government operations line item about \$2.3 million. It increases environmental protection operations about \$3.3 million. It gives West Nile virus, it puts back about \$438,000 into that. It gives another \$3.4 million to flood control projects; it essentially just makes that whole. So it essentially backfills all of the cuts that were made.

So the reason we want to suspend the rules is to make the DEP whole. So the real question is, is this \$10 million better spent in at least keeping DEP whole, which the overwhelming majority of Pennsylvanians support, versus taking money from the Commonwealth Authority, which has historically funded pet projects for various legislators?

So I would urge a suspension of the rules so we could at least deal with this one glaring problem in the budget. It will give us time. A rules suspension is in order because it will still allow us to have an on-time budget. It will allow sufficient time for the Senate to come back and concur in this.

So I would ask for a rules suspension. So I ask for a "yes" vote. Thank you.

The SPEAKER. On the question of suspension, the Speaker recognizes the gentleman, Mr. Reed, in place of the majority leader.

Mr. REED. Mr. Speaker, we would ask for a "no" vote on the suspension of the rules to offer this amendment at the very last second when we are attempting to meet the constitutional deadline of getting the Governor's budget done on time. And we would point out to the gentleman from Delaware County that the minority party has had plenty of time over the last several months to offer up their own budget proposal, their own amendments through the budget process when we considered this budget document on the floor in the House before Memorial Day.

The minority leader from Allegheny County made the comment in the newspapers on May 9, and I quote, "No we're not putting our own budget out. They...are at 112 members and they have the responsibility to govern,..." not us. The minority party chose not to participate—

The SPEAKER. The gentleman will suspend.  
Mr. REED. —in this process until the last second—  
The SPEAKER. The gentleman will suspend.  
Mr. REED. —and we will not—  
Mr. DERMODY. Mr. Speaker?

The SPEAKER. The gentleman will suspend.

The question before the House is why we should suspend the rules or not suspend the rules, and I would urge the gentleman to stay on suspension.

Mr. REED. Once again, Mr. Speaker, we believe that we should not suspend the rules on June 29 to prevent us from having a budget by June 30, because the minority party had ample opportunity to offer their amendments but chose not to throughout the several-month budget process that this has entailed. So we would ask for a "no" on the suspension of the rules.

The SPEAKER. The question before the House is suspension of the rules. On that question, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Delaware County has made many compelling, extremely compelling arguments why we should suspend the rules to consider this amendment, and I urge the members to support suspension of the rules.

The SPEAKER. The question before the House is, shall the rules be suspended for the consideration of amendment A04717?

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

The following roll call was recorded:

YEAS-90

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Bradford	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni

Buxton	Galloway	Matzie	Shapiro
Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Wagner
Curry	Harhai	O'Brien, M.	Waters
Daley	Harkins	Parker	Wheatley
Davidson	Hornaman	Pashinski	White
Davis	Johnson	Payton	Williams
Deasy	Josephs	Petrarca	Youngblood
DeLissio	Kavulich		

NAYS-110

Adolph	Farry	Major	Reese
Aument	Fleck	Maloney	Reichley
Baker	Gabler	Marshall	Roae
Barrar	Geist	Marsico	Rock
Bear	Gillen	Masser	Ross
Benninghoff	Gillespie	Metcalfe	Saccone
Bloom	Gingrich	Metzgar	Saylor
Boback	Grell	Miccarelli	Scavello
Boyd	Grove	Micozzie	Schroder
Brooks	Hackett	Millard	Simmons
Brown, R.	Hahn	Miller	Sonney
Causar	Harhart	Milne	Stephens
Christiana	Harper	Moul	Stern
Clymer	Harris	Murt	Stevenson
Cox	Heffley	Mustio	Swanger
Creighton	Helm	O'Brien, D.	Tallman
Culver	Hennessey	O'Neill	Taylor
Cutler	Hickernell	Oberlander	Tobash
Day	Hutchinson	Payne	Toepel
Delozier	Kampf	Peifer	Toohil
Denlinger	Kauffman	Perry	Truitt
DiGirolamo	Keller, F.	Petri	Turzai
Dunbar	Keller, M.K.	Pickett	Vereb
Ellis	Killion	Pyle	Vulakovich
Emrick	Knowles	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S.,
Everett	Maher	Reed	Speaker

NOT VOTING-0

EXCUSED-3

Brennan	Godshall	Hess
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Speaker recognizes the lady from Lebanon, Mrs. Gingrich. Will the lady just suspend for a moment?

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Roebuck, seek recognition?

Mr. ROEBUCK. Mr. Speaker, to correct the record, if I might.



On the previous motion to suspend—

The SPEAKER. The gentleman will suspend.

We will take your correction at this point in time. The Speaker would ask, just for the purpose of moving through the process, I would ask beyond this one that we would just hold the corrections until we get to the end. But the gentleman, Mr. Roebuck, may state his correction.

Mr. ROEBUCK. Thank you for your indulgence, Mr. Speaker.

On the previous motion, the motion before the last one to suspend the rules, I inadvertently voted in the negative. I wish to be recorded in the positive. Thank you.

The SPEAKER. The gentleman's comments will be noted on the record.

### CONSIDERATION OF HB 1485 CONTINUED

The SPEAKER. The lady, Mrs. Gingrich, is recognized on concurrence in Senate amendments.

Mrs. GINGRICH. Thank you, Mr. Speaker.

I rise to support the budget bill in chief, but I would like to point out to my colleagues the fact that it contains some critical components that have been the focus of our caucus and certainly a lot of people on the other side of the aisle when it comes to the best use of our welfare dollars. So I want to talk a little bit about the DPW (Department of Public Welfare) side of the budget and why I am pleased with what we have been able to put together. A lot of work, a lot of hard work by a lot of people on both sides of the aisle, but the Republican Caucus has been committed to this for years, and based on a lot of work and a lot of hearings, we recognize that this budget has been carefully crafted to root out some of the potential fraud and abuse that we have been forced to recognize over the past couple of years.

What we see in this budget is going to create an important foundation for us to protect our vital welfare system for the purpose in which it was designed: a temporary safety net for those in need and to help them become self-sufficient as soon as possible and have those programs in place to do just that.

This budget bill is aimed at allowing our DPW department that is funded by tax dollars to improve our welfare-to-work success rates, and at the same time will instill greater accountability and integrity in the State's welfare program, and we will be able to close a lot of those existing loopholes. We all know that the most effective way to break the cycle of welfare dependency as well as what are perceived or real abuses in the system is to prevent it in the first place. This budget does just that. It incorporates the opportunities to help people get where they need and want to be. It does it in a practical and a sustainable manner. So I ask you to look at that piece of the budget as well as all the thought that went into education and other important State services and programs as well.

This is a good budget at a time when we need it most, and I ask you to give it the consideration that it deserves. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, please do not start the clock yet, Mr. Speaker. I am just getting leveled off here. You know how long it takes me to get level.

The SPEAKER. You have been level a long time.

Mr. GEORGE. So it comes to this: Not only have we forgotten who we are with this spending plan, but we forsake those whom we should be helping.

Having grown up during the Great Depression, I can tell you there was a time when people helped each other. Those of us that had very little were willing to help and willing to share. This budget says hooray for me and the heck with you. It says the rich get richer and the poor get babies.

Today our economy is called the Great Recession, but I call this spending plan the great recession of compassion, of common sense, and of kindness. The school districts I represent face \$8.6 million in cuts. Mark my words, those cuts will affect local taxpayers in my district and yours. It will stifle the futures of my constituents and yours.

This budget lets the Marcellus Shale drillers off the hook and puts a tax burden on Pennsylvanians who are being left high and dry on the beach of unfairness by this budget. We have done nothing to protect the water supplies from the drilling boom. We have had a chance to make a small start with my budget amendments offered in Rules, but that, too, fell to the party of no. It makes no sense that the Secretary of the DEP, in recommending water safeguards that say "meets the Governor's concepts" – and mine did; many of us in the chamber support these safeguards– but this budget says we wait and let Pennsylvanians dangle on the hope that no catastrophes occur with our water supplies.

What did we do when we had the power? This spending plan leaves Pennsylvania out there on a wing – a right wing – and a prayer. Perhaps the most galling aspect of the budget is how it harms the most vulnerable of us – our seniors; our citizens facing terrible illness and afflictions – you know, the ones who do not have the cash to make campaign contributions and steer budgets and policy. There will be a day of reckoning in the wake of this spending plan and in the wake of this season of pain.

I urge all of you to join me in opposing this cynical document of despair. Please join with me. I and you then will not be one of those who care very little for those you represent and violate their promise to the Constitution and also to the promise of goodwill and credibility.

Please vote "no." Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Chair recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise today in opposition to HB 485, the budget which takes \$1 billion out of public education and a quarter billion dollars out of higher education. Our priority since 1834 has been education, to allow the rich and the poor to reach their highest level, which provides the greatest economic good for the Commonwealth. Today we are voting for a budget that will require our local school districts to raise taxes. It will require our middle-class parents to come up with money they do not have to keep their kids in school. That is wrong.

Now, if in fact the estimate which we have received that says \$611 million is the amount we currently have in excess revenue, then we should be spending some of that to at least let the high school students that want to go on to college, and they do not have the wherewithal to do it, to be dual enrolled. For some reason that I cannot understand, dual enrollment has been stricken \$5.7 million. It is the only thing that was in the budget that lets somebody lower the cost of education if they do not have any money. You can get credits while you are in high school that keep you graduating in 4 years or less. That makes sense. We are taking it out.

Now, Thaddeus Stevens is probably our greatest pro-education legislator of all time. A year after we finally put free public education on the books, there was a move in the legislature to strike it. He led the charge and stopped it. It is possible for us to come back and undo all the damage that we are doing with this budget. The question is, do we have the will to protect the rich as well as the poor? We should. We will not today, but we still have the ability to come back and help.

Now, one last comment for Mr. Adolph, because we have not been able to amend the bill. He stated at many times before – and I apologize; the good gentleman from Delaware County, and I know he is doing his best. But the bottom line is this: We ask every taxpayer to do their fair share. We are not taxing Marcellus, and we will not even look to see why we should continue giving money to the cyber schools with no rhyme or reason. And yesterday I put in the record Jack Wagner's September Auditor General report on private schools, or cyber and charter schools. He said we should not let one more charter school be organized until we change the funding mechanism. We have \$108 million that the cyber schools are holding onto in undesignated funds, and we are requiring school districts to raise local property taxes. There are some cyber schools that get \$15,000 per student. There are other cyber school students that get \$3,000, even though it is the same service that is being provided by the cyber school – the same cyber school. But our funding mechanism says you get whatever the public school's per pupil expenditure is. That is wrong. If we just did that alone, we would have enough money to pay for full-day kindergarten. All we have to do is to stop and think, why should we be paying \$15,000 for a cyber school class that costs \$3,000? It is craziness. Why should we be allowing the charter school brick-and-mortar schools to hold on to these reserves when every single district in the urban areas, like the Greater Johnstown School District, has been told they are going to have to cough up \$2.5 million? If we are going to make this fair, then it has got to apply to everybody. That means every public school: every public charter, every public cyber charter, every public traditional school. For that reason, I will not be voting for this budget.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I apologize for missing the initial time you called my name. I was out in the hall greeting one of our former members, Representative Murphy Weber. But I do appreciate the opportunity to address my colleagues here to talk about what is

the most important task we have before us in any given year, which is to produce a spending plan for the people of Pennsylvania for the coming 12 months.

I have listened through Appropriations hearings that took place over the course of 4 or 5 weeks earlier this year. We listened to our constituents. We heard their responses to the proposals from the Governor in early March. And what has been produced here by the gentleman from Delaware in conjunction with the State Senate is a right-sizing of State spending, which is in accordance with what the people of Pennsylvania have asked us to do. Let me be more specific: that the tendencies of the past 8 years to spend in a willy-nilly fashion and to adopt sort of a Bobby McFerrin attitude of don't worry, be happy, the money will come from somewhere, led us to this position now where we needed to make the difficult decisions that have been put off many, many times when being more fiscally rigorous and diligent, about how we were appropriating the people's money should have been our first priority, and it was not.

In the last 8 years we saw a situation, particularly over the last 2, where we were using the equivalent of grain alcohol in the form of the stimulus money to avoid the tough decisions, and people forgot what they were doing, forgot that we get the money out of the people and the businesses here in Pennsylvania, and that we could not continue using this budget like drunk sailors to take care of every special whim and need.

Now, I am glad to see that this budget does provide a historic amount of money back to school districts. I have heard comments from people on the other side of the aisle that said that we are requiring school districts to raise property taxes. Nothing could be further from the truth. What we have done is provide more in basic education money, more in State tax contributions back to school districts than ever before, and doing it in a responsible fashion.

I think we have to emphasize the fact that everybody outside of this building, apparently, recognizes that Pennsylvania, and the rest of this country, is in a different financial and economic position than we have been in the last 3 years, and now the difficult decisions have come home to roost, and we are making those difficult decisions with this. If you analogize it to what the gentleman from Allegheny mentioned the other day about finding \$10 in your pants you take out of the laundry and thinking of it as a surplus, some of our friends on the other side of the aisle would say that you just have to ignore the potential problems that are coming from a \$750 million potential judgment to be imposed back on the General Fund by the Supreme Court from telling us to return money to the Mcare Fund (Medical Care Availability and Reduction of Error Fund), ignore the fact you may have \$200 million less coming in to your coffers because of the decoupling and the depreciation which was pushed through by the Federal government. So I think we have to be reconciling our own spending plan with what is going to be provided to us in a realistic, reliable, sustainable fashion from the tax revenues.

Now, in terms of this actual document, what I would like to point out are some areas where we are making, I think, significant increases in certain services, and one of those areas which I believe in very strongly is in the area of mental health services. I would caution the members, when they start decrying what we are doing to the general public, take a look at the

budget to see that we are putting \$21 million more into mental health services – more into mental health services. These are people who do not have an obvious injury. They are not out there in the general public displaying the kinds of physical handicaps which are very tragic. Mental health services are needed more than ever in this society, and I am glad to see that the budget introduced by the gentleman from Delaware is putting \$21 million more into mental health services. We are putting more into the community-based program by another \$8.7 million, more into the community waiver program for people with intellectual disabilities by \$29 million. We are taking care of the neediest, the most vulnerable, and the people who are going to be relying upon our services more often.

And lastly, for autism intervention. In my area, particularly in the East Penn School District, we have a number of people who are suffering from autism and autism-related disorders. This is an important program. This budget restores the level of spending to what the Governor originally proposed, and we worked very effectively between the House, the Senate, and the Governor to come up with a compromise plan. There are obviously differences we had with what the Governor proposed in March, and I think we responded quite effectively with the kind of spending the people of Pennsylvania want to see. They want to see an on-time, no-tax-increase, no-borrowing budget to address their needs. We have done that. All the members should feel proud of what has been produced here today and vote "yes" on concurrence.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have heard the Governor and the Republican majorities in both the House and the Senate talk about this being a budget of priorities, and I agree; it is. It is just I believe it is the wrong priorities. This budget's priority is to cut business taxes while at the same time cutting programs to school districts and local governments that will result in higher taxes on the citizens of Pennsylvania while giving tax cuts to businesses.

Mr. Speaker, this budget is a priority to offer a blank check to foreign corporations in the form of a bonus depreciation. There is no cap on that. If we are concerned about a liability, there is your liability. That bonus depreciation is estimated to cost over \$200 million, but we do not know if it is going to be \$200 million, \$300 million, \$400 million, \$500 million, \$600 million. We have simply given a blank check to corporations while we are cutting basic education, early childhood education, higher education, services to seniors and disabled, and much more.

The Republican budget has a priority to hoard taxpayer money for future corporate giveaways instead of funding programs now. The Republican budget has a priority to create yet-defined slush funds with unanticipated revenues, otherwise known as surpluses, or what some people like to refer to as "WAMs" (walking-around moneys).

The Republican budget has the priority to fund programs that are the least accountable – charter schools, EITC (educational improvement tax credit). You name the programs that we have not even defined in here that have line items with dollars in it, that is the priority of this Republican budget.

A priority of this Republican budget is to claim that it is only \$27.1 billion when we know it is actually closer to \$28 billion. In order to do that, we now have assess-and-spend Republicans claiming that they really are not doing any gimmicks.

A priority in this budget is to blame the Feds for not continuing to fund the stimulus. I have heard time and time again that if it were not for the cuts of the Federal government funds, we would not be in this bind. You know, the last time I checked, when a family is in a hard way and they say to their rich uncle, "Hey, could you loan me a couple of bucks so that I can make the mortgage payment this month?" and the rich uncle says, "Yeah, sure, but I'm only going to do it for a short period of time. This is not forever, understand that," you cannot go back 2 or 3 months later and then be mad at your uncle for helping you out when he could. That is what your priority is. You have said it is the Feds problem that we are in this bind.

I have heard that the priority is jobs, and yet this budget causes layoffs of teachers and health-care workers and service personnel all across the State.

I have heard that the priority is shared sacrifice. Apparently that shared sacrifice is defined as poor kids in rural and urban districts, college students, seniors, and the infirm. They get their programs cut and they pay more taxes. Now, the shared part about that is if you are a multinational corporation, you get more programs and get your taxes cut. That is what is defined in this budget as "priorities."

And the priority of transportation does not even exist anywhere in this entire process, let alone this bill. Transportation does not even exist according to this budget.

It was stated earlier that this budget's priority is education, and I believe it is, but the priority in education in this budget is to cut it. It is close to a billion dollars in cuts to basic education. You can spin it any way you want and say, well, there is one line item that actually increased, but if you are decreasing or eliminating 10 others, you cannot claim you have increased funding to basic education. That is not what is in this budget.

So, Mr. Speaker, this is a budget of priorities. I would just contend that it is all the wrong priorities. It is the priorities of corporate Pennsylvania versus the priorities of Main Street Pennsylvania, and I would ask for a "no" vote on concurrence in Senate amendments.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in opposition to Governor Corbett's cuts, Mr. Speaker. I rise to oppose HB 1485 and the \$1 billion cut to education.

Now, I have heard the others on that side of the aisle say that we had to do this because the stimulus money went away, \$650 million of stimulus money, but the Governor proposed a cut of \$1.682 billion. That does not equal \$650 million. That went far beyond that. And even though the budget has been amended, and I appreciate the gentleman who has done that, the majority chair in the Senate, it still falls far short.

Mr. Speaker, Governor Corbett's budget equals all children left behind, and the Republican Party is giving its seal of approval to these devastating cuts. The Governor proclaimed in March, sir, that it was a "day of reckoning." Well, I have another word for that: I believe it was a day of "wrecking."

I saw it as wrecking our educational system. I believed it then; I still believe it now. I think we are burning down the house of our educational system if we allow these devastating cuts to go through, and our children will become the collateral damage in this war of budget priorities, sir. It is absolutely unacceptable.

The amended budget still fails our children, their parents, homeowners, and seniors. We can do better. This budget vote basically comes down to this, Mr. Speaker: You are either for children in their education or you are against children in their education. A "no" vote is for the children; a "yes" vote is against the children.

The Governor talked about shared sacrifice. Well, Mr. Speaker, I see it as forced sacrifice on those who can afford it the least, while all along big business has been given a big break by this Governor. This is very bad policy, and the Republicans in the Senate, the House, and the Governor will own this. These cuts are 100-percent owned by the majority party.

Mr. Speaker, how can we go through with these cuts while hoarding \$700 million in surplus without passing a Marcellus Shale tax; by allowing tax loopholes in this State, the Delaware loophole, \$600 million; the online retail sales; not halting temporarily the capital stock and franchise tax; not removing duplicative government programs like the PICS (Pennsylvania Instant Check System). Mr. Speaker, a no-tax budget? Really? Taxes will be increased because of this budget. It is a tax-shift budget with middle-class homeowners and seniors being forced to pick up the tab through higher local property taxes.

Concerning the \$700 million surplus. Yesterday, Mr. Speaker, my colleague from Northampton County, in dialogue with the majority Appropriations chair, verified that there is a \$700 million surplus, but it is not attached to any line item. It is floating. We do not know where it is. It is somewhere out there in reserves, but we do not quite know where it is. Well, why do we not know where it is? Where is it going, and why are the Republicans moving this money around? I would like to know where that money is, sir.

Concerning education. Mr. Speaker, the education cuts proposed will negatively impact my district's schools. McKeesport Area, Baldwin, South Allegheny, West Mifflin Area, and West Jefferson Hills are taking devastating cuts, sir.

Mr. Speaker, if the Republicans vote this budget into law, they will be putting their seal of approval on education cuts, school program cuts, increased class sizes, layoffs to teachers, forced property tax hikes, higher tuition costs, and forcing students to pay-to-play in their school sports.

The PA Constitution, Article III, section 14, states "The General Assembly shall provide for the maintenance and support of a thorough and efficient..." educational system. This budget violates that, sir. And let me remind everybody, 4 short weeks ago the New Jersey Supreme Court ordered the Governor, the Republican Governor of New Jersey, to put the money back into education. I predict that will happen here.

Over the last several years, sir, the Republicans have used the mantra "close your eyes and authorize." Well, passing this budget will change that forever. It will be "close your eyes and traumatize." That is what is coming at us, sir.

Mr. Speaker, a time bomb is also waiting. It deals with roads and bridges. Several years ago a commission determined we need \$3 billion a year just to maintain what we have. Six thousand bridges structurally deficient – we have not addressed

that. These bridges are deteriorating as we speak, and we have had three fall down in the last 5 years. That is a time bomb waiting. It is a time bomb, and it is going to bite us.

Mr. Speaker, we could have done better with this budget—

The SPEAKER. The gentleman's time has expired. He needs to conclude.

Mr. KORTZ. I am finishing up right now, sir. Last sentence.

The people of PA will not soon forget who brought this day of reckoning. This budget gets an "F," and I would ask for everybody to vote "no." Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I want to start by reminding the members of the House that we have a balanced-budget requirement, and we are just like every homeowner out there. You know, Mr. Speaker, in previous years, we had fund balances that could carry us through tough times, but we chose to spend not only the revenue we had, not only the revenue we hoped we would get, but all our fund balances, too, and so we are now out of tricks and gimmicks and one-time fixes. And as other speakers have said, we now have to buck up. We now have to make tough decisions, and not one of us likes making the cuts that we have to make. We would all like to be happy-go-lucky, handing out money here, there, and yonder, but we cannot do that.

And, Mr. Speaker, the plain state of facts is that the only way we got through last year was not only spending the fund balances, and I remember one in particular that really stuck in my mind. We invaded the dog fund for about \$1 million. We even needed a million dollars out of the dog inspection fund just to balance the budget. And when you are talking about a \$20 billion budget, when you are searching for a million dollars, that is pretty desperate.

And we did lose a lot of stimulus money, and that is basically how we padded our way through that budget. Quite frankly, had we accepted the Civera amendment, which was a reasonable, responsible reaction to the situation we are in, we would still have fund balances and we would not have had to have gone to the level we have gone in this budget. It is our fault as a body that we did not adopt that amendment and that we are in this situation. Nonetheless, we will persevere and we will survive. We can no longer exceed expenditures on revenues. It is not sustainable, and every homeowner understands that, because they are going through the same thing.

On the question that keeps coming up about revenues exceeding estimates, this is the first time that I can recall since I have been here, and I have been here 8 years, where that has occurred, and it only occurred because we cut expenditures midterm. But if you look at the size of that from a point of view of the total budget, that revenue that we hoped to end the year with, around \$700 million, is roughly 2 weeks of our normal expenditures. Now, how scary is that for the typical homeowner to think that they only have 2 weeks' worth of their normal expenditures in the bank, yet that is the circumstance we are in, and that does not count all the debt. It does not count the \$3 billion we owe the Federal government for unemployment. It does not count the \$800 million we owe the docs and the Mcare Fund or the pension increases or all the other things that are facing our State.

What I would say to you is that this budget surgically goes line by line by line to try to ensure that services can be delivered at more efficient dollars. What we are is essentially managers of a large entity, and what we are saying to all our departments is, you are going to have to get the same services done for less money. And let me give you one example of why we are in trouble.

There is one line item, it is just a tiny little line item, where we provide services for parents who want to return to work and we provide subsidized care. The cost, just the cost to admit the child into the program, is \$69 million. It is 9 percent of the total cost of the subsidized care. We cannot afford a 9-percent administrative cost in any line item, and it certainly should not cost \$69 million to income qualify people so that they can return to work. What we should be doing is spending some of that \$69 million on reducing the rolls and sending more people to work so that there are more people with subsidized care. And that is just one tiny line item and one example.

Our spending, as we know, has outpaced inflation and our revenues. I, for one, would like to take the last couple of seconds I have in my time and thank the Appropriations Committee, not only for your work this year but your fine work last year, because you gave us a reasonable result last year and you gave us a reasonable result this year that we could follow. The difference is, last year we did not give you the due respect that you deserved.

The SPEAKER. The gentleman's time has suspended.

Mr. PETRI. This year, we will.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Clinton, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, unfortunately this year's budget is purely a Republican budget, as no input was sought from our side of the aisle. We were not invited to the table, and we were not allowed into the closed-door negotiations. We did not even see a draft of this budget until yesterday, and even then we had to force our hand to get to see it.

This \$27.7 billion budget will hurt middle-class college students and their families. We have already been forced by our Republican colleagues to settle for a nearly 20-percent cut to our State-related universities. We argued for using some of the \$700 million surplus to help restore at least some of those cuts that will result in higher tuition increases for Pennsylvania students and their families. But our colleagues, Republican colleagues, insisted it was a 19-percent cut or nothing.

Now we have the Republican-negotiated general appropriations bill, which includes an 18-percent cut to the State System of Higher Education, for a total of \$90 million slashed from our 14 State-owned universities. This \$27.7 billion budget would also cut \$24 million from our 14 community colleges, which provide both an affordable higher education option for our residents and a critical workforce development mission for our economy.

The \$27.7 billion budget forces cuts to our State-owned universities, including Lock Haven University in my district, and reduces programs and increases tuition costs for students. These cuts to higher education make the American dream much harder to attain for Pennsylvania students and their families.

This \$27.7 billion budget would force our public universities to cut jobs at a time when Pennsylvania is still struggling to recover from the Great Recession. But the shortsighted and unnecessary cuts to public higher education are far from the only reason why this budget should be defeated. All we need to do is knock on the door of any working middle-class family home or knock on the door of an elderly couple still living in the home they bought together 50 years ago, and they will tell you the same thing: This budget raises local property taxes. Republicans can shout from rooftops that this budget is a no-tax-increase budget, but Pennsylvania's working families and senior citizens know better. They know that the massive arbitrary and unnecessary cuts to public schools and county health and human service programs are going to trickle down to their wallets in the form of property tax hikes.

How do they know that, you ask? Well, thanks to Governor Corbett's proposed budget, which slashed well more than \$1 billion from public schools, and then the House Republican budget which slashed just a little less than \$1 billion, school districts all across the State have passed their budgets with those horrible cuts built in. The truth is, Pennsylvania school administrators, students, parents, teachers, and homeowners were all hoping that the Governor and the Republican legislative leaders would change their minds and do the right thing. They were hoping that the Governor and the Republicans would have some sympathy for the unprecedented pain and harm their proposed budgets were causing throughout the State. They were hoping the Governor and the Republicans would back away from their extreme ideological stance that we should not use the more than \$700 million in projected surplus revenues to soften those horrific cuts. Unfortunately, the hopes of Pennsylvania's middle-class working families and retirees have been dashed today.

The \$27.7 billion budget still cuts nearly \$1 billion from public education and another \$200 million from higher education in Pennsylvania. This \$27.7 billion budget will hurt students, middle-class families, and our seniors who are struggling to make ends meet on a fixed income. The Republican cuts to both public education and higher education ignore the critical role education plays in improving workforce and economic development.

That may not be the biggest disappointment of all with this budget. This budget does nothing to improve Pennsylvania's economy or help create jobs. The bottom line: This is a bad budget for Pennsylvania's children, Pennsylvania college students, Pennsylvania taxpayers, and bad for Pennsylvania workers and small businesses.

In addition, Governor Corbett and the Republicans are playing finders, keepers with taxpayer money. We have a \$700 million surplus that belongs to the taxpayers of this State, and the Republicans are finding ways to make sure they get to keep it. They are not putting it in the Rainy Day Fund. They are not giving it back to the citizens. They are not using it to pay for education, roads, bridges, or help seniors. What are they doing with it?

Mr. Speaker, I urge all members to vote "no" on this anti-middle-class budget. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Cumberland County, Mr. Grell.

Mr. GRELL. Thank you, Mr. Speaker.

I rise with my Republican colleagues to support final passage and concurrence in this budget. In leading up to today, I was thinking back to March when the Governor gave his budget address. At that time my initial reaction was that it was good to see that spending was going to be in line with our anticipated revenues. It seemed to be a daunting task to reverse many, many years of high spending in this budget year.

When I first saw the budget, my initial reaction was that I did not like that we were increasing money spent on welfare, and I did not like that we were reducing money to education – our schools and our universities. I was especially concerned with the funding of our 14 State-owned State System of Higher Education universities, and at that time I stated that I thought it was unacceptable and that we had to find a way to reduce those Department of Public Welfare lines in order to reprioritize and find a way to cut 4 percent in the aggregate from the Department of Welfare so that we could come up with another about \$500 million to spread between K through 12 education and higher education. I am gratified and pleased that Chairman Adolph and my colleagues on the Appropriations Committee and the House and Senate negotiators were largely able to accomplish that task.

Now, in looking at the overall budget, certainly we could take issue with this line or that line, but in total, it is a sound, fiscally responsible budget. As others have said, we certainly do not enjoy making cuts to anybody or to any of these line items, but in the final analysis, yes; belts will have to be tightened across many different agencies and with the taxpayers of Pennsylvania. But we have been able to restore significant funding to education, yet we have preserved a \$10 billion safety net for those who truly require that safety net.

Yes, we do have many priorities reflected in this budget, but for a welcome change, the Pennsylvania taxpayer is a priority this year. We are sending a signal, I believe, Mr. Speaker, to the business community and to the taxpayers of this Commonwealth that the years of overspending are being reversed in this budget, and I encourage all of my colleagues to vote for concurrence of HB 1485.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Mercer County, Mr. Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, this is a pass-the-buck budget. It imposes deep cuts in State funding for mandated services, forcing local taxpayers to pick up the tab. It diverts over \$600 million of taxpayer funds, the current surplus, into a new account controlled by the Governor with none going to restore cuts and none saved in the Rainy Day Fund. It asks nothing from Marcellus Shale drillers who take natural gas from our land with a plan to ship it overseas for billions in profits.

Public education is cut by over \$1 billion, but our local schools must still educate our children. Shenango Valley area school districts are slashed by \$5.6 million. That is \$5.6 million leaving my community. It means larger class sizes, fewer course offerings, and more strain on local taxpayers. And poorer school districts get cut more than richer schools, further hurting my economically disadvantaged community.

So how does my community meet its economic challenges? This budget eliminates the Business Retention and Expansion

Program that has saved jobs in Mercer County and that has helped our existing businesses create new jobs. It eliminates funding for training activities and slashes customized job training by 40 percent, meaning that our people do not get the job training that they need. It cuts small business development centers by almost 25 percent at a time when we need more small businesses. It impacts our future workers by eliminating funding for job training opportunities for young people and also cutting college tuition assistance so that these young people can get a higher education. It threatens our community by eliminating the Weed and Seed Program in Sharon and Farrell, which weeds out crime and redirects youth to become productive citizens. And it cuts our local family centers, which help stabilize our families, by 48 percent.

It makes our local hospitals less stable and less viable. Our hospitals are not only our lifeline, they are also among our largest employers. This budget takes more money from our hospitals by raising their assessment, which some would call a tax, and cutting uncompensated care payments by almost 20 percent. At the same time, it mandates that our hospitals treat everyone, regardless of the patient's ability to pay, and our hospitals currently eat 50 percent of that cost. This budget makes it much worse.

Our counties are mandated to fund children and youth services, yet this budget cuts \$46 billion in funding for that. Our counties provide behavioral health services, yet this budget imposes a \$5.2 million cut. Our counties provide aging and adult services, yet this budget cuts the Human Services Development Fund by \$8.5 million.

Finally, this budget hurts our most vulnerable citizens. Home- and community-based services that allow disabled people to live at home or in the community are cut by \$69 million. Funding for people with intellectual disabilities through the Community Waiver Program is cut by \$42 million. Where is our moral obligation for those citizens who cannot care for themselves?

Mr. Speaker, this is a pass-the-buck budget that puts the burden on local taxpayers and poses harsh cuts on our citizens, creates a new Governor-controlled \$600 million fund, and allows drillers to take our natural resources for free with a plan to sell them overseas for huge profits.

I cannot support this budget, and I urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the lady from Lehigh County, Miss Mann.

Miss MANN. Thank you, Mr. Speaker.

This budget might be done on time, but it misses the mark on content. We have an obligation that is being forgotten to properly ensure that the next generation of Pennsylvanians will inherit a State they deserve. In the name of a convenient sound bite of "no-tax-hike budget," we are urged instead to pass those tax hikes on to our constituents in the form of higher property taxes. To appeal to shortsighted special interest groups, we are urged to slash funding to our schools, knowing full well that the future of our economy depends on a well-educated workforce. We are urged to cut funding to community colleges, knowing that those schools have seen skyrocketing registration, as laid-off workers try to get training for new careers and knowing that employers cannot afford to train those employees at their expense.

Mr. Speaker, to this budget, I say no. I will not support a budget that abandons the bipartisan costing-out study, a budget that cuts funding for the Allentown School District by 10 percent. I will not support a budget that takes nearly \$10 million from the Allentown School District, one that is already struggling to operate. I will not support a budget that forces teacher layoffs and crams more students into already overcrowded classrooms. I will not support a budget that simply passes the buck and raises property taxes significantly on homeowners and property owners in the city of Allentown and throughout the Commonwealth.

I will not support this budget and the reckless and unnecessary cuts that it contains. We can do better and we should do better, because the future is depending upon us to lead, and, Mr. Speaker, this budget just does not get that job done.

I ask my colleagues to join me in voting "no" on concurrence to HB 1485.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Chester County, Mr. Kampf.

Mr. KAMPF. Thank you, Mr. Speaker.

As many of you know, I am a freshman legislator. I do not say that with any level of embarrassment or with any exceptional pride, but I say it to illustrate a point.

I remember about 6 months ago, January 4, we were all sworn in together under great fanfare. Twenty-one of us were Republican freshmen, and we were sent here by the people. We worked hard, of course, and that is part of why we got here, but they responded to our message, and by our very presence, we changed the balance of power in this chamber.

We did so because of the messages that we delivered out on the campaign trail. I can remember mine pretty well even now. I said that spending had increased by 40 percent in the last 8 years in Pennsylvania. In the last 2 years, despite this tough economy, it had gone up even still. Borrowing went up by 80 percent in the same 8-year period. On top of that, we had a very weak jobs economy. Pennsylvania for a long time, even in good times, did not create jobs anywhere near the national average, and our per capita tax rate was about one of the highest in the country. On top of that, we had a huge set of liabilities. We owed \$3 billion to the Unemployment Compensation Fund. We owed tens of billions of dollars to the pension funds; \$800 billion to the doctors for raiding that budget 2 years ago in order to balance our own. The list went on and on, and the people responded to that message and they sent the 21 of us here to change the course of the State.

We did not do it alone. The Governor came with us and he took the first great step up here from this rostrum when he set the parameters: no increases in spending – in fact, reductions – and no increases in taxes. And then our two Houses, the Senate and this House, changed some of those priorities to reflect the priorities in our home districts, but at the end of the day, this budget is the result: no increases in taxes and a reduction in spending, and that is what the people sent us here to do.

Yes, there are people in my district and in yours who disagree with some of the line items and some who disagree with the entire budget, but it is not their time. It is the time of the people who sent us here, and they sent us here, like they sent groups of legislators to similar State Houses all over the country, to make government back off a bit, to make

government back down a bit, to put away the government checkbook and to balance government's books without more money from the people who could not afford it.

It is their time, and it is our time to support this budget because it supports them in their hour of need. Thank you.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

May I interrogate my good friend, the Appropriations chairman, please?

The SPEAKER. He says he will stand for interrogation.

Mr. W. KELLER. That is just not a salutation, he is my good friend.

The SPEAKER. We know.

Mr. W. KELLER. Mr. Speaker, the PennPORTS line in the budget, last year there were six entities that received money from the line, PennPORTS operations: the Port of Pittsburgh; the Port of Erie; something that is close to my heart, the Philadelphia Regional Port Authority operations; navigational systems; goods movements; and international coordination. Last year the line item was \$4,805,000. This year the line was collapsed for a total of \$3,699,000. That is a decrease of \$1,106,000, for a 23-percent increase. And you know how important that port is to me, and I am very parochial. I cannot find how the new appropriations, the million-dollar cut, is being driven out. Is there anywhere I could find that in this budget?

Mr. ADOLPH. Thank you, Mr. Speaker.

And yes, I will admit that the gentleman from Philadelphia is a good friend. You are correct; it is a decrease, but the rationale behind that is that all those ports can compete for the business, the grants.

Mr. W. KELLER. I understand that, Mr. Speaker, but I am looking – you know I am very parochial – I am looking for where I can find how much the Philadelphia Regional Port Authority is getting. Is there anywhere I could find that in this budget or any of the codes so I can determine how poorly the port did this year?

Mr. ADOLPH. We are going to have to talk to Community and Economic Development and the Secretary when they get the breakdown. We will get that for you, though, Representative.

Mr. W. KELLER. Okay, but it is not in this bill or any of the trailer bills that we know of?

Mr. ADOLPH. Not that I know of.

Mr. W. KELLER. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1485. Actually, Mr. Speaker, I believe that this being my 13th budget, this is the first budget that I am actually rising in support of, Mr. Speaker. Mr. Speaker, I rise in support of HB 1485 because it is in line with what so many taxpayers have expressed that they would like to see State government do, and that is protect them from excessive spending, Mr. Speaker. Mr. Speaker, HB 1485 actually decreases spending in a historic manner by about a billion dollars, a little over a billion dollars, for the first time in many, many years, that we actually see a change in

direction from the direction that we have seen of government growth, Mr. Speaker. Mr. Speaker, over the last 8 years we have seen an excessive appetite for spending taxpayer dollars. And, Mr. Speaker, HB 1485 is a change in direction in correcting that insatiable appetite for the taxpayers' money, Mr. Speaker, reversing the direction of spending, actually reducing spending by over a billion dollars, Mr. Speaker. And not just reducing spending, Mr. Speaker, but reducing spending in the face of \$3 1/2 to \$4 billion deficit that we face this year in this year's budget, Mr. Speaker.

So as we cast our vote today, I would say, Mr. Speaker, one of the earlier speakers had tried to set this up as what a "no" vote is for, what a "yes" vote is for. Mr. Speaker, I think it is very clear that a "yes" vote for HB 1485 is a vote to protect taxpayers, Mr. Speaker, the taxpayers who turned out in large numbers last year to ultimately give the Republican Caucus this majority to govern and to actually turn the direction on the excessive spending that we have seen over the last 8 years, Mr. Speaker. Mr. Speaker, a "yes" vote is for the taxpayers. A "no" vote is definitely against the taxpayers of Pennsylvania, Mr. Speaker.

Mr. Speaker, the billions of dollars of deficit, the \$3 1/2 to \$4 billion deficit that we face in correcting this year, Mr. Speaker, as many of my colleagues have risen to the mike and talked about some invisible surplus that they keep trying to create, Mr. Speaker; when you have hundreds of millions of dollars in unanticipated revenue, just hundreds of millions of dollars in unanticipated revenue does not equate to canceling out a multibillion-dollar budget deficit, Mr. Speaker. We have no surplus. We have unanticipated revenue, Mr. Speaker, which does not take care of a \$3 1/2 to \$4 billion deficit.

Mr. Speaker, as I reviewed this budget, as we voted this HB 1485 previously here and now as we vote on concurrence, Mr. Speaker, one area of the budget that I would like to see addressed in the next year's budget when our new Governor has a year in office under his belt, Mr. Speaker, and he has had more time to study the actual departments for which he has responsibility, is the Department of Public Welfare, Mr. Speaker. The Department of Public Welfare has grown by leaps and bounds under the previous administration during their two terms, Mr. Speaker. Mr. Speaker, welfare having increased by more than \$4 billion a year – per year, Mr. Speaker – over the last 8 years, more than \$4 billion per year more from the previous administration's work, we need to rein that in, Mr. Speaker. It is not adequately addressed, as much as we tried here in the House and as much as the Senate worked with us. We did rein in some of the spending that the Governor had proposed, Mr. Speaker, but we really need to address the excessive welfare spending with this Governor in next year's budget.

This year's budget is a first step, a good step in the right direction, but it is not the final step that is ultimately needed to protect the taxpayers of Pennsylvania from what has occurred over the last 8 years, Mr. Speaker. Mr. Speaker, you normally cannot correct mistakes that have occurred for such a long period of time in one fell shot. Mr. Speaker, this is a good step in the right direction.

I ask for support for HB 1485. I thank our leadership team, the Senate's leadership team, and the Governor for moving us in this direction of actually reducing spending in this historic manner in this budget, a budget with no tax increases, Mr. Speaker. I know some people have tried to portray

something different; the fact is, Mr. Speaker, that this budget has no tax increases and reduces spending and has no debt increases. It protects the taxpayers of Pennsylvania.

I ask for a "yes" vote on HB 1485. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Lackawanna County, Mr. Ken Smith.

Mr. K. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition of HB 1485. When I went home last evening, I sat down to prepare some remarks, but knowing that we had a 5-minute time limit, I thought to do away with the remarks and just speak of a couple, several facts. There is no doubt, Mr. Speaker, that we face very difficult economic times, and because of that, we have very difficult decisions to make within our budget this year. Within the budget, we see cuts to health care and Medicaid. We see an end of a program of adultBasic health care for the hardworking Pennsylvanians that pick up their lunchbox every day and try to do the best they can and found themselves without health care because of the end of this program; cuts to senior citizens; and our most vulnerable, the disabled. We see cuts to higher education to the tune of more than \$200 million, which stresses, which puts a stress on our hardworking, middle-class families, those families that want to send their children to get a good higher education. We see cuts of more than a billion dollars to public education, but at the same time, Mr. Speaker, at the same time we see corporations not paying their fair share. Seventy-two percent of Pennsylvania's largest corporations, the big-box stores that you see out on the highways throughout Pennsylvania, do not pay a dime to the corporate net income tax. Eighty-seven percent pay less than \$1,000 per year to the corporate net income tax, but at the same time, Mr. Speaker, the little store down at the end of the street on the corner that has been there for many years, that is part of the community, that is working hard to put their children through school, they pay the 9.99 percent. It is a great injustice, Mr. Speaker.

Also, we see the development of the Marcellus Shale and big gas companies coming to Pennsylvania, big for-profit companies, and again, not paying their fair share by seeing an extraction tax. To date, Mr. Speaker, it has cost the Commonwealth well over \$150 million in lost revenue. At the same time, Mr. Speaker, because of the lack of extraction tax, we also have a lack of oversight to make sure that these for-profit companies are playing by the rules and not jeopardizing the environment and the future of our communities. With these two, with these two corporation situations, both with the Delaware loophole and the extraction tax, it would bring to this Commonwealth close to a billion dollars every year.

Mr. Speaker, I want to speak of education in my district. The budget this year, the Scranton School District will see more than \$5 million cut to the district, \$607 per student. Scranton School District has a poverty percentage rate of 61.8 percent; North Pocono School District, almost \$800,000. That is a cut of \$346 per student. Dunmore School District, more than \$400,000, or \$327 per student cut. Mr. Speaker, for the past 8 years we have made the investment in our education on the State level. We are headed in the wrong direction here. This will result in higher property taxes at the local level and it puts the future of our children and their education at risk.



I urge our House members to vote "no" on HB 1485. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Lancaster County, Mr. Denlinger, and wishes Mrs. Denlinger a happy anniversary.

Mr. DENLINGER. Thank you, Mr. Speaker, and the same to you and Mrs. Smith.

Mr. Speaker, I rise today in support of HB 1485 and would like to share a few perspectives on why I hope you will join me in voting in the affirmative. There are three points I would like to share briefly, if I may. This, if we succeed, and we seem to be on track, will be the first time in 8 years that we have an on-time budget. Despite the efforts of some, we do seem to be getting there; hopefully we will, first time in 8 years, a significant achievement.

Second, Mr. Speaker, this budget contains no tax increases. In fact, in this budget we resume the phaseout of the capital stock and franchise tax, something that has been a bipartisan goal of this Assembly for probably a decade and a half. So we resume that phaseout, and jointly, we should see the beneficial results of ending the taxation of capital in this State. My friend, the esteemed colleague from the city of Lancaster, raised the issue of the bonus appreciation some time ago. In fact, I did want to add a footnote to that. It is in fact President Obama that passed that initiative at the Federal level, and our linkage of that policy here at the State level I think bodes well for the growth of small business and the jobs that come with it in this State. Mr. Speaker, on the third point, it right-sizes the government of Pennsylvania. It does what small businesses and families have been struggling to do over the last 2 to 3 years. It is a tightening of the belt. It is a right-sizing, and it was time that we did that, got this State government back under control.

We are dealing, as some have said, with a \$2.7 billion loss of Federal stimulus dollars. While some have tried to portray that as not significant, it is hugely significant as we attempt to close the gap and deal with this State budget. Beyond that, we have the challenge of high unemployment in this State and a general economic loss of activity. The task we have faced has not been easy, and I want to join those who have extended words of congratulations to the Appropriations staff on both sides of the aisle, particularly to the majority Appropriations team. They have done excellent work in attempting to put together a plan that is workable and is responsible for Pennsylvania's future.

Mr. Speaker, leaders are called to make tough, difficult decisions when faced with serious challenges. With HB 1485, the majority has met the challenge of this hour. There are always things that individuals will not like in any given budget; there are certainly things that I do not care for in this budget. But, Mr. Speaker, it is a responsible budget and it is the right way to move forward. We have met the challenge of our hour.

Mr. Speaker, we are, as I said, facing a period of extended economic malaise. It is our hope, all of us here, both sides of the aisle, that brighter days are in our future. But to the extent that we face challenges now, we must be responsible. We must act accordingly. Some have said that this budget respects the taxpayer; in fact, I could not agree more. This respects those who are pulling the wagon, not just those who are riding along in it. And, Mr. Speaker, I will close these thoughts with a quote,

if I may. A quote by our 40th President, Ronald Reagan, who said that "...man is not free unless government is limited.... As government expands, liberty contracts."

Mr. Speaker, there are times when we do need to constrain the size and scope of government, and this is an hour to see that happen. It is not easy; in fact, it is full of difficult choices. But a 4.1-percent reduction in the size of State government is called for and it is in order, and we have met the challenge of our hour with HB 1485. I ask my colleagues for an affirmative vote.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

Would the chairman of the Appropriations Committee stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. KOTIK. Thank you, Mr. Speaker.

Mr. Speaker, one of the things that was done in the interim between when the Governor first presented his budget was an attempt to restore funding to education, and the method that was used was to transfer moneys from the Department of Public Welfare to a lot of education line items. Now, Mr. Speaker, these funds that were transferred, are they hard dollars that we can count on that are coming in to the Commonwealth in terms of revenue that will actually be there when we need them as far as restoring those education line items?

Mr. ADOLPH. Yes.

Mr. KOTIK. What happens when we go about trying to identify these 400-some-odd million dollars in so-called terms of waste, fraud, and abuse if those items do not materialize? What happens if we only identify \$100 million in waste, fraud, and abuse? Where do we make up this money that was transferred out of the Department of Public Welfare line item to the General Fund?

Mr. ADOLPH. I will answer that question, but I would like to preface it with, this particular line item, this Department of Welfare, represents 40 percent of the total spend, total government spending here in Pennsylvania. And during the last administration, this appropriation rose from \$6.5 billion in 2002 and 2003, to \$10.6 billion in the fiscal year 2010-2011, an increase of \$4.2 billion, or 64 percent, in a period of 8 years. I am very confident based upon the reports that I have read by Auditor General Jack Wagner as well as speaking to our newly appointed Secretary of Welfare and also with the administration, that they will be able to curb this type of spending. I believe that the welfare fraud and abuse and the error that has been taking place throughout the nation, not just Pennsylvania— There is not a newspaper in Pennsylvania that does not report welfare fraud, whether it is a recipient or by the providers all across the Commonwealth of Pennsylvania. We will definitely be able to come up with these hard dollars. I talked to the Governor, and the Governor is going to try to make this a top priority over the next 6 months.

Mr. KOTIK. Can you give me a little more time?

The SPEAKER. You asked the question. The gentleman, Mr. Kotik, may proceed.

Mr. KOTIK. Thank you, Mr. Speaker.

One of the other questions I have – and I had this question last year when I was a member of the majority party; did not get

a true answer and found out that there was a lot of Santa Clausing going on during the summer and all last year – are there any legislative initiative grants in this budget?

Mr. ADOLPH. No.

Mr. KOTIK. Embedded or otherwise?

Mr. ADOLPH. No.

Mr. KOTIK. You will certify that, Mr. Speaker?

Mr. ADOLPH. Yes; I will.

Mr. KOTIK. Thank you.

On the budget, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. KOTIK. Mr. Speaker, I have two main concerns with this budget. One of the main concerns is education, and I know that with the seat change in this House over the last year that there are people now sitting in this chamber that have a radically different idea of education, but my concern goes to the heart of the fact that what do we do with these school districts? It is pretty tough when you cut a lot of money out of these poor school districts who were already on the bubble prior to these cuts that were made. They were on the bubble for the last 10 years. Now they are going to be going into distress. I do not see any effort on the part of anybody to say, we better set aside some money to take care of these poor school districts when they go into distress status, because in the past I have had districts that have been in distress status. So we better look at that very closely about how we are going to handle that when these districts go under, and we are going to have to ask a lot of our rich school districts to step up to the plate and take a lot of these students because I do not think you are going to be able to send all these kids to charter schools or parochial schools or cyber schools or whatever. So we have a major challenge looking at us down the road. So we better think about that long and hard when it comes to education.

Second of all, I would like to talk about the Department of Public Welfare. Even in my district, Mr. Speaker, the Department of Public Welfare is a convenient whipping boy for a lot of people, and I am the first one to always want to be on the right side and make sure that our public welfare dollars are spent in the most responsible manner possible. But let us have an honest discussion about the Department of Public Welfare. Let us drill down on a bipartisan basis about how we are going to look at saving the taxpayer dollars. Let us not go into these stories and anecdotes about the Department of Welfare and about how we proceed.

The SPEAKER. Excuse me. Excuse me, Mr. Speaker; the time has expired.

Mr. KOTIK. Let me just finish one sentence?

The SPEAKER. I will give you 5 seconds.

Mr. KOTIK. I cannot support this budget because of all the uncertainty when it comes to education and the challenges we face.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker looks away for 5 seconds and the clock expires.

The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I first want to thank, really thank the gentleman, applaud the gentleman from Delaware and our leaders and the Senate leaders, and yes, our Governor for finally giving us a fiscally

responsible budget. We have heard some rhetoric here today from my right and I want to address some of it, because I keep hearing that we have about a billion, \$400 million on the table. And to those same gentlemen, I would like to know, where is the outstanding debt of \$12.9 billion; the pension liabilities of \$29.4 billion; the unemployment compensation getting close to \$4 billion; roads and bridges, \$3 1/2 billion; the Mcare judgment of \$716 million? It is over \$50 billion, Mr. Speaker. On what table is this on? Do you have a debt table as well? If you have \$1.4 million on the table, I am sure you have to have a table that is going to hold these liabilities that the Commonwealth is facing.

I heard some comments earlier about the Department of Public Welfare, and it has become the "whipping boy." A few years ago, Mr. Speaker, the Auditor General did come back with an order stating there is at least \$450 million in fraud. I stood at that mike back there and I questioned the majority leader at that time, and I said, are you going to look into this fraud? And he said, we do not agree with him. I said, but, you know, he was a Senator and he is of your party, and if he is saying that there is \$400 million in fraud, we should look at it, and I applaud our leaders for doing just that. However, you hear questions about, well, what happens if this is not accurate? Well, maybe if it is not accurate, you still have some dollars left that you can fill in the hole, but believe me, I think you are going to find that it is more than accurate.

We heard some comments about us being the friends of big business, and we heard about this bonus depreciation, which is really a Federal, the Federal government has expanded it to businesses to take that depreciation, a one-time depreciation this year versus over a period of years. And what our Governor has done is he has allowed them to do the same thing in Pennsylvania. Now, it is not a freebie; they would have had that write-off over a period of years. But the same individual that made that comment, where was he when a certain company from Philadelphia received \$42.75 million in grants from the prior Governor – \$42.75 million in grants?

You know, we talk about the education funding; figure it is lacking the stimulus dollars, but yet, the Commonwealth has put more dollars into education than any other budget ever. Just think about that. We are hearing that these cuts – the cuts are \$1.1 billion in stimulus money that is no longer there, and I did warn the other side of the aisle 2 years ago from this podium, saying that if you do not watch and you put that money into those budgets and grow budgets, you are going to run into a problem in 2 years. It is one thing about using stimulus money for one-time items, to try to hold on to one-time investments, but to do it continuously, and not only to do it, but to grow a budget, was the wrong thing to do. And here we are 2 years later facing that decision, that horrible decision that was made.

You know, I listen to my taxpayers back home and they keep saying that the cost of government is too expensive. We need to look at ways to reduce, and in this budget, there is over \$50 million of the legislative reserve accounts that is going back into the General Fund, that we are putting it back into the General Fund. I applaud the leaders, and I really, really look to the members to support this budget. Look, there are some cuts in here. No one is going to tell you that there are no cuts, but understand one thing: If we do not live within our means this year, next year when all of us are standing at those mikes, we are really going to have major problems, because every mistake you make this year will only double, will only double next year.

So again, I ask the members for an affirmative vote. Thank you very much, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

I rise today to strongly urge a nonconcur vote on HB 1485. I have heard several of my colleagues from the other side of the aisle tout the fact that this will be an on-time budget. I would argue that a bad budget, even on time, is still a bad budget. I have also heard a lot of talk about a no-tax budget. I am going to have a hard time explaining that to my local property owners who are facing property tax increases. There is still much work left to be done. We have had great potential for revenue through an extraction fee or tax on our rich supply of Marcellus Shale; this budget is ignoring that. We can now all agree that we will end this fiscal year tomorrow with a budget surplus of about \$700 million. Even taking a conservative approach to next year's revenue projections, we can easily estimate a budget surplus of more than \$1 billion for the next fiscal year, yet despite this extra \$1 billion in surplus, Governor Corbett and the Republicans refuse to use that taxpayer money to restore cuts to our schools, universities, Medicaid, and health-care services for our most vulnerable citizens. There is no rational reason for choosing to make Pennsylvania seniors and working middle-class families suffer when we can avoid much of the pain in this budget.

I will remind everyone that this is taxpayer money. It does not belong to Governor Corbett. It does not belong to the Republican majorities in the House and the Senate. It belongs to the people. Pennsylvania's taxpayers paid their taxes and expect to get full service for their money. We should give the taxpayers what they paid for: full funding of our public schools, our public universities, and our Medicaid health-care programs for seniors, the disabled, and the chronically ill. To put it plainly, Pennsylvania's taxpayers are getting a bad deal with this budget.

I will be a "no" vote, Mr. Speaker, and I urge my colleagues to vote "no" on concurrence as well.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Tioga, Mr. Baker.

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

Mr. Speaker, I rise to support the budget bill. I know that a lot has been said about the hospitals and health-care funding. You know, we have come a long way. I do not think any of us are absolutely 100-percent pleased with the budget, but it is what it is. Most States across the country have massive deficits. We are up against unprecedented times. We are still struggling to recover from economic malaise. We are doing our very steadfast best to kind of constrain and make sure that we spend only what we have.

I do want to make a couple clarifications on the health and hospital funding. We have made some restorations, significant restorations, from where we first began in the budget negotiations for funding for our trauma centers, our burn centers, our critical care hospitals. Our OB (obstetrics) and neonatal hospitals have been restored to 75 percent of the fiscal year '10-'11 funding, despite difficult financial constraints. And I heard over and over again the hospital assessment issue, even from the minority Appropriations chairman. By the way, this

hospital assessment has been agreed to. The hospitals are fine with it. It is going to generate, for the lion's share of the majority of the hospitals all across the Commonwealth of Pennsylvania, a net gain, a substantial net gain to our hospitals. In fact, what this is going to generate is an estimated \$500 million in revenues for our hospitals in Pennsylvania, a net gain for hospitals, and as I understand it, \$109 million in savings to the Commonwealth of Pennsylvania.

Uncompensated care funding for hospitals will continue to be made available from the Tobacco Settlement Fund as has been the case. And, Mr. Speaker, we are spending in this budget, notwithstanding the \$3, \$4 billion deficit – \$3 billion of it being created by the lack of continuing Federal funding – record levels of funding for education. We are spending more on education in this budget than we have in the past, State funds. That is significant, given, again, the fiscal constraints that we are dealing with. That is not insignificant. Mr. Speaker, I keep hearing about the surplus that we have. My goodness, this is the first time we have had a surplus in 8 years or more; in fact, the last 8 years we have spent \$8 billion we have added to the budget – that is unsustainable growth.

So right now, as we speak, according to the financial statement we have in the Commonwealth of Pennsylvania, we have \$50 1/2 billion of liabilities on the books. When you compare and contrast that to the surplus that we have, revenue overestimate is about \$700,000, that is 1.4 percent against the surplus, against the total Commonwealth of Pennsylvania liabilities – very, very small in terms of our outstanding liabilities compared to our surplus. My goodness, we are still moving toward difficult times if our economy does not respond in a positive manner next year.

And keep in mind, we have already drained the Rainy Day Fund. There is no money left in the Rainy Day Fund. We used to have \$750 million in the Rainy Day Fund as a hedge of protection against our financial concerns. So it only seems logical to try to have some reserve left for next year to be responsible and accountable to the taxpayers. One more point I want to make, Mr. Speaker, and that is to restore all the cuts and to fill the \$3, \$4 billion budget gap, it would require the largest tax increase in the history of Pennsylvania. We cannot afford tax increases, Mr. Speaker.

I support this budget and hope that our members will all join us. Thank you very much.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Matt Smith.

Mr. M. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to nonconcur on HB 1485. I do so for many reasons that would not fit within 55 minutes, let alone 5 minutes, but allow me to highlight a few of those reasons. Simply stated, Corbett 2.0 is just as bad as the original. Contrary to the Governor's contention, his budget does in fact create a deficit, perhaps the worst kind of deficit. It creates a deficit for those in whom we should be investing the most: our children. The Corbett budget ensures that the Commonwealth children will be less prepared to confront the challenges presented to them by an ever-changing global economy. Rather than provide them with the necessary tools, the Corbett budget forces our children into larger class sizes. It will force their parents to pay higher property taxes. It will force our children to start out the education race they are about to begin 50 years behind their

future economic competitors in Beijing, Bangalore, and Berlin.

Mr. Speaker, I have to admit that I am somewhat amazed by the Governor who spent months campaigning on increasing funding for early childhood education, yet when it comes to actually backing up that tough talk with action, the Governor shoves through a budget that slashes – slashes, Mr. Speaker – \$150 million from block grants that go to Pre-K and full-day kindergarten investment, and he slashes overall Pre-K investments. For those new members on both sides of the aisle, I would never presume to know your districts like you or provide advice on the most appropriate vote with the bill before us here today. I will note, however, that you are about to vote to eliminate the accountability block grant program as a sustainable program after the '11-'12 budget year, because you have decided to put it into the '10-'11 budget year. It is important to note that the questions presented by this vote today, the question presented is not simply raising taxes on one hand versus no taxes and less investment as the Governor would have us believe on the other hand. The true tragedy here of the Corbett budget is that there is another option, a reasonable approach that would use the surplus money in an intelligent manner and ensure our children have the tools and skills necessary in a competitive world. But that is not Tom Corbett's vision for Pennsylvania, Mr. Speaker; rather, Tom Corbett's Pennsylvania is one in which valuable assets like foreign language programs are eliminated, where class sizes explode, where property taxes skyrocket, where early childhood investment – so appealing on the campaign trail – falls victim to the wrong priorities, and where the politics of ideology trumpet over investments in our future.

Mr. Speaker, this budget does address education investment in a historic manner; unfortunately, it is historically bad. This budget presents us with a clear choice between the Corbett vision of Pennsylvania and the pragmatic vision of Pennsylvania that my constituents hold for their children's future. I, for one, side with my constituents in rejecting the Corbett budget. I respectfully ask my colleagues to join me. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Bradford County, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

No one denies that this is a challenging budget. This budget requires all recipients of our State taxpayer dollars and all of our agencies to manage every dollar prudently. The reality is, we all have a responsibility to keep Pennsylvania economically sound and to spend the hard-earned dollars of our taxpayers of our Commonwealth with well-determined priorities. Federal stimulus dollars were a mixed blessing, and we must now operate on our State revenues. We have pledged and in fact put a \$404 million reduction in place in this budget, in our public welfare agency budget. We have pledged to stand by and protect our most vulnerable citizens, while no longer allowing those who are using our welfare dollars fraudulently to do so. We have made moves to protect our agricultural research and extension services and acknowledge the great value of agriculture in this State with \$133 million. We funded early

childhood education with Pre-K Counts dollars, Head Start assistance, and appropriations to accountability block grants. Basic education is funded with the largest investment of State dollars ever.

Mr. Speaker, I do urge a "yes" vote on this budget, and I urge continued emphasis on making Pennsylvania a job-rich and a family-oriented State. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentlelady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, a budget is a list of priorities. This budget, negotiated amongst Senate and House Republicans and Governor Corbett, represents misplaced priorities, priorities which place the corporate agenda far above the needs of the average Pennsylvanian. We have heard from speakers across the aisle that we must tighten our belts and pay our fair share, but this Republican budget only asks hardworking middle-class families, students, the frail elderly, among others, to tighten their belts and sacrifice, but I simply cannot find any sacrifice being imposed on the biggest multinational, multistate corporations in this Commonwealth.

This budget makes many shortsighted cuts that we will pay for many times over later on. The most glaring example is cuts made to education, from early childhood through college. Some of the poorest school districts will suffer much more than other more wealthy school districts. The cuts to school districts are not equitable. The distribution of cuts per student is targeted more heavily toward poor school districts, and that is a fact. A glaring example of this is the contrast between the Hazleton School District, which has a poverty concentration of 60 percent and faces a per pupil cut of \$438, while the more wealthy North Allegheny School District, represented by the majority leader, with a poverty concentration of 4.3 percent faces only a \$97 per student cut – \$97 per student as opposed to \$438 per student. That is not equitable.

Seventy-five percent of State prison inmates have not completed high school. And yet this budget thoughtlessly cuts education funding while increasing State funding for prisons. Well, you will need those prisons because this shortsighted budget will result in more of our at-risk youth ending up there. This budget means higher local property taxes and extensive job loss in both the public and private sector. School employees are being laid off right now. It means pain and suffering for so many of our vulnerable citizens who rely on State-funded programs to do for them what they cannot do for themselves. This budget is penny-wise and pound-foolish because it does not use our dollars wisely to prevent problems. It eliminates funding for flood control projects. This line item is critical in my district to prevent flooding, which as recently as 2006 caused enormous damage and cost to homes, businesses, and municipalities.

The Republican Appropriations chairman is fond of saying that we Democratic members had the opportunity to offer amendments and we did not. Well, we did not because House rules require that amendments offered on the floor take money from one line item to put in others. We Democratic members take a different approach. These painful cuts could easily be restored using a number of different options. We could use the more than \$600 million we have collected from taxpayers and that is sitting in the bank as we speak. Failure to use all of our existing revenue to alleviate the pain in this budget is the equivalent of telling your starving child that, yes, dear, I know

you are starving and I have milk and cereal, but we may need it next year so I will just have to let you starve.

In addition to using the surplus, we could do what the vast majority of Pennsylvanians want us to do and tax big oil and gas, who are drilling in the Marcellus Shale. There are many other suggestions for additional revenue that are widely supported by average Pennsylvanians, but you said no. The only good thing about this budget is that it clearly delineates the difference in priorities between Republicans and Democrats. You own these cuts and there is no need for them. We can do much better than this.

The SPEAKER pro tempore. Will the lady suspend. Sorry, the 5 minutes is up.

Ms. MUNDY. One more sentence, please? You have—

The SPEAKER pro tempore. Five seconds.

Ms. MUNDY. We could do much better than this. We should do much better than this for our families, our vulnerable citizens, and until we can do much better than this, I will vote "no."

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

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of this bill. Through persistent repetition, a few of my colleagues have convinced a segment of the inattentive and the indifferent that we have cut State funds to basic education, when the fact is, we have appropriated more State money this year than in any year since William Penn. All this after their patron, Governor Rendell, actually cut State funds to basic education 2 years in a row. We have prioritized money from welfare into education. Education has been our priority.

And it is instructive to remember, Mr. Speaker, that for 8 years, the budget was manipulated under our predecessors. We are taking the steps to face this problem head-on and fix it, and they keep wringing their hands and offering the same excuses that put us into this unconscionable deficit to begin with. As my good colleague from Monroe County said, I keep hearing about this \$700 million surplus that is on the table, but they are blind to the table that has \$50 billion in looming liabilities on it. Mr. Speaker, we are slowly developing into a culture where those who produce are not entitled to their own earnings, but those who do not somehow are, and that is just not right.

Many of us have received the template e-mails that confirm how the public has been misinformed about the contents of this bill. The public demands reform and accountability. This budget is the first on-time, no-tax-increase, no-borrowing, balanced budget in 8 years, and we need to say that over and over again until the public understands it.

To vote "no" is a glove in the face of every hardworking taxpayer in Pennsylvania. So the challenge is before all of you, both sides of the aisle. The gauntlet has been thrown down. This is the time where you can make a difference. Are you going to sit here wallowing in the shame of the past failures or will you stand for the hardworking taxpayers, move this State into a productive future, and make history in Pennsylvania? Please vote "yes" on this bill.

Thank you, Mr. Speaker.

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

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, the 2011-2012 State budget is irresponsible and will result in job losses. It divests from the next generation and those who are most in need and shifts the tax burden and tough decisions on the local and county governments. In the Governor's budget address, he spoke about the need to create jobs. The majority reiterated that pronouncement many times since that March afternoon, yet this budget actually slashes thousands of jobs here in Pennsylvania. The Governor's own budget book says that 1,550 jobs will be lost throughout Pennsylvania, and this budget is consistent with that. School districts estimate that up to 7500 jobs will be shed in communities throughout the Commonwealth. For those seeking a job, this budget cuts job training by \$5.9 million, training that has helped 70,000 workers over the last 5 years. I want to invest in job creation, not eliminate jobs for hardworking Pennsylvanians.

I also want to invest in the next generation, our children. This budget, however, does just the opposite. It divests from them and fails to build on the bipartisan progress that we made over the last several years when we balanced budgets while still investing in our students. The K to 12 education cuts will lead to increased class sizes, a reduction in elective courses, and many more. For higher education institutions like Montgomery County Community College, these cuts will mean significant tuition increases at a time when families can least afford it. But the cuts do not stop in education. This budget hurts my two local hospitals, Abington Memorial and Holy Redeemer. It actually raises a tax on these job creators, while at the same time reduces their funding in key areas like OB and neonatal services. In southeastern Pennsylvania, where life sciences and the health-care industry create jobs and provide lifesaving treatments for people, this budget cuts so many of those critical investments like regional cancer institutes. It eviscerates programs that help people with diabetes, ALS (amyotrophic lateral sclerosis), lupus, and many more diseases. It also cuts preventative programs like newborn screening and breast and cervical cancer screening. And for those who seek care from local health departments, they should be prepared for longer waits and less care options due to these cuts.

The priorities in these budgets do not reflect my values. It burdens Pennsylvania taxpayers while failing to make the drillers extracting natural gas from beneath the ground in Pennsylvania pay their fair share. These companies make millions off the natural gas in Pennsylvania while they raze our land, damage our infrastructure, and compromise the environment and public health. In every other State with natural gas drilling, including Sarah Palin's Alaska and George W. Bush's Texas, these drillers pay a fee to offset these costs. Here in Pennsylvania, under this budget, the taxpayers are shouldered with that burden. The budget pushes tough choices off to county and local governments and burdens taxpayers at that level by cutting HSDF (Human Services Development Fund), funding 36 percent and \$45 million from the county child welfare appropriation. This budget places a massive burden on counties and undermines their ability to help children and families, to help our seniors, and to help those with drug and alcohol treatment.

Pennsylvania entered the fiscal year with a projected \$4 billion deficit due to the national recession, but today we sit

here with a \$640 million surplus. Cuts are no doubt needed and waste needs to be eliminated and we have to live within our means and not burden taxpayers with higher taxes, but given that surplus, there was room to do more to invest in education and job creation. Unfortunately, this budget did neither.

Mr. Speaker, a favorite author of my children wrote, "Sometimes the questions are complicated and the answers are simple." That author is, of course, Dr. Seuss. Fashioning a State budget is no doubt a complicated question, but the answer in this economy is simple: create jobs, grow the economy, and invest in the next generation. This budget does none of those three, and as a result, I will be voting "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

Rather than turn in my comments for the record, is there any way I could have Representative Saccone deliver my remarks?

The SPEAKER pro tempore. I presume that is a rhetorical question.

Mr. MUSTIO. Yes, sir. I would like to get those 20 seconds back though.

I rise in opposition, Mr. Speaker, and I want to tell you why I rise in opposition. I guess the best way to do that is to give you a real, live example of the impact that this budget is going to have on a school district in my district. We heard a prior speaker from the other side of the aisle talk about the cuts per student, and one of my schools has a cut of \$1.2 million in the upcoming year, and it is \$353 per student. That is certainly a lot more than was referenced to my majority leader's school district. They just built a \$100 million new school and renovated a middle school.

Mr. Speaker, they did a press release on June 27, and let me just read that. "Real estate tax bills in Moon Area will stay the same as school directors opted to not levy a .34-mill tax increase for which the district qualified under the state Taxpayer Relief Act or Act 1. Moon Area's millage rate will remain at 21.30 mills, the 14th lowest of 42 county school districts in 2010-11...."

"The 2011-12 budget marks a 3.6 percent decrease from this year's spending plan, which totaled... almost \$60 "...million and represented a 0.1 percent increase over the 2009-10 budget." "...employee...benefit costs were raised 53.4 percent due to increased district contributions...."

"Moon Area's spending plan for the next school year includes a Microsoft Windows update, new computer science and business education classes, and minimal spending in building repairs and costs for the energy-efficient..." new "...Moon Area High School."

Mr. Speaker, the reason I rise in opposition to the comments made on the other side of the aisle is because it is possible to implement this budget, build new school buildings, add new programs to schools, and educate our students. And how do they do that? Well, Mr. Speaker, in 2009 the Senate leadership sent a letter out to all school superintendents; this is in 2009, March of 2009. "Since Governor Rendell announced his 2009-10 budget proposal on February 4, the federal government has enacted the American Recovery and Reinvestment Act, which includes a significant amount of funding for education. However, we urge you to take a very cautious approach to preparing your 2009-10 budgets since the depth of the Commonwealth's budget shortfall

and the impact of ARRA are still not fully known.... In fact, provisions of the *Pennsylvania Constitution* and existing statutory law require the General Assembly to appropriate any funds received from the federal government.... This is a time for every governmental entity, including school districts, to hold the line on spending and to continue looking for ways to cut spending and avoid imposing tax increases on hardworking Pennsylvania families."

Mr. Speaker, this same letter in similar context was sent out again in June of 2009, and again in June of 2010, as school districts prepared for their budgets. Mr. Speaker, I think it is critical that if your school districts that you have cited are going to raise taxes, that you ask them why. Why could it be done in another school district where you build a new building, build a new high school and renovate a middle school, add new programs, and not raise taxes? In fact, not even take the increase that is permitted by the exceptions. Do not sit here and whine and complain; go back home and challenge them. This is a teachable moment for all of our students, all of our students, on how to live within your means and not become whiners.

Thank you, Mr. Speaker. Vote "yes."

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1485. Let me be very clear why I oppose it. I oppose it because it does great harm to the school district that I represent. Philadelphia receives the largest dollar cut per student of any district in this State. We lose not \$300, Mr. Speaker; we lose \$1,331 per student in our school district. That is wrong. We, as a result, face the prospect of having larger class sizes, of reducing our teaching and support staff, of undercutting those things which support our school district and which help to build student success. The basic education subsidy for my district is cut by \$103 million. The elimination of reimbursement for charter schools costs my district \$112 million. The accountability block grant cuts add another \$34.4 million in cuts. Tutoring funds go on another \$18.7 million in cuts. School improvement grants go on another \$6 million, so that in all, we lose well over \$276 million, and that is wrong.

Now, if you look at the Philadelphia School District, it is easy to see all that is wrong with the district, but understand that that district is making substantial academic progress. The recent report of test scores shows that for the ninth year in a row, we have improved our performance of our students. We are not where we should be, but we are making steady progress. I am not certain that every other district in this State can say that, but I can say that for my district, we are doing better. We are going to do better if we get the support we need.

This budget is clearly designed to hurt poor districts and reward rich districts. For that reason, we ought to vote "no" on it. This is a budget that hurts students across this Commonwealth. My district is one example. It is not just Philadelphia; it is districts across this State that are hurt, particularly the poor ones that are hurt. That is wrong. There is a lot of talk about an on-time budget, but what good is a budget if it is on-time if it is a bad budget? There is a lot of talk about limiting government spending, and I am reminded of that train of thought that was called at one point by the 41st President of the United States, referring to the 40th President: voodoo economics. It is bad economics. It is bad policy.

This budget, although we have heard how much it adds to education, in reality cuts a billion dollars, over a billion dollars, out of education in this State. That is not just the stimulus moneys. If you take out the stimulus moneys, that was only \$650 million. It cuts more money from the students of this State. Our students will suffer. That is wrong. We as leaders need to do a better job in order that our students have an opportunity to learn and lay that foundation that will send them out into the workforce, send them out to productive lives. I urge that all my colleagues, those who care about students and their communities, vote "no." Vote "no." Vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cumberland County, the gentleman, Mr. Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

I rise in support of this balanced, no-tax-increase, no-debt, on-time Pennsylvania budget. This is a big deal. This is a big deal, not for us as Representatives, but for the citizens of Pennsylvania who spoke loud and clear in November of 2010. Today we are breaking a vicious cycle of chronic government overspending. Today we are doing what many said could not be done. Well, to those who say it cannot be done, you need to get out of the way of the people that are doing it.

For only the third time in 40 years, we are spending less taxpayer money. This is why the people sent us here and it is a huge victory for them. Our job is not done. There is much to do. We have \$50 billion in old debts to pay down. We have burdensome taxes to keep cutting, unnecessary regulations to repeal, and too much big government and too much waste. But today is a win, the beginning of an accountable, responsible revolution in expectations.

This vote, this balanced budget proves that the elected Representatives of the people of Pennsylvania can actually cut government, cut taxes, and grow the freedom of Pennsylvania citizens. I urge my colleagues to join me in voting "yes."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia, Ms. Brownlee.

Ms. BROWNLEE. Thank you, Mr. Speaker.

I rise today to nonconcur on HB 1485. This is a bad budget for the citizens of this Commonwealth. There is much talk on this floor about the historic aspects of this budget and it being on time. There is not a whole lot of talk about the people this budget is going to harm. This budget does not raise revenue, it does not close corporate tax loopholes, it does not enact a responsible Marcellus Shale tax, nor does it tax smokeless tobacco. It does, however, protect big corporations and big oil and natural gas companies from having to pay their fair share of taxes while forcing working, middle-class families to pay higher taxes.

This Corbett Republican budget slashes funding to our public schools by more than \$1 billion, an unprecedented attack on public education. I guess that is the historic part of it. This will hurt kids and it will cause thousands of job losses and harm Pennsylvania's economic competitiveness. I also notice in this budget there is a new line item that is \$9,900,000, almost \$10 million for a new program that is named "Discovered in PA, Developed in PA." It is a new item. Almost \$10 million was found for a new program, but that same \$10 million was not used to fund cancer screening programs, which took almost

a 14- to 15-percent cut, nor is it going to be used to refund education.

I heard one of my colleagues say, you know, I am not for this budget 100 percent. Well, Mr. Speaker, I am for this budget zero percent. These are some of the reasons why I ask my colleagues and why I will nonconcur on HB 1485.

Thank you, Mr. Speaker.

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

Mr. MAHER. Thank you, Mr. Speaker.

We have difficult work before us today. Nobody likes the position that we find the State in, but I do want my friends and colleagues here to remember why we are in this position. We are in this position because after 8 years of supposedly balanced budgets under Governor Rendell, the State's fiscal health declined by collective \$20 billion. We toss around in conversation terms like "surplus" so casually that perhaps people forget what a surplus actually is. If you look at the State's audited financial statements, the standard, prepared in accordance with generally accepted accounting principles, it takes away any partisan slant, it takes away any question of trying to shade the data, but just what are the facts. The facts are, this year, June 30, the State is going to be more than \$10 billion in the red – \$10 billion.

So when I hear folks saying that there is a surplus, I realize that they have not had the benefit of actually looking at the State's financial condition, but they are talking about cash in their pocket. The problem with measuring whether or not you have a surplus by cash in your pocket rather than how much you already owe and what you actually own is that people spend cash in their pocket if they do not think about what obligations have already been taken on.

Earlier this week we had a listing of over \$50 billion in unfunded obligations that await payment by our neighbors and friends across the Commonwealth of Pennsylvania because they are debts that the State is obligated for. There is no surplus. I wish it were so. There is a happy, a happy difference between what was budgeted for this year and what the end result will be; thank goodness that we had a new Governor in January to make that so. But simply because the House has been well-managed, that the State has been well-managed for 6 months does not erase the collective deterioration of the State's financial position that happened over the last 8 years. The notion that there is money to burn is a complete illusion.

I hear my colleagues talking about they might have done this, they might have done that, but when this budget started in this House chamber, there was no plan set forth.

Today I hear expressions of angst that amendments offered today in the wrong forum, at the wrong time, that did not meet the rules of this House – rules that you voted for; that you offer suggestions at this late date knowing that they do not conform to the rules you voted for does not impress me, and I do not think it is going to impress very many people. You turn in your homework late, and you completed an assignment for French class in English. It does not make a lot of sense.

So I would ask my colleagues to be responsible, to realize there is no surplus. Let us vote to concur and get on with getting Pennsylvania's fiscal house in order.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. DeWeese, from Greene County.

Mr. DeWEESE. Thank you, Mr. Speaker.

"The World Turned Upside Down" was the tune that the royal army played as the British troops retreated from Yorktown in the waning days of October 1781. It was a melancholy day for the empire, and I think – notwithstanding the comments of the previous speaker and many of his Republican colleagues – I think this is a rather forlorn day for our Commonwealth, especially if you parse the words and make them two words: common wealth. Cornwallis's travails in the Virginia Capes were precipitated by a dramatic declaration by our colonial forebearers: "taxation without representation."

It would be my assertion, Mr. Speaker, that this process could have been enhanced if Corbett had been less smug, condescending, and distant. If he had invited our leadership team into – and I really believe the mansion is a cosseted setting – if he had brought Democratic leadership into this process a long time ago, I think the document that we are dealing with tonight would be severely different; severely different.

The Carmichael water authority has just finished boiling water, and we are laying off people at DEP. I cannot fathom the aggressive enthusiasms of this administration against middle-class folks and people whose wealth is severely limited.

I would echo the comments of so many of my colleagues that as this process unravels and as the results of tonight's deliberations are made manifest, many of the affirmative votes will be looked at in retrospection with great dubiety.

I remember the summer of 1981 I had the privilege of spending time with a comely and curvaceous Croatian diplomat, and her name was Yerka Alebeg. And Yerka would say, "Bill, Bill, you know what? You know what?" And then in perfect English, after she got my attention, she would explain to me anything from the Berlin Wall to the dealings of the city of Pittsburgh's council. She was a diplomat from Yugoslavia based in Pittsburgh.

And I want you to "know what?" This budget, this budget is a severe and, to use a phrase that I heard from one of my colleagues earlier tonight, a draconian effort to shackle progress that was made. Notwithstanding denunciations to the contrary, we had smaller class sizes, we had more people participating in pre-K, we had more technology in the classrooms. Education will be given short shrift. People who have youngsters at home with terrible, terrible challenges will have fewer people to help them take care of their children.

Mr. Speaker, I would ask for a negative vote. I think that this is a lacerating proposal, and I think that Corbett's corrosive cuts should be contravened. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

There has been a suggestion made by some this evening that somehow Republicans have restored education funding. The truth is that Governor Corbett proposed historic cuts in education, a total of \$1.5 billion. This budget restores a fraction of that funding, but this budget still cuts \$1.2 billion in education funding. In other words, this budget endorses 80 percent of Governor Corbett's education cuts. The education cuts in this budget are still devastating. In higher education, there are cuts of \$250 million. In the education of our students from preschool to grade 12, there is nearly another billion in cuts spread across many line items. These cuts are devastating to schools across our State and to children at all grade levels.

This budget raises many questions. What is the Republican plan for preschoolers? Well, this budget includes a cut to the State line item for pre-K and Head Start, and a 61-percent cut to the accountability block grant line item, which funds preschool programs in many communities.

What is the Republican plan for adult learners? This budget includes a 17-percent cut to literacy programs. What is the Republican plan for college prep students? This budget proposes total elimination of the Dual Enrollment Program. The State will no longer help to pay for college prep students to have the opportunity to take college courses.

What is the Republican plan for college students? Well, this budget includes a 10-percent cut to community colleges, an 18-percent cut to State System schools like Kutztown and West Chester, a 19-percent cut to State-related schools like Penn State and Pitt, and higher tuition bills across the State.

What is the Republican plan for K to 12 education? This budget includes devastating cuts district by district that will lead to program cuts, layoffs of school employees, higher property taxes, and reduced opportunities for our students.

What is the Republican plan for the future of our State? That is a good question. A Republican named Abe Lincoln recognized the value of education; in fact, the land-grant university legislation passed during his Presidency. A Pennsylvanian named Ben Franklin recognized the value of education. He said, "An investment in knowledge always pays the best interest." Today there are some people in Harrisburg, there are some people in this House who want to retreat on our investments in education and who seem to have forgotten the value of learning.

In the days to come, citizens of Pennsylvania will ask three questions. First, they will ask, "Why did this antilearning Governor propose such devastating cuts to education?" On closer reflection, they will ask a second question, "How did such a terrible budget pass?" And in many parts of the State, citizens will ask a third question, "Why did my local Republican legislator vote 'yes' on a budget which devastates education, raises our property taxes, and slashes opportunities for our students?"

Mr. Speaker, I am against this budget. The cuts to education are too deep. These are the deepest education cuts in decades. That is not the kind of history we should be making. We should fund our schools. We should fund our future. We should not limit the opportunities for the young people of our State.

I urge a "no" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

As a new member, I have experienced many firsts this session and now my first budget, and I would just like to share some reflections on this experience.

I am fascinated that I had little more than 30 hours to review and prepare for the most important responsibility in a member's job description.

I am concerned about the new line items included in the budget that have no enabling legislation, line items that total millions of dollars. It is irresponsible to approve these dollars when we do not know how they will be spent.

I am also disturbed by the accounting maneuvers that ensure that the spend number would not exceed the Governor's \$27.3 billion limit. The constituents of the 194th, the district



which I am privileged to represent, know how to add, even though their children may find it difficult to learn to add due to the education cuts in the budget.

I am also troubled by the consolidation of line items and the affiliated cuts that do not detail what aspects of those consolidated programs are affected.

The budget saves dollars on paper but will cost us far more in the near future as a result of the consequences of these cuts.

There were many, many examples I could cite in reference pertaining to budget cuts that concern me and that I think are shortsighted, but there is one in particular that struck my attention, and this has to do with tourism in the State of Pennsylvania, an industry that we rely heavily on, an industry that creates over 400,000 jobs in the Commonwealth of Pennsylvania and has a financial impact of \$32.9 billion. The two line items in the tourism budget totaled \$10,746,000 last year and have been cut down to \$4 million this year.

The SPEAKER pro tempore. Will the gentledady please suspend?

We are out of time.

Ms. DeLISSIO. Five?

The SPEAKER pro tempore. Five seconds. Five seconds, Ms. DeLissio.

Ms. DeLISSIO. I am just curious as to the impact that that 62.8-percent cut will have on tourism. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Philadelphia County, Mr. Mike O'Brien.

### POINT OF ORDER

Mr. KIRKLAND. Mr. Speaker?

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KIRKLAND. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. KIRKLAND. Mr. Speaker, I do not think the gentledady's time was ever up on the board.

The SPEAKER pro tempore. We do have it up here. I am sorry it was not up there. We apologize for that, but the clock certainly ran out, and I was so advised.

Mr. KIRKLAND. Sometimes, Mr. Speaker, if she has the opportunity to look up there, she can judge and tell how much time she has left. It would be nice if she could at least get 2 more minutes since the time was not there, Mr. Speaker.

The SPEAKER pro tempore. The gentleman's point is well-made. I will give her 30 seconds.

The gentledady may proceed.

Ms. DeLISSIO. Mr. Speaker, thank you for that indulgence. I was just at the end.

It will be interesting to see if this 62.8-percent cut produces similar results, that wonderful \$32.9 billion impact, and I will be voting "no" on concurrence. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

Mr. O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

Mr. Speaker, this session I had the honor and privilege of being appointed to the Appropriations Committee, and, Mr. Speaker, I cannot tell you the excitement I felt when I received that information that I would be up close and

personal and watch this budget process play out, see the subtle nuance of the budget process.

And I have to tell you the truth, Mr. Speaker, when the Governor stood where you are, I sat in my seat, and I said, that seems a little harsh to me; it seems a little unreasonable to me, and then we went into budget hearings. Well, it seemed as though it seemed a little harsh, it seemed a little unreasonable to the majority members of the Appropriations Committee when the talk came about restoring cuts to education, and this went on and this went on through the budget hearings, and it got to the point that I kept thinking to myself, there seems to be a lot of tactical errors here; there seems to be a lot of logistical errors here. So much so, Mr. Speaker, it got to the point that this whole budget process has reminded me of the Crimean War. It has reminded me of a noble quest played out badly.

You know, Mr. Speaker, the poet, Alfred, Lord Tennyson, memorialized the folly of that war, "half a league, half a league, half a league" on. Cuts to basic education; accountability block grants cut, which pay for full-day kindergarten; class size reductions, "half a league, half a league, half a league" on. Cuts to higher education, 19 percent to the State-relateds, 18 percent to the State universities, "half a league, half a league" on. Cuts to human services, breast and cervical cancer, drug and alcohol treatment, behavioral health services, "half a league, half a league, half a league" on. Mr. Speaker, and the worst of all, the cut to adultBasic, Mr. Speaker, and the majority party kept walking in lockstep, never thinking, never questioning, vote after vote after vote. But you know, Mr. Speaker, it was full of logistical errors.

And as each of us sit and cast a vote, we need to go back to Lord Tennyson:

...Was there a man dismay'd?  
Not tho' the soldier knew  
Someone had blunder'd:  
Theirs not to make reply,  
Theirs not to reason why,  
Theirs but to do and die....

Now is the time, Mr. Speaker, to consider the actions of your vote and to join in opposition to this.

Mr. Speaker, I would like to yield the remainder of my time to the lady, Ms. DeLissio.

The SPEAKER pro tempore. The Chair thanks the gentleman.

We may be getting back to you on that. We do have a long list here; there are over 20. The Parliamentarian will advise me at some point, unless you would like to continue your time now.

Mr. M. O'BRIEN. Mr. Speaker, I believe I had a minute and 48 left.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria County, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, this budget is no friend of tourism, that is for sure. When I look at the numbers, this takes us back to the 1979-80 funding level for tourism promotion in Pennsylvania. These are our hotels, our attractions, our restaurants, our gas stations – all those tourism-related industries. And they are not a big conglomerate; these are the moms and pops that run all these businesses, along with some of the major attractions that we have in Pennsylvania.

I find it hard to believe that we are willing to give a private university \$27 million that has a \$6 billion endowment. Now, that fascinates me, and my friend, Dave, asked me the other day, "Do you know the difference between a million and a billion?" And I said, "Well, most people kind of have an idea." He said, "If you take a million seconds, it is 11 days. If you take a billion seconds, it is 30 years." So that sort of puts it in layman's terms, the difference between a million and a billion. So we are willing to spend \$27 million to give to a veterinarian school, to a very wealthy private college, but yet we are only willing to give the tourism industry across this State, from Philadelphia to Pittsburgh, from Erie to Scranton, Washington County, \$4 million to market Pennsylvania. Can you believe that? How many billboards can we buy with that? We certainly cannot buy any TV commercials.

It is kind of interesting that our funding, even in the tough years, the last couple years we managed to spend at least \$10 million, and those were in tough years. And it is kind of interesting, when Philadelphia hosted the Republican National Convention, we spent a high-water mark of \$44 million marketing Pennsylvania that year. So I find it kind of ironic where we put our priorities in this House of Representatives when we look at our second largest industry, which is made up of a lot of small businesses, attractions, hoteliers, and everybody else, and we are only willing to part with \$4 million statewide to market Pennsylvania. Unfortunately, what will happen over the next few years, those businesses will see the dropoff in the number of people that come to Pennsylvania, because we are not marketing even though we have a good product. Even McDonald's, which has a tremendous product, markets every day. And you have to market to stay in the top, and I am afraid that Pennsylvania will slip. And I do not see how you can face all those people that have businesses associated with the travel and tourism industry, look them straight in the face and say, well, we had to cut. We had to cut you and education and hospitals, but we just do not have the money to put in, but yet we can drive our priorities to these other areas.

I am really surprised that the Governor, when he looked at this budget, only appropriated \$4 million to market Pennsylvania, and it saddens me that that is where we have come to, and I will not support the budget for that and many other reasons. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Pashinski.

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

Mr. Speaker, I rise against HB 1485.

It was only a few months ago in this great hall when our Governor gave his address, and during that time there were several phrases that the Governor used in order to emphasize the importance of this budget. And the Governor used a phrase, and that phrase was "all-embracing." It means everyone. He said that we need to pay our fair share. We need to feel the pain. I do not think anybody disagrees with that. I think we all understand that when we have troubled times, we need to come together as a country, as a State, as a people. Unfortunately, this particular budget is not all-embracing. Everyone does not feel the pain, and as a result, it is unfair.

I do not understand why education has been attacked. Nearly \$1 billion cut from their budget is massive. Why such an attack on a system that has provided this great nation the power that we possess to give every child the opportunity for a free and

quality education? No matter what social or economic distinction you may have, no matter what kind of disability, intellectual or physical, we take all children to help prepare them for the future, and yet this budget focused on public education. Why would we focus on those kids? For whomever you are trying to come after to cut the budget, it is the child in the classroom that will suffer the most.

For the statements that are made that this is a no-tax budget – a no tax on whom? The State did not tax anybody, but the local folks are starting to feel it; the local folks are feeling it.

You say you put a great deal of money into education, and why not? Everyone that has any kind of intelligence recognizes the fact that through an education you have a chance for a quality of life and success. Why would we challenge public education, who take all those kids and prepare them for the future?

Feel the pain? Back home they will feel the pain. Share the burden? Back home they will share the burden. All-embracing? Hardly. And if we are going to have this massive deficit next year, then I ask you, why would we not be taxing Marcellus Shale this year? Two hundred million here, \$200 million there, \$200 million in another place, and before you know it, you have got yourself \$1 billion for next year. But no, all-embracing simply meant we are going to attack the public school system; we are going to attack the high schools, the middle high schools; we are going to eliminate dual enrollment; we are going to eliminate tutoring; we are going to eliminate pre-K; we are going to increase class size – every one of these things that we just talked about has been proven to work or not.

Mr. Speaker, in my school district, the school districts that I represent, a 14.1-percent cut to one of my schools and a 12.9-percent cut to my other school forces them to increase class sizes, furlough teachers, and contribute, contribute the best they can.

Nearly \$1 billion in education budget cuts is an all-out attack on public schools. It is callous, it is heartless, and it is wrong, and I urge you to vote "no." Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I am a woman who would much rather arrive late and have something to offer than to arrive on time and be empty, and that is exactly what is happening with HB 1485.

Full of sound and fury, signifying nothing, this budget will have a negative impact on our children, on our youth, and on their families. Working families want their children in safe, affordable child care. This budget bill makes \$36 million in cuts to day care and enables low-income working families – they are the ones that enable low-income working families to pay the cost or help pay the cost of day care. Thousands of working parents will be cut out of subsidized day-care programs, and they will wind up placing their children in totally unregulated and unsafe programs – not because they do not want to find good care, but because they cannot afford the full price.

This budget also hurts our county children and youth programs that are mandated to respond to the reports of suspected child abuse. This program also cuts a \$45 million amount from children who are at risk as counties cut back on the number of staff that they can have investigating.

This budget hurts families who are trying to make their mortgage payments whenever they have lost their jobs. HB 1485 almost destroys the Homeowner's Emergency Mortgage Assistance Program. A coalition of lenders, homeowners, and financing agencies pleaded to maintain this program that provides loans to underemployed individuals who are just trying to hold on to their homes.

HB 1485 inflicts enormous pain on thousands of families – 3,200 on the waiting list – who have been taking care of their severely disabled children in the community and who have patiently waited for State support so that their children could be cared for in a community whenever they were unable to.

This bill actually rips the heart out of women, out of children, out of the poor working class, and it does not do us any good.

I have heard a lot of quotes this evening. Let me just leave with this quote, a quote from former President George H. W. Bush, who said that we are "a kinder and gentler" State than that. Pennsylvania, you can do better. Vote "no" for HB 1485. I will. Thank you.

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

Mr. MIRABITO. Mr. Speaker, the constituents of the 83d District have asked me to relay their concerns about HB 1485. They know that every budget picks winners and losers. Their objection here is that with this budget, all the losers are working, middle-class families, the elderly, small businesses, and the disabled. Even Pennsylvania business suffers, because when the workforce is not educated, our businesses will not do their best.

Constituents have told me that serious mistakes were made in the budget process. The first mistake was choosing an arbitrary amount of spending and then refusing to deal with real human problems when revenues exceeded projections. And what has happened to the excess revenues? Are they in the Rainy Day Fund? Are they in a line item? No one seems to have the answer. That is wrong, Mr. Speaker.

The second mistake was creating a budget by looking at only one side of the ledger. Mr. Speaker, I speak of the fact that the majority has looked only at spending and not at revenues, and I am not talking about revenues from working families and Pennsylvania businesses. The majority failed to close the Delaware loophole, which gives a free pass to large multinational corporations. The majority failed to collect sales tax on Internet sales, which gives a free pass to multinational Internet companies. And finally, the majority failed to impose a tax on Marcellus Shale drilling, which gives a free pass to multinational oil and gas companies, who, by the way, continue to raise the price of gasoline on our constituents and on businesses in Pennsylvania.

The third mistake by the majority was to ignore almost half the population of the State. By ignoring the concerns of 6 million people, the majority has disenfranchised them. That is wrong, Mr. Speaker.

Mr. Speaker, this budget is particularly hard on rural Pennsylvania. The budget disproportionately hurts rural Pennsylvania because our standards of living there are lower. Rural Pennsylvania is willing to make its fair share of spending cuts, but this budget treats rural Pennsylvanians as second-class citizens. With the cuts to adultBasic, almost 66 percent of those

cuts will fall on women, and in Lycoming County, 50 percent of our births are on medical assistance.

These budget cuts hurt communities differently based on wealth and demographics. The median income in Williamsport is only \$28,000. Even in Lycoming County as a whole, the median income is less than \$42,000; compare that to the median income of our State as a whole, which is close to \$50,000, almost 20 percent higher.

The elderly and middle-class families in Lycoming County do not have the income and wealth to sustain the cuts that the majority imposes on them. And, Mr. Speaker, it appears that the largest cuts to education are being imposed on the poorest communities in the State. For example, one of the school districts in Delaware County, Radnor Township School District, is receiving only a \$39-per-student cut, but Williamsport Area School District is receiving a \$652-per-student cut, and in Delaware County the median household income is \$62,000 – much higher than the \$28,000 in Williamsport. And in Allegheny County, the North Allegheny School District is receiving only a \$97-per-student cut, but South Williamsport School District is receiving a \$524-per-student cut, and Jersey Shore School District in Lycoming County is receiving almost a \$500-per-student cut.

Mr. Speaker, this is the case for almost all the poor rural, suburban, and urban communities in our State. This is wrong. I urge members of the House to consider the situation of the constituents in their community. Look at the median income of the constituents in your community and decide whether this budget is really fair to them. I do not believe in your heart you will find it is fair.

I urge you to vote "no." Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

This is a sound-bite budget crafted by Governor Corbett that will hurt middle-class families. This is a budget that is a direct result of a campaign promise to a Washington, DC, lobbyist, and we all know that is why we are in the position we are in today, where we are going to have a budget vote on a proposal that is so bad for middle-class families and for public education.

We have a \$700 million surplus sitting in the State Treasury right now, and we are the only State in the nation that does not tax Marcellus Shale natural gas drilling. This includes George Bush's Texas, Sarah Palin's Alaska, and Dick Cheney's Wyoming.

Now, I do recognize that this budget will be on time. Our kids on a school night have a bedtime that they have to meet and they also have chores to get done before they get to bed. And so when we go up at 9 o'clock to tuck them in and kiss them good night, sometimes we notice the shoes are all messed up in the closet, sometimes the homework is not done just right, sometimes the book bag is flailing away and the clothes are not put in the hamper right, and I say, "What happened? You didn't get your chores done?" "Hey, but, Dad, it's 9 o'clock. I'm in bed. I met my bedtime." Well, that is what this budget is. It is on time, but all of the other responsibilities are not being met.

What are some of those responsibilities? Governor Corbett's cuts that will increase local school property taxes – York City, 5.2 percent as a result of this budget. Governor Corbett's cuts will increase class sizes all across Pennsylvania. York City class

sizes will nearly double as a result of this budget. In fact, York City's per-student cut is the third highest per-student cut of the 500 school districts in Pennsylvania. Governor Corbett's cuts, the 10-percent cut to the Department of Environmental Protection will lead – we all know it – will lead to more pollution. Governor Corbett's cuts will also lead to more structurally deficient bridges, which Pennsylvania already leads the nation in. Governor Corbett's cuts have already resulted in the elimination of the adultBasic program, which is hurting working families, working families all across Pennsylvania. And this budget will also lead to job losses in the tens of thousands across Pennsylvania. Governor Corbett's budget also specifically hurts our hospitals. York Hospital, Memorial Hospital in the 95th Legislative District will be hurt by this budget. That will also happen all over Pennsylvania. And the community college cuts will also hurt, especially our working families in Pennsylvania, because with the rising tuition in so many of our colleges, so many of those families are then trying to get into community colleges, not only the Harrisburg Area Community College York campus, but community colleges all over Pennsylvania will be hurt.

This also does not make strategic sense. We know that to win the future you have to win the education battle. You have to have an educated workforce, and many of our employers, they are going to be seeking out the most qualified workers regardless of where they come from. We are not just competing with other States anymore. We are competing with other nations – India, China. They are doubling down on their investment in education, looking to beat us in the future, and if we do not have the workforce to compete with them, our kids and our businesses will be at a competitive disadvantage.

To win the future and fight for the middle class, I ask for a "no" vote on the Corbett budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia, Mr. Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

Mr. Speaker, 11,412; 11,412. That is how many Pennsylvanians will lose their jobs if the Republican budget passes this chamber tonight. That is 11,412 families in our State who will suffer as a direct result of the Republican's job-killing budget.

Now, Mr. Speaker, the people can understand that some cuts are necessary when we do not have the money, but what the people cannot understand and what I fail to understand is why the Republican majority is insisting on these draconian cuts when we have a \$700 million surplus sitting in the bank. The fact is that we could repair most of the damage contained in this budget, and do so without raising taxes, but would Governor Corbett and the Republican legislature pursue this pragmatic, responsible approach? No. Instead, even as the surplus has grown from barely \$70 million to now over \$700 million, they have continued to push their slash-and-burn budget. That is why this budget is not fiscally responsible. It is radical ideology posing as fiscal responsibility.

Now, Mr. Speaker, in addition to the 11,412 layoffs contained in the Republican's budget, the part of this budget that most concerns me is the potential damage it will do to the gains in education that we have recently made. Over the last 8 years, Pennsylvania is the only State in the nation with increased test scores in all grades. The percentage of students scoring on grade level on the PSSA (Pennsylvania System of School Assessment)

has increased from 55 percent in 2002 to 75 percent just last year, a 20-point jump. Since 2002 the percentage of students failing the PSSA has been cut in half, and these increases in academic performance correlate exactly with the increases in education funding. These gains in education, of course, were not achieved by funding increases alone, but we also know that before providing these resources, we were falling well short academically of where we are today. So after coming this far, why would we ever put these gains in jeopardy?

Mr. Speaker, it is imperative that we make the distinction between spending and investing. Every dime we put toward education today is a dollar we may not have to commit tomorrow toward the correctional system.

Studies have consistently shown that investment in early childhood education yields benefits not just to the overall education of the student, but produces positive outcomes in relation to delinquency, crime, and marketplace success. In light of this, I ask again, why in the world would we ever put this in jeopardy?

Mr. Speaker, the facts are clear. We cannot allow 11,412 fellow Pennsylvanians to lose their jobs. We cannot allow our gains in education to be wiped out. We cannot pass this Republican budget. Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we have heard a lot of talk today about cuts in line items, but what we are really talking about in this \$27.7 billion budget is cuts in services to people who need help. This budget allows our physical bridges and roads to continue to deteriorate, and it weakens the metaphorical bridges and roads to the future.

As others have said, this is a pass-the-buck budget. It leads to higher property taxes, higher wage taxes, and higher business taxes from local governments in all areas of the State. Political courage does not consist in forcing others to make the tough decisions. Despite all the talk of an on-time budget, this is the latest "one party in control of both Houses and the Governorship" budget since 1977. This is a budget that relentlessly seeks out bad news and ignores good news, such as a \$700 billion surplus this year. And the \$700 billion surplus this year should be worth, at the very least, another \$700 billion next year.

Ronald Reagan said that the best days of America were yet to come. This budget says the best days of Pennsylvania are over. This is the 38th budget I have voted on, and it forces the continuation of the trend where my Republican friends and I vote on opposite sides. This is a tough budget. It is tough on students, tough on tourist promotion, tough on hospital patients, tough on the unemployed, tough on the uninsured, tough on the mentally ill, tough on the mentally retarded, tough on dreams, tough on the future. It is a great budget for drillers on the Marcellus Shale, for polluters, for critics of State government. It is a bad budget for people with problems.

We do not have enough money today to solve all the long-term financial problems of Pennsylvania over the next generation, but we do have enough money to restore every penny, every penny of cuts in education and the Department of Labor and Industry and other worthy line items, without raising a penny in taxes.

A good way to solve the problems of the future is to solve the problems of today first. I hear all too many ideological attacks today on "big government" and other conservative catchphrases. Budgets are not about ideology; they are about people. All of us can speak in the poetry of our respective party ideologies, but budgets deal with the unromantic prose of people's daily lives.

I join my Democratic colleagues in urging a "no" vote on this budget. It is not a matter of taxpayers versus users of governmental services. It is a matter of how the family of Pennsylvania deals with our collective challenges. This budget is not the best that we can do. A "no" vote is a vote for a better economic future and a vote for coming to grips with our serious economic and social challenges. A "no" vote expresses a positive vision of what Pennsylvania is capable of and what our economic future is. A "no" vote says that the worst Pennsylvania faces is behind us, and we can move boldly and confidently to solve the problems of today and tomorrow.

A "no" vote is the best vote for Pennsylvania, and I urge both parties to cast a "no" vote and give new hope to the people of Pennsylvania.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Kirkland.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members of this body to nonconcur on HB 1485.

Mr. Speaker, this so-called tax-free budget is simply a mechanism to hurt and punish those persons who are most vulnerable in Pennsylvania – to hurt the poor, to punish the elderly, the children, and the disabled. Mr. Speaker, this tax-shift budget simply takes the focus off the wealthy industries like Marcellus Shale and the gas industries and oil industries, and forces our poor local communities to raise taxes on already overtaxed Pennsylvanians.

Mr. Speaker, the adultBasic health-care program, a program that would have provided health-care coverage for some 40,000 adults without health care, is gone; gone, Mr. Speaker, all of this while the Governor walks around with an almost \$1 billion bulge in his back pocket. This budget, Mr. Speaker, hurts these persons who are in desperate need of health-care coverage.

Mr. Speaker, in Washington the opposition calls it Obamacare. To that I say, Mr. Speaker, at least somebody cares. This budget, Mr. Speaker, simply says, who cares?

This budget hurts our children, Mr. Speaker. Even though the Senate voted to put money back into the education budget, it is still not enough. Teachers will still be laid off, educational programs will still be cut, support staff will still be dismissed, and some schools will still have to close, and yes, Mr. Speaker, school taxes will be raised.

Mr. Speaker, half of the money to educate the children in my school district was restored – half, Mr. Speaker. And watch this, Mr. Speaker, if I only put half a tank of gas in my car, leave my district in an effort to get to Pittsburgh, there is a great possibility that I will run out of gas and end up stuck on the side of the turnpike. Our children are given just enough funding to get stuck on the side of the road, and a large portion of that funding will go to the local charter schools for reimbursement. Smoke and mirrors, Mr. Speaker; smoke and mirrors.

Mr. Speaker, the Bible says that if you give a man, if you give a child a fish, then he will eat for a day, but if you teach him, if you teach them how to fish, then they will eat for a lifetime. How will you teach them without educators, and how will you have educators without proper funding?

Mr. Speaker, this budget is hurtful to our seniors and persons with disabilities. Mr. Speaker, this budget was more than just a streamlining of the Department of Public Welfare, but instead it is an attack on the much-needed services that were made available to those in need. Cut, cut, cut, Mr. Speaker.

Finally, Mr. Speaker, this tax-shift budget is bad for Pennsylvania. How do you cut the funding for tourism and marketing in Pennsylvania and expect us to encourage persons from other States and countries to come to Pennsylvania? Mr. Speaker, when you and I campaign, when the members of this body campaign, we need the funds in order to get our message out to the electorate so they know who we are and what we are trying to promote – promoting ourselves. If we do not, Mr. Speaker, then there is a great possibility that we will not get elected or reelected. This budget makes it clear that if we do not properly fund tourism and marketing here in Pennsylvania, that Pennsylvania will not win. The second leading industry in Pennsylvania will fall and fall hard.

Mr. Speaker, this budget is bad for everyone; therefore, I am asking that you join me in nonconcurrency of HB 1485.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

This GOP budget is on time. After that celebration, the horror and the grief begins. Horror and grief because this is a job-killing budget; grief because it hurts middle-class families, basic and higher education, and it hurts small business job creators.

Despite the Governor's claims, smoke and mirrors continue in this budget. The budget claims to be one figure, and my friend, the majority Appropriations chair, admits it really is another number. This is really a \$27.7 billion budget, \$27.7 billion in spending. But more importantly, it is the wrong spending, the wrong spending priorities. In addition to the wrong spending priorities, the resulting tax burden will have a huge effect on the people in the school districts as taxes are being raised all over this Commonwealth. Trickle down taxes are taxes no less.

The economic growth that we have seen, Mr. Speaker, since we have nearly \$700 million in surplus dollars – and I know we were told that those dollars do not exist, but the Senate put \$200 million of that money back in this budget – those dollars will be stagnated by this budget, economic growth will be stagnated by this budget as people are laid off in the public sector, dealing a painful blow to the private sector in reduced sales and purchases, increasing unemployment numbers, and the State unemployment deficit. In short, this budget will hurt our economy, push more people into unemployment, and increase property taxes.

Let us just take a minute to look at job creation. We decreased in this budget small business development dollars by 22 percent, money used to help job creators grow their businesses. Small business development centers will close in

local development districts. Businesses that created nearly 2,000 jobs and retained nearly 9,000 jobs, created \$2.2 million in exports and another \$85.3 million in local sales, those job creators, those revenue generators are cut by this budget.

We reduced the appropriations in economic development, but we found a new line item, a mysterious line item in economic development of \$9.9 million. There is no real explanation for that money, Mr. Speaker, and we know that it is at the discretion of the Governor. Some people would call that the Governor's slush fund. That \$9.9 million would restore the cuts to my school district of \$2.7 million and the other school districts, Upper Darby and William Penn, by \$2 million, and you would still have money left over. I plead to the majority party to fund the devastated schools punished by this budget.

In closing, I say no to concurrence because we do have a virtually on-time budget that wrecks our economy, annihilates our basic and higher education, pulverizes the disabled and most vulnerable. This is a painful, horrible budget. But on the bright side, congratulations; it is on time. The horror show will start right on time. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Santarsiero, from Bucks.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

In picking up on the theme that the gentlelady just expounded, I would rather have a late budget that protects our children and the environment than an on-time budget that does neither, and that is exactly what this budget will not do. It will not protect our kids nor will it protect the environment.

Now, it is ironic, Mr. Speaker, that many of our colleagues on the other side of the aisle are given to referring to themselves as Constitutionals. Ironic, because this budget in fact will violate Pennsylvania's Constitution. And why is that? Because Article III of Pennsylvania's Constitution requires that this General Assembly "provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." That is right, this Constitution of ours requires that the General Assembly maintain a public education system, and yet this budget and some of the other legislation that we may or may not consider in the coming days not only will not maintain public education, but I would argue will destroy public education, destroy public education at a time when the children of this Commonwealth more than ever need our support. They need our support to be able to compete in the 21st century, not just with other children from other States in the United States but globally as well.

Instead, we are going to cut funding, and when we cut funding, what will that do? We have heard already it will probably raise property taxes at the local level, but beyond that, it will increase class sizes, it will result in programs being cut, it will mean less technology in the classroom, and at the end of the day, it will mean less opportunity for our kids across the Commonwealth of Pennsylvania. And you might, you just might be able to make an argument that this is the right policy if in fact there were not an alternative – and there are in fact alternatives, not just one.

We have a \$700 million budget surplus that could be used to cut these cuts in more than half right now. We have a drilling tax on the oil and gas industry that is currently extracting natural gas in the Marcellus play that needs to be implemented and is not right now, and that could bring in substantial money and almost completely wipe out these cuts. Mr. Speaker, this is the wrong policy at the wrong time, and if we pass this budget

tonight, we are not only failing the next generation, but we are abrogating our responsibility under the Pennsylvania Constitution.

Now, with regard to the environment, Mr. Speaker, briefly, the Marcellus Shale play presents a great opportunity for Pennsylvania, but it also presents us with perhaps the greatest environmental risk in generations, and we will not be able to face that risk and do what we need to do if we do not enact a drilling tax. We face the potential for environmental catastrophe, Mr. Speaker, and yet we are passing a budget this week, and once again we are passing by the opportunity to do the right thing and tax this industry, something that the overwhelming majority of Pennsylvanians supports.

Mr. Speaker, this is the wrong policy for Pennsylvania at this critical juncture in our history, and I ask my colleagues on both sides of the aisle to step back for a moment and let us get this right. It is far less important that we do this on time than it is that we do it right. It is far less important that we meet this deadline of the 30th of June than we protect our kids and we protect the environment, and for that reason, Mr. Speaker, I ask for a "no" vote on this budget. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Butler County, Mr. Ellis.

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

Mr. Speaker, we have heard a lot of different arguments from a lot of different angles tonight, and I want to offer one additional angle. Having served the last 2 1/2 years on the Stimulus Oversight Commission representing our caucus, one of the things that strikes me as amazing is how many times we told them over and over and over again, many members of my caucus urged everybody that was in any shape or capacity going to be receiving stimulus dollars to make sure you spend them on one-time projects. Do not invest in unsustainable spending.

And a colleague of mine from Allegheny County pointed out a couple of letters earlier today that we encouraged the school districts to do that, to be responsible; this money was going away. And guess what, Mr. Speaker? We all know it went away. From day one this was temporary, and if we would not have spent that money in a foolish fashion, we would not be in the situation we are today. Mr. Speaker, the stimulus funds have just about run out. Programs like weatherization, infrastructure, those funds will expire in the near future. The school money has already expired, Mr. Speaker.

And I will reiterate this so that we are very clear. If the stimulus recipients had spent the funding as intended, additional funding this year would not be necessary. In fact, Mr. Speaker, if we would have done what 48 other States did, 48 other States took advantage of the opportunity. They did not want to, but they became fiscally responsible 2 years and made the cuts that we are looking at today; 48 other States. Perhaps it was because the previous administration knew they would be gone when this money ran out, Mr. Speaker, but the fact is, it is gone.

Now, I heard a colleague on the other side mention that this budget is actually going to cost Pennsylvania jobs. I disagree, but if you take the amount of spending that we have this year less than last year, Mr. Speaker, it works out to about \$10,000 less. Now, what my colleague on the other side was saying is that if we cut government spending \$10,000, we are going to lose a job. So every \$10,000 we cut, we lose a job, yet the stimulus dollars that we had were \$15.3 billion to create only 85,000 jobs. Now, I am happy we created the 85,000 jobs,

Mr. Speaker, but that works out to investing \$180,000 per person to create a job, and yet now we are cutting \$10,000 and we are going to lose a job. The math just does not add up, Mr. Speaker. And I ask, how can that math make sense to anyone? But it does not.

This budget, Mr. Speaker, is fiscally responsible. It is pro-jobs, above everything else, and it is pro-growth for Pennsylvania. We tried the experiment of government getting involved with creating jobs, and that does not work because government does not create jobs. The private sector, they are the ones that invest in our Pennsylvania families, they are the ones that create the jobs. This budget gives them an opportunity to get back in business, keep their business here, grow their business here, and stay here for years to come, Mr. Speaker. This is a fantastic opportunity for Pennsylvania to say, guess what? We are open for business.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Beaver County, Mr. Matzie.

Mr. MATZIE. Thank you, Mr. Speaker.

"And Ye Shall Know The Truth, And The Truth Shall Make You Free." That is what is printed on the ceiling of this great chamber.

When I was brought up, a lesson I learned and quote often and in fact say to myself daily are the words of my parents, "Treat people the way you want to be treated." Well, this budget does not treat people the way I want to be treated, or seniors, like my parents, and all Pennsylvanians should be treated.

We heard the majority Appropriations chairman answer to interrogation to the gentleman from Allegheny County that no WAMs or embedded funds exist in this budget. I am glad that we have for the record that question answered for all 203 members of this chamber and the people of Pennsylvania, and she shall know the truth and know that the truth shall make you free.

Members of the other side justify voting for this budget because of so-called reckless spending of the last 8 years. Just a reminder that the members on the other side of the aisle were in the majority during the first 4 of those 8 years, and our colleagues in the Senate were in the majority all 8 years. They were also part of the discussion the last 4 years. Now with a supermajority, the House Democrats were left out of the discussion. This take-it-or-leave-it attitude has given us a budget that fails Pennsylvania.

Public education was a priority when the House Democrats were at the table, but the Republican budget eliminates the costing-out study that was overwhelmingly supported on both sides of the aisle and in both chambers when adopted. The goal was to provide adequate funding to our public schools.

The Republican budget eliminates charter school reimbursement. As reported in the Pittsburgh Tribune-Review, March 20, 2011, then acting Education Secretary Ron Tomalis said that when the legislature established the reimbursement in 2002, it was meant to minimize the first-year impact of students transferring to charter schools. "It was never intended to be a permanent replacement for the money following the child to the charter school." Well, it is my judgment that without this reimbursement, property taxes will go up. Other programs eliminated include the Educational Assistance Program, school improvement grants, dual enrollment, "Science: It's Elementary," and intermediate unit funding. These eliminations

will be a tax shift to property taxes as local school districts, who have not already, will need to pick up the slack. "And ye shall know the truth, and the truth shall make you free."

Much of the discussion today included Republicans' mention of using Federal stimulus moneys for our schools as if it was a bad thing, yet the Republicans use the \$388 million in new Federal education jobs funds to replace State dollars for this budget.

Another program eliminated is the Weed and Seed Program, a program that uses a collaborative approach to weed communities of drugs, guns, and violent offenders, a program that works and that I have seen in action in my district in the city of Aliquippa. "And ye shall know the truth, and the truth shall make you free."

Mention of the Rainy Day Fund also talks of how it was depleted. The fact of the matter is, the Rainy Day Fund was drained under our most recent Republican Governor 9 years ago before leaving office, a fund that had in excess of \$1 billion. It was spent.

So let us not kid ourselves. It is easy to demean House Democrats and Democrats as a whole, and we are a whipping boy these days. It is easy to keep telling half-truths in hopes that the longer you say it, that people will start to believe it. That is not governing with the people of Pennsylvania in mind. The people of Pennsylvania do not need, do not want this power grab, a power grab that will eventually affect many Pennsylvanians in the months and years ahead, and ye shall know the truth and the truth shall set you free. Stay tuned.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Mr. White.

Time is up. Just kidding. We will go back to you.

We will move on to the gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I am standing here to support my colleagues in the Senate. Twenty members in the Senate voted against this budget last night, and as I stood and watched them, I felt proud as I listened to their comments as to why they were in opposition with this budget.

Over the 12 budgets that I have been here to vote for or vote against, this is the first time that I find myself having to vote against a budget, and the reason why I am voting against the budget is because the budget lacks what I call responsible decisions. It is difficult for me to go back to my district and tell people that we have to cut programs and services that they need and depend on; for instance, HEMAP (Homeowners' Emergency Mortgage Assistance Program), a program right now which helps so many people who have found themselves, through no fault of their own, in jeopardy of losing their homes. It is difficult for me to go back and tell them that we did not use or explore every option available to us to raise revenue so that they would not have to feel this pain. It is hard for me to tell them that when we talk, and I heard a speech given here in March about jobs, jobs, jobs, and I heard also something about shared sacrifice, but when I watch this budget and know that multimillion-dollar corporations that are operating on Marcellus Shale are getting a free ride on the severance tax, where they do pay in so many other places where they operate. And even they said themselves, with some of the corporations that I spoke with, they do not mind paying a severance tax as long as it is

fair, and I do not blame them, and that is all we want is fairness in this process.

It is hard for me to go back and tell the people when teachers, as one was here today, who have lost their jobs, who have lost and will be losing their jobs, and when class student sizes begin to grow within the schools that they are the ones making the sacrifice but the multibillion-dollar companies that are allowed to get away with the corporate loopholes continue to exist. And I am not saying that this corporate loophole is something that started in 2012, but in this year, with the kind of problems that we are faced with in today's economy, it is difficult for us to be able to go back and explain to the people who will be feeling the pain – there will be pain that is going to come – that this is called shared sacrifice when other people are enjoying billion-dollar profits. And I hope that we get a chance to demonstrate to all Pennsylvanians those profits that will be realized while we are telling other people, we decided not to ask them to do their fair share.

So when we are looking at people losing their homes and say we zeroed out or cut back on programs that could help them, that have been a model for the nation that can help people keep their homes, that we decided that it was not important in this budget, in HB 1485.

It is going to be hard for me to go back and explain to them why I could vote for something like that, this budget, but it is going to be easier for me to go back and tell them why I could not vote for this budget.

So I want to do what I should do for my constituents and stand up for them. That is why they sent me up here, not to look out for corporate, not to look out for the rich, not to look out for people who need government services the least. The people in my district need government services, only the kind of services that help them in difficult times.

And I want to say – and I want to relinquish this mike now to my friend whose turn I am now occupying – that if we vote for HB 1485 and go back to our districts and let all the other sources of revenue not be in this budget, then we are going back and telling them that this is an unbalanced budget, and you bite the bullet. I say vote "no" for HB 1485.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and returns to the gentleman from Washington, Mr. White.

Mr. WHITE. Thank you, Mr. Speaker.

"It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair...." That is right, this budget is a tale of two Pennsylvanias. Unfortunately, the people I represent in the 46th District are clearly living in the worst of times. Education funding is being slashed to the bone. Despite the hollow, broken promise of no tax increases, property taxes have increased in Avella, Chartiers-Houston, McGuffey, South Fayette, and South Side Beaver School Districts. Programs have been cut and classrooms are now more crowded in Burgettstown, Canon-McMillan, Fort Cherry, Trinity, and West Allegheny School Districts, while hundreds of millions of dollars of surplus, the taxpayers' own money, is not being returned to the people of Pennsylvania. These good people, whom the Governor and the majority have proven through this budget that they could care less about, are paying higher taxes

for a lower quality education. Municipalities are bearing the brunt of the impact of Marcellus Shale drilling without paying their fair share to communities through a reasonable and fair local impact fee, which will result in higher local taxes.

For the people of the 46th District, this budget realizes undeniable proof that the worst of times is upon them, and it truly is the winter of despair. By comparison, others in Pennsylvania are enjoying the summer of hope. Lesser inequitable cuts to affluent school districts will guarantee that the rich get richer while the poor get poorer. Tax loopholes allow big corporations to enjoy an unfair advantage over true small business owners who are struggling to make ends meet.

For some, like our Lieutenant Governor, the best of times are yet to come, because the taxpayers of Pennsylvania are paying for a new swimming pool for their mansion. And for the Governor himself, riding around in a \$185,000 fleet of new SUVs that we all paid for after promising to cut the vehicle fleet, the times could not get much better.

So while those of you who vote "yes" tonight congratulate yourselves on the unconscionable spoils of this faulty budget – the unfair cuts, the attacks on working people and senior citizens, attacks on teachers and students, attacks on the forgotten and infirm, all while dividing up the hidden WAMs of pet projects that we all know are tucked away within – remember the words of Sir Charles Dickens: "...we had everything before us, we had nothing before us, we were all going direct to heaven, we were all going direct the other way...." In that spirit, I can say that the people of the 46th District have nothing before them in this budget, and those who vote to hurt Pennsylvania by voting for this budget may well end up not going to heaven but in fact going the other way.

Vote "no" on HB 1485.

### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, we recognize the gentleman from Luzerne, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker. Tough to follow Charles Dickens.

This budget has many flaws, not the least of which is funding levels for our State's public school districts. We here had an opportunity to help meet this core function of State government, but this budget reflects an unwillingness to do so.

Even more appalling than the lack of support for education is the failure to address the need to impose a severance tax or fee on drilling in our State. This reason alone is enough to reject this budget.

Mr. Speaker, I represent an area that includes an orange river, multiple waste coal piles, and backyards that disappear when the land evaporates into a mine void left after anthracite coal was extracted decades ago. We have already experienced emergencies related to natural gas extraction. We simply must prepare for the environmental emergencies that we are sure to face in the future. This preparation must include securing the funds necessary to adequately respond.

In addition, the funds generated by a severance tax that is consistent with such taxes in other gas-producing States would help meet the growing local and State needs across this State.



Impacts from drilling will continue to impact this entire State for decades.

Mr. Speaker, a severance tax is supported by a broad majority of Pennsylvanians. It is consistent with the policy of our sister gas-producing States. It helps meet the needs of our citizens while giving policymakers at the local, county, and State levels the funds to meet common needs. It should be the policy of our Commonwealth. The continuing refusal to enact a fair severance tax is a dreadful policy and is reason enough alone to reject this budget.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, we recognize the gentleman from Luzerne, Mr. Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in opposition to concurrence of HB 1485. This budget slashes funding to our public schools by more than \$1 billion, an unprecedented attack on public education that will hurt our kids, cause thousands of job losses, and harm Pennsylvania's economic competitiveness.

I have seen this firsthand in my district. Three of my school districts have held off approval of their final budgets with the hope and prayer that we here in Harrisburg will see the light and correct the mistakes currently contained in HB 1485. It appears we will not. That being said, I would like to share with my colleagues the end result of the mistakes in this House bill.

In the Crestwood School District, they are considering eliminating their full-day kindergarten, requiring their junior high athletes to pay to play, eliminating their elementary music education program, their middle school language education program, their D.A.R.E. (Drug Abuse Resistance Education) program, junior high band, eliminating all funding to the Marian Sutherland Library, furloughing eight staff, and raising taxes 7.6 percent.

The Greater Nanticoke Area has furloughed 21 staff, eliminated its family center program, its parent-child home program, its fatherhood program, and made significant cuts in music education, art education, and elementary phys ed.

Hanover has required its staff to freeze their wages. They have eliminated 30 positions, eliminated junior high sports, closed an elementary school, and severely reduced budget allocations for high school sports, school supplies, assemblies, and still had to increase taxes.

The Wilkes-Barre Area School District is considering eliminating its junior high sports, eliminating two of its kindergarten classes, furloughing 19 staffers, all at a time that they are also considering bringing in-house a variety of services currently handled by the local intermediate unit.

The Valley West School District board is meeting tonight, and many of the concerns that I previously cited are also concerns at Valley West. Mr. Speaker, unfortunately, these concerns are not limited to the 119th Legislative District or Luzerne County. They are concerns across this great Commonwealth.

This is an antieducation budget. Public schools across PA will and have been forced to eliminate programs, eliminate classes and activities, close buildings, and furlough staff. This budget limits the educational opportunities available to Pennsylvania's children in public schools and places them at a competitive disadvantage to their neighbors.

Now, a few hours ago my colleague from Allegheny County rose and argued that districts can survive and even thrive despite these deep budget cuts. I agree, as long as your school district has a median family income in excess of \$72,000, like his, and your district only has 2.2 percent of its families living below the poverty line, like his. With those types of statistics, I am shocked that Moon is not cutting taxes. But if your district is like the Greater Nanticoke Area and your population is declining and your median family income is less than \$36,000, and 15.8 percent of your general population and more than 50 percent of your students live below the poverty line, the story is different. The rest of us are not in the same boat as Moon.

For those of you on both sides of the aisle who represent districts like mine, I encourage a "no" vote on HB 1485. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, we recognize the gentleman from Lackawanna, Mr. Kavulich.

Mr. KAVULICH. Mr. Speaker, thank you.

I rise today in opposition of HB 1485, first because of what it does to the future of our children by underfunding basic and early education programs. This budget will make it harder for young people to get a good start on their educational careers. It will make it harder for those who need a little extra help to keep up, and it will make it harder for our brightest students to realize their full potential in the classroom.

It will burden our local residents with higher school property taxes, as school boards look for ways to make up the shortfall in education funding. As my colleague from Lackawanna County mentioned earlier the losses in his district, in mine, Carbondale Area has one of the highest reductions at \$898 per student and more than \$1.5 million. Lakeland School District loses nearly \$850,000.

There are working communities all over my district that will have difficulty making up these large cuts. This budget does not do enough to help the children of our working-class families.

Mr. Speaker, this budget also seriously hurts thousands of Pennsylvanians with disabilities. Under this budget, there are cuts of nearly \$69 million from home- and community-based services, \$31 million of that by the State, services which are provided to more than 15,000 Pennsylvanians, services which allow physically challenged individuals to remain in their homes, providing assistance such as cooking and shopping, things which all of us in this great chamber take for granted.

Under this spending plan, services for persons with disabilities are cut a total of \$38.3 million, 17.2 of that in State funds, services which provide programs helping individuals at various stages of development and independence.

Attendant care is cut by \$30.4 million, 13.6 in State funds, taking away those who perform simple but essential tasks as helping someone bathe or eat.

Community waiver programs for individuals with intellectual disabilities are reduced by \$42.7 million, 29.1 of that in State funds, limiting services such as transitional work and transportation.

Mr. Speaker, for the first time in years, there is no funding for graduates of special education programs, meaning we show these individuals the door and say good luck; welcome to the world.

Keith Williams lives in northeastern Pennsylvania. He is well-known across the Commonwealth for the tireless work he does in support of individuals with disabilities. He works full time at the Center for Independent Living in Scranton, where you can find him every day when he is not traveling somewhere advocating for those with disabilities. You see him at public functions, at the mall, at the grocery store, even here at the Capitol, like many other people. And oh, yes, Keith Williams is one of those people with disabilities, in a wheelchair, and the reason he can do his work, live actively and independently – and I should add, as a taxpaying citizen – is because we have adequately funded the services we are cutting in this budget. Keith Williams asked me how fiscally prudent these cuts are when many who now live productive lives because of these programs will eventually suffer other problems, forcing them into nursing homes, and cost this Commonwealth even more money.

For Keith Williams and thousands like him, for students and working Pennsylvanians, I will vote against HB 1485. Thank you.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I, like many other freshmen, have spoken tonight, and whenever you come here and you get elected, you really expect to pass legislation that is going to make things better. I have not heard yet today that this legislation is going to make education better in any way. If we are passing legislation to make things worse, to make things harder, to make things that are unattainable in areas of Pennsylvania where they need help the most, it is a bad bill. I do not think anybody would stand up here and argue that their own legislation is going to make something worse; they always argue that it is going to make something better. I have yet to hear that argument yet tonight.

It is very important that we fund education. We need to make it better. There are ways to make education better and save money. There are ways to reform the PSSA tests; there are ways to reform our education to make it better and save money. Cuts without reform are just cuts. We need to look at this issue of education, make sure we are investing in our future, make sure we are investing in our children, and make sure we are voting on legislation that is going to make this Commonwealth better.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Paul Costa, who has imposed a 1-minute, a self-imposed 1-minute time limit? See if you can do it in 1 minute?

Mr. P. COSTA. I can talk fast, Mr. Speaker.

You know, most of the members on this side of the aisle have been bashing this budget, and rightfully so, but there are a couple of things I want to talk about that are positive in this budget. One of them is the PA film tax credit. Most of you know I have been a proponent of that program for years and have been advocating it. It is a great job. I want to thank the Governor for putting it in his budget, and I want to thank Chairman Adolph for keeping it in there.

There is another good program that is in there about AmeriCorps, which helps urban farms in my district in Braddock, and I thank them for putting that in there. Even those two programs that I really enjoy and I am glad to see in there, that is still not enough to get me to vote for this budget.

I am voting "no." Thank you.

The SPEAKER. The Speaker thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Bedford, Mr. Hess, on the floor of the House. His name will be added to the master roll.

### CONSIDERATION OF HB 1485 CONTINUED

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am not going to repeat any of the facts that have been put forward so eloquently. In my 25 plus a couple of months-plus years here, I have never heard such eloquence on the part of my Democratic colleagues, and I am very proud of you. I am not going to repeat any of that, but I am going to say two things.

First of all, this budget plunges us into economic stagnation. I hope this does not come true, but I think we are going to end up in a worse recession than we saw several years ago, and it will be caused by this budget and by the party that thrust it down our throats. We need to be competitive in the 21st century. We need to teach our children so they can compete in a global marketplace. We are not doing it, and we are not doing it because the folks who fashioned this budget, the ladies and gentlemen on the other side of the aisle, could not find the money, could not find the money although we have Marcellus Shale to tax, closing the loophole for the corporations, and taxing other tobacco products.

But let me talk about something that is very close to my heart. When they want to find money, they can find it. They found millions and millions and millions of dollars to take illegally out of the Motor License Fund in order to suppress our vote. That they had money for.

Thank you, Mr. Speaker.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman, Mr. Hennessey, from Chester.

Mr. HENNESSEY. Thank you, Mr. Speaker.

In light of the hour, I will submit written remarks in support of concurrence in the Senate amendments to HB 1485. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. Speaker, I rise to support concurrence of Senate amendments to HB 1485.

After years of spending more than we should have, we have finally changed the direction of the ship of State. We will spend less this year than last year – that in itself is a signal accomplishment. Even more, we will spend substantially less, \$1 billion less, than last year. That is a 4-percent reduction. But even more than that, it is exactly what people of Pennsylvania have asked us to do.

Today we have heard member after member claim a budget surplus of \$600 million to \$700 million. That ignores the massive debt which faces Pennsylvania:

- Unemployment compensation loan of \$4 billion
- Roads and bridges accounts – \$3.5 billion
- Previously existing debt – \$13 billion
- Mcare fund problem – \$800 million
- Pensions could total – \$50 billion

I liken Pennsylvania's situation to a family with enough money in its checking account to pay its bills. Then an uncle dies and leaves them \$25,000. The family would ask, should we pay off our credit card debt? Should we pay off our home equity loan? Should we pay down our existing mortgage? Should we hold it for a big liability we know is coming? Or should we ignore our accumulated debt and spend the money elsewhere?

Most people would think the more prudent course would be to apply that extra money to reduce their debt. In a similar vein, we should use the "overestimate" revenues to reduce the heavy burden on the shoulders of our taxpayers, which they bear day in and day out.

This budget recognizes that there are limits to what taxpayers can afford. It recognizes that since the stimulus funds are now just a memory, the State must do more. And in this budget proposal, we do. Our problem is we cannot replace all those stimulus funds, but in this budget, we do our best.

In every budget, anyone can find reasons to vote against it: some program which does not get funded, some program which does not get enough, some program we do not like which did get funded, some priorities which are not met.

No budget fulfills every demand or solves every problem, but this budget – in difficult economic times – is reasonable, responsible, and prudent. I ask for concurrence.

Thank you Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Armstrong, Mr. Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, this is my seventh budget, the first from which my party, the Republican Party, has maintained the majority and according to constitutional dictates. I was here when the Governor made his initial proposal. There has been a great deal of work done to that proposal since it was made back in February. But I have spent the last 3 days doing my absolute level best to listen to what each and every member, honored in their areas, had to say. A few thoughts ring true, Mr. Speaker.

First of all, although we may spend 7 or 8 hours a day pummeling each other and calling each other names and casting aspersions upon our reputations, I hold nothing personal against anything that has been said, but I think a few points that have been brought up by those far wiser than I deserve review.

Point one: We cannot spend what we do not have. Now, word is that we have a surplus – \$750 million is what this surplus is intended to be projected. But we also have, and this is

for anyone, outstanding obligations to the CFA (Commonwealth Financing Authority); lease payments; general obligation debts of \$12.9 billion; pension liabilities in the amount of \$29.4 billion. We owe the Federal government \$4 billion for unemployment compensation from which we borrowed. Our roads and bridges are now estimated at \$3 1/2 billion. And very soon, I believe a \$716 million judgment has been held against us by the Commonwealth Court. That totals \$50.5 billion, far greater than the \$750 million we are projected to have.

Mr. Speaker, a few nights ago a very wise and honored friend of mine mentioned that this surplus was akin to finding \$10 in your jeans fresh from the dryer. That is a great analogy, but I will put it another way. This is not like finding 10 bucks in your jeans; this is like giving an untethered credit card to a high school sophomore. They do not know how to handle that kind of money, so what do they do? They go out and spend, spend, spend, spend, only to be stopped at the end of that blessed 28-day billing cycle to find out that all that easy spending now came with a cost. Mr. Speaker, that is where we are now.

Back in February the Governor told us he felt this year would be a – what did he call it? – "a day of reckoning." Although it is not for me to disagree with the Governor, I feel something similar, although I call it a year of adjustment. What this budget does is it returns the State's spending to a sound fiscal basis. We are not spending what we do not have. Frankly, there is no Mcare Fund to go after; it has been spent. There is no Rainy Day Fund; it is gone, too. Mr. Speaker, it is raining.

I find it, Mr. Speaker, somewhat hypocritical that we would hold ourselves to a different standard than we hold Joe and Susie Pennsylvania sitting at the kitchen table making out bills at the end of the month. I do not believe, Mr. Speaker, that there is, as has been alluded to for days, a man behind the curtain making my decision. You could not be further from the truth. Mr. Speaker, my decision is being made by Jeff and Mary on Main Street in Ford City, Carson and Peggy in Rayne Township, Kevin and Connie on Bear Street in Worthington, and every other working stiff that works the fields, the mills, the mines, and the factories where I call home – real people, Mr. Speaker. They have not whined in the past. When they could not afford things, they simply did without. Nor should the State hold itself to any other standard.

Mr. Speaker, I encourage a vote for HB 1485. We need to return Pennsylvania to a sound economic basis from which we can grow, and as economists speculate, is the catalyst of that \$750 million, quote, unquote, "surplus." Businesses are now having faith that it is safe to invest in Pennsylvania again.

Please vote for HB 1485. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Gergely.

Were you under the Costa rule, too? Were you under the Costa 1-minute rule, too?

Mr. GERGELY. I am not.

The SPEAKER. Oh.

Mr. GERGELY. Thank you, Mr. Speaker.

This will be the first budget I have voted against in the 9 years I have been in the legislature, and I do want to offer some advice to my freshman colleagues on the other side of the aisle. I voted for taxes the first year I was elected, like you will be for the hospital agreement. In that same year, we also did cut

the stock and franchise tax, and Grover – not Grover from Sesame Street – did not give me the pass or the hall pass that I did not do it. You are going to go home and you made a tax increase. That is what we do in this business. I accept the reality of it. I am still here; you will still be here. But you did cast a tax vote, so we just have to get that off the table.

And at the same time, now that we have that agreement, I also know that many of the Marcellus Shale companies also have had an agreement to raise taxes on their own extraction. I am for that; I have been on the record to do that. And since we have adamantly said that hospitals have had an agreement to raise taxes and so does Marcellus Shale, I think our responsibility lies to do the will of what even our corporations want to do and help this great State out. Even if the money does not come to my district, Mr. Speaker, even if you send the money to where the extraction exists, I would support it. But please do something constructive. I am in the minority; I cannot do that. You can, and it is just a failure of this State to not do that.

I have railed and railed about the Duquesne School District, and I guess we have responded, and I want to thank you all. Duquesne now is one of the highest-funded school districts in the State. Actually, it comes up black instead of red now on your charts, at over 903 extra dollars per student. But that is a sobering reality; I would not run around patting each other on the back for it.

Last night in my local newspaper, the quote was from Stanley Whiteman. He is the president of the Duquesne Education Association and asked this question to the Department of Education: "The district will close down...next year?" and the simple answer was yes. So we funded a school district for one more year, and the simple reality is, they will be gone next year. One hundred eleven years of supporting public education in the Commonwealth of Pennsylvania will cease to exist. But at the end of the day, I think that is the right thing to do.

I think, well, I am not just thinking, I am very hopeful that as we have to write legislation to shut down that school district, that we all have a contributing role to play in doing that. We all care about these kids. We funded that school district one more year to exist, which is a good thing, because those children deserve an education, but at the end of the day, if we do not do that to many other schools, what we write for Duquesne is the model legislation for many, many other school districts in this State.

I think we all know the reality. It is like we still have, and I can read my list – and I will; I think it is important – in my district, in my school districts, McKeesport, a tax increase and layoffs; Elizabeth Forward, a tax increase and layoffs; Steel Valley, tax increases and layoffs; Duquesne, layoffs and closing; South Allegheny School District, layoffs; West Mifflin School District, layoffs; Clairton School District, layoffs. The list goes on and on and on in the Mon Valley, Mr. Speaker, and all throughout Pennsylvania. We have failed school districts as we run around and talk about how we restored funding.

The irony is, of course, if you live in the North Allegheny School District, and we all know the differences between their schools and my schools. Well, it is like what we have all said, for a classroom of 25 kids, it is \$2,425 a cut for a classroom in North Allegheny. In the Pine-Richland School District, it is very similar. They have only lost \$136 per child. But I really believe if you represented the Clairton School District and you lost

\$22,150 per classroom, you would be concerned, because, Mr. Speaker, they are going to fail next, and they have to have somewhere to go, and they are now third in the State in losses per student. And I know that they have already sent out letters, because that is what the Governor said, let us send out letters to merge. Well, every school district around them said no, I do not want to merge with you. So we are now going to have to force a merger. You are going to have to make tough decisions in this majority next year. You are going to have to make tough decisions where kids that you do not want to have go to your schools are going to have to go to school there. We are going to watch you very intently, and we want to see success.

So, Mr. Speaker, I wish we would all vote "no" on this budget, but I know the reality of the majority and minority. It is a failed budget. Thank you for your time.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the gentleman from Westmoreland, Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

I just want to submit my remarks for the record and follow the Paul Costa – if I may mention his name on the floor – 1-minute-minus-50-seconds rule. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

Budget on time? Yes. But does it do the job? No. No new taxes? Well, how about a tax-shifting.

Local taxing bodies, both schools and local municipalities, will be forced to implement new taxes. So we have shifted the burden to those same schools and municipalities.

As a result, schools will be adversely affected. Already three-quarters of Pennsylvania school districts have announced that they will be forced to raise taxes next year, thanks to failure of the State government to properly fund public education.

This budget is extremely shortsighted. Practically every school district in this State now suffers from budget shortfalls because of this budget.

Quite frankly, the budget ax fell much harder on the poorest school districts in this State, while the wealthier districts were largely able to brush off these cuts.

This is surely an antieducation budget that forces public schools to eliminate programs, eliminate classes, eliminate activities, and finally, eliminate educational opportunities normally available to our children in public schools in our Commonwealth.

And too, we have an economic toll of this antieducation budget with approximately 11,000 teachers and school staff who will lose their jobs. How does this help our educational system and our push for economic development?

This is definitely the wrong time to be putting more Pennsylvanians out of work and at the same time attempting to dismantle public education in the process.

Again, this is bad for education, it is bad for Pennsylvania families, and it is bad for our economy.

Who wants to be the one that goes back to my school districts – Belle Vernon, Monessen, Southmoreland, Yough, Hempfield, Norwin, and Penn-Trafford – and tell them to do more with less and watch the classroom sizes grow, help for education not readily available, and many programs and activities gone?

And how about our public universities? We are forced to accept cuts for the University of Pittsburgh, Penn State University, Temple University, and Lincoln University to the tune of 19 percent. Initially, was the attempt to scare them with a 50-percent cut and advise them to be content with only a 19-percent cut?

And it makes absolutely no sense to allow our State-owned universities (the 14 colleges in our State System of Higher Education) to absorb the depth of these cuts. The cuts would hover around \$24 million, or 18 percent. Not acceptable.

To state that this budget is shortsighted is a gross understatement.

A budget on time? Sure.

Does it do the job? Absolutely not.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, we recognize the Democrat floor leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, it is no good for the train to be on time if the train crashes into the station and hurts a lot of people. Now, you may be passing this budget on time, but there is no question it is a train wreck, and this train wreck is leaving behind a trail of hurt and devastation like we have never seen in the Commonwealth.

The Corbett cuts, the cuts that the Republicans are ramrodding through today, are cruel and they are unnecessary. We have extra revenues of more than \$1 billion that our Republican colleagues refuse to spend. This money should not be saved for a rainy day; it should be used to reduce the pain of the Republican budget cuts. This budget hurts real people in real ways.

A 4-year-old from the Crestwood School District in Luzerne County will no longer get full-day kindergarten because the district is voting tonight to go back to half-day kindergarten because of these Republican budget cuts. Her sister in fourth grade is losing her music teacher, and their parents are going to pay higher property taxes for a lower-quality school. A married couple in Johnstown in their seventies are wondering who will care for their disabled 40-year-old son when they are gone, because the State's waiting list that offered them some hope of getting their son, John, into a group home, that waiting list is getting longer, not shorter.

This Corbett Republican budget is not a no-tax budget as the Republican leader would lead us to believe. It transfers the problem of paying for services to local government, and it will force hundreds of tax increases this summer in school districts, cities, townships, and counties all over this State. Middle-class families, working families, and retired people in every county are going to be forced to pick up the tab through higher property taxes.

My retired friends in the Highlands School District in Harrison Township, my neighbors in New Kensington and Arnold, Westmoreland County, already know that they will pay higher school property taxes because of these Republican cuts in education spending. And the high school students I represent in the Deer Lakes School District will learn at tonight's school board meeting if they are going to have to pay fees to participate in sports and the band. They are going to have to pay higher fees and higher charges for their school lunches because of this Republican budget.

At the same time we are making all these cuts, at the same time we are cutting these programs for the disabled, for the mentally ill, for our children, for education, we are giving huge tax cuts to the biggest corporations in the world. This budget cuts business taxes by over \$300 million. Let me say that again: We are making these cuts, we are making these cuts on the middle class, the working poor, and yet we are cutting business taxes by \$300 million.

Any legislator who votes for this budget is no friend of taxpayers. Small businesses trying to grow in York, Altoona, Erie, Stroudsburg, will no longer have access to job-creation programs at DCED (Department of Community and Economic Development) because those programs are being cut or eliminated. This budget does not reflect the priorities of Pennsylvania. It reflects the wishes of the CEOs (chief executive officers) of America and the lobbyists they hire to do their job for them. It reflects the dictates of one unelected lobbyist in Washington who got this Governor to make an unwise promise to his campaign contributors that he would never support any increase in tax or fees.

Republicans refused to work with us on this budget. The Governor refused to work with us, and maybe that is just politics, but if we had been part of the process, this budget would be very different. Because of the surplus, which continues to grow, we had an opportunity to cure many of the worst problems in this budget, but Governor Corbett chose to hoard the growing surplus and deprive Pennsylvanians of the opportunity for an education, and the Republicans went along with it. Governor Corbett chose to hoard the surplus and force budget cuts on hospitals, nursing homes, cancer research, and home health care, and the Republicans went along with it. Governor Corbett chose to end the adultBasic health insurance program for 41,000 people – just end it – because he claimed the money was not there. Well, the money is there, but the Republicans went along with it.

This Republican budget slashes funding to public schools by \$1 billion. It is an attack on public education. It is already hurting kids, causing thousands of layoffs and harming Pennsylvania's economic competitiveness. Republicans went along with this attack on education, and they are about to vote in favor of cutting money to every single school district that they represent, the biggest cuts ever, despite the fact that we have a budget surplus of almost a billion dollars. Any legislator who votes for this budget is no friend of schools or the children we are trying to raise and educate.

Mr. Speaker, this is a bad budget that hurts people, and the shame of it all is that it does not have to be this way. We could have made the restorations to ease the pain for thousands and thousands of Pennsylvanians and their families and their children. That is why we should all vote "no."

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the Republican floor leader, Mr. Turzai.

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

I quote a former President: "The simple truth is: No matter how hard you work, no matter how strong this economy grows, no matter how much more tax money comes to..." government, "it won't amount to a hill of beans if government won't curb its endless appetite to spend. Overspending" – particularly over the

last 8 years – "is the subject we must now address – how budgets got so far out of balance and, yes, what together we can and must do to correct this.

"You know, sometimes the big spenders in..." government "talk as if all that money they" get to "spend just kind of magically appears on their doorstep, a gift from the..." Department of Revenue. "They talk as if spending were all giving and no taking.

"Well, there is no magic money machine. Every dollar the government spends comes out of your pockets. Every dollar the government gives to someone has to first be taken away from someone else. So, it's our moral duty to make sure that we can justify every one of your tax dollars, that we spend them wisely and carefully and..." responsibly.

I think that President was right on point, and this budget, this budget that spends 27.15 billion tax dollars from the citizens of Pennsylvania is one that is prioritized and is responsible. In fact, this budget is pro-public education. This budget is pro-health care. This budget is pro-family.

This is not a budget that is serving corporate fat cats. Look at the line for the Department of Community and Economic Development. It has essentially been decimated. In fact, if you look at the Department of Education spending, we are spending \$9.6 billion of your hard-earned tax money on public education K through 12, which represents a \$300 million increase in State tax dollars on public education over last year, and yet we have done it within a framework that spends 4 percent less overall than last year, which is what the citizens of Pennsylvania, the taxpayers, have demanded.

It is also, I must tell you, a moral budget. If you look at the governments in Europe which are collapsing because of overborrowing and overspending and overtaxing, they are collapsing and they are taking away a complete social safety net from their citizens. And here is what a good religious individual said: A moral budget requires, quote, "fiscal responsibility; sensitivity to the foundational role of the family; the primacy of the dignity of the human person and the protection of all human life."

"Who, after all, will suffer the most if government spending continues to soar unabated?"

The example of the European nations shows they are weathering financial crises brought on by years of overspending and borrowing, and they have been forced to make drastic cuts in benefits to the retired, the sick, and the poor.

The way to save programs that are needed is not to keep throwing more money at them. If they are to survive, serious reform is in order, and we need to greatly reduce waste, fraud, and abuse and ensure we are getting the help to the people that actually need it. That is not only the fiscally responsible thing to do; it is the moral thing to do. We need to make sure that folks find the dignity in real work, and we need to make sure that folks find the dignity in self-help. A hand up is appropriate, but you do not want a culture of dependency. And you cannot continue a system developed under the last administration that provided an unchecked system of payouts to providers with no accountability. This budget, this prioritized budget, this reform, fiscally responsible budget, sets the clock anew.

Now, I keep hearing about these drastic cuts, but they are not measured in context. They are not measured in context at all. When you have had overspending over the last 8 years, close to 40 percent when the rate of inflation was 20 percent, you are in need of a correction. When you have had budgets that have

borrowed and borrowed and borrowed, where the debt service has now gone over a billion dollars a year, you need a correction. When you have increased personal income taxes and business taxes such that the economy has stagnated and there are not the jobs that we once had, you need a correction. This fiscally responsible budget readjusts where we need to be and starts the clock anew.

We have crafted a responsible, sustainable budget, cutting wasteful spending, dropping ineffective programs, and closing a \$4 billion structural deficit. It is a responsible, on-time, pay-as-you-go budget with no new taxes and no new borrowing, ending the trend of spending money we do not have. Streamlining State government, the General Fund budget eliminates or combines nearly 100 line items, eliminating wasteful, nonessential, and duplicative programs.

And this budget is walking-around-money-free. The General Fund budget contains no lines that have been considered those WAMs which are in a noncompetitive or formula-driven manner.

And this legislature, unlike the past 8 years, is doing its part. We are going to take \$50 million from emergency reserve accounts to help fund education restorations in accountability block grants and will cut the General Assembly appropriation by over \$15 million.

Now, we have opposed the last budgets. They spent revenues we did not have. And over the past 8 years, budget spending has increased \$8 billion, almost 2-to-1 spending versus inflation. But this is the time when we can do the right thing for the citizens of Pennsylvania as fiscal stewards and as folks zeroing in, right-targeting in, on the priorities that we need to focus upon.

Keep in mind, we still have a weak economy, and you do not want to overspend or tax folks when you have an opportunity for job growth. The President's Democratic Federal Reserve Chairman and Secretary of Treasury both said that the economic slowdown is continuing, and it is "due to factors which are longer lived and will be operative still next year." We have had the lowest job creation in 8 months. Consumer spending unexpectedly stagnated. The national unemployment rate went up, and housing starts went down. We are looking out for the future safety of our Pennsylvania citizens and recognize, like them and like the employers that provide family-sustaining jobs, we need to be prudent in our approach.

Mr. Speaker, this is a historic budget in that it is fiscally responsible, prioritized, and on time. I urge you to vote "yes."

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The question is, will the House concur in Senate amendments?

The lady from Philadelphia, Ms. Donatucci, had her name in. I believe she wanted to submit remarks for the record?

The lady's remarks will be spread upon the record, and the Speaker thanks the lady.

Ms. DONATUCCI submitted the following remarks for the Legislative Journal:

Mr. Speaker, during the budget process, my leadership was not invited to the table – leaving us to wonder day after day what the big secret was. We are the minority, but I do not understand why we were not part of the negotiations.

Nevertheless, Mr. Speaker, proponents of this budget claim this is a no-new-tax budget. In reality, it is a no-new-State-tax budget, or more accurate still, it is a plenty-of-new-local-taxes-or-sink budget.

But these are taxes that could be avoided. Avoided, Mr. Speaker, because Pennsylvania has a natural resource in the Marcellus Shale gas deposits that belong to all Pennsylvanians.

The drillers are making profits way beyond the cost of doing business, and yet Pennsylvanians are not benefiting in the slightest because the State refuses to tax those profits.

That impact tax, which survey after survey show is wanted by the vast majority of Pennsylvanians, would assist in reducing the amounts of cuts proposed in this budget.

Those cuts are not only in education but in mortgage assistance programs, medical programs such as diabetes, AIDS (acquired immune deficiency syndrome), newborn screenings, cancer screening, regional poison centers, and local health departments. There are cuts in child-care services. The list goes on and on but I am limited on time.

Mr. Speaker, we must not forget that these cuts will also result in many Pennsylvania workers losing their jobs since they are no longer needed – whether it is education, health care, or human services. And, Mr. Speaker, the budget cuts will result in more job losses through a trickle-down effect, because laid off people do not go to restaurants, shop at stores, renovate their home, or buy a new one.

Mr. Speaker, I urge that we save local taxpayers and vote "no" on HB 1485.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in Senate amendments?

On that question, the Speaker recognizes the Democratic Appropriations chairman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, there are a lot of reasons to vote "no" on this budget. I know earlier during my interrogatory of my good friend from Delaware County and in previous times that he and I have been on this floor, we have asked and talked about the big surplus that we have, and we know it is, as of today, at least \$611 million. And he said many times that we have debts; we have debts and responsibilities and liabilities that we have to take care of. For example, one that he mentioned was the Mcare Fund, and it turns out that this particular budget moves \$44 million out of the CAT Fund into the General Fund instead of the Mcare Fund. So this is an example of a situation where the folks on the other side of the aisle have talked about solving some of our long-term problems by using the surplus, and yet one of those items that they have pointed out several times they are actually taking \$44 million away from. Again, it is just inconsistent.

This budget does not deal with the UC problem, the unemployment compensation problem. You talked about solving and putting money away for that, but they are really not doing that. The pension problem. And how about transportation? How about transportation? We have, we think, a minimum of about \$1.4 billion of surplus money that could be applied to this new fiscal year budget coming up to solve many problems, and we are not even looking and we are hardly even mentioning transportation. And we know, we know, and I think they even agree, that we have a \$3.5 billion transportation problem per year. That is \$3.5 billion each year ad infinitum to get our transportation system to where it needs to be. When you factor in all of the GOP accounting gimmicks, the overall spend is a half billion dollars higher than the Corbett doctrine, and certainly much, much higher than the Republicans want anybody to know.

We have mentioned before, earlier today, that we think that the real spend number on this budget is somewhere in the vicinity of \$27.7 billion, nowhere near, nowhere near the \$27.14 billion that was just mentioned by the majority leader. They have made all kinds of gimmicks. They have passed money around. They have hidden money. They have lapsed money. You name it, they have done it to hide the money and make this seem and sound like a low-spend budget, and it is really not.

They also talk about this being a no-tax budget, and yet we heard earlier today that there is in fact a new tax, an enhanced tax on hospitals in Pennsylvania, a tax that everyone who uses those facilities will eventually have to pay, and insurers and all of us at the end of the day will have to foot the bill for that. They say there is not a tax. Well, who is going to pay that? That is in fact a tax.

We know there are going to be higher property taxes. We have already seen it; we have seen it in my district. That is due to the horrendous cuts to education we have seen in this budget.

Higher tuitions. We all know that is coming. That is a significant tax on a lot of families.

And certainly caregivers. Most of us in this room at one time in our lives will become perhaps a caregiver for either an elderly or handicapped loved one who will need our care and need our attention and perhaps our time away from our own jobs or our own potential income because the program that they use does not exist or has been severely cut. That is a shame what we are doing to people who need help in those areas.

We know that it will still, it will still, no matter what they say, include horrendous cuts to education. They keep talking about this budget as being a restoration budget. It only restores a very small part of the horrendous cuts that were made to basic education by the Corbett administration back on March 8. This is not a restoration budget. This is a severe, basic-education-cutting budget that, as I mentioned before, will create a lot of hardships, it will create unemployment, and certainly it will create property taxes, higher property taxes for almost all of us in any district, whether we are Democrats, Republicans. Across the State, folks will be paying a lot more in property taxes.

There are cuts of nearly \$69 million from home- and community-based services that affect more than 15,000 Pennsylvanians with disabilities. Fifteen thousand Pennsylvanians are going to be affected by a vote tonight – the vote that I am asking people to vote "no" – but any of you who vote for this are going to affect 15,000 people in our Commonwealth, many of them in your own district because of these horrendous cuts.

There are cuts of \$42 million from the community waiver program for individuals with intellectual disabilities. It leaves more than 3200 – 3200; let me repeat that – Pennsylvanians on the emergency waiting list for folks with intellectual disabilities. And for the first time in years, there is no funding for approximately 700 young Pennsylvanians who graduate from special education programs. Seven hundred young Pennsylvanians who graduate from special education programs will not have additional programs to go to.

Finally, Mr. Speaker, in closing let me just say, and you have heard me say it before, we have not been a part of these negotiations. For that reason alone we certainly cannot support it, but we were not even asked our opinion. We understand that

there has to be a budget. We understand that we have a structural deficit in the Commonwealth. It is not as big as what the other side says, not anywhere near that, but we understand it still does exist. We understand that a reasonable budget has to be put into place. This is not a reasonable budget. This is an extreme budget that makes cuts that really do not have to be made to the extent they are being made, and it unfortunately hurts people in Pennsylvania to the extent that they do not need to be hurt. That is not what any of us are here for tonight. That is not why any of us do these jobs. Yes, we want to be fiscally responsible, but another side of our job is helping people in Pennsylvania.

There is a place for government. It is not necessarily a bad thing, and this budget takes a lot of the good things about government, the things that really do help people, both rich and poor, Democrat and Republican, it cuts them severely, and that is just wrong. And I ask all members of both parties to vote "no" on concurrence on this budget bill.

Thank you, Mr. Speaker.

**FILMING PERMISSION**

The SPEAKER. The Speaker gives permission to Brad Bower, a still photographer with the Associated Press, for permission to take photos on the floor.

**CONSIDERATION OF HB 1485 CONTINUED**

The SPEAKER. The question is, will the House concur in amendments inserted by the Senate?

On that question, the Speaker recognizes the Republican Appropriations chairman, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

I want to thank all those members, both sides of the aisle, that participated in this debate tonight. I heard the word "devastation." I heard the word "draconian." I heard the word "painful." The sky is falling, the world is ending, and yes, the world of uncontrollable spending is finally over.

Our schools will remain open, and they will be held accountable. Our hospitals will give the citizens of Pennsylvania the best possible medical care that this world has ever seen. And also, those vulnerable citizens, those vulnerable citizens that need our services will receive them, because this General Assembly has seen fit to take care of those that need it the most.

You talk about pension responsibility? We increased our pension by \$312 million over last year's contribution. We were responsible. Over \$600 million in this year's budget will go to the State Employees' pension fund – a responsible thing to do; a responsible thing to do.

Mr. Speaker, I have heard all night that they were not at the table to help negotiate. Well, Mr. Speaker, guess what? In order to help draft a budget, you have to have one. You have to have a budget.

And I will leave you with this last set of numbers: last year's budget, \$28.3 billion, \$3 billion in Federal funds. Mr. Speaker, we have stepped up to the plate, and we are spending \$27.1 billion of State tax dollars without the help of Federal spending, and these schools and these hospitals and the citizens will get back to work here in Pennsylvania without any taxes. There will be no increases in taxes in this budget.

I suggest a "yes" vote and concur with this House bill. Thank you so much.

The SPEAKER. Did I hear the gentleman move the previous question?

The question is, will the House concur in amendments inserted by the Senate?

On the question recurring,  
Will the House concur in Senate amendments?

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

The following roll call was recorded:

**YEAS—109**

Adolph	Farry	Maher	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Miccarelli	Schroder
Brooks	Hackett	Micozzie	Simmons
Brown, R.	Hahn	Millard	Sonney
Causer	Harhart	Miller	Stephens
Christiana	Harper	Milne	Stern
Clymer	Harris	Moul	Stevenson
Cox	Heffley	Murt	Swanger
Creighton	Helm	Mustio	Tallman
Culver	Hennessey	O'Neill	Tobash
Cutler	Hess	Oberlander	Toepel
Day	Hickernell	Payne	Toohil
Delozier	Hutchinson	Peifer	Truitt
Denlinger	Kampf	Perry	Turzai
DiGirolamo	Kauffman	Petri	Vereb
Dunbar	Keller, F.	Pickett	Vulakovich
Ellis	Keller, M.K.	Pyle	Watson
Emrick	Killion	Quigley	
Evankovich	Knowles	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett	Lawrence	Reed	

**NAYS—92**

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Bradford	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzie	Shapiro
Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Taylor
Costa, P.	Haluska	Myers	Thomas
Cruz	Hanna	Neuman	Vitali
Curry	Harhai	O'Brien, D.	Wagner
Daley	Harkins	O'Brien, M.	Waters
Davidson	Hornaman	Parker	Wheatley
Davis	Johnson	Pashinski	White
Deasy	Josephs	Payton	Williams
DeLissio	Kavulich	Petrarca	Youngblood

**NOT VOTING—0**



EXCUSED-2

Brennan Godshall

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 1485, PN 2228

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments and the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2011, to June 30, 2012, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Oil and Gas Lease Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2011, to June 30, 2012; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2011, to June 30, 2012, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2011; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Legislative Departments of the Commonwealth for the fiscal year July 1, 2010, to June 30, 2011, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2010.

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

CALENDAR

RULES SUSPENDED

The SPEAKER. The Speaker turns to the regular House calendar and recognizes the majority leader, who moves for the suspension of the rules for immediate consideration of SB 1007, PN 1121, on page 1 of today's House calendar.

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

The SPEAKER. Does the gentleman, Mr. Dermody, seek recognition on the suspension of the rules?

Mr. DERMODY. Yes, Mr. Speaker. The SPEAKER. The gentleman is in order. Mr. DERMODY. Mr. Speaker, I would urge all our members to support the motion to suspend. The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS-185

Table listing names of members who voted 'YEAS' (185 total). Includes names like Adolph, Emrick, Knowles, Quinn, Aument, Evankovich, Kortz, Rapp, Baker, Evans, D., Kotik, Ravenstahl, Barbin, Evans, J., Krieger, Readshaw, Barrar, Everett, Kula, Reed, Bear, Fabrizio, Longietti, Reese, Benninghoff, Farry, Maher, Reichley, Bishop, Fleck, Mahoney, Roae, Bloom, Frankel, Major, Rock, Boback, Freeman, Maloney, Roebuck, Boyd, Gabler, Mann, Ross, Boyle, B., Geist, Markosek, Sabatina, Boyle, K., George, Marshall, Saccone, Brooks, Gerber, Marsico, Sainato, Brown, R., Gergely, Masser, Samuelson, Brown, V., Gibbons, Matzie, Santoni, Burns, Gillen, McGeehan, Saylor, Buxton, Gillespie, Metcalfe, Scavello, Caltagirone, Gingrich, Metzgar, Schroder, Carroll, Goodman, Miccarelli, Simmons, Causer, Grove, Micozzie, Smith, K., Christiana, Hackett, Millard, Sonney, Clymer, Hahn, Miller, Staback, Cohen, Haluska, Mirabito, Stephens, Conklin, Hanna, Moul, Stern, Costa, D., Harhai, Mullery, Stevenson, Costa, P., Harhart, Mundy, Sturla, Cox, Harkins, Murphy, Swanger, Creighton, Harper, Murt, Tallman, Cruz, Harris, Mustio, Taylor, Culver, Heffley, Myers, Thomas, Curry, Helm, Neuman, Tobash, Daley, Hennessey, O'Brien, D., Toepel, Davidson, Hess, O'Brien, M., Toohil, Day, Hickernell, O'Neill, Turzai, Deasy, Hornaman, Oberlander, Vereb, DeLissio, Hutchinson, Parker, Vulakovich, Delozier, Johnson, Pashinski, Wagner, DeLuca, Josephs, Payne, Waters, Denlinger, Kampf, Peifer, Watson, DePasquale, Kauffman, Perry, Wheatley, Dermody, Kavulich, Petrarca, Williams, DeWeese, Keller, F., Petri, Youngblood, DiGirolamo, Keller, M.K., Pickett, Donatucci, Keller, W., Preston, Smith, S., Dunbar, Killion, Pyle, Speaker, Ellis, Kirkland, Quigley

NAYS-15

Table listing names of members who voted 'NAYS' (15 total). Includes names like Bradford, Galloway, Payton, Truitt, Briggs, Grell, Santarsiero, Vitali, Cutler, Lawrence, Shapiro, White, Davis, Milne, Smith, M.

NOT VOTING-1

Brownlee

EXCUSED—2

Brennan Godshall

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.

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 1007, PN 1121**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the First Industries Program.

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

**SUPPLEMENTAL CALENDAR C CONTINUED**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 15, PN 2223**, entitled:

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer expenditures and investments.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Christiana, that the House concur in the amendments inserted by the Senate.

On the question recurring,  
Will the House concur in Senate amendments?  
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—201

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson

Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
DeLozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S., Speaker
Donatucci	Kirkland	Quinn	
Dunbar	Knowles	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—2

Brennan Godshall

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**STATEMENT BY MR. CHRISTIANA**

The SPEAKER. Does the gentleman, Mr. Christiana, seek recognition under unanimous consent relative to the legislation that just passed? The gentleman may proceed.

Mr. CHRISTIANA. Mr. Speaker, after a long day, I just want to thank my colleagues, Republicans and Democrats, rank and file, chairmen and leaders, and even former Speakers had a lot to do with this bill, and I would like to thank my colleagues in the Senate and the Governor's Office. Pennsylvania has demanded a new era in the last half of a decade, and we are one step closer to delivering that, and I thank my colleagues humbly.

Thank you, Mr. Speaker.

**STATEMENT BY MR. DeWEESE**

The SPEAKER. Is the gentleman, Mr. DeWeese, from Greene County seeking recognition under unanimous consent relative to the legislation that just passed?

Mr. DeWEESE. I would like to congratulate the young gentleman for working with Mr. Mirabito and myself and others. I would like to say that since I did not get invited to the Castle Doctrine signing, please invite me when the Governor signs your bill. I want to be there.

**STATEMENT BY MR. MIRABITO**

The SPEAKER. Does the gentleman, Mr. Mirabito, also seek recognition under unanimous consent relative to the legislation that just passed?

Mr. MIRABITO. Yes, Mr. Speaker. I want to congratulate my colleague on the other side of the aisle. We worked hard for it in the first session. I am glad that we were able to make it a reality. It will help the people of Pennsylvania, and I look forward to working with him in the future on some other piece of legislation. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 38, PN 2224**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in governance of the system, further providing for establishment of fees and charges and for costs; in facilities and supplies, further providing for surcharges; and, in budget and finance, further providing for Commonwealth portion of fines.

On the question,  
Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Caltagirone, that the House concur in the amendments inserted by the Senate.

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you.  
Mr. Speaker, a point of personal privilege.

I have not been able to get this bill or the last bill on the screen.

The SPEAKER. Let the Speaker check that out.

The indications are it is on the screens of the other people up here. Perhaps it is your individual laptop computer that is not working.

On the question recurring,  
Will the House concur in Senate amendments?

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

The following roll call was recorded:

**YEAS—187**

Adolph	Donatucci	Knowles	Readshaw
Aument	Ellis	Kortz	Reed
Baker	Emrick	Kula	Reese
Barbin	Evankovich	Lawrence	Reichley
Barrar	Evans, D.	Longietti	Roae
Bear	Evans, J.	Maher	Rock
Benninghoff	Everett	Mahoney	Roebuck
Bishop	Fabrizio	Major	Ross
Bloom	Farry	Maloney	Sabatina
Boback	Fleck	Mann	Saccone
Boyd	Frankel	Markosek	Sainato
Boyle, B.	Freeman	Marshall	Samuelson
Boyle, K.	Galloway	Marsico	Santarsiero
Bradford	Geist	Masser	Santoni
Briggs	George	Matzie	Saylor
Brooks	Gerber	McGeehan	Scavello
Brown, R.	Gergely	Metzgar	Shapiro
Brown, V.	Gibbons	Miccarelli	Simmons
Brownlee	Gillen	Micozzie	Smith, K.
Burns	Gillespie	Millard	Smith, M.
Buxton	Gingrich	Miller	Sonney
Caltagirone	Goodman	Milne	Staback
Carroll	Grell	Mirabito	Stephens
Causar	Grove	Mullery	Stern
Christiana	Hackett	Mundy	Sturla
Clymer	Hahn	Murphy	Swanger
Cohen	Haluska	Murt	Tallman
Conklin	Hanna	Mustio	Taylor
Costa, D.	Harhai	Myers	Thomas
Costa, P.	Harkins	Neuman	Tobash
Cox	Harper	O'Brien, D.	Toepel
Cruz	Harris	O'Brien, M.	Toohil
Culver	Heffley	O'Neill	Truitt
Curry	Helm	Oberlander	Turzai
Cutler	Hennessey	Parker	Vereb
Daley	Hess	Pashinski	Vitali
Davidson	Hickernell	Payne	Vulakovich
Davis	Hornaman	Payton	Wagner
Day	Johnson	Peifer	Waters
Deasy	Josephs	Petri	Watson
DeLissio	Kampf	Pickett	Wheatley
DeLozier	Kavulich	Preston	White
DeLuca	Keller, F.	Pyle	Williams
Denlinger	Keller, M.K.	Quigley	Youngblood
DePasquale	Keller, W.	Quinn	
Dermody	Killion	Rapp	Smith, S.,
DeWeese	Kirkland	Ravenstahl	Speaker
DiGirolamo			

**NAYS—14**

Creighton	Hutchinson	Metcalfe	Petrarca
Dunbar	Kauffman	Moul	Schroder
Gabler	Kotik	Perry	Stevenson
Harhart	Krieger		

**NOT VOTING—0**

**EXCUSED—2**

Brennan	Godshall
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MS. DeLISSIO

The SPEAKER. For what purpose does the lady from Philadelphia, Ms. DeLissio, rise?

Ms. DeLISSIO. Personal privilege, Mr. Speaker. It will be short.

The SPEAKER. The lady may proceed.

Ms. DeLISSIO. Mr. Speaker, thank you.

I just wanted to clear the record. When I was giving my remarks on HB 1485, it was indicated that the clock had run out. The video is now available and it has been timed, and just for the record, I want folks to know my remarks were 1 minute and 58 seconds.

The SPEAKER. The House will come to order. The House will come to order.

All I can say is, if I had been in the Chair, the clock would have been a little slower.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to HB 463, PN 2226, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for determination of eligibility.

On the question, Will the House concur in Senate amendments?

The SPEAKER. Moved by the lady, Mrs. Brooks, that the House concur in the amendments inserted by the Senate.

On the question recurring, Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—201

Table listing names of members who voted 'YEAS' (201 total). Includes names like Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bishop, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Causer, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Frankel, Freeman, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Roebuck, Ross, Sabatina, Saccone, Sainato, Samuelson, Santarsiero, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Smith, M., Sonney, Staback.

Table listing names of members who did not vote or were excused. Includes names like Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Cruz, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, DeLissio, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Dunbar, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Johnson, Josephs, Kampf, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kirkland, Knowles, Knowles, Mirabito, Moul, Mullery, Mundy, Murphy, Murt, Mustio, Myers, Neuman, O'Brien, D., O'Brien, M., O'Neill, Oberlander, Parker, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pickett, Preston, Pyle, Quigley, Quinn, Rapp, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vitali, Vulakovich, Wagner, Waters, Watson, Wheatley, White, Williams, Youngblood, Smith, S., Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—2

Brennan Godshall

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the lady, Mrs. Brooks, seek recognition under unanimous consent relative to the legislation just passed?

Mrs. BROOKS. Yes. Thank you, Mr. Speaker.

The SPEAKER. The lady may proceed.

Mrs. BROOKS. I would like to thank my colleagues for the unanimous vote on this important piece of legislation for our seniors across the State of Pennsylvania. It will help keep thousands of seniors on the PACE (Pharmaceutical Assistance Contract for the Elderly)/PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) programs, and I would like to submit further remarks for the record. Thank you very much.

The SPEAKER. The Speaker thanks the lady.

Mrs. BROOKS submitted the following remarks for the Legislative Journal:

As a staunch advocate for older Pennsylvanians, member of the House Aging and Older Adult Services Committee, and prime sponsor of this bill, I am pleased and proud to cast my vote today in favor of concurrence on Senate amendments to HB 463, PN 2226.

Pennsylvania's PACE/PACENET program provides low-cost prescription drugs to approximately 320,000 older Pennsylvanians.

This program is recognized nationwide as the premier prescription drug assistance program. Older Pennsylvanians who benefit from the PACE/PACENET program are hardworking, deserving citizens of the Commonwealth and understand and appreciate how significant this benefit is.

Every year, by no fault of their own, thousands of PACE/PACENET recipients face the possibility of losing this valuable benefit by virtue of the Federal Social Security cost-of-living adjustment. Because of this phenomenon, the legislature saw fit to take action in 2001 to create a Social Security COLA moratorium that allowed individuals to continue to receive PACE/PACENET benefits despite having their income exceed the statutory limits due to a COLA. That year 15,000 individuals were able to continue to receive prescription drug assistance with the passage of Act 77 of 2001. Over the past several years the PACE/PACENET Social Security COLA moratorium has been extended five more times by legislative action. In that period of time, nearly 70,000 PACE and PACENET cardholders have retained their prescription drug benefit that they would otherwise have lost due to receiving a Social Security cost-of-living adjustment.

HB 463 will allow approximately 31,000 older Pennsylvanians to continue to receive needed prescriptions with their PACE/PACENET benefits that will enable them to live in their homes and be productive, contributing members of their communities. At a time when health care costs continue to rise and the future stability of Medicare is at risk, HB 463 will ensure that hardworking, deserving older Pennsylvanians can continue to receive PA Lottery-funded assistance to purchase their much-needed prescription drug medications.

### BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 488, PN 2225**, entitled:

An Act authorizing Venango County to convey a right-of-way over certain Project 70 lands in Oakland Township, Venango County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to East Norriton Township certain lands situate in East Norriton Township, Montgomery County, in exchange for East Norriton Township's granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to the existing lands of the Norristown Farm Park; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to remove the deed restrictions on a portion of the lands previously conveyed by the Department of General Services in accordance with section 1(c) of the act of July 10, 1985 (P.L.201, No.51); authorizing East Norriton Township to convey the property it receives from the Commonwealth of Pennsylvania pursuant to this act to Montgomery County for nominal consideration for public highway improvements; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Chester certain lands situate in East Vincent Township, Chester County; authorizing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Ohiopyle Borough certain lands situate in Ohiopyle Borough, Fayette County, in exchange for Ohiopyle Borough granting and conveying certain lands to the Commonwealth of Pennsylvania to be added to those existing lands at Ohiopyle State Park; authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Susquehanna Township Authority a permanent

sanitary sewer easement over certain lands of the Commonwealth of Pennsylvania, situate in Susquehanna Township, Dauphin County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County; and making a related repeal.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Hutchinson, that the House concur in the amendments inserted by the Senate.

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

HB 488 is one of these land transfers which looks deceptively simple, but when they get piled up this way by the Senate, there is lurking danger. We have not vetted in the State Government Committee these bills, these additions that came on as amendments and/or Senate bills that were land transfers. We did manage, for the information of the House, to get rule 32s, which is sort of like a shallow, clear title document from the Department of General Services. But we never had an opportunity in the State Government Committee to actually vet these transfers, especially the ones that came from the Senate and a few others, but concentrate on the ones that we did not have a chance to vet at all.

I am not going to make any motions now, but I just want to warn folks before they vote for this that we have done this before, and when we did it, when we passed land transfers without having the proper committee vet them in the House, we got into pretty bad trouble, and that was when we transferred the office building in Pittsburgh for way below what it was worth, and it came to us as a Senate amendment on a House bill. And my good friend from Allegheny County, the chairman of the Agriculture Committee, and I tried to stop it at that time, but it did not get stopped. I did not vote for it. I am sorry that we made such a mess, but my fingerprints are not all over it. My fingerprints are not going to be all over this one either.

I am not going to ask anybody to do anything except play it safe. I am not voting for this bill. I do not want another scandal, and anybody on this House floor who would not like another scandal should follow my lead and vote "no."

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I understand the concern of the good lady from Philadelphia, had the great privilege of serving on the committee when she was chair. And while we did not agree quite often, we absolutely agreed last week with legislation, which is in this amendment for property that borders my good friend from Montgomery County, the 70th District, and my district, for a road expansion and a public safety necessity, and it was a unanimous vote in that committee, Mr. Speaker. That vote also included a transfer in Dauphin County for my good friend from Dauphin, and there are other pieces in this bill that had gone through the committee.

I do understand her concern and respect that. I thank her for her support on my part. And on behalf of my good friend from the 70th District and myself, I would encourage a "yes" vote on this legislation for concurrence, Mr. Speaker.

The SPEAKER. The question is, will the House concur in amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I have been on the State Government Committee 19 years now, and this process also makes me very uncomfortable, and for that reason I would ask if someone would stand for interrogation here. Perhaps the gentleman, Mr. Hutchinson, or some other appropriate person who could answer questions about these transfers would stand for interrogation.

Mr. TURZAI. Mr. Speaker, I am available.

The SPEAKER. The majority leader says that he will stand for interrogation. The gentleman, Mr. Vitali, may proceed.

Mr. VITALI. What I would like to do is go through each of these seven transfers, and with each of these transfers, I would like a description of the transfer. I would like you to talk about the rule 32 and the position of the Department of General Services on each of these transfers. So could we just start with the first transfer, describe what it is, and then we will just go from there.

So transfer number one. Could you tell me what transfer number one is?

Mr. TURZAI. Sir, it is my understanding that when you ask a question about legislation, that it should be questions that are not readily available or answers that are not readily available to the maker.

If you look at the legislation, HB 488, each of these transfers is specifically described in terms of the location and the parcels at issue. I would refer to you to take the opportunity to review HB 488, and you certainly, since this was noticed properly, had that opportunity to do so beforehand.

I would also just say that I think this is a very slippery slope here. Every time somebody has a land transfer, to be able—

### POINT OF ORDER

Mr. VITALI. A point of order, Mr. Speaker.

I have asked a question. I have asked a specific— The gentleman said he would consent to interrogation. I asked him a question.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

The Speaker has been paying close attention, and I think he is answering the question. He may not be giving you the answer you want, but he is answering—

Mr. VITALI. May I restate my question, Mr. Speaker?

The SPEAKER. I think we understood— He understood the question.

Mr. VITALI. Because the answer seems nowhere related to that question. It seems like a reason for not answering the question as opposed to an answer to the question.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

Mr. TURZAI. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Turzai, may continue with his response.

Mr. TURZAI. Thank you, sir.

Four of the land transfers were included in the prime sponsor's legislation in the House, and they were—

Mr. VITALI. Mr. Speaker, my question related to transfer number one. Could he describe transfer number one?

The SPEAKER. The gentleman will suspend.

The gentleman, Mr. Turzai, was responding to your question, and if you want to cease interrogation, you have that right, but I believe he was answering your question.

Mr. TURZAI. Yes, sir. I want to just start with the four that went through the State Government Committee in the original legislation.

The first one was in Oakland Township, Venango County, and it authorized the release of Project 70 Land Acquisition and Borrowing Act restrictions on two parcels of land located in Oakland Township, Venango County, consisting of .22 acres.

My understanding is the next one—

Mr. VITALI. May I just stop you right there.

With regard to that specific transfer, could you tell me what the Department of General Services' recommendation was with regard to that particular transfer?

Mr. TURZAI. Sir, I will be glad to review the bill summary with you off record. I am going to stop taking interrogation at this point, because we need to move forward, and I will be glad to review each of them with you. Thank you.

Mr. VITALI. Could we perhaps go off-line for just a minute and maybe we can resolve this, because this is a very serious matter.

### BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, we will go over this bill temporarily.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1336, PN 2091**, entitled:

An Act amending the act of October 17, 2008 (P.L.1645, No.132), known as the Home Improvement Consumer Protection Act, providing for the definition of "home improvement retailer"; and further providing for procedures for registration as a contractor and for prohibited acts.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. Moved by the gentleman, Mr. Preston, that the House concur in the amendments inserted by the Senate.

On the question, the Speaker recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would like to interrogate someone on this bill.

The SPEAKER. The prime sponsor is on leave.

The majority leader indicates that he would stand for interrogation.

The gentleman, Mr. Samuelson, may proceed.

Mr. SAMUELSON. Mr. Speaker, I believe this is the bill about contractors?

Mr. TURZAI. It is the Home Improvement Consumer Protection Act, sponsored by Chairman Godshall.

Mr. SAMUELSON. Thank you.

My question is this: We had an extensive debate a week ago on another topic involving photo identification. This bill, as I read it, would lessen the requirements for photo ID when a contractor comes in your home. I think the current requirement, that if you are signing up for one of the home improvement contracting licenses, you need to show a Pennsylvania driver's license. And I think this legislation, as the Senate sent it back to us, lessens that requirement to take away the requirement for photo ID and lets the contractor have some other form of identification. Is that correct?

Mr. TURZAI. No.

Mr. SAMUELSON. I am looking at page 2, line 20 and 21 of this bill, where the current requirement is that you need a photo ID if you are a contractor entering someone's home, but I think this legislation takes that requirement away or lessens it.

Mr. TURZAI. No; it does not.

Mr. SAMUELSON. Well then, specifically the question would be, when this legislation said – I think it is the Senate amendment actually, I do not think it was the House; I think it was the Senate that did this – when this legislation says that the contractor could use some other form of identification as permitted by the bureau, as permitted by the bureau, what forms of identification would that include? What would be permissible?

Mr. TURZAI. You are not talking about entering into a home; you are talking about an application process for the Attorney General's Office. And you have to have adequate identification to show you are who you are when you go to the Attorney General's Office, but that is not, that is not a requirement with respect to going into the house or to the residence.

Mr. SAMUELSON. But are these licenses not for contractors who after they do get the license, they would be doing work in peoples' homes and peoples' businesses? They would be interacting with the public; it is not just something they send in to Harrisburg, get the license, and never use. I am confused by when it says "other form of identification." What would the bureau use and who makes that determination?

Mr. TURZAI. I am sure the bureau does itself.

Mr. SAMUELSON. I appreciate the gentleman's responses. I do not know when the Senate included that language and I do not know the background on this, so that is the challenge. When we get a bill back from concurrence on the final day or the second to final day, and the Senate has made some changes, it is hard to gauge exactly what the Senate's intent was here. But thank you; thank you for answering my questions.

Mr. TURZAI. Sir, the only change the Senate made – remember, this came out of the House 201 to 0, and in the Senate was 50 to 0 – the only change the Senate made was that it struck the word "shall" and added the word "may" in regard to where the funds generated under the home improvement act shall be appropriated to, to what fund. I believe that only change was the Senate's intent to let the General Assembly decide where the money will go. Thank you.

Mr. SAMUELSON. Okay. Thank you.

Now I am learning that that language that I am questioning was in the original bill from the gentleman from Montgomery County. When this passed the House a couple of months ago, that sounded like a reasonable provision. Now, last week we had an extensive debate on another topic involving voting when other forms of identification were not permitted, so that is why

this jumped off the page now, that we have now debated—

The SPEAKER. Is the gentleman still under interrogation or is he on the bill?

Mr. SAMUELSON. No; I am not. I have concluded my interrogation.

The SPEAKER. The Speaker thanks the gentleman.

He may conclude on the bill. I just was not clear.

Mr. SAMUELSON. The requirements on photo identification in this bill went by unnoticed in this House when this bill was debated a couple of months ago. We have had an extensive debate on photo identification in another context, which cast this bill and raises some questions. If it is permissible for contractors to show some other form of photo identification to the Attorney General, then we have to ask ourselves, why is it not permissible for people to vote with some other form of photo identification or some other form of identification?

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

On the Senate amendment, on page 2, there is one word that was changed by the Senate. It was changed to "may" instead of "shall." I did have reservations about that issue, because basically we would have been guaranteeing that all of the funds would have gone into the General Fund as far as to the Attorney General's fund. What the previous gentleman, whose question might have been answered, needs to understand: This was for the large, big-box areas, where some companies are large enough that they may be able to be insured, but this had nothing to do with concurring on the Senate amendments.

So the only difference in the Senate amendment is "may" versus "shall." It raised a question, but yet, in a sense, it does not mean that the Attorney General will not get the fund to be able to handle the registration and consumer fraud. I would encourage the members to vote for the bill.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

#### YEAS—201

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello

Brown, V.	Gibbons	Metcalf	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causar	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
DeLozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolo	Killion	Quigley	Smith, S.,
Donatucci	Kirkland	Quinn	Speaker
Dunbar	Knowles	Rapp	

NAYS-0

NOT VOTING-0

EXCUSED-2

Brennan Godshall

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**CONSIDERATION OF HB 488 CONTINUED**

The SPEAKER. The Speaker returns to the consideration of HB 488, PN 2225, on page 2 of today's House calendar supplemental C.

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. The gentleman from Delaware County, Mr. Vitali, had the floor on the concurrence in Senate amendments.

Mr. VITALI. In all due respect, Mr. Speaker, we are trying our best to do our due diligence here. These are seven transfers of land, three of which were not considered by the State Government Committee. We are doing our best to try to look into these, but this is too important a matter to rush through at this hour of the night. If you could just give us more time, we are working on that issue right now.

The SPEAKER. Is the gentleman making a motion?  
Mr. VITALI. I am politely asking that you do not call this up now. Let us continue to look at these transfers and come back to this.

The SPEAKER. The question before the House is, will the House concur in Senate amendments?

The indication I have is that we would like to continue moving on the bill, consideration of the bill.

Is the gentleman, Mr. Vitali, seeking further recognition?

Mr. VITALI. Again, we would just politely ask for a little more time to just do the due diligence here. There is nothing exigent about this. If you just give us a little more time; it is just the responsible thing to do, truly.

The SPEAKER. The gentleman, Mr. Vitali, is asking a question of the Speaker that is not—

Mr. VITALI. I am just fervently going through these notes just to make sure things are done right. There is nothing that compels this vote to be taken right now.

The SPEAKER. Is the gentleman seeking to be recognized further?

**BILL PASSED OVER TEMPORARILY**

The SPEAKER. The majority leader indicates that we are willing to go over HB 488 temporarily for a few more minutes, and we will turn to other bills that are on the other calendar.

**CALENDAR CONTINUED**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 552, PN 1442**, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

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

\* \* \*

The House proceeded to second consideration of **SB 419, PN 1405**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for the definition of "area of responsibility"; further providing for reimbursement for all parts and service required by the manufacturer or distributor and reimbursement audits; providing for area of responsibility; further providing for grounds for disciplinary proceedings; and making a related repeal.

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

\* \* \*



The House proceeded to second consideration of **SB 448, PN 431**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in provisions relating to minors, further providing for the offense of purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

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

Mr. **O'NEILL** offered the following amendment No. **A03447**:

Amend Bill, page 1, line 15, by inserting after "consumption" or possession

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. O'Neill.

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

This House bill – I am sorry; I mean Senate bill – is an immunity bill that we have passed out before. This amendment, what this amendment does is adds possession to the bill, and it is an agreed-to amendment. Thank you.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Berks County, Mr. Caltagirone.

Mr. **CALTAGIRONE**. Thank you, Mr. Speaker.

I would also urge the members to vote in favor of the amendment. It is, as was said, an agreed-to amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

**YEAS—201**

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons

Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causar	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
Delozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S., Speaker
Donatucci	Kirkland	Quinn	
Dunbar	Knowles	Rapp	

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—2**

Brennan Godshall

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

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

Bill as amended was agreed to.

The **SPEAKER**. The bill as amended will be reprinted.

**SUPPLEMENTAL CALENDAR A**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1525, PN 2023**, entitled:

An Act amending the act of December 21, 1989 (P.L.672, No.87), known as the Health Club Act, further providing for employee available to administer CPR.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 260, PN 1400, entitled:

An Act amending the act of November 29, 1990 (P.L.585, No.148), known as the Confidentiality of HIV-Related Information Act, further providing for legislative intent, for consent to HIV-related tests and for counseling.

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

(Bill analysis was read.)

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-177

Table listing names of members who voted 'YEAS' for SB 260, PN 1400. Includes names like Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Boyle, B., Boyle, K., Bradford, Briggs, Brooks, Brown, R., Burns, Buxton, Caltagirone, Carroll, Causer, Christiana, Clymer, Cohen, Conklin, Costa, D., Costa, P., Cox, Creighton, Culver, Curry, Cutler, Daley, Davidson, Davis, Day, Deasy, Delozier, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, Dunbar, Ellis, Emrick, Evankovich, Evans, D., Evans, J., Everett, Fabrizio, Farry, Fleck, Gabler, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hornaman, Hutchinson, Kampf, Kauffman, Kavulich, Keller, F., Killion, Knowles, Kortz, Kotik, Krieger, Kula, Lawrence, Longietti, Maher, Mahoney, Major, Maloney, Mann, Markosek, Marshall, Marsico, Masser, Matzie, McGeehan, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Mirabito, Moul, Mundy, Murphy, Murt, Mustio, Neuman, O'Brien, D., O'Neill, Oberlander, Pashinski, Payne, Payton, Peifer, Perry, Petrarca, Petri, Pyle, Quigley, Quinn, Rapp, Ravenstahl, Readshaw, Reed, Reese, Reichley, Roae, Rock, Ross, Saccone, Sainato, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, K., Smith, M., Sonney, Staback, Stephens, Stern, Stevenson, Sturla, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, Wheatley, White, and Smith, S..

Table listing names of members who voted 'NAYS' for SB 260, PN 1400. Includes DiGirolamo, Donatucci, Keller, M.K., Keller, W., Pickett, Preston, and Speaker.

NAYS-24

Table listing names of members who voted 'NAYS' for SB 260, PN 1400. Includes Bishop, Brown, V., Brownlee, Cruz, DeLissio, Frankel, Freeman, Johnson, Josephs, Kirkland, Mullery, Myers, O'Brien, M., Parker, Roebuck, Sabatina, Samuelson, Santarsiero, Thomas, Vitali, Wagner, Waters, Williams, and Youngblood.

NOT VOTING-0

EXCUSED-2

Table listing names of members who were 'EXCUSED' for SB 260, PN 1400. Includes Brennan and Godshall.

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.

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The House proceeded to third consideration of SB 101, PN 1427, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for a penalty.

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

(Bill analysis was read.)

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?

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to relay the positions of two groups who weighed in on SB 101. One is the Pennsylvania School Boards Association, and they have weighed in in opposition to this bill. I mean, they make the point that school board directors are volunteers and unpaid public officials. They indicate that school board directors who would be subject to this spend, I will quote, "...donate hundreds of hours without compensation...." They also make the point that although the fines have not increased with regard to the Sunshine Act over the years, the cost of defending the cases has, so in effect, the costs have increased. So they are concerned about the increase in fines and its impact on school board directors. This is preamendment, I believe.

The other group in opposition to this is the township supervisors. They are in opposition to this increase in fine. They make the point that the vast majority of sunshine infractions, which this deals with, are unintended. They also make the point that over 80 percent of the township supervisors who would be subject to this, their salaries are capped at \$1800, so the fine

would actually be in excess of what 80 percent of the capped salaries are. I will just read what they say finally: "Furthermore, with the potential of these severe punishments in place, fewer qualified individuals may feel it is worth the risk to dedicate their lives to public service and their communities." So the township supervisors and the School Boards Association are in opposition to this.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I urge a "yes" vote on this. I worked together with Senator Smucker. This does not change what constitutes a violation. This changes the level of fines, which was described in my amendment. I urge a "yes" vote on SB 101 to get this to the Governor for a signature. Thank you, Mr. Speaker.

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—177

Adolph	Evankovich	Kotik	Rapp
Aument	Evans, D.	Krieger	Ravenstahl
Baker	Evans, J.	Kula	Readshaw
Barrar	Everett	Lawrence	Reed
Bear	Fabrizio	Maher	Reese
Benninghoff	Farry	Mahoney	Reichley
Bloom	Fleck	Major	Roae
Boback	Frankel	Maloney	Rock
Boyd	Freeman	Mann	Roebuck
Boyle, B.	Gabler	Markosek	Ross
Boyle, K.	Galloway	Marshall	Saccone
Bradford	Geist	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Burns	Gillen	Metcalfe	Schroder
Buxton	Gillespie	Metzgar	Shapiro
Caltagirone	Gingrich	Miccarelli	Simmons
Carroll	Goodman	Micozzie	Smith, K.
Causser	Grell	Millard	Smith, M.
Christiana	Grove	Miller	Sonney
Clymer	Hackett	Milne	Staback
Conklin	Hahn	Mirabito	Stephens
Costa, D.	Haluska	Moul	Stern
Costa, P.	Hanna	Mullery	Stevenson
Cox	Harhart	Mundy	Sturla
Creighton	Harkins	Murphy	Swanger
Culver	Harper	Murt	Tallman
Cutler	Harris	Mustio	Taylor
Daley	Heffley	Neuman	Thomas
Davidson	Helm	O'Brien, D.	Tobash
Davis	Hennessey	O'Brien, M.	Toepel
Day	Hess	O'Neill	Toohil
Deasy	Hickernell	Oberlander	Truitt
Delozier	Hutchinson	Pashinski	Turzai
DeLuca	Josephs	Payne	Vereb
Denlinger	Kampf	Payton	Vulakovich
DePasquale	Kauffman	Peifer	Waters
Dermody	Kavulich	Perry	Watson
DeWeese	Keller, F.	Petri	Wheatley

DiGirolamo	Keller, M.K.	Pickett	White
Donatucci	Keller, W.	Preston	
Dunbar	Killion	Pyle	Smith, S.,
Ellis	Knowles	Quigley	Speaker
Emrick	Kortz	Quinn	

NAYS—24

Barbin	Curry	Kirkland	Sainato
Bishop	DeLissio	Longiotti	Santoni
Brown, V.	George	Myers	Vitali
Brownlee	Harhai	Parker	Wagner
Cohen	Hornaman	Petrarca	Williams
Cruz	Johnson	Sabatina	Youngblood

NOT VOTING—0

EXCUSED—2

Brennan	Godshall
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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 with amendment in which the concurrence of the Senate is requested.

\* \* \*

The House proceeded to third consideration of **SB 728, PN 734**, entitled:

An Act designating a bridge on that portion of Interstate 99 in Freedom Township, Blair County, as the Cpl. Harry Raymond Harr Memorial Bridge.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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—201

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longiotti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone

Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causar	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
Delozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S.,
Donatucci	Kirkland	Quinn	Speaker
Dunbar	Knowles	Rapp	

NAYS-0

NOT VOTING-0

EXCUSED-2

Brennan Godshall

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.

**SUPPLEMENTAL CALENDAR C CONTINUED**

**CONSIDERATION OF HB 488 CONTINUED**

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. Is the gentleman, Mr. Vitali, seeking further recognition on the concurrence?

Mr. VITALI. Thank you, Mr. Speaker.

First of all, I would like to thank the Speaker and the majority leader for his indulgence here. We did have a chance to look at these seven transfers, four of which passed the House

initially, and they have been properly vetted. The other three, we have looked at them. Two of those three have the approval of the Department of General Services. The third one, which would be transfer number four, the Department of General Services is neutral, but it is supported by the Department of Conservation and Natural Resources. I really do not have any concerns with any of these transfers, although I do want to state for the record that I think it is not a good practice for land transfers to be dealt with in this fashion, in a concurrence-type vote. I think they ought to be vetted by both committees. But that concludes my comments.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Bradford.

Mr. BRADFORD. On the bill, Mr. Speaker?

Real quickly, I know there are several transfers, but at least on the East Norriton project, it is a very important economic development project for Montgomery County, and I urge all my Democratic colleagues to vote "yes."

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

I thank the gentleman from Delaware County and his comments and understand his concerns. Certainly, four of these have been vetted through the State Government Committee, and I urge a "yes" vote on this bill for concurrence, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I have questions about this bill, not because of the original bill; the original bill we passed back in March. It was a 3-page bill that dealt with Venango County, a very worthwhile project that was reviewed by the State Government Committee, got a unanimous vote, and when this House voted on it, it was a 3-page bill dealing with Venango County. Now, tonight we get a bill from the State Senate which is 39 pages, 7 projects lumped together. I believe the State Government Committee has analyzed three or four out of the seven projects, but some of them are brand-new. There is one in this bill that I do not know about, and I do not think anybody on this House floor knows about, something about a land transfer in Ohiopyle State Park. Now, Ohiopyle State Park is a beautiful State park. It is one of the gems of our State park system, and if we are transferring 2.6 acres without knowing exactly what we are doing, where we are transferring it. Does this make an improvement to the park? Are there potential concerns to the park? There are a lot of folks who use Ohiopyle State Park. I have no doubt that the project from Montgomery County is worthwhile. I believe we have already looked at that project on the House floor. I have no doubt about the project from Venango County.

I also remember in 2007 when this House sold the Pittsburgh office building without debate, late-night session, Senate bill, several projects lumped together. After the House voted, we started to have questions the next day and the next month and the next year, and now you have seen the investigations about whether or not the State actually got a fair price for that

Pittsburgh office building. So it may well be that all seven of these projects are worthwhile, but I think we need a little bit more time. We are in session tomorrow.

**MOTION TO POSTPONE**

Mr. SAMUELSON. I would like to make a motion that we postpone this bill just until tomorrow morning, take a few hours to review it and make sure that we actually are familiar with what is in all seven of these land transfers. So my motion would be to postpone consideration of HB 488 until tomorrow morning's session.

The SPEAKER. The gentleman, Mr. Samuelson, moves that the vote on HB 488 on concurrence be postponed until tomorrow.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

The good chairman has given me the advice to be short, and I will. I urge a "no" vote on suspension. This has bipartisan ramifications in this legislation. We would like to get it to the Governor's desk and be signed into law as quickly as possible. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the vote on HB 488 be postponed?

Those in favor of postponing the vote will vote "aye"; those opposed to postponing the vote will vote "no."

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

The following roll call was recorded:

**YEAS—67**

Bishop	Evankovich	Kula	Preston
Boyle, B.	Evans, D.	Longiotti	Ravenstahl
Boyle, K.	Freeman	Mahoney	Readshaw
Brown, V.	Gerber	Mann	Roebuck
Brownlee	Gergely	Markosek	Sabatina
Burns	Gibbons	McGeehan	Sainato
Buxton	Goodman	Mirabito	Samuelson
Carroll	Haluska	Mullery	Santoni
Costa, P.	Hanna	Mundy	Truitt
Curry	Harhai	Murphy	Vitali
Daley	Hornaman	Myers	Wagner
Davidson	Johnson	Neuman	Waters
Davis	Josephs	O'Brien, M.	Wheatley
Deasy	Keller, W.	Parker	White
DeLissio	Kirkland	Pashinski	Williams
DeWeese	Kortz	Payton	Youngblood
Donatucci	Krieger	Petrarca	

**NAYS—133**

Adolph	Emrick	Knowles	Reichley
Aument	Evans, J.	Kotik	Roae
Baker	Everett	Lawrence	Rock
Barbin	Fabrizio	Maher	Ross
Barrar	Farry	Major	Saccone
Bear	Fleck	Maloney	Santarsiero
Benninghoff	Frankel	Marshall	Saylor
Bloom	Gabler	Marsico	Scavello

Boback	Galloway	Masser	Schroder
Boyd	Geist	Matzie	Shapiro
Bradford	George	Metcalfe	Simmons
Briggs	Gillen	Metzgar	Smith, K.
Brooks	Gillespie	Miccarelli	Smith, M.
Brown, R.	Gingrich	Micozzie	Sonney
Caltagirone	Grell	Millard	Staback
Causer	Grove	Miller	Stephens
Christiana	Hackett	Milne	Stern
Clymer	Hahn	Moul	Stevenson
Cohen	Harhart	Murt	Sturla
Conklin	Harkins	Mustio	Swanger
Costa, D.	Harper	O'Brien, D.	Tallman
Cox	Harris	O'Neill	Taylor
Creighton	Heffley	Oberlander	Thomas
Cruz	Helm	Payne	Tobash
Culver	Hennessey	Peifer	Toepel
Cutler	Hess	Perry	Toohil
Day	Hickernell	Petri	Turzai
Delozier	Hutchinson	Pickett	Vereb
Denlinger	Kampf	Pyle	Vulakovich
DePasquale	Kauffman	Quigley	Watson
Dermody	Kavulich	Quinn	
DiGirolamo	Keller, F.	Rapp	Smith, S.,
Dunbar	Keller, M.K.	Reed	Speaker
Ellis	Killion	Reese	

**NOT VOTING—1**

DeLuca

**EXCUSED—2**

Brennan

Godshall

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

On the question recurring,  
Will the House concur in Senate amendments?

The SPEAKER. On that question, the Speaker recognizes the gentlelady, Ms. Josephs, for a second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Just want to say it again: In 2007 we had this exact same procedure. It was a pile-up bill, which is to say we vetted a bunch of the transfers, the conveyance, in State Government when I was the chair. But we did not look at the Pittsburgh office building transfer. I got up at the mike, and I suggested to people that they not vote for a transfer because we had not looked at it. Mr. Speaker, this is serious.

The SPEAKER. The House will please come to order. Members will please take their seats. Hold the conversations down, please. If we could take the conversations to the rear of the House and clear the aisles, the Speaker would appreciate it. The members will please hold the conversations down.

The lady may continue.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I stood up in 2007, I said, heaven forbid there is a problem. I hope there is no problem, but if there is and you voted for it, you are going to feel really bad. Now I have people coming up to me who were here in 2007. One, at least, gentleman said, I did not heed your warning and now my fingerprints are all over that horrible scandal that was the Pittsburgh office building sale. I hope that these three transfers that the Senate put on, and we are dealing now without any time, not even until tomorrow,

I really hope that there is no problem with any of them. But I am not voting for them because I do not know, and I regret that I have to vote against people on both sides of the aisle here who want the other transfers. I regret that, but I have a responsibility. I am the chair of this committee for our side, which is more than 50 percent of the people of this State, and I have a responsibility that I take seriously. I am voting "no." People do what they want. I hope you are not sorry later.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House concur in the amendments inserted by the Senate?

On that question, the Speaker recognizes the gentleman from Lackawanna County, Mr. Ken Smith.

Mr. K. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I rise tonight to support HB 488. Mr. Speaker, within this bill, there is a land conveyance on the southwesterly part of Lackawanna Avenue in the city of Scranton, and it is a land conveyance to the department of COLTS (County of Lackawanna Transit System), which is our mass transit company within Lackawanna County. This will allow us to develop that parcel of land for the intermodal system that has been in process for several years now. So I would urge my colleagues to vote in a positive manner for HB 488. It will go a long way in bringing Lackawanna County to where they need with respect to mass transit.

Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—179

Adolph	Evans, D.	Krieger	Ravenstahl
Aument	Evans, J.	Kula	Readshaw
Baker	Everett	Lawrence	Reed
Barbin	Fabrizio	Longiatti	Reese
Barrar	Farry	Maher	Reichley
Bear	Fleck	Mahoney	Roae
Benninghoff	Frankel	Major	Rock
Bloom	Freeman	Maloney	Roebuck
Boback	Gabler	Mann	Ross
Boyd	Galloway	Markosek	Saccone
Boyle, K.	Geist	Marshall	Sainato
Bradford	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Burns	Gillen	Metcalfe	Schroder
Buxton	Gillespie	Metzgar	Shapiro
Caltagirone	Gingrich	Miccarelli	Simmons
Carroll	Grell	Micozzie	Smith, K.
Causar	Grove	Millard	Smith, M.
Christiana	Hackett	Miller	Sonney
Clymer	Hahn	Milne	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Murphy	Stevenson
Costa, P.	Harhart	Murt	Sturla
Cox	Harkins	Mustio	Swanger
Creighton	Harper	Myers	Tallman
Cruz	Harris	Neuman	Taylor
Culver	Heffley	O'Brien, D.	Thomas
Cutler	Helm	O'Neill	Tobash
Daley	Hennessey	Oberlander	Toepel

Davis	Hess	Parker	Toohil
Day	Hickernell	Pashinski	Truitt
Deasy	Hutchinson	Payne	Turzai
DeLozier	Johnson	Payton	Vereb
DeLuca	Kampf	Peifer	Vulakovich
Denlinger	Kauffman	Perry	Waters
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Dunbar	Killion	Pyle	
Ellis	Knowles	Quigley	Smith, S., Speaker
Emrick	Kotik	Rapp	
Evankovich			

NAYS—22

Bishop	DeLissio	Kortz	Sabatina
Boyle, B.	Donatucci	Mirabito	Samuelson
Brown, V.	Goodman	Mundy	Vitali
Brownlee	Hornaman	O'Brien, M.	Wagner
Curry	Josephs	Quinn	Watson
Davidson	Kirkland		

NOT VOTING—0

EXCUSED—2

Brennan	Godshall
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 330, PN 980**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for installment payment of school real property taxes.

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

Mr. GROVE offered the following amendment No. **A04630**:

Amend Bill, page 1, line 10, by inserting after "for"  
public referendum requirements and for  
Amend Bill, page 1, lines 14 through 17, by striking out all of  
said lines and inserting

Section 1. Section 333 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is amended to read:  
Section 333. Public referendum requirements for increasing certain taxes.

(a) Applicability.—The following provisions shall apply to this section:

(1) For the 2006-2007 fiscal year, the tax increase proposed by any board of school directors shall not exceed the index unless an exception under subsection (f) or (n) is approved pursuant to subsection [(i) or] (j), provided that a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, shall have the authority to petition the court of common

pleas for an additional tax rate increase if the tax rate increase allowed by the index and any exception approved pursuant to subsection [(i) or] (j) is insufficient to balance the proposed budget. No later than July 15, 2006, the court shall grant the school district's request for the tax rate increase upon good cause shown if the school district proves by clear and convincing evidence that the tax rate increase authorized under this paragraph is insufficient to balance the proposed budget. For a board of school directors subject to this paragraph, the dates by which the board of school directors, the department and the court of common pleas shall be required to comply with section 311 and subsections (e)[, (i)] and (j) shall be 92 days after the dates set forth in those provisions, except that the date by which the board of school directors shall be required to comply with all of the provisions of section 311(c) shall be ten days prior to the date by which the board of school directors is required to adopt a preliminary budget. Any exceptions granted to a board of school directors under section 333 of the former Homeowner Tax Relief Act shall remain in full force and effect. Notwithstanding the provisions of this paragraph, a board of school directors that sought and was granted approval for one or more exceptions under section 333 of the former Homeowner Tax Relief Act may apply for any exception under subsections (f)(v) [and (ix)] and (n), where the dollar amount of an exception approved by the department under the former Homeowner Tax Relief Act is less than the dollar amount of the exception for which the school district is eligible under this act.

(2) This section shall apply to each board of school directors beginning with any proposed tax increase that takes effect in the 2007-2008 fiscal year and each fiscal year thereafter.

(b) Prohibitions.—Except as set forth in subsection [(i) and] (j), unless there is compliance with subsection (c), a board of school directors may not do any of the following:

(1) Increase the rate of a tax levied for the support of the public schools by more than the index. For purposes of compliance with this paragraph, a school district which is situated in more than one county and which levies real estate taxes under section 672.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall apply the index to each separate rate of real estate taxes levied.

(2) Levy a tax for the support of the public schools which was not levied in the 2005-2006 fiscal year.

(3) Raise the rate of the earned income and net profits tax if already imposed under the authority of the Local Tax Enabling Act except as otherwise provided for under section 331.2 or 332.

(4) Notwithstanding any other provision of this chapter to the contrary, the adoption of a referendum under section 331.2 or 332 confers on the board of school directors the authority to raise income taxes only to the extent contained in the language of the referendum, and any future increase of an income tax to be used for the purpose of property tax reduction shall be submitted to the electors of the school district at a subsequent municipal election pursuant to the provisions of section 332.

(c) Referendum.—

(1) In order to take an action prohibited under subsection (b)(1), at the election immediately preceding the start of the school district fiscal year in which the proposed tax increase would take effect, a referendum stating the specific rate or rates of the tax increase must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the increase.

(2) In order to take an action under subsection (b)(2), at the election immediately preceding the start of the school district fiscal year in which the proposed tax would take effect, a referendum stating the proposed tax and the rate at which it will be levied must be submitted to the electors of the school district, and a majority of the electors voting on the question must

approve the tax.

(3) Except as set forth in [subsections (i) and] subsection (j), a school district acting pursuant to this subsection shall submit the referendum question required under this section to the election officials of each county in which it is situate no later than 60 days prior to the election immediately preceding the fiscal year in which the tax increase would take effect.

(4) The election officials of each county shall, in consultation with the board of school directors, draft a nonlegal interpretative statement which shall accompany the referendum question in accordance with section 201.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The nonlegal interpretative statement shall include information that references the items of expenditure for which the tax increase is sought and the consequence of the referendum being disapproved by the electorate.

(d) Failure to approve referendum.—

(1) If a referendum question submitted under subsection (c)(1) is not approved, the board of school directors may approve an increase in the tax rate of not more than the index.

(2) If a referendum question submitted under subsection (c)(2) is not approved, the board of school directors may not levy the tax.

(e) Tax rate submissions.—A school district that has adopted a preliminary budget proposal under section 311 that includes an increase in the rate of any tax levied for the support of public schools shall submit information on the increase to the department on a uniform form prepared by the department. The school district shall submit such information no later than 85 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. The department shall compare the proposed percentage increase in the rate of any tax with the index. Within ten days of the receipt of the information required under this subsection but no later than 75 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year, the department shall inform the school district whether the proposed tax rate increase is less than or equal to the index. If the department determines that the proposed percentage increase in the rate of the tax exceeds the index, the department shall notify the school district that:

(1) the proposed tax increase must be reduced to an amount less than or equal to the index;

(2) the proposed tax increase must be approved by the electorate under subsection (c)(1); or

(3) an exception must be sought under [subsections (i) and] subsection (j).

(f) Referendum exceptions.—A school district may, without seeking voter approval under subsection (c), increase the rate of a tax levied for the support of the public schools by more than the index if all of the following apply:

(1) The revenue raised by the allowable increase under the index is insufficient to balance the proposed budget due to one or more of the expenditures listed in paragraph (2).

(2) The revenue generated by increasing the rate of a tax by more than the index will be used to pay for any of the following:

[(i) Costs incurred in responding to or recovering from an emergency or disaster declared pursuant to 35 Pa.C.S. § 7301 (relating to general authority of Governor) or 75 Pa.C.S. § 6108 (relating to power of Governor during emergency).

(ii) Costs to implement a court order or an administrative order from a Federal or State agency as long as the tax increase is rescinded following fulfillment of the court order or administrative order.]

(iii) Costs associated with the following:

(A) For a board of school directors that elected to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the

Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) prior to September 4, 2004. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(A.1) For a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B prior to the effective date of this act. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(B) To pay interest and principal on any electoral debt incurred under 53 Pa.C.S. Pt. VII Subpt. B. An increase under this clause shall be rescinded following the final payment of interest and principal.

[(C) To pay interest and principal on indebtedness for up to 60% of the construction cost average on a square-foot basis if all of the following apply:

(I) The indebtedness is for a school construction project under 22 Pa. Code Ch. 21 (relating to school buildings).

(II) For a board of school directors that elected to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred after September 3, 2004.

(II.1) For a board of school directors that did not elect to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred on or after the effective date of this act.

(III) The increase sought under this clause is rescinded following final payment of interest and principal.

(IV) The indebtedness is incurred only after existing fund balances for school construction and any undesignated fund balances have been fully committed to fund the project.

(V) The indebtedness is for an academic elementary or academic secondary school building. For purposes of this subclause, the following shall not be considered to be an academic elementary or academic secondary school building: natatorium, stadium bleachers, athletic field, athletic field

lighting equipment and apparatus used to promote and conduct interscholastic athletics.

(VI) For school districts of the second, third and fourth class, the project has been approved by the department under section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. For nonreimbursable projects in school districts of the first class A, the plans and specifications have been approved by the board of school directors. For reimbursable projects in school districts of the first class A, the plans and specifications have been approved by the department pursuant to 22 Pa. Code Ch. 21.

(D) To pay interest and principal on indebtedness for up to \$250,000 of the construction cost of a nonacademic school construction project, as adjusted annually by the percentage increase in the average of the Statewide average weekly wage and the employment cost index. An increase under this clause shall be rescinded following the final payment of interest and principal.]

(E) For purposes of this subparagraph, electoral debt includes the refunding or refinancing of electoral debt for which an exception is permitted under clause (B) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(F) For purposes of this subparagraph, indebtedness includes the refunding or refinancing of indebtedness for which an exception is permitted under clauses (A)[, (A.1), (C) and (D)] and (A.1) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

[(iv) Costs to respond to conditions which pose an immediate threat of serious physical harm or injury to the students, staff or residents of the school district but only until the conditions causing the threat have been fully resolved.]

(v) Costs incurred in providing special education programs and services to students with disabilities if the increase in expenditures on special education programs and services, net of State special education payments, was greater than the index. The dollar amount of this exception shall be equal to the portion of the increase that exceeds the index.

[(vi) Costs which:

(A) were incurred in the implementation of a school improvement plan required under section 1116(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)); and

(B) were not offset by a State allocation.

(vii) Costs necessary to maintain:



(A) per-student local tax revenue, adjusted by the index, if the percentage growth in average daily membership between the school year determined under subsection (j)(4) and the third school year preceding the school year determined under subsection (j)(4) exceeds 7.5%; or

(B) actual instruction expense per average daily membership, adjusted by the index, if the increase in actual instruction expense per average daily membership between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(viii) The maintenance of revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations, adjusted by the index, for a school district where the percentage increase in revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(ix) Costs incurred for providing health care-related benefits which are directly attributable to a collective bargaining agreement in effect on January 1, 2006, between the school district and its employees' organization if the anticipated increase in the cost of health care-related benefits between the current year and the upcoming year is greater than the index. The dollar amount of this exception shall be equal to the portion of the increase which exceeds the index. This subparagraph shall not apply to a collective bargaining agreement renewed, extended or entered into after January 1, 2006.]

(g) Revenue derived from increase.—Any revenue derived from an increase in the rate of any tax allowed pursuant to subsection (f)(2)(iii) shall not exceed the anticipated dollar amount of the expenditure.

(h) Limitation on tax rate.—The increase in the rate of any tax allowed pursuant to an exception under subsection [(f)(2)(i), (ii), (iv), (v), (vi), (vii), (viii) or (ix)] (f)(2)(v) or (n) shall not exceed the rate increase required as determined by [a court of common pleas or] the department pursuant to subsection [(i) or ](j).

[(i) Court action.—

(1) Prior to the imposition of a tax increase under subsection (f)(2)(i), (ii) and (iv) and no later than 75 days prior to the election immediately preceding the beginning of the school district's fiscal year, approval by the court of common pleas in the judicial district in which the administrative office of the school district is located must be sought. The board of school directors shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to file a petition under this subsection at least one week prior to the filing of the petition. The board of school directors shall also publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice, as soon as possible following notification from the court that a hearing has been scheduled, stating the date, time and place of the hearing on the petition. The following shall apply to any proceedings instituted under this subsection:

(i) The school district must prove by clear and convincing evidence that it qualifies for each exception sought.

(ii) The school district must prove by clear and

convincing evidence the anticipated dollar amount of the expenditure for each exception sought.

(2) The court shall rule on the school district's petition and inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. If the court approves the petition, the court shall also determine the dollar amount of the expenditure for which an exception is granted, the tax rate increase required to fund the exception and the appropriate duration of the increase. If the court denies the petition, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.]

(j) Department approval.—

(1) A school district that seeks to increase the rate of tax due to an expenditure under subsection (f)(2)(iii)[,] or (v)[, (vi), (vii), (viii) or (ix)] or (n) shall obtain the approval of the department before imposing the tax increase. The department shall establish procedures for administering the provisions of this subsection, which may include an administrative hearing on the school district's submission.

(2) A school district proceeding under the provisions of this subsection shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to seek department approval at least one week prior to submitting its request for approval to the department. If the department schedules a hearing on the school district's request, the school district shall publish notice of the hearing in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, immediately upon receiving the information from the department. The notice shall include the date, time and place of the hearing.

(3) The department shall approve a school district's request under this subsection if a review of the data under paragraph (4) demonstrates that:

(i) the school district qualifies for one or more exceptions under subsection (f)(2)(iii)[,] or (v)[, (vi), (vii), (viii) or (ix)] or (n); and

(ii) the sum of the dollar amounts of the exceptions for which the school district qualifies makes the school district eligible under subsection (f)(1).

(4) For the purpose of determining the eligibility of a school district for an exception under subsection (f)(2)(v), [(vi), (vii) or (viii),] the department shall utilize data from the most recent school years for which annual financial report data required under section 2553 of the Public School Code of 1949 has been received. The department shall inform school districts of the school years determined under this subsection no later than 30 days prior to the date on which public inspection of proposed school budgets is required under section 311(c).

(5) (i) The department shall rule on the school district's request and shall inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(ii) If the department approves the request, the department shall determine the dollar amount of the expenditure for which the exception is sought and the tax rate increase required to fund the exception.

(iii) If the department denies the request, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(6) Within 30 days of the deadline under paragraph (5)(i), the department shall submit a report to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives enumerating the school districts which sought an exception under this subsection. The department shall also publish the report on its publicly accessible Internet site. The report shall include:

(i) The name of each school district making a request under this subsection.

(ii) The specific exceptions requested by each school district and the dollar amount of the expenditure for each exception.

(iii) The department's ruling on the request for the exception.

(iv) If the exception was approved, the dollar amount of the expenditure for which the exception was sought and the tax rate increase required to fund the exception.

(v) A statistical summary of the information in subparagraphs (ii), (iii) and (iv).

[(k) Objections.—Any person who resides within or pays real property taxes to the school district filing a petition under subsection (i) may file with the court written objections to any petition filed under this section.]

(l) Index calculation.—No later than August 15, 2005, and each August 15 thereafter, the department shall calculate the index. The department shall publish the index by September 1, 2005, and each September 1 thereafter in the Pennsylvania Bulletin.

(m) Election interference prohibited.—

(1) No public funds may be used to urge any elector to vote for or against a referendum or be appropriated for political or campaign purposes.

(2) This subsection shall not be construed to prohibit the use of public funds for dissemination of factual information relative to a referendum appearing on an election ballot.

(3) As used in this subsection, the term "public funds" means any funds appropriated by the General Assembly or by a political subdivision.

(n) Treatment of certain required payments.—

(1) The provisions of subsections (f) and (j) shall apply to a school district's share of payments to the Public School Employees' Retirement System as required under 24 Pa.C.S. § 8327 (relating to payments by employers) if the increase in [the actual dollar amount of] estimated payments between the current year and the upcoming year, as determined by the department under this section, is greater than the index. [The dollar amount to which subsection (f) applies shall equal that portion of the increase which exceeds the product of the index and the actual dollar value of payments for the current year.]

(2) For purposes of this subsection, the following apply:

(i) The school district's share of payments as required by 24 Pa.C.S. § 8327 for the current year shall be determined by the department using:

(A) The lesser of the school district's total compensation for the current year or the school district's total compensation for the 2011-2012 school year.

(B) The employer contribution rate under 24 Pa.C.S. § 8328 (relating to actuarial cost method) for the current year.

(C) A State retirement subsidy calculation based on the school district's total compensation under clause (A) and the employer contribution rate under clause (B).

(ii) The school district's share of payments as required by 24 Pa.C.S. § 8327 for the upcoming year shall be determined by the department using all of the

following:

(A) The lesser of the school district's:

(I) estimated total compensation for the upcoming year; or

(II) total compensation for the 2011-2012 school year.

(B) The employer contribution rate under 24 Pa.C.S. § 8328 for the upcoming year.

(C) A State retirement subsidy calculation based on the school district's total compensation under clause (A) and the employer contribution rate under clause (B).

(3) The dollar amount to which subsection (f) applies shall be determined as follows:

(i) Multiply:

(A) the index; by

(B) the school district's share of payments for the current year, as determined by the department under this subsection.

(ii) Subtract:

(A) the product under subparagraph (i); from

(B) the amount of increase, as determined by the department under this subsection, in the school district's share of payments between:

(I) the current year; and

(II) the upcoming year.

(4) As used in this subsection, the term "compensation" has the meaning ascribed in 24 Pa.C.S. § 8102 (relating to definitions).

(o) Rescission.—

(1) Any increase in a rate of a tax levied for support of the public schools imposed prior to or during the 2011-2012 school year under a referendum exception granted, prior to the effective date of this subsection, under subsection (f)(2)(i), (ii) or (iii)(C) and (D) shall be rescinded:

(i) immediately following fulfillment of the court order or administrative order that was the basis for the referendum exception;

(ii) immediately following the payment of costs to resolve a condition which posed an immediate threat of serious physical harm or injury to the students, staff or residents of the school district that was the basis for the referendum exception; or

(iii) following the final payment of interest and principal related to the indebtedness.

(2) For the purposes of this subsection, the term "final payment of interest and principal" does not include a school district's payment of debt as a result of refunding or refinancing the debt.

Section 2. Section 1502(d) of the act is amended and the section is amended by adding subsections to read:

Amend Bill, page 2, line 25, by striking out all of said line and inserting

Section 3. The amendment of section 333 of the act shall apply to fiscal years of school districts which begin after January 1, 2012.

Section 4. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

(i) The amendment of section 333 of the act.

(ii) Section 3 of this act.

(iii) This section.

(2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from York County, Mr. Grove.

Mr. GROVE. Thank you, Mr. Speaker.

A04630 amends SB 330 to remove the exceptions in current law specified in Act 1 of special session of 2006, except for special education, pension, electoral, and grandfathered debt. The amendment narrows the scope of special education and pension exceptions while maintaining current language for electoral and grandfathered debt. Mr. Speaker, this amendment is to gauge property taxes and ensure we try to do what we can to help our property tax payers.

Over the past decade we have seen large property tax increases, while at the same time State funding increasing at about the same rates. Mr. Speaker, it is time for this body to get serious on property taxes. Amendment A04630 is an excellent opportunity for this legislature to start helping property tax payers and ensure that we continue the drive towards elimination of property taxes, Mr. Speaker. I appreciate this body's unanimous support of this amendment to help the property tax payers.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Luzerne, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Will the gentleman, Mr. Grove, stand for interrogation, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Ms. MUNDY. Mr. Speaker, in reading the language in your amendment and in speaking with the various school groups, we find that your amendment is drafted in such a way that it is very difficult to understand what your intention is. So could you please explain to me the language you have in your amendment regarding electoral debt? Let us start with that.

Mr. GROVE. Electoral debt—

Ms. MUNDY. Excuse me; I am not finished with my question.

Mr. GROVE. Okay. Sorry.

Ms. MUNDY. This language is identical to what is in current law. Why did you not draft the special education and pension criteria in the same way?

Mr. GROVE. That was language agreed to by the Senate and the Governor's Office.

Ms. MUNDY. Did you consult with any of the school districts, PSBA (Pennsylvania School Boards Association), PSEA (Pennsylvania State Education Association), the school business officials, as to what the effect of your amendment would be?

Mr. GROVE. Yes.

Ms. MUNDY. And what did they say?

Mr. GROVE. It curbs the ability for school districts to increase property taxes.

Ms. MUNDY. Well, I am sure that your intention is to not fund education from here and not let the locals pay for it either, but the bottom line is, schools need to function. And if you want to solve the property tax problem, then let us solve it, but this is not property tax reform.

The SPEAKER. The lady—

Ms. MUNDY. Let us be very clear about that.

The SPEAKER. The lady will suspend. Is she still under interrogation?

Ms. MUNDY. I am, Mr. Speaker. Yes; I am.

Mr. Speaker, you included the term, in the special education payment section, "net of State special education payments." Can you tell me what you are trying to accomplish with this phrase? What exactly does that mean in terms of school district budgets?

Mr. GROVE. That is an excellent question. On lines 38 and 39, on page 6 of the amendment, the net of special education payments includes revenue. So the current exception would be, it is a 2-year lookback, so it is the previous year's lookback, that total cost versus the next year's cost. So what we did was include the net, the revenue the school districts get from the State government, the State revenues that they receive for special education, specifically in the line item, special education, to show a true analysis of how much money school districts get from the State and also their total cost to show how much they truly need to raise property taxes by.

Ms. MUNDY. So the term "net" means— Explain what the term "net" means.

Mr. GROVE. The net; revenues.

Ms. MUNDY. The net of whose revenues over whose revenue?

Mr. GROVE. School districts. It is the school district's costs minus the revenues.

Ms. MUNDY. Minus whose revenues?

Mr. GROVE. The State's, the State government's revenues.

Ms. MUNDY. So a school district has an exceptional needs student that is going to cost them \$1 million this year, and the State only gives them \$500,000 in special education subsidy. What happens then?

Mr. GROVE. Well, if the State gives them \$500,000 and their total cost is \$1 million, they would be eligible to apply for an exception, based on that, of about a half a million dollars, when you run it through the rest of the index and the formula.

Ms. MUNDY. So that is what you mean by net?

Mr. GROVE. Yeah, and the current, the current exception would just be \$1 million, because it is just their cost, last year's versus previous years.

Ms. MUNDY. Right; whatever the cost is above and beyond what they have to spend—

Mr. GROVE. Yes.

Ms. MUNDY. —they would be able to file an exception under current law. So explain again about the lookback. A lookback in the last 2 years—

Mr. GROVE. Yeah.

Ms. MUNDY. As to what? Well, but their cost— Okay; go ahead and explain the lookback from your perspective.

Mr. GROVE. That is how— You want to hear what the current exception formula is?

Ms. MUNDY. No, in your amendment.

Mr. GROVE. It is the exact same, but it takes into account the revenue that they receive from the State. So a 2-year lookback 2 years ago, what the costs were minus the revenues, subtract that from their costs minus their revenues from the next year.

Ms. MUNDY. What about the previous year?

Mr. GROVE. Yeah, previous year's costs, revenues, minus the current year's.

Ms. MUNDY. I do not think that is what your amendment actually says, but it is good to hear that that is what your intent is. Let us move on to pensions. Does your amendment place a hard cap on the State's share of pension contributions?

Mr. GROVE. No.

Ms. MUNDY. It certainly would appear that it does when I read it.

Mr. GROVE. It does not address the State's share of pension contributions at all.

Ms. MUNDY. Well, then explain why you would need to change the law with regard to the pension exception if your amendment does not change anything. It certainly changes the language in the law. Could you explain what your intention is with the language that you authored?

Mr. GROVE. The exception will calculate the school's share of payments from the current year using the lesser of the school district's total compensation for the current year or the school district's total compensation for the 2011-2012 year. The employer contribution rate for the current year and the State retirement subsidy calculation based on the school district's total compensation and—

Ms. MUNDY. Mr. Speaker?

Mr. GROVE. —employer contribution rate.

Ms. MUNDY. Mr. Speaker, I am sorry; I cannot hear the gentleman at all.

The SPEAKER. The lady will suspend.

Members will please come to order. If we could reduce the conversations, especially down around the leader's office, the desk, perhaps it would help. The members will please take their seats and clear the aisles, take the conversations to the rear of the House if necessary. The lady may proceed.

Ms. MUNDY. I apologize, Mr. Speaker. Would you repeat the answer that you just gave me? I could not hear it.

Mr. GROVE. The pension exception will calculate the school district's share of payments for the current year using the lesser of the school district's total compensation for the current year with the school district's total compensation for the 2011-2012 school year, employer contribution rate for the current year, and the State retirement subsidy calculation based on the school district's total compensation and the employer contribution rate.

Ms. MUNDY. So if I have a pension contribution for this year, that freezes me in time for future years?

Mr. GROVE. No.

Ms. MUNDY. It appears to do that. Your language appears to do that.

Mr. GROVE. No. It freezes the employer contributions; it does not freeze any contribution rates. The employer contribution rates to the pensions, it does not freeze that. That will go up as the pension spike continues to go up. It will allow school districts to increase property taxes by how much the percentage of increase.

Ms. MUNDY. But if the State does not contribute a share of those pension costs, and you are telling the school districts that they cannot raise local property taxes, the State sets the pension contribution, where are they supposed to get the money?

Mr. GROVE. This does not say anything about the State not contributing any money to the pensions.

Ms. MUNDY. Mr. Speaker, your language is so unclear that everybody we consulted had a different perspective on what this language actually means. And again, you know, I am totally unclear. The pension issue is, as we know, the big issue here.

I am not totally disappointed in your amendment for special ed, but the pension issue, based on conversations that I have had with people who follow these issues, they tell me that your language is so unclear that they are not sure what it means. They tell me that if a school needs to hire new teachers because of higher enrollment or wants to give their teachers a modest salary increase, that they are capped with regard to going to their local districts if the State does not give them enough money to cover those costs, and you are telling me that is not true. Well, show me in your language where that is not true, please.

Mr. GROVE. This amendment was drafted in coordination with PSERS, Public School Employees' Retirement System. It was drafted in coordination with them.

Ms. MUNDY. Mr. Speaker, PSERS, whom we consulted, was very, very clear that they had nothing to do with this amendment, nothing to do with this amendment and that your language is very unclear. So PSERS does not know what you are trying to do.

Mr. GROVE. Well, when they helped in the drafting of this, I do not know what to tell you, Mr. Speaker.

Ms. MUNDY. They did not help draft it according to them. Can you give me the name of someone at PSERS who helped you draft this?

The SPEAKER. The lady will suspend. The lady will suspend.

The purpose of interrogation is to seek information.

Ms. MUNDY. I am seeking information.

The SPEAKER. I would just suggest, try to make the questions nonargumentative.

Ms. MUNDY. I wish I could, Mr. Speaker. I do not mean to be argumentative. I am trying to get clarity. This amendment is so poorly drafted that no one I talk to knows exactly what it means. So, Mr. Speaker, could you tell me again what your intention is with regard to the pension. What would you— Let us use as an example: In this budget year the contribution rate is X, meaning that State government and the school districts contribute X each, and the teachers contribute their share.

Mr. GROVE. In layman's terms, for the viewers out there, Mr. Speaker, what this amendment tries to do is allows school districts to take responsibility for their teacher's contracts that they put in place. What this language does is allows school districts to raise their property taxes above the index, based on the employer contribution rate that PSERS sets for them, but the baseline year 2011-2012, if they do any contracts or if in any way their employer/employee contribution rate goes above that, the school board is then responsible for that allotment from this point forward.

Ms. MUNDY. That would appear to curb hiring and place a cap on local school districts.

Mr. GROVE. I would say it reflects responsible budgeting by the school boards. If they approve hiring, they approve firing, they approve contracts, it is their responsibility to fund them, not the State's.

Ms. MUNDY. Well, that provides the clarity that we need.

Thank you, Mr. Speaker. On the amendment.

The SPEAKER. The lady is in order on the amendment.

Ms. MUNDY. Mr. Speaker, regardless of what the gentleman's intent is, the language in this amendment is so poorly drafted that no one we speak to who deals with school district's budgets day in and day out, including PSERS, including PASBO (Pennsylvania Association of School

Business Officials), including the School Boards Association, including PSEA, knows exactly what this language does. That is a problem. That alone is a reason to vote against the Grove amendment. It is completely unclear as to what the language requires and what it means to local school districts.

I would urge a "no" vote on the Grove amendment, and then, Mr. Speaker, I will have an amendment that seeks to fix what is wrong with it. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from York stand for just very brief interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. STEPHENS. Thank you.

Mr. Speaker, how would your amendment handle debt that a school district placed on the ballot, electoral debt, in 2007 to build a new high school that was approved by the voters to the tune of about 62 percent to 38 percent? How would your amendment handle that type of debt moving forward?

Mr. GROVE. Mr. Speaker, that is a great question. The language before us in amendment 04630 maintains the current language under the current Act 1 exceptions. So electoral debt is maintained throughout this, as is grandfathered debt.

Mr. STEPHENS. So their debt service would not be counted in that, I guess, assessment of where they were relative to the index?

Mr. GROVE. Yes.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. GROVE. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Luzerne, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, it was just established that the school boards will have as a baseline for their payroll the current year. Those of us that represent fast-growing areas experience wild swings in student enrollment. I cannot imagine how a school district in a growing area will resolve the problem of increased student enrollment in the future and have to endure a baseline that subjects the school board to an unsolvable problem with respect to pension contributions.

The fact of the matter is, is that if you have a school district that is steady population or declining population, you might – and I think "might" is the right word – be able to endure this amendment. But the fact of the matter is, if you represent a school district in this State that has an increased student population, maybe not this year, maybe not next year, but somewhere in the future, you are being handed an unsolvable problem, and I have a feeling that this General Assembly and this body will be in the business of running certain school districts in the State because the school boards will not be able to solve it, because the fact of the matter is, they will not have the ability to get an exception. They will not be able to raise the taxes necessary to be able to pay the teachers that are going to be necessary to teach the students that move in. We might as well just take the bridges down over the Delaware River and close the county or the State lines, because we should not be

able to allow anymore students into this State. If this amendment were to pass, school districts in growing areas are in colossal trouble. This is a major problem, Mr. Speaker. This amendment, at the eleventh hour on the second last day, is a disaster, and we should defeat this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Schuylkill County, Mr. Goodman.

Mr. GOODMAN. Mr. Speaker, I wonder if the maker of the amendment would stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. GOODMAN. I just received a phone call from one of my superintendents who is very concerned about the \$844,638 that is going to be cut from his school district. He told me a story about four children who have just moved into his school district from Bath, Pennsylvania. The family has four children who are now going to be attending his school, and they are severely disabled. Estimated cost is anywhere from \$16,000 for the upcoming school year.

Now, if I read your amendment right, because of this artificial ceiling that you are now putting in there, they are going to have to cut existing special education services in order to somehow address these four additional children. Am I reading your amendment wrong or is there—

Mr. GROVE. No. There is no ceiling on the special education line item. It is the exact same line item as prior, but just takes into account State special education funding, so there is no ceiling at all.

Mr. GOODMAN. So there is no ceiling. So how, under this scenario, how would a school district that has just been cut this severely, knowing that they are not going to get the anticipated money next year, how do they make an adjustment in their special education costs?

Mr. GROVE. Obviously, this will take effect for next year. The school districts have already had to apply and put in for their special exceptions, for their exceptions through Act 1 for this current fiscal year. So this will not take effect until next year. The process is, around January they will get their preliminary budgets together. If they want to apply for exceptions, it has to be done by a date certain. If you look on PDE's (Pennsylvania Department of Education) Web site, they have those specific dates year by year. Once a school district decides whether to take a specific exception or not take a specific exception, they need to notify the public, they need to notify the Department of Public Education. They need to notify them if they are going to go above the index for nonexception or if they want to go to referendum to increase property taxes.

Specifically, for special education, they would have to do a sheet that PDE comes up with. The current one does not take into account revenue. Under this amendment, they will just take into the amount of revenue they have coming in from the State government to reflect the true costs of how much their special education costs. So it would be the exact same process, only those line items with the PDE worksheet would just add revenue and revenue for the 2 lookback years, and then that is basically the process. So the only change would be filling in revenue that they would get from the State from the special education line item.

Mr. GOODMAN. All right. Thank you, Mr. Speaker.

I have no further questions. I just think that is going to be extremely difficult for many of our school districts who are about to face some of the biggest cuts in our State's history.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker. On the amendment.

Mr. Speaker, we have heard a discussion tonight where the maker of the amendment has one opinion as to what the language, especially as it relates to the pension issue, would do, but that understanding is not shared by the stakeholders. I object to an amendment that is going to change something as important as the exceptions for the school boards when we have not even had a chance for the stakeholders to weigh in. This has been a continuing pattern through the last week. We find a Fiscal Code that is submitted by the good gentleman. Mr. Goodman has a bill that is gutted and replaced and becomes the Fiscal Code. We get a bill from the Senate, this bill, and this bill has nothing to do with the exception clauses, then all of a sudden tonight we have an amendment that is not agreed to by the stakeholders, that is supposed to be added to the bill, and we are supposed to vote for it.

I think we should either send it back or we should vote down the amendment. Let the bill stand as it came over from the Senate. We vote on that bill. If you want to bring up the exceptions, have the stakeholders agree to them. You cannot throw this together at the last hour and not give the people who are going to be affected by it the right to say what the effect is.

I will vote "no" on this amendment because we have not had a chance to study it.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I am extremely in support of property tax reductions, I just need clarification on the exceptions that you said were in the bill. You stated that there is a special education exception, the pension exception, and a court order debt exception. Is that correct?

Mr. GROVE. There is no court order exception; it is special ed, pension, and grandfathered electoral debt.

Mrs. DAVIDSON. Okay. Thank you.

Under the special education exception, which you said looks back 2 years, is that consistent with the current law exception?

Mr. GROVE. Yes; it is.

Mrs. DAVIDSON. My second question is regarding the pension. How does your pension exception differ from the current law pension exception?

Mr. GROVE. The current – that is an excellent question – the current pension exception just allows school boards to increase property taxes, apply for the exception just on the employer contribution rate. What this amendment does is it sets up the discussion between school boards and what actually they contribute to the boards, the pension. So it sets a baseline of

2011-2012. If there are any employee contributions, or not employee contributions, any employee – I want to make sure I have the right – compensation beyond 2011-2012, that is an increase. School districts can only get the exception for the increase in the employer contribution rates, not for that increase in employee compensation. Now, if the employee compensation decreases, the reverse effect happens, if there is a loss of employees or pay reductions or anything along those lines.

Mrs. DAVIDSON. So would you agree that this is a much more complicated calculation and set of regulations and mandates on the school for this pension exception as it is currently drafted?

Mr. GROVE. No.

Mrs. DAVIDSON. Can you explain to me one more time the differences, because you kind of stumbled a little bit as you were trying to explain them because you had to consult the document for the amendment that you wrote. I think it is kind of complicated and it is a mandate on the school district, so would you explain, please, just one more time so I can try to get it, what the difference is in the current pension exception and the exception that you have currently drafted?

Mr. GROVE. The difference, in very simplified terminology, is school districts can only increase their property taxes for a pension exception above the index if the employer, for the employee contribution rate. It does not count based on the 2011-2012 employee compensation.

Mrs. DAVIDSON. Okay. Thank you. On the bill, Mr. Speaker?

The SPEAKER. The lady may proceed on the bill.

Mrs. DAVIDSON. Mr. Speaker, I am very much in support of property tax decreases, and I only support 2 or 3 exceptions under the current law, not all 10. I would support a property tax relief amendment that restored the special education cut as is currently drafted in law and restored the pension cuts as is currently drafted in law, as opposed to a complicated new formula and a new mandate on school districts for their pension costs, over which they have no control.

So unfortunately, I cannot support this amendment, Mr. Speaker, and I ask my colleagues to join me in not supporting it. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

I rise in support of the Grove amendment. We have heard a lot about property tax rates and property tax increases tonight. This particular provision as strengthened by the amendment helps the folks, elected officials, to contain significant increases in spending on a local level and ultimately protects taxpayers. The fact of the matter is, 39 States have voter referendum with respect to school district budgets or increases in school district taxes. They cover the gamut in the alphabet, from Alabama to Wyoming.

In addition, our referendum allows for an increase in taxes on a local level, with a CPI (Consumer Price Index)-related index. You need referendum when it is at or above that index. Please understand, my father was a public school teacher. I live in a district that provides, like the school districts across the State, quality public education. But the fact of the matter is, it is always a balance between the expenditures on public education and what the taxpayers can afford. This taxpayer protection

provision is designed to address that balance. It is designed to prevent property tax increases. I have spoken to school board members, not only back home, but across the State, who believe that this is an important tool in dealing with the costs in front of them, not only at the negotiating table, but also in dealing with budgets that look at their expenses for an annual basis.

In addition, with respect to the exceptions, there have been in school year 2011-2012, 221 school districts approved for pension obligations exception and 171 for special education expenditures. By far, those were the two places where school districts sought needed exceptions, and that could arguably be based on State policy and Federal policy, which were not in control of the local school boards. This amendment, as drafted by the prime sponsor, the good gentleman from York County, seeks an acceptable balance, and if you want to protect taxpayers from property tax increases and want to make sure that there are reasonable restraints on spending at a local school level, this is the balance.

If you want to protect taxpayers from property tax increases, you would be voting "yes." If you are in favor of property tax increases and do not want to see restraint or fair balance on a local level, you would vote "no." Please support the good gentleman from York's amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Mercer County, Mr. Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. LONGIETTI. Thank you, Mr. Speaker.

I just want to make sure I have clarity here. As I understand current law, there is an exception that you can go to court and get approval to exceed the index; for example, in a case where you need to comply with a court order or the order of a government agency. Does this amendment eliminate that exception?

Mr. GROVE. Yes; it does.

Mr. LONGIETTI. Thank you, Mr. Speaker. On the amendment, please?

The SPEAKER. The gentleman may proceed.

Mr. LONGIETTI. Thank you, Mr. Speaker.

I have a serious concern about this amendment. As a former school solicitor, I had a situation where a construction project was being done in the school district, and as is normally the case in these construction projects, there was an asbestos abatement that had to occur, so the school district hired an asbestos abatement contractor. Unfortunately, the asbestos abatement contractor ran afoul of EPA (Environmental Protection Agency) rules and the EPA came in. And as many members may know, the owner of the building is held just as liable as the contractor when you have an environmental violation. Those violations can result in very hefty fines and assessments and civil penalties, as well as costs to do it the proper way. And so if we eliminate that exception by adopting this amendment, we could have a situation where that asbestos contractor, in this particular case, perhaps files for bankruptcy, perhaps does not have the wherewithal to handle the penalties

assessed by the EPA. The EPA now looks to the school district, million-dollar penalty, maybe a multimillion-dollar penalty that they assess. The school district has no ability because there is not an exception to handle that.

Once again, we are going to run into the situation that the Representative from Luzerne pointed out. How can a school district handle that? They have no ability. It is a rare case. I admit to you it is a rare case, but it does happen. It happened in the Sharon City School District. Fortunately, we were able to get it resolved through the contractor. But I would urge my colleagues to defeat this amendment for yet another reason: We are getting rid of commonsense exceptions.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—99

Adolph	Evans, J.	Krieger	Reed
Aument	Everett	Lawrence	Reese
Baker	Farry	Maher	Roae
Barrar	Gabler	Major	Rock
Bear	Gillen	Maloney	Saccone
Benninghoff	Gillespie	Marsico	Saylor
Bloom	Gingrich	Masser	Schroder
Boback	Grell	Metcalfe	Simmons
Boyd	Grove	Metzgar	Sonney
Brooks	Hackett	Miccarelli	Stephens
Brown, R.	Hahn	Micozzie	Stevenson
Causar	Harhart	Millard	Swanger
Christiana	Harper	Miller	Tallman
Clymer	Harris	Milne	Taylor
Cox	Heffley	Moul	Tobash
Creighton	Helm	Mustio	Toepel
Culver	Hennessey	Oberlander	Toohil
Cutler	Hickernell	Payne	Truitt
Day	Hutchinson	Perry	Turzai
Delozier	Kampf	Petri	Vereb
Denlinger	Kauffman	Pickett	Vulakovich
DiGirolamo	Keller, F.	Pyle	Watson
Dunbar	Keller, M.K.	Quigley	
Ellis	Killion	Quinn	Smith, S.,
Emrick	Knowles	Rapp	Speaker
Evankovich			

#### NAYS—98

Barbin	Dermody	Kirkland	Ravenstahl
Bishop	DeWeese	Kortz	Readshaw
Boyle, B.	Donatucci	Kotik	Reichley
Boyle, K.	Evans, D.	Kula	Roebuck
Bradford	Fabrizio	Longietti	Ross
Briggs	Fleck	Mahoney	Sabatina
Brown, V.	Frankel	Mann	Sainato
Brownlee	Freeman	Markosek	Samuelson
Burns	Galloway	Matzie	Santarsiero
Buxton	Geist	McGeehan	Santoni
Caltagirone	George	Mirabito	Shapiro
Carroll	Gerber	Mullery	Smith, K.
Cohen	Gergely	Mundy	Smith, M.
Conklin	Gibbons	Murphy	Staback
Costa, D.	Goodman	Myers	Stern
Costa, P.	Haluska	Neuman	Sturla
Cruz	Hanna	O'Brien, D.	Thomas
Curry	Harhai	O'Brien, M.	Vitali
Daley	Harkins	O'Neill	Wagner

Davidson	Hess	Parker	Waters
Davis	Hornaman	Pashinski	Wheatley
Deasy	Johnson	Payton	White
DeLissio	Josephs	Petrarca	Williams
DeLuca	Kavulich	Preston	Youngblood
DePasquale	Keller, W.		

NOT VOTING—4

Marshall	Murt	Peifer	Scavello
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EXCUSED—2

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

On the question,

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

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. I believe there were people sitting in their seats that did not vote.

The SPEAKER. Well, they should have voted.

Mr. DERMODY. There is a requirement, if you are in your seat you have to. I believe we know who they are. We will file a reconsideration motion. We should have that.

The SPEAKER. The gentleman will just hold on a minute. I was talking to the Parliamentarian.

On the question recurring,

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

Ms. MUNDY offered the following amendment No. **A04536**:

Amend Bill, page 1, line 10, by inserting after "for" public referendum requirements and for

Amend Bill, page 1, lines 14 through 17, by striking out all of said lines and inserting

Section 1. Section 333 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is amended to read: Section 333. Public referendum requirements for increasing certain taxes.

(a) Applicability.—The following provisions shall apply to this section:

(1) For the 2006-2007 fiscal year, the tax increase proposed by any board of school directors shall not exceed the index unless an exception under subsection (f) or (n) is approved pursuant to subsection (i) or (j), provided that a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, shall have the authority to petition the court of common pleas for an additional tax rate increase if the tax rate increase allowed by the index and any exception approved pursuant to subsection (i) or (j) is insufficient to balance the proposed budget. No later than July 15, 2006, the court shall grant the school district's request for the tax rate increase upon good cause shown if the school district proves by clear and convincing

evidence that the tax rate increase authorized under this paragraph is insufficient to balance the proposed budget. For a board of school directors subject to this paragraph, the dates by which the board of school directors, the department and the court of common pleas shall be required to comply with section 311 and subsections (e), (i) and (j) shall be 92 days after the dates set forth in those provisions, except that the date by which the board of school directors shall be required to comply with all of the provisions of section 311(c) shall be ten days prior to the date by which the board of school directors is required to adopt a preliminary budget. Any exceptions granted to a board of school directors under section 333 of the former Homeowner Tax Relief Act shall remain in full force and effect. Notwithstanding the provisions of this paragraph, a board of school directors that sought and was granted approval for one or more exceptions under section 333 of the former Homeowner Tax Relief Act may apply for any exception under subsections (f)(v) and (ix) and (n), where the dollar amount of an exception approved by the department under the former Homeowner Tax Relief Act is less than the dollar amount of the exception for which the school district is eligible under this act.

(2) This section shall apply to each board of school directors beginning with any proposed tax increase that takes effect in the 2007-2008 fiscal year and each fiscal year thereafter.

(b) Prohibitions.—Except as set forth in subsection [(i) and] (j), unless there is compliance with subsection (c), a board of school directors may not do any of the following:

(1) Increase the rate of a tax levied for the support of the public schools by more than the index. For purposes of compliance with this paragraph, a school district which is situated in more than one county and which levies real estate taxes under section 672.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall apply the index to each separate rate of real estate taxes levied.

(2) Levy a tax for the support of the public schools which was not levied in the 2005-2006 fiscal year.

(3) Raise the rate of the earned income and net profits tax if already imposed under the authority of the Local Tax Enabling Act except as otherwise provided for under section 331.2 or 332.

(4) Notwithstanding any other provision of this chapter to the contrary, the adoption of a referendum under section 331.2 or 332 confers on the board of school directors the authority to raise income taxes only to the extent contained in the language of the referendum, and any future increase of an income tax to be used for the purpose of property tax reduction shall be submitted to the electors of the school district at a subsequent municipal election pursuant to the provisions of section 332.

(c) Referendum.—

(1) In order to take an action prohibited under subsection (b)(1), at the election immediately preceding the start of the school district fiscal year in which the proposed tax increase would take effect, a referendum stating the specific rate or rates of the tax increase must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the increase.

(2) In order to take an action under subsection (b)(2), at the election immediately preceding the start of the school district fiscal year in which the proposed tax would take effect, a referendum stating the proposed tax and the rate at which it will be levied must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the tax.

(3) Except as set forth in [subsections (i) and ] subsection (j), a school district acting pursuant to this subsection shall submit the referendum question required under this section to the election officials of each county in which it is situate no later than 60 days prior to the election immediately preceding the



fiscal year in which the tax increase would take effect.

(4) The election officials of each county shall, in consultation with the board of school directors, draft a nonlegal interpretative statement which shall accompany the referendum question in accordance with section 201.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The nonlegal interpretative statement shall include information that references the items of expenditure for which the tax increase is sought and the consequence of the referendum being disapproved by the electorate.

(d) Failure to approve referendum.—

(1) If a referendum question submitted under subsection (c)(1) is not approved, the board of school directors may approve an increase in the tax rate of not more than the index.

(2) If a referendum question submitted under subsection (c)(2) is not approved, the board of school directors may not levy the tax.

(e) Tax rate submissions.—A school district that has adopted a preliminary budget proposal under section 311 that includes an increase in the rate of any tax levied for the support of public schools shall submit information on the increase to the department on a uniform form prepared by the department. The school district shall submit such information no later than 85 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. The department shall compare the proposed percentage increase in the rate of any tax with the index. Within ten days of the receipt of the information required under this subsection but no later than 75 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year, the department shall inform the school district whether the proposed tax rate increase is less than or equal to the index. If the department determines that the proposed percentage increase in the rate of the tax exceeds the index, the department shall notify the school district that:

(1) the proposed tax increase must be reduced to an amount less than or equal to the index;

(2) the proposed tax increase must be approved by the electorate under subsection (c)(1); or

(3) an exception must be sought under [subsections (i) and] subsection (j).

(f) Referendum exceptions.—A school district may, without seeking voter approval under subsection (c), increase the rate of a tax levied for the support of the public schools by more than the index if all of the following apply:

(1) The revenue raised by the allowable increase under the index is insufficient to balance the proposed budget due to one or more of the expenditures listed in paragraph (2).

(2) The revenue generated by increasing the rate of a tax by more than the index will be used to pay for any of the following:

(i) Costs incurred in responding to or recovering from an emergency or disaster declared pursuant to 35 Pa.C.S. § 7301 (relating to general authority of Governor) or 75 Pa.C.S. § 6108 (relating to power of Governor during emergency).

(ii) Costs to implement a court order or an administrative order from a Federal or State agency as long as the tax increase is rescinded following fulfillment of the court order or administrative order.

(iii) Costs associated with the following:

(A) For a board of school directors that elected to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) prior to September 4, 2004. In no case may the school district incur additional debt under this clause except for the refinancing of

existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(A.1) For a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B prior to the effective date of this act. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(B) To pay interest and principal on any electoral debt incurred under 53 Pa.C.S. Pt. VII Subpt. B. An increase under this clause shall be rescinded following the final payment of interest and principal.

(C) To pay interest and principal on indebtedness for up to 60% of the construction cost average on a square-foot basis if all of the following apply:

(I) The indebtedness is for a school construction project under 22 Pa. Code Ch. 21 (relating to school buildings).

(II) For a board of school directors that elected to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred after September 3, 2004.

(II.1) For a board of school directors that did not elect to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred on or after the effective date of this act.

(III) The increase sought under this clause is rescinded following final payment of interest and principal.

(IV) The indebtedness is incurred only after existing fund balances for school construction and any undesignated fund balances have been fully committed to fund the project.

(V) The indebtedness is for an academic elementary or academic secondary school building. For purposes of this subclause, the following shall not be considered to be an academic elementary or academic secondary school building: natatorium, stadium bleachers, athletic field, athletic field lighting equipment and apparatus used to promote and conduct interscholastic athletics.

(VI) For school districts of the second, third and fourth class, the project has been approved by the department

under section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. For nonreimbursable projects in school districts of the first class A, the plans and specifications have been approved by the board of school directors. For reimbursable projects in school districts of the first class A, the plans and specifications have been approved by the department pursuant to 22 Pa. Code Ch. 21.

(D) To pay interest and principal on indebtedness for up to \$250,000 of the construction cost of a nonacademic school construction project, as adjusted annually by the percentage increase in the average of the Statewide average weekly wage and the employment cost index. An increase under this clause shall be rescinded following the final payment of interest and principal.

(E) For purposes of this subparagraph, electoral debt includes the refunding or refinancing of electoral debt for which an exception is permitted under clause (B) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(F) For purposes of this subparagraph, indebtedness includes the refunding or refinancing of indebtedness for which an exception is permitted under clauses (A), (A.1), (C) and (D) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(iv) Costs to respond to conditions which pose an immediate threat of serious physical harm or injury to the students, staff or residents of the school district but only until the conditions causing the threat have been fully resolved.]

(v) Costs incurred in providing special education programs and services to students with disabilities if the increase in expenditures on special education programs and services was greater than the index. The dollar amount of this exception shall be equal to the portion of the increase that exceeds the index.

[(vi) Costs which:

(A) were incurred in the implementation of a school improvement plan required under section 1116(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)); and

(B) were not offset by a State allocation.

(vii) Costs necessary to maintain:

(A) per-student local tax revenue, adjusted by the index, if the percentage growth in average daily membership between the school year determined under subsection (j)(4) and the third school year preceding the school year determined under subsection (j)(4) exceeds 7.5%; or

(B) actual instruction expense per average daily membership, adjusted by the index, if the increase in actual instruction expense per average daily membership between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(viii) The maintenance of revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations, adjusted by the index, for a school district where the percentage increase in revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(ix) Costs incurred for providing health care-related benefits which are directly attributable to a collective bargaining agreement in effect on January 1, 2006, between the school district and its employees' organization if the anticipated increase in the cost of health care-related benefits between the current year and the upcoming year is greater than the index. The dollar amount of this exception shall be equal to the portion of the increase which exceeds the index. This subparagraph shall not apply to a collective bargaining agreement renewed, extended or entered into after January 1, 2006.]

(g) Revenue derived from increase.—Any revenue derived from an increase in the rate of any tax allowed pursuant to subsection (f)(2)(iii) shall not exceed the anticipated dollar amount of the expenditure.

(h) Limitation on tax rate.—The increase in the rate of any tax allowed pursuant to an exception under subsection (f)(2)[(i), (ii), (iv), (v), (vi), (vii), (viii) or (ix)] (v) or (n) shall not exceed the rate increase required as determined by [a court of common pleas or] the department pursuant to subsection [(i) or] (j).

[(i) Court action.—

(1) Prior to the imposition of a tax increase under subsection (f)(2)(i), (ii) and (iv) and no later than 75 days prior to the election immediately preceding the beginning of the school district's fiscal year, approval by the court of common pleas in the judicial district in which the administrative office of the school district is located must be sought. The board of school directors shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to file a petition under this subsection at least one week prior to the filing of the petition. The board of school directors shall also publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice, as soon as possible following notification from the court that a hearing has been scheduled, stating the date, time and place of the hearing on the petition. The following shall apply to any proceedings instituted under this subsection:

(i) The school district must prove by clear and convincing evidence that it qualifies for each exception sought.

(ii) The school district must prove by clear and convincing evidence the anticipated dollar amount of the expenditure for each exception sought.

(2) The court shall rule on the school district's petition and inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. If the court approves the petition, the court shall also determine the dollar amount of

the expenditure for which an exception is granted, the tax rate increase required to fund the exception and the appropriate duration of the increase. If the court denies the petition, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.]

(j) Department approval.—

(1) A school district that seeks to increase the rate of tax due to an expenditure under subsection (f)(2)[(iii), (v), (vi), (vii), (viii) or (ix)] (v) or (n) shall obtain the approval of the department before imposing the tax increase. The department shall establish procedures for administering the provisions of this subsection, which may include an administrative hearing on the school district's submission.

(2) A school district proceeding under the provisions of this subsection shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to seek department approval at least one week prior to submitting its request for approval to the department. If the department schedules a hearing on the school district's request, the school district shall publish notice of the hearing in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, immediately upon receiving the information from the department. The notice shall include the date, time and place of the hearing.

(3) The department shall approve a school district's request under this subsection if a review of the data under paragraph (4) demonstrates that:

(i) the school district qualifies for one or more exceptions under subsection (f)(2)[(iii), (v), (vi), (vii), (viii) or (ix)] (v) or (n); and

(ii) the sum of the dollar amounts of the exceptions for which the school district qualifies makes the school district eligible under subsection (f)(1).

(4) For the purpose of determining the eligibility of a school district for an exception under subsection (f)(2)(v), [(vi), (vii) or (viii),] the department shall utilize data from the most recent school years for which annual financial report data required under section 2553 of the Public School Code of 1949 has been received. The department shall inform school districts of the school years determined under this subsection no later than 30 days prior to the date on which public inspection of proposed school budgets is required under section 311(c).

(5) (i) The department shall rule on the school district's request and shall inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(ii) If the department approves the request, the department shall determine the dollar amount of the expenditure for which the exception is sought and the tax rate increase required to fund the exception.

(iii) If the department denies the request, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(6) Within 30 days of the deadline under paragraph (5)(i), the department shall submit a report to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives enumerating the school districts which sought an exception under this subsection. The department shall also publish the report on its publicly accessible Internet

site. The report shall include:

(i) The name of each school district making a request under this subsection.

(ii) The specific exceptions requested by each school district and the dollar amount of the expenditure for each exception.

(iii) The department's ruling on the request for the exception.

(iv) If the exception was approved, the dollar amount of the expenditure for which the exception was sought and the tax rate increase required to fund the exception.

(v) A statistical summary of the information in subparagraphs (ii), (iii) and (iv).

[(k) Objections.—Any person who resides within or pays real property taxes to the school district filing a petition under subsection (i) may file with the court written objections to any petition filed under this section.]

(l) Index calculation.—No later than August 15, 2005, and each August 15 thereafter, the department shall calculate the index. The department shall publish the index by September 1, 2005, and each September 1 thereafter in the Pennsylvania Bulletin.

(m) Election interference prohibited.—

(1) No public funds may be used to urge any elector to vote for or against a referendum or be appropriated for political or campaign purposes.

(2) This subsection shall not be construed to prohibit the use of public funds for dissemination of factual information relative to a referendum appearing on an election ballot.

(3) As used in this subsection, the term "public funds" means any funds appropriated by the General Assembly or by a political subdivision.

(n) Treatment of certain required payments.—The provisions of subsections (f) and (j) shall apply to a school district's share of payments to the Public School Employees' Retirement System as required under 24 Pa.C.S. § 8327 (relating to payments by employers) if the increase in the actual dollar amount of estimated payments between the current year and the upcoming year is greater than the index. The dollar amount to which subsection (f) applies shall equal that portion of the increase which exceeds the product of the index and the actual dollar value of payments for the current year.

Section 1.1. Section 1502(d) of the act is amended and the section is amended by adding subsections to read:

On the question,

Will the House agree to the amendment?

## POINTS OF ORDER

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. Point of order. I believe the House rules require you to vote if you are in your seat, and I would like a ruling from the Chair on that issue.

The SPEAKER. The gentleman is correct; however, the vote was recorded as final.

The question before the House is, shall the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy.

The members will please take their seats. The lady will just suspend, please. Members will please take their seats and clear the aisles. Will the members please take their seats. Will the members please take their seats and clear the aisles. The House will please come to order.

The question is, will the House agree to the amendment?  
On that question, the Speaker recognizes the lady, Ms. Mundy.

Mr. DERMODY. Mr. Speaker?

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

Mr. DERMODY. Another point of parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. DERMODY. Rule 64, and I do not think we ever got a ruling on it, requires members to vote if they are in their seats. I believe it does, and I would ask the Speaker to give us a ruling on whether or not that is the case, and whether, yeah, whether it is enforceable, what the remedy is if there is a violation.

The SPEAKER. The gentleman is correct. That is the rule. The remedy actually has to take place before the vote is recorded. In other words, someone would have to make a point of order challenging while the board is open, challenge whether a member was in their seat and not voting.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. If I could use an example: Perhaps you might recall, there was a vote recently where there were several members in their seat who did not vote, quite a few, but no one stood up and said, "Mr. Speaker, I see these people in their seats. They are not voting. The rules require you to vote." The Speaker said, reminded members that if they are in their seat, the rules require them to vote, but someone else has to challenge that, and that is how it has been enforced historically as long as I have been in this House.

Mr. DERMODY. Mr. Speaker, before the board is locked, I believe it is impossible to know whether or not the person is going to vote.

The SPEAKER. The Speaker understands your point. It would necessitate, generally speaking, the majority leader, the minority leader would make a point of order once the Speaker calls for the vote, if he notices people not voting. It is kind of up to the floor leaders, traditionally, to be the ones that would enforce it, although I believe any member probably can, you know, question whether someone was in their seat and not voting while the board is open.

Members will please take their seats.

The gentleman, Mr. Dermody, would you approach the rostrum for a moment? Maybe we can resolve this.

**AMENDMENT WITHDRAWN TEMPORARILY**

The SPEAKER. The lady, Ms. Mundy, indicates that she will withdraw this amendment.

On the question recurring,

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

**AMENDMENT A04630 RECONSIDERED**

The SPEAKER. The Speaker is in receipt of a reconsideration motion filed by Representatives Dermody and Hanna, moving that the vote by which amendment A04630 to SB 330 was passed on the 29th of June be reconsidered.

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

Mr. DERMODY. Mr. Speaker, the Representative from Luzerne is withdrawing her amendment temporarily, correct?

The SPEAKER. Correct.

Mr. DERMODY. All right.

The SPEAKER. The Chair apologizes. The question before the House is reconsideration of amendment A04630.

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

The following roll call was recorded:

**YEAS—201**

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Taylor
Creighton	Harper	Myers	Thomas
Cruz	Harris	Neuman	Tobash
Culver	Heffley	O'Brien, D.	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
DeLozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S., Speaker
Donatucci	Kirkland	Quinn	
Dunbar	Knowles	Rapp	

**NAYS—0**

NOT VOTING—0

EXCUSED—2

Brennan Godshall

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

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

The clerk read the following amendment No. **A04630**:

Amend Bill, page 1, line 10, by inserting after "for"  
public referendum requirements and for

Amend Bill, page 1, lines 14 through 17, by striking out all of  
said lines and inserting

Section 1. Section 333 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is amended to read:  
Section 333. Public referendum requirements for increasing certain taxes.

(a) Applicability.—The following provisions shall apply to this section:

(1) For the 2006-2007 fiscal year, the tax increase proposed by any board of school directors shall not exceed the index unless an exception under subsection (f) or (n) is approved pursuant to subsection [(i) or (j)], provided that a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, shall have the authority to petition the court of common pleas for an additional tax rate increase if the tax rate increase allowed by the index and any exception approved pursuant to subsection [(i) or (j)] is insufficient to balance the proposed budget. No later than July 15, 2006, the court shall grant the school district's request for the tax rate increase upon good cause shown if the school district proves by clear and convincing evidence that the tax rate increase authorized under this paragraph is insufficient to balance the proposed budget. For a board of school directors subject to this paragraph, the dates by which the board of school directors, the department and the court of common pleas shall be required to comply with section 311 and subsections (e)[, (i)] and (j) shall be 92 days after the dates set forth in those provisions, except that the date by which the board of school directors shall be required to comply with all of the provisions of section 311(c) shall be ten days prior to the date by which the board of school directors is required to adopt a preliminary budget. Any exceptions granted to a board of school directors under section 333 of the former Homeowner Tax Relief Act shall remain in full force and effect. Notwithstanding the provisions of this paragraph, a board of school directors that sought and was granted approval for one or more exceptions under section 333 of the former Homeowner Tax Relief Act may apply for any exception under subsections (f)(v) [and (ix)] and (n), where the dollar amount of an exception approved by the department under the former Homeowner Tax Relief Act is less than the dollar amount of the exception for which the school district is eligible under this act.

(2) This section shall apply to each board of school directors beginning with any proposed tax increase that takes effect in the 2007-2008 fiscal year and each fiscal year thereafter.

(b) Prohibitions.—Except as set forth in subsection [(i) and (j)], unless there is compliance with subsection (c), a board of school directors may not do any of the following:

(1) Increase the rate of a tax levied for the support of the public schools by more than the index. For purposes of

compliance with this paragraph, a school district which is situated in more than one county and which levies real estate taxes under section 672.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall apply the index to each separate rate of real estate taxes levied.

(2) Levy a tax for the support of the public schools which was not levied in the 2005-2006 fiscal year.

(3) Raise the rate of the earned income and net profits tax if already imposed under the authority of the Local Tax Enabling Act except as otherwise provided for under section 331.2 or 332.

(4) Notwithstanding any other provision of this chapter to the contrary, the adoption of a referendum under section 331.2 or 332 confers on the board of school directors the authority to raise income taxes only to the extent contained in the language of the referendum, and any future increase of an income tax to be used for the purpose of property tax reduction shall be submitted to the electors of the school district at a subsequent municipal election pursuant to the provisions of section 332.

(c) Referendum.—

(1) In order to take an action prohibited under subsection (b)(1), at the election immediately preceding the start of the school district fiscal year in which the proposed tax increase would take effect, a referendum stating the specific rate or rates of the tax increase must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the increase.

(2) In order to take an action under subsection (b)(2), at the election immediately preceding the start of the school district fiscal year in which the proposed tax would take effect, a referendum stating the proposed tax and the rate at which it will be levied must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the tax.

(3) Except as set forth in [subsections (i) and] subsection (j), a school district acting pursuant to this subsection shall submit the referendum question required under this section to the election officials of each county in which it is situate no later than 60 days prior to the election immediately preceding the fiscal year in which the tax increase would take effect.

(4) The election officials of each county shall, in consultation with the board of school directors, draft a nonlegal interpretative statement which shall accompany the referendum question in accordance with section 201.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The nonlegal interpretative statement shall include information that references the items of expenditure for which the tax increase is sought and the consequence of the referendum being disapproved by the electorate.

(d) Failure to approve referendum.—

(1) If a referendum question submitted under subsection (c)(1) is not approved, the board of school directors may approve an increase in the tax rate of not more than the index.

(2) If a referendum question submitted under subsection (c)(2) is not approved, the board of school directors may not levy the tax.

(e) Tax rate submissions.—A school district that has adopted a preliminary budget proposal under section 311 that includes an increase in the rate of any tax levied for the support of public schools shall submit information on the increase to the department on a uniform form prepared by the department. The school district shall submit such information no later than 85 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. The department shall compare the proposed percentage increase in the rate of any tax with the index. Within ten days of the receipt of the information required under this subsection but no later than 75 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year, the department shall inform the school

district whether the proposed tax rate increase is less than or equal to the index. If the department determines that the proposed percentage increase in the rate of the tax exceeds the index, the department shall notify the school district that:

(1) the proposed tax increase must be reduced to an amount less than or equal to the index;

(2) the proposed tax increase must be approved by the electorate under subsection (c)(1); or

(3) an exception must be sought under [subsections (i) and] subsection (j).

(f) Referendum exceptions.—A school district may, without seeking voter approval under subsection (c), increase the rate of a tax levied for the support of the public schools by more than the index if all of the following apply:

(1) The revenue raised by the allowable increase under the index is insufficient to balance the proposed budget due to one or more of the expenditures listed in paragraph (2).

(2) The revenue generated by increasing the rate of a tax by more than the index will be used to pay for any of the following:

[(i) Costs incurred in responding to or recovering from an emergency or disaster declared pursuant to 35 Pa.C.S. § 7301 (relating to general authority of Governor) or 75 Pa.C.S. § 6108 (relating to power of Governor during emergency).

(ii) Costs to implement a court order or an administrative order from a Federal or State agency as long as the tax increase is rescinded following fulfillment of the court order or administrative order.]

(iii) Costs associated with the following:

(A) For a board of school directors that elected to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) prior to September 4, 2004. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(A.1) For a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B prior to the effective date of this act. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(B) To pay interest and principal on any electoral debt incurred under 53 Pa.C.S. Pt. VII Subpt. B. An increase under this clause shall be rescinded following the final payment of interest and principal.

[(C) To pay interest and principal on indebtedness for up to 60% of the construction cost average on a square-foot basis if all of the following apply:

(I) The indebtedness is for a school construction project under 22 Pa. Code Ch. 21 (relating to school buildings).

(II) For a board of school directors that elected to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred after September 3, 2004.

(II.1) For a board of school directors that did not elect to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred on or after the effective date of this act.

(III) The increase sought under this clause is rescinded following final payment of interest and principal.

(IV) The indebtedness is incurred only after existing fund balances for school construction and any undesignated fund balances have been fully committed to fund the project.

(V) The indebtedness is for an academic elementary or academic secondary school building. For purposes of this subclause, the following shall not be considered to be an academic elementary or academic secondary school building: natatorium, stadium bleachers, athletic field, athletic field lighting equipment and apparatus used to promote and conduct interscholastic athletics.

(VI) For school districts of the second, third and fourth class, the project has been approved by the department under section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. For nonreimbursable projects in school districts of the first class A, the plans and specifications have been approved by the board of school directors. For reimbursable projects in school districts of the first class A, the plans and specifications have been approved by the department pursuant to 22 Pa. Code Ch. 21.

(D) To pay interest and principal on indebtedness for up to \$250,000 of the construction cost of a nonacademic school construction project, as adjusted annually by the percentage increase in the average of the Statewide average weekly wage and the employment cost index. An increase under this clause shall be rescinded following the final payment of interest and principal.]

(E) For purposes of this subparagraph, electoral debt includes the refunding or refinancing of electoral debt for which an exception is permitted under clause (B) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(F) For purposes of this subparagraph, indebtedness includes the refunding or refinancing of indebtedness for which an exception is permitted under clauses (A)[, (A.1), (C) and (D)] and (A.1) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(iv) Costs to respond to conditions which pose an immediate threat of serious physical harm or injury to the students, staff or residents of the school district but only until the conditions causing the threat have been fully resolved.]

(v) Costs incurred in providing special education programs and services to students with disabilities if the increase in expenditures on special education programs and services, net of State special education payments, was greater than the index. The dollar amount of this exception shall be equal to the portion of the increase that exceeds the index.

(vi) Costs which:

(A) were incurred in the implementation of a school improvement plan required under section 1116(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)); and

(B) were not offset by a State allocation.

(vii) Costs necessary to maintain:

(A) per-student local tax revenue, adjusted by the index, if the percentage growth in average daily membership between the school year determined under subsection (j)(4) and the third school year preceding the school year determined under subsection (j)(4) exceeds 7.5%; or

(B) actual instruction expense per average daily membership, adjusted by the index, if the increase in actual instruction expense per average daily membership between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(viii) The maintenance of revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations, adjusted by the index, for a school district where the percentage increase in revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(ix) Costs incurred for providing health care-related benefits which are directly attributable to a collective bargaining agreement in effect on January 1, 2006, between the school district and its employees' organization if the anticipated increase in the cost of health care-related benefits between the current year and the upcoming year is greater than the index. The dollar amount of this exception shall be equal to the portion of the increase which exceeds the index. This subparagraph

shall not apply to a collective bargaining agreement renewed, extended or entered into after January 1, 2006.]

(g) Revenue derived from increase.—Any revenue derived from an increase in the rate of any tax allowed pursuant to subsection (f)(2)(iii) shall not exceed the anticipated dollar amount of the expenditure.

(h) Limitation on tax rate.—The increase in the rate of any tax allowed pursuant to an exception under subsection [(f)(2)(i), (ii), (iv), (v), (vi), (vii), (viii) or (ix)] (f)(2)(v) or (n) shall not exceed the rate increase required as determined by [a court of common pleas or] the department pursuant to subsection [(i) or (j)].

(i) Court action.—

(1) Prior to the imposition of a tax increase under subsection (f)(2)(i), (ii) and (iv) and no later than 75 days prior to the election immediately preceding the beginning of the school district's fiscal year, approval by the court of common pleas in the judicial district in which the administrative office of the school district is located must be sought. The board of school directors shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to file a petition under this subsection at least one week prior to the filing of the petition. The board of school directors shall also publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice, as soon as possible following notification from the court that a hearing has been scheduled, stating the date, time and place of the hearing on the petition. The following shall apply to any proceedings instituted under this subsection:

(i) The school district must prove by clear and convincing evidence that it qualifies for each exception sought.

(ii) The school district must prove by clear and convincing evidence the anticipated dollar amount of the expenditure for each exception sought.

(2) The court shall rule on the school district's petition and inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. If the court approves the petition, the court shall also determine the dollar amount of the expenditure for which an exception is granted, the tax rate increase required to fund the exception and the appropriate duration of the increase. If the court denies the petition, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.]

(j) Department approval.—

(1) A school district that seeks to increase the rate of tax due to an expenditure under subsection (f)(2)(iii)[,] or (v)[, (vi), (vii), (viii) or (ix)] or (n) shall obtain the approval of the department before imposing the tax increase. The department shall establish procedures for administering the provisions of this subsection, which may include an administrative hearing on the school district's submission.

(2) A school district proceeding under the provisions of this subsection shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to seek department approval at least one week prior to submitting its request for approval to the department. If the department schedules a hearing on the school district's request, the school district shall publish notice of the hearing in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, immediately upon receiving the information from the department. The notice shall include the date, time and place of the hearing.

(3) The department shall approve a school district's request under this subsection if a review of the data under paragraph (4) demonstrates that:

(i) the school district qualifies for one or more exceptions under subsection (f)(2)(iii)[,] or (v)[, (vi), (vii), (viii) or (ix)] or (n); and

(ii) the sum of the dollar amounts of the exceptions for which the school district qualifies makes the school district eligible under subsection (f)(1).

(4) For the purpose of determining the eligibility of a school district for an exception under subsection (f)(2)(v), [(vi), (vii) or (viii),] the department shall utilize data from the most recent school years for which annual financial report data required under section 2553 of the Public School Code of 1949 has been received. The department shall inform school districts of the school years determined under this subsection no later than 30 days prior to the date on which public inspection of proposed school budgets is required under section 311(c).

(5) (i) The department shall rule on the school district's request and shall inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(ii) If the department approves the request, the department shall determine the dollar amount of the expenditure for which the exception is sought and the tax rate increase required to fund the exception.

(iii) If the department denies the request, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(6) Within 30 days of the deadline under paragraph (5)(i), the department shall submit a report to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives enumerating the school districts which sought an exception under this subsection. The department shall also publish the report on its publicly accessible Internet site. The report shall include:

(i) The name of each school district making a request under this subsection.

(ii) The specific exceptions requested by each school district and the dollar amount of the expenditure for each exception.

(iii) The department's ruling on the request for the exception.

(iv) If the exception was approved, the dollar amount of the expenditure for which the exception was sought and the tax rate increase required to fund the exception.

(v) A statistical summary of the information in subparagraphs (ii), (iii) and (iv).

[(k) Objections.—Any person who resides within or pays real property taxes to the school district filing a petition under subsection (i) may file with the court written objections to any petition filed under this section.]

(l) Index calculation.—No later than August 15, 2005, and each August 15 thereafter, the department shall calculate the index. The department shall publish the index by September 1, 2005, and each September 1 thereafter in the Pennsylvania Bulletin.

(m) Election interference prohibited.—

(1) No public funds may be used to urge any elector to vote for or against a referendum or be appropriated for political or campaign purposes.

(2) This subsection shall not be construed to prohibit the use of public funds for dissemination of factual information

relative to a referendum appearing on an election ballot.

(3) As used in this subsection, the term "public funds" means any funds appropriated by the General Assembly or by a political subdivision.

(n) Treatment of certain required payments.—

(1) The provisions of subsections (f) and (j) shall apply to a school district's share of payments to the Public School Employees' Retirement System as required under 24 Pa.C.S. § 8327 (relating to payments by employers) if the increase in [the actual dollar amount of] estimated payments between the current year and the upcoming year, as determined by the department under this section, is greater than the index. [The dollar amount to which subsection (f) applies shall equal that portion of the increase which exceeds the product of the index and the actual dollar value of payments for the current year.]

(2) For purposes of this subsection, the following apply:

(i) The school district's share of payments as required by 24 Pa.C.S. § 8327 for the current year shall be determined by the department using:

(A) The lesser of the school district's total compensation for the current year or the school district's total compensation for the 2011-2012 school year.

(B) The employer contribution rate under 24 Pa.C.S. § 8328 (relating to actuarial cost method) for the current year.

(C) A State retirement subsidy calculation based on the school district's total compensation under clause (A) and the employer contribution rate under clause (B).

(ii) The school district's share of payments as required by 24 Pa.C.S. § 8327 for the upcoming year shall be determined by the department using all of the following:

(A) The lesser of the school district's:

(I) estimated total compensation for the upcoming year; or

(II) total compensation for the 2011-2012 school year.

(B) The employer contribution rate under 24 Pa.C.S. § 8328 for the upcoming year.

(C) A State retirement subsidy calculation based on the school district's total compensation under clause (A) and the employer contribution rate under clause (B).

(3) The dollar amount to which subsection (f) applies shall be determined as follows:

(i) Multiply:

(A) the index; by

(B) the school district's share of payments for the current year, as determined by the department under this subsection.

(ii) Subtract:

(A) the product under subparagraph (i); from

(B) the amount of increase, as determined by the department under this subsection, in the school district's share of payments between:

(I) the current year; and

(II) the upcoming year.

(4) As used in this subsection, the term "compensation" has the meaning ascribed in 24 Pa.C.S. § 8102 (relating to definitions).

(o) Rescission.—

(1) Any increase in a rate of a tax levied for support of the public schools imposed prior to or during the 2011-2012 school year under a referendum exception granted, prior to the



effective date of this subsection, under subsection (f)(2)(i), (ii) or (iii)(C) and (D) shall be rescinded:

(i) immediately following fulfillment of the court order or administrative order that was the basis for the referendum exception;

(ii) immediately following the payment of costs to resolve a condition which posed an immediate threat of serious physical harm or injury to the students, staff or residents of the school district that was the basis for the referendum exception; or

(iii) following the final payment of interest and principal related to the indebtedness.

(2) For the purposes of this subsection, the term "final payment of interest and principal" does not include a school district's payment of debt as a result of refunding or refinancing the debt.

Section 2. Section 1502(d) of the act is amended and the section is amended by adding subsections to read:

Amend Bill, page 2, line 25, by striking out all of said line and inserting

Section 3. The amendment of section 333 of the act shall apply to fiscal years of school districts which begin after January 1, 2012.

Section 4. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) The amendment of section 333 of the act.
(ii) Section 3 of this act.
(iii) This section.

(2) The remainder of this act shall take effect in 60 days.

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

The following roll call was recorded:

YEAS-103

Table listing names of members who voted 'YEAS-103', including Adolph, Aument, Baker, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brooks, Brown, R., Causer, Christiana, Clymer, Cox, Creighton, Culver, Cutler, Day, Delozier, Denlinger, DiGiolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Farry, Gabler, Gillen, Gillespie, Gingrich, Grell, Grove, Hackett, Hahn, Harhart, Harper, Harris, Heffley, Helm, Hennessey, Hickernell, Hutchinson, Kampf, Kauffman, Keller, F., Keller, M.K., Killion, Knowles, Krieger, Lawrence, Major, Maloney, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Moul, Murt, Mustio, Oberlander, Payne, Peifer, Perry, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Reed, Reese, Reichley, Roae, Rock, Saccone, Saylor, Scavello, Schroder, Simmons, Sonney, Stephens, Stevenson, Swanger, Tallman, Taylor, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, Smith, S., Speaker

NAYS-98

Table listing names of members who voted 'NAYS-98', including Barbin, Bishop, Boyle, B., Boyle, K., Dermody, DeWeese, Donatucci, Evans, D., Kirkland, Kortz, Kotik, Kula, Preston, Ravenstahl, Readshaw, Roebuck

Table listing names of members who were present or absent, including Bradford, Briggs, Brown, V., Brownlee, Burns, Buxton, Caltagirone, Carroll, Cohen, Conklin, Costa, D., Costa, P., Cruz, Curry, Daley, Davidson, Davis, Deasy, DeLissio, DeLuca, DePasquale, Fabrizio, Fleck, Frankel, Freeman, Galloway, Geist, George, Gerber, Gergely, Gibbons, Goodman, Haluska, Hanna, Harhai, Harkins, Hess, Hornaman, Johnson, Josephs, Kavulich, Keller, W., Longiotti, Maher, Mahoney, Mann, Markosek, Matzie, McGeehan, Mirabito, Mullery, Mundy, Murphy, Myers, Neuman, O'Brien, D., O'Brien, M., O'Neill, Parker, Pashinski, Payton, Petrarca, Ross, Sabatino, Sainato, Samuelson, Santarsiero, Santoni, Shapiro, Smith, K., Smith, M., Staback, Stern, Sturla, Thomas, Vitali, Wagner, Waters, Wheatley, White, Williams, Youngblood

NOT VOTING-0

EXCUSED-2

Brennan Godshall

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

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

Ms. MUNDY offered the following amendment No. A04540:

Amend Bill, page 1, lines 8 through 36; pages 2 through 11, lines 1 through 51; page 12, lines 1 through 20 (A04630), by striking out all of said lines on said pages and inserting Section 333. Public referendum requirements for increasing certain taxes.

(a) Applicability.-The following provisions shall apply to this section:

(1) For the 2006-2007 fiscal year, the tax increase proposed by any board of school directors shall not exceed the index unless an exception under subsection (f) or (n) is approved pursuant to subsection (i) or (j), provided that a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, shall have the authority to petition the court of common pleas for an additional tax rate increase if the tax rate increase allowed by the index and any exception approved pursuant to subsection (i) or (j) is insufficient to balance the proposed budget. No later than July 15, 2006, the court shall grant the school district's request for the tax rate increase upon good cause shown if the school district proves by clear and convincing evidence that the tax rate increase authorized under this paragraph is insufficient to balance the proposed budget. For a board of school directors subject to this paragraph, the dates by which the board of school directors, the department and the court of common pleas shall be required to comply with section 311 and subsections (e), (i) and (j) shall be 92 days after the dates set forth in those provisions, except that the date by which the board of school directors shall be required to comply with all of the provisions of section 311(c) shall be ten days prior to the date by which the board of school directors is required to adopt a

preliminary budget. Any exceptions granted to a board of school directors under section 333 of the former Homeowner Tax Relief Act shall remain in full force and effect. Notwithstanding the provisions of this paragraph, a board of school directors that sought and was granted approval for one or more exceptions under section 333 of the former Homeowner Tax Relief Act may apply for any exception under subsections (f)(v) and (ix) and (n), where the dollar amount of an exception approved by the department under the former Homeowner Tax Relief Act is less than the dollar amount of the exception for which the school district is eligible under this act.

(2) This section shall apply to each board of school directors beginning with any proposed tax increase that takes effect in the 2007-2008 fiscal year and each fiscal year thereafter.

(b) Prohibitions.—Except as set forth in subsection [(i) and] (j), unless there is compliance with subsection (c), a board of school directors may not do any of the following:

(1) Increase the rate of a tax levied for the support of the public schools by more than the index. For purposes of compliance with this paragraph, a school district which is situated in more than one county and which levies real estate taxes under section 672.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall apply the index to each separate rate of real estate taxes levied.

(2) Levy a tax for the support of the public schools which was not levied in the 2005-2006 fiscal year.

(3) Raise the rate of the earned income and net profits tax if already imposed under the authority of the Local Tax Enabling Act except as otherwise provided for under section 331.2 or 332.

(4) Notwithstanding any other provision of this chapter to the contrary, the adoption of a referendum under section 331.2 or 332 confers on the board of school directors the authority to raise income taxes only to the extent contained in the language of the referendum, and any future increase of an income tax to be used for the purpose of property tax reduction shall be submitted to the electors of the school district at a subsequent municipal election pursuant to the provisions of section 332.

(c) Referendum.—

(1) In order to take an action prohibited under subsection (b)(1), at the election immediately preceding the start of the school district fiscal year in which the proposed tax increase would take effect, a referendum stating the specific rate or rates of the tax increase must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the increase.

(2) In order to take an action under subsection (b)(2), at the election immediately preceding the start of the school district fiscal year in which the proposed tax would take effect, a referendum stating the proposed tax and the rate at which it will be levied must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the tax.

(3) Except as set forth in [subsections (i) and] subsection (j), a school district acting pursuant to this subsection shall submit the referendum question required under this section to the election officials of each county in which it is situate no later than 60 days prior to the election immediately preceding the fiscal year in which the tax increase would take effect.

(4) The election officials of each county shall, in consultation with the board of school directors, draft a nonlegal interpretative statement which shall accompany the referendum question in accordance with section 201.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The nonlegal interpretative statement shall include information that references the items of expenditure for which the tax increase is sought and the consequence of the referendum being disapproved by the electorate.

(d) Failure to approve referendum.—

(1) If a referendum question submitted under subsection (c)(1) is not approved, the board of school directors may approve an increase in the tax rate of not more than the index.

(2) If a referendum question submitted under subsection (c)(2) is not approved, the board of school directors may not levy the tax.

(e) Tax rate submissions.—A school district that has adopted a preliminary budget proposal under section 311 that includes an increase in the rate of any tax levied for the support of public schools shall submit information on the increase to the department on a uniform form prepared by the department. The school district shall submit such information no later than 85 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. The department shall compare the proposed percentage increase in the rate of any tax with the index. Within ten days of the receipt of the information required under this subsection but no later than 75 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year, the department shall inform the school district whether the proposed tax rate increase is less than or equal to the index. If the department determines that the proposed percentage increase in the rate of the tax exceeds the index, the department shall notify the school district that:

(1) the proposed tax increase must be reduced to an amount less than or equal to the index;

(2) the proposed tax increase must be approved by the electorate under subsection (c)(1); or

(3) an exception must be sought under [subsections (i) and] subsection (j).

(f) Referendum exceptions.—A school district may, without seeking voter approval under subsection (c), increase the rate of a tax levied for the support of the public schools by more than the index if all of the following apply:

(1) The revenue raised by the allowable increase under the index is insufficient to balance the proposed budget due to one or more of the expenditures listed in paragraph (2).

(2) The revenue generated by increasing the rate of a tax by more than the index will be used to pay for any of the following:

[(i) Costs incurred in responding to or recovering from an emergency or disaster declared pursuant to 35 Pa.C.S. § 7301 (relating to general authority of Governor) or 75 Pa.C.S. § 6108 (relating to power of Governor during emergency).

(ii) Costs to implement a court order or an administrative order from a Federal or State agency as long as the tax increase is rescinded following fulfillment of the court order or administrative order.]

(iii) Costs associated with the following:

(A) For a board of school directors that elected to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) prior to September 4, 2004. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(A.1) For a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and

principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B prior to the effective date of this act. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(B) To pay interest and principal on any electoral debt incurred under 53 Pa.C.S. Pt. VII Subpt. B. An increase under this clause shall be rescinded following the final payment of interest and principal.

(C) To pay interest and principal on indebtedness for up to 60% of the construction cost average on a square-foot basis if all of the following apply:

(I) The indebtedness is for a school construction project under 22 Pa. Code Ch. 21 (relating to school buildings).

(II) For a board of school directors that elected to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred after September 3, 2004.

(II.1) For a board of school directors that did not elect to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred on or after the effective date of this act.

(III) The increase sought under this clause is rescinded following final payment of interest and principal.

(IV) The indebtedness is incurred only after existing fund balances for school construction and any undesignated fund balances have been fully committed to fund the project.

(V) The indebtedness is for an academic elementary or academic secondary school building. For purposes of this subclause, the following shall not be considered to be an academic elementary or academic secondary school building: natatorium, stadium bleachers, athletic field, athletic field lighting equipment and apparatus used to promote and conduct interscholastic athletics.

(VI) For school districts of the second, third and fourth class, the project has been approved by the department under section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. For nonreimbursable projects in school districts of the first class A, the plans and specifications have been approved by the board of school directors. For reimbursable projects in school districts of the first class A, the plans and specifications have been approved by the

department pursuant to 22 Pa. Code Ch. 21.

(D) To pay interest and principal on indebtedness for up to \$250,000 of the construction cost of a nonacademic school construction project, as adjusted annually by the percentage increase in the average of the Statewide average weekly wage and the employment cost index. An increase under this clause shall be rescinded following the final payment of interest and principal.

(E) For purposes of this subparagraph, electoral debt includes the refunding or refinancing of electoral debt for which an exception is permitted under clause (B) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(F) For purposes of this subparagraph, indebtedness includes the refunding or refinancing of indebtedness for which an exception is permitted under clauses (A), (A.1), (C) and (D) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

[(iv) Costs to respond to conditions which pose an immediate threat of serious physical harm or injury to the students, staff or residents of the school district but only until the conditions causing the threat have been fully resolved.]

(v) Costs incurred in providing special education programs and services to students with disabilities if the increase in expenditures on special education programs and services was greater than the index. The dollar amount of this exception shall be equal to the portion of the increase that exceeds the index.

[(vi) Costs which:

(A) were incurred in the implementation of a school improvement plan required under section 1116(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)); and

(B) were not offset by a State allocation.

(vii) Costs necessary to maintain:

(A) per-student local tax revenue, adjusted by the index, if the percentage growth in average daily membership between the school year determined under subsection (j)(4) and the third school year preceding the school year determined under subsection (j)(4) exceeds 7.5%; or

(B) actual instruction expense per average daily membership, adjusted by the index, if the increase in actual instruction expense per average daily membership between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(viii) The maintenance of revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding

allocations and special education funding allocations, adjusted by the index, for a school district where the percentage increase in revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(ix) Costs incurred for providing health care-related benefits which are directly attributable to a collective bargaining agreement in effect on January 1, 2006, between the school district and its employees' organization if the anticipated increase in the cost of health care-related benefits between the current year and the upcoming year is greater than the index. The dollar amount of this exception shall be equal to the portion of the increase which exceeds the index. This subparagraph shall not apply to a collective bargaining agreement renewed, extended or entered into after January 1, 2006.]

(g) Revenue derived from increase.—Any revenue derived from an increase in the rate of any tax allowed pursuant to subsection (f)(2)(iii) shall not exceed the anticipated dollar amount of the expenditure.

(h) Limitation on tax rate.—The increase in the rate of any tax allowed pursuant to an exception under subsection (f)(2)[(i), (ii), (iv), (v), (vi), (vii), (viii) or (ix)] (v) or (n) shall not exceed the rate increase required as determined by [a court of common pleas or] the department pursuant to subsection [(i) or] (j).

(i) Court action.—

(1) Prior to the imposition of a tax increase under subsection (f)(2)(i), (ii) and (iv) and no later than 75 days prior to the election immediately preceding the beginning of the school district's fiscal year, approval by the court of common pleas in the judicial district in which the administrative office of the school district is located must be sought. The board of school directors shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to file a petition under this subsection at least one week prior to the filing of the petition. The board of school directors shall also publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice, as soon as possible following notification from the court that a hearing has been scheduled, stating the date, time and place of the hearing on the petition. The following shall apply to any proceedings instituted under this subsection:

(i) The school district must prove by clear and convincing evidence that it qualifies for each exception sought.

(ii) The school district must prove by clear and convincing evidence the anticipated dollar amount of the expenditure for each exception sought.

(2) The court shall rule on the school district's petition and inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. If the court approves the petition, the court shall also determine the dollar amount of the expenditure for which an exception is granted, the tax rate increase required to fund the exception and the appropriate duration of the increase. If the court denies the petition, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.]

(j) Department approval.—

(1) A school district that seeks to increase the rate of tax

due to an expenditure under subsection (f)(2)(iii), (v)[, (vi), (vii), (viii) or (ix)] or (n) shall obtain the approval of the department before imposing the tax increase. The department shall establish procedures for administering the provisions of this subsection, which may include an administrative hearing on the school district's submission.

(2) A school district proceeding under the provisions of this subsection shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to seek department approval at least one week prior to submitting its request for approval to the department. If the department schedules a hearing on the school district's request, the school district shall publish notice of the hearing in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, immediately upon receiving the information from the department. The notice shall include the date, time and place of the hearing.

(3) The department shall approve a school district's request under this subsection if a review of the data under paragraph (4) demonstrates that:

(i) the school district qualifies for one or more exceptions under subsection (f)(2)(iii) (v)[, (vi), (vii), (viii) or (ix)] or (n); and

(ii) the sum of the dollar amounts of the exceptions for which the school district qualifies makes the school district eligible under subsection (f)(1).

(4) For the purpose of determining the eligibility of a school district for an exception under subsection (f)(2)(v)[, (vi), (vii) or (viii)], the department shall utilize data from the most recent school years for which annual financial report data required under section 2553 of the Public School Code of 1949 has been received. The department shall inform school districts of the school years determined under this subsection no later than 30 days prior to the date on which public inspection of proposed school budgets is required under section 311(c).

(5) (i) The department shall rule on the school district's request and shall inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(ii) If the department approves the request, the department shall determine the dollar amount of the expenditure for which the exception is sought and the tax rate increase required to fund the exception.

(iii) If the department denies the request, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(6) Within 30 days of the deadline under paragraph (5)(i), the department shall submit a report to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives enumerating the school districts which sought an exception under this subsection. The department shall also publish the report on its publicly accessible Internet site. The report shall include:

(i) The name of each school district making a request under this subsection.

(ii) The specific exceptions requested by each school district and the dollar amount of the expenditure for each exception.

(iii) The department's ruling on the request for the exception.

(iv) If the exception was approved, the dollar amount of the expenditure for which the exception was

sought and the tax rate increase required to fund the exception.

(v) A statistical summary of the information in subparagraphs (ii), (iii) and (iv).

[(k) Objections.—Any person who resides within or pays real property taxes to the school district filing a petition under subsection (i) may file with the court written objections to any petition filed under this section.]

(l) Index calculation.—No later than August 15, 2005, and each August 15 thereafter, the department shall calculate the index. The department shall publish the index by September 1, 2005, and each September 1 thereafter in the Pennsylvania Bulletin.

(m) Election interference prohibited.—

(1) No public funds may be used to urge any elector to vote for or against a referendum or be appropriated for political or campaign purposes.

(2) This subsection shall not be construed to prohibit the use of public funds for dissemination of factual information relative to a referendum appearing on an election ballot.

(3) As used in this subsection, the term "public funds" means any funds appropriated by the General Assembly or by a political subdivision.

(n) Treatment of certain required payments.—The provisions of subsections (f) and (j) shall apply to a school district's share of payments to the Public School Employees' Retirement System as required under 24 Pa.C.S. § 8327 (relating to payments by employers) if the increase in the actual dollar amount of estimated payments between the current year and the upcoming year is greater than the index. The dollar amount to which subsection (f) applies shall equal that portion of the increase which exceeds the product of the index and the actual dollar value of payments for the current year.

Section 1.1. Section 1502(d) of the act is amended and the section is amended by adding subsections to read:

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment maintains the existing exemption for pensions, special education, and construction debt. These are costs that school districts have no control over. I repeat: special ed, pensions, and construction debt, school districts have little to no control over. These are mandated costs. As everyone knows, special education is mandated by State and Federal government and can be very, very costly. This amendment maintains the exemption as it exists in current law, without the convoluted, vague language in the Grove amendment. These are exceptions that have been in law for years. We know what they mean. We know how they work. School districts only use them when they have absolutely no place else to go, and I would urge the members to vote in favor of amendment 4540.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—92

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck

Bradford	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzie	Scavello
Caltagirone	George	McGeehan	Shapiro
Carroll	Gerber	Mirabito	Smith, K.
Cohen	Gergely	Mullery	Smith, M.
Conklin	Gibbons	Mundy	Staback
Costa, D.	Goodman	Murphy	Sturla
Costa, P.	Haluska	Myers	Thomas
Cruz	Hanna	Neuman	Vitali
Curry	Harhai	O'Brien, D.	Wagner
Daley	Harkins	O'Brien, M.	Waters
Davidson	Hornaman	Parker	Wheatley
Davis	Johnson	Pashinski	White
Deasy	Josephs	Payton	Williams
DeLissio	Kavulich	Petrarca	Youngblood

NAYS—109

Adolph	Farry	Maher	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalf	Saylor
Boback	Grell	Metzgar	Schroder
Boyd	Grove	Miccarelli	Simmons
Brooks	Hackett	Micozzie	Sonney
Brown, R.	Hahn	Millard	Stephens
Causer	Harhart	Miller	Stern
Christiana	Harper	Milne	Stevenson
Clymer	Harris	Moul	Swanger
Cox	Heffley	Murt	Tallman
Creighton	Helm	Mustio	Taylor
Culver	Hennessey	O'Neill	Tobash
Cutler	Hess	Oberlander	Toepel
Day	Hickernell	Payne	Toohil
Delozier	Hutchinson	Peifer	Truitt
Denlinger	Kampf	Perry	Turzai
DiGirolamo	Kauffman	Petri	Vereb
Dunbar	Keller, F.	Pickett	Vulakovich
Ellis	Keller, M.K.	Pyle	Watson
Emrick	Killion	Quigley	
Evankovich	Knowles	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett	Lawrence	Reed	

NOT VOTING—0

EXCUSED—2

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

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

The SPEAKER. Is the lady looking to introduce other amendments?

Ms. MUNDY. Mr. Speaker, I would like to offer amendment 4538.

On the question recurring,

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

Ms. **MUNDY** offered the following amendment No. **A04538**:

Amend Bill, page 1, lines 5 through 36; pages 2 through 11, lines 1 through 30; page 12, lines 1 through 20 (A04630), by striking out all of said lines on said pages and inserting

Section 1. Section 333 of the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, is amended to read: Section 333. Public referendum requirements for increasing certain taxes.

(a) Applicability.—The following provisions shall apply to this section:

(1) For the 2006-2007 fiscal year, the tax increase proposed by any board of school directors shall not exceed the index unless an exception under subsection (f) or (n) is approved pursuant to subsection (i) or (j), provided that a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, shall have the authority to petition the court of common pleas for an additional tax rate increase if the tax rate increase allowed by the index and any exception approved pursuant to subsection (i) or (j) is insufficient to balance the proposed budget. No later than July 15, 2006, the court shall grant the school district's request for the tax rate increase upon good cause shown if the school district proves by clear and convincing evidence that the tax rate increase authorized under this paragraph is insufficient to balance the proposed budget. For a board of school directors subject to this paragraph, the dates by which the board of school directors, the department and the court of common pleas shall be required to comply with section 311 and subsections (e), (i) and (j) shall be 92 days after the dates set forth in those provisions, except that the date by which the board of school directors shall be required to comply with all of the provisions of section 311(c) shall be ten days prior to the date by which the board of school directors is required to adopt a preliminary budget. Any exceptions granted to a board of school directors under section 333 of the former Homeowner Tax Relief Act shall remain in full force and effect. Notwithstanding the provisions of this paragraph, a board of school directors that sought and was granted approval for one or more exceptions under section 333 of the former Homeowner Tax Relief Act may apply for any exception under subsections (f)(v) and (ix) and (n), where the dollar amount of an exception approved by the department under the former Homeowner Tax Relief Act is less than the dollar amount of the exception for which the school district is eligible under this act.

(2) This section shall apply to each board of school directors beginning with any proposed tax increase that takes effect in the 2007-2008 fiscal year and each fiscal year thereafter.

(b) Prohibitions.—Except as set forth in subsection [(i) and] (j), unless there is compliance with subsection (c), a board of school directors may not do any of the following:

(1) Increase the rate of a tax levied for the support of the public schools by more than the index. For purposes of compliance with this paragraph, a school district which is situated in more than one county and which levies real estate taxes under section 672.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, shall apply the index to each separate rate of real estate taxes levied.

(2) Levy a tax for the support of the public schools which was not levied in the 2005-2006 fiscal year.

(3) Raise the rate of the earned income and net profits tax if already imposed under the authority of the Local Tax Enabling Act except as otherwise provided for under section

331.2 or 332.

(4) Notwithstanding any other provision of this chapter to the contrary, the adoption of a referendum under section 331.2 or 332 confers on the board of school directors the authority to raise income taxes only to the extent contained in the language of the referendum, and any future increase of an income tax to be used for the purpose of property tax reduction shall be submitted to the electors of the school district at a subsequent municipal election pursuant to the provisions of section 332.

(c) Referendum.—

(1) In order to take an action prohibited under subsection (b)(1), at the election immediately preceding the start of the school district fiscal year in which the proposed tax increase would take effect, a referendum stating the specific rate or rates of the tax increase must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the increase.

(2) In order to take an action under subsection (b)(2), at the election immediately preceding the start of the school district fiscal year in which the proposed tax would take effect, a referendum stating the proposed tax and the rate at which it will be levied must be submitted to the electors of the school district, and a majority of the electors voting on the question must approve the tax.

(3) Except as set forth in [subsections (i) and ] subsection (j), a school district acting pursuant to this subsection shall submit the referendum question required under this section to the election officials of each county in which it is situate no later than 60 days prior to the election immediately preceding the fiscal year in which the tax increase would take effect.

(4) The election officials of each county shall, in consultation with the board of school directors, draft a nonlegal interpretative statement which shall accompany the referendum question in accordance with section 201.1 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The nonlegal interpretative statement shall include information that references the items of expenditure for which the tax increase is sought and the consequence of the referendum being disapproved by the electorate.

(d) Failure to approve referendum.—

(1) If a referendum question submitted under subsection (c)(1) is not approved, the board of school directors may approve an increase in the tax rate of not more than the index.

(2) If a referendum question submitted under subsection (c)(2) is not approved, the board of school directors may not levy the tax.

(e) Tax rate submissions.—A school district that has adopted a preliminary budget proposal under section 311 that includes an increase in the rate of any tax levied for the support of public schools shall submit information on the increase to the department on a uniform form prepared by the department. The school district shall submit such information no later than 85 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. The department shall compare the proposed percentage increase in the rate of any tax with the index. Within ten days of the receipt of the information required under this subsection but no later than 75 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year, the department shall inform the school district whether the proposed tax rate increase is less than or equal to the index. If the department determines that the proposed percentage increase in the rate of the tax exceeds the index, the department shall notify the school district that:

(1) the proposed tax increase must be reduced to an amount less than or equal to the index;

(2) the proposed tax increase must be approved by the electorate under subsection (c)(1); or

(3) an exception must be sought under [subsections (i) and] subsection (j).

(f) Referendum exceptions.—A school district may, without seeking voter approval under subsection (c), increase the rate of a tax levied for the support of the public schools by more than the index if all of the following apply:

(1) The revenue raised by the allowable increase under the index is insufficient to balance the proposed budget due to one or more of the expenditures listed in paragraph (2).

(2) The revenue generated by increasing the rate of a tax by more than the index will be used to pay for any of the following:

[i] Costs incurred in responding to or recovering from an emergency or disaster declared pursuant to 35 Pa.C.S. § 7301 (relating to general authority of Governor) or 75 Pa.C.S. § 6108 (relating to power of Governor during emergency).

[ii] Costs to implement a court order or an administrative order from a Federal or State agency as long as the tax increase is rescinded following fulfillment of the court order or administrative order.

[iii] Costs associated with the following:

(A) For a board of school directors that elected to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing) prior to September 4, 2004. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(A.1) For a board of school directors that did not elect to participate in the former act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B prior to the effective date of this act. In no case may the school district incur additional debt under this clause except for the refinancing of existing debt, including the payment of costs and expenses related to such refinancing and the establishment of funding of appropriate debt service reserves. An increase under this clause shall be rescinded following the final payment of interest and principal.

(B) To pay interest and principal on any electoral debt incurred under 53 Pa.C.S. Pt. VII Subpt. B. An increase under this clause shall be rescinded following the final payment of interest and principal.

(C) To pay interest and principal on indebtedness for up to 60% of the construction cost average on a square-foot basis if all of the following apply:

(I) The indebtedness is for a school construction project under 22 Pa. Code Ch. 21 (relating to school buildings).

(II) For a board of school directors that elected to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred after September 3, 2004.

(II.1) For a board of school directors that did not elect to participate in the former Homeowner Tax Relief Act, the indebtedness to fund appropriate debt service reserves for the project is incurred on or after the effective date of this act.

(III) The increase sought under this clause is rescinded following final payment of interest and principal.

(IV) The indebtedness is incurred only after existing fund balances for school construction and any undesignated fund balances have been fully committed to fund the project.

(V) The indebtedness is for an academic elementary or academic secondary school building. For purposes of this subclause, the following shall not be considered to be an academic elementary or academic secondary school building: natatorium, stadium bleachers, athletic field, athletic field lighting equipment and apparatus used to promote and conduct interscholastic athletics.

(VI) For school districts of the second, third and fourth class, the project has been approved by the department under section 731 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. For nonreimbursable projects in school districts of the first class A, the plans and specifications have been approved by the board of school directors. For reimbursable projects in school districts of the first class A, the plans and specifications have been approved by the department pursuant to 22 Pa. Code Ch. 21.

(D) To pay interest and principal on indebtedness for up to \$250,000 of the construction cost of a nonacademic school construction project, as adjusted annually by the percentage increase in the average of the Statewide average weekly wage and the employment cost index. An increase under this clause shall be rescinded following the final payment of interest and principal.

(E) For purposes of this subparagraph, electoral debt includes the refunding or refinancing of electoral debt for which an exception is permitted under clause (B) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(F) For purposes of this subparagraph, indebtedness includes the refunding or refinancing of indebtedness for which an exception is permitted under clauses (A), (A.1), (C) and (D) as long as the refunding or refinancing incurs no additional debt other than for:

(I) costs and expenses related to

the refunding or refinancing; and

(II) funding of appropriate debt service reserves.

(iv) Costs to respond to conditions which pose an immediate threat of serious physical harm or injury to the students, staff or residents of the school district but only until the conditions causing the threat have been fully resolved.]

(v) Costs incurred in providing special education programs and services to students with disabilities if the increase in expenditures on special education programs and services was greater than the index. The dollar amount of this exception shall be equal to the portion of the increase that exceeds the index.

[(vi) Costs which:

(A) were incurred in the implementation of a school improvement plan required under section 1116(b) of the Elementary and Secondary Education Act of 1965 (Public Law 89-10, 20 U.S.C. § 6316(b)); and

(B) were not offset by a State allocation.

(vii) Costs necessary to maintain:

(A) per-student local tax revenue, adjusted by the index, if the percentage growth in average daily membership between the school year determined under subsection (j)(4) and the third school year preceding the school year determined under subsection (j)(4) exceeds 7.5%; or

(B) actual instruction expense per average daily membership, adjusted by the index, if the increase in actual instruction expense per average daily membership between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(viii) The maintenance of revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations, adjusted by the index, for a school district where the percentage increase in revenues derived from real property taxes, earned income and net profits taxes, personal income taxes, basic education funding allocations and special education funding allocations between the school year determined under subsection (j)(4) and the school year preceding the school year determined under subsection (j)(4) is less than the index.

(ix) Costs incurred for providing health care-related benefits which are directly attributable to a collective bargaining agreement in effect on January 1, 2006, between the school district and its employees' organization if the anticipated increase in the cost of health care-related benefits between the current year and the upcoming year is greater than the index. The dollar amount of this exception shall be equal to the portion of the increase which exceeds the index. This subparagraph shall not apply to a collective bargaining agreement renewed, extended or entered into after January 1, 2006.]

(g) Revenue derived from increase.—Any revenue derived from an increase in the rate of any tax allowed pursuant to subsection (f)(2)(iii) shall not exceed the anticipated dollar amount of the expenditure.

(h) Limitation on tax rate.—The increase in the rate of any tax allowed pursuant to an exception under subsection (f)(2)[(i), (ii), (iv), (v), (vi), (vii), (viii) or (ix)] (v) or (n) shall not exceed the rate increase required as determined by [a court of common pleas or] the department pursuant to subsection [(i) or] (j).

[(i) Court action.—

(1) Prior to the imposition of a tax increase under subsection (f)(2)(i), (ii) and (iv) and no later than 75 days prior to the election immediately preceding the beginning of the school district's fiscal year, approval by the court of common pleas in the judicial district in which the administrative office of the school district is located must be sought. The board of school directors shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to file a petition under this subsection at least one week prior to the filing of the petition. The board of school directors shall also publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice, as soon as possible following notification from the court that a hearing has been scheduled, stating the date, time and place of the hearing on the petition. The following shall apply to any proceedings instituted under this subsection:

(i) The school district must prove by clear and convincing evidence that it qualifies for each exception sought.

(ii) The school district must prove by clear and convincing evidence the anticipated dollar amount of the expenditure for each exception sought.

(2) The court shall rule on the school district's petition and inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year. If the court approves the petition, the court shall also determine the dollar amount of the expenditure for which an exception is granted, the tax rate increase required to fund the exception and the appropriate duration of the increase. If the court denies the petition, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.]

(j) Department approval.—

(1) A school district that seeks to increase the rate of tax due to an expenditure under subsection (f)(2)[(iii), (v), (vi), (vii), (viii) or (ix)] (v) or (n) shall obtain the approval of the department before imposing the tax increase. The department shall establish procedures for administering the provisions of this subsection, which may include an administrative hearing on the school district's submission.

(2) A school district proceeding under the provisions of this subsection shall publish in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, notice of its intent to seek department approval at least one week prior to submitting its request for approval to the department. If the department schedules a hearing on the school district's request, the school district shall publish notice of the hearing in a newspaper of general circulation and on the district's publicly accessible Internet site, if one is maintained, immediately upon receiving the information from the department. The notice shall include the date, time and place of the hearing.

(3) The department shall approve a school district's request under this subsection if a review of the data under paragraph (4) demonstrates that:

(i) the school district qualifies for one or more exceptions under subsection (f)(2)[(iii), (v), (vi), (vii), (viii) or (ix)] (v) or (n); and

(ii) the sum of the dollar amounts of the exceptions for which the school district qualifies makes the school district eligible under subsection (f)(1).

(4) For the purpose of determining the eligibility of a school district for an exception under subsection (f)(2)(v), [(vi),



(vii) or (viii),] the department shall utilize data from the most recent school years for which annual financial report data required under section 2553 of the Public School Code of 1949 has been received. The department shall inform school districts of the school years determined under this subsection no later than 30 days prior to the date on which public inspection of proposed school budgets is required under section 311(c).

(5) (i) The department shall rule on the school district's request and shall inform the school district of its decision no later than 55 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(ii) If the department approves the request, the department shall determine the dollar amount of the expenditure for which the exception is sought and the tax rate increase required to fund the exception.

(iii) If the department denies the request, the school district may submit a referendum question under subsection (c)(1). The question must be submitted to the election officials no later than 50 days prior to the date of the election immediately preceding the beginning of the school district's fiscal year.

(6) Within 30 days of the deadline under paragraph (5)(i), the department shall submit a report to the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives enumerating the school districts which sought an exception under this subsection. The department shall also publish the report on its publicly accessible Internet site. The report shall include:

(i) The name of each school district making a request under this subsection.

(ii) The specific exceptions requested by each school district and the dollar amount of the expenditure for each exception.

(iii) The department's ruling on the request for the exception.

(iv) If the exception was approved, the dollar amount of the expenditure for which the exception was sought and the tax rate increase required to fund the exception.

(v) A statistical summary of the information in subparagraphs (ii), (iii) and (iv).

[(k) **Objections.**—Any person who resides within or pays real property taxes to the school district filing a petition under subsection (i) may file with the court written objections to any petition filed under this section.]

(l) **Index calculation.**—No later than August 15, 2005, and each August 15 thereafter, the department shall calculate the index. The department shall publish the index by September 1, 2005, and each September 1 thereafter in the Pennsylvania Bulletin.

(m) **Election interference prohibited.**—

(1) No public funds may be used to urge any elector to vote for or against a referendum or be appropriated for political or campaign purposes.

(2) This subsection shall not be construed to prohibit the use of public funds for dissemination of factual information relative to a referendum appearing on an election ballot.

(3) As used in this subsection, the term "public funds" means any funds appropriated by the General Assembly or by a political subdivision.

(n) **Treatment of certain required payments.**—The provisions of subsections (f) and (j) shall apply to a school district's share of payments to the Public School Employees' Retirement System as required under 24 Pa.C.S. § 8327 (relating to payments by employers) if the increase in the actual dollar amount of estimated payments between the current year and the upcoming year is greater than the index. The dollar amount to which subsection (f) applies shall equal

that portion of the increase which exceeds the product of the index and the actual dollar value of payments for the current year.

Section 1.1. Section 1502(d) of the act is amended and the section is amended by adding subsections to read:

On the question,

Will the House agree to the amendment?

The SPEAKER. The members will take their seats and clear the aisles. The Sergeants at Arms will please clear the aisles.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment is another variation of the previous amendment. It maintains the current exception for pensions and special education only. Again, these are costs over which school districts have very little to no control. A special education student who has enormous needs often drives school budgets beyond their ability to pay for them. If we do not fund them adequately from the State level, they have nowhere else to go but their local taxpayer. I would suggest that we vote for this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—91

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Bradford	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Buxton	Galloway	Matzie	Shapiro
Caltagirone	George	McGeehan	Smith, K.
Carroll	Gerber	Mirabito	Smith, M.
Cohen	Gergely	Mullery	Staback
Conklin	Gibbons	Mundy	Sturla
Costa, D.	Goodman	Murphy	Thomas
Costa, P.	Haluska	Myers	Vitali
Cruz	Hanna	Neuman	Wagner
Curry	Harhai	O'Brien, D.	Waters
Daley	Harkins	O'Brien, M.	Wheatley
Davidson	Hornaman	Parker	White
Davis	Johnson	Pashinski	Williams
Deasy	Josephs	Payton	Youngblood
DeLissio	Kavulich	Petrarca	

NAYS—110

Adolph	Farry	Maher	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Miccarelli	Schroder
Brooks	Hackett	Micozzie	Simmons
Brown, R.	Hahn	Millard	Sonney
Causar	Harhart	Miller	Stephens

Christiana	Harper	Milne	Stern
Clymer	Harris	Moul	Stevenson
Cox	Heffley	Murt	Swanger
Creighton	Helm	Mustio	Tallman
Culver	Hennessey	O'Neill	Taylor
Cutler	Hess	Oberlander	Tobash
Day	Hickernell	Payne	Toepel
Delozier	Hutchinson	Peifer	Toohil
Denlinger	Kampf	Perry	Truitt
DiGirolamo	Kauffman	Petri	Turzai
Dunbar	Keller, F.	Pickett	Verb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	Watson
Evankovich	Knowles	Quinn	
Evans, J.	Krieger	Rapp	Smith, S.,
Everett	Lawrence	Reed	Speaker

NOT VOTING—0

EXCUSED—2

Brennan Godshall

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

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

The SPEAKER. The bill as amended will be reprinted.

### VOTE CORRECTION

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

Mr. KAUFFMAN. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman can state his correction.

Mr. KAUFFMAN. On HB 38 on concurrence, I was recorded in the negative and should have been recorded in the positive.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be spread upon the record.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. LAWRENCE. To submit comments for the record, sir.

The SPEAKER. The gentleman may submit them to the clerk and they will be spread upon the record.

Mr. LAWRENCE. Thank you.

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

Mr. Speaker, I rise in support of amendment A04630. Let me be clear, this amendment gives taxpayers a say on whether or not their property taxes are raised above the rate of inflation. Appropriate exceptions have been placed in the legislation to allow school boards to make proper adjustments for special education, pensions, and debt service.

Do not let anyone fool you – this legislation does not prevent school boards from raising additional revenue; it merely says that they first have to ask the people who pay the bills. Let me say that again for those following along on PCN (Pennsylvania Cable Network): This legislation provides you, the taxpayer, the opportunity to an up-or-down vote on property tax increases above the rate of inflation. This is the same right enjoyed by citizens in many surrounding States.

I say we give taxpayers a voice in how they are taxed. The taxpayers of this Commonwealth deserve an opportunity to be heard. I urge an affirmative vote.

### SUPPLEMENTAL CALENDAR D

#### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 227, PN 991**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

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

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, if I could have your attention, there will be no more votes this evening. When we do adjourn – I have a little bit of housekeeping things to do here – but when we do adjourn, we will be adjourning until 9 o'clock tomorrow morning on the floor; 9 o'clock.

#### BILLS RECOMMENDED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

SB 330;  
SB 419;  
SB 448;  
SB 552;  
SB 1007; and  
HB 1525.

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

#### VOTE CORRECTION

The SPEAKER. For what purpose does the lady, Ms. Brownlee, rise?

Ms. BROWNLEE. Unanimous consent.

The SPEAKER. The gentleman is recognized. The lady is recognized under unanimous consent.

Ms. BROWNLEE. I know we are tired, Mr. Speaker. I will accept that one.

On the motion to suspend, Mr. Speaker, my button, I was pushing the "yes" button and I should be recorded as a "yes."

The SPEAKER. The lady's comments will be noted on the record.

Ms. BROWNLEE. Thank you, Mr. Speaker.

### **DEMOCRATIC CAUCUS**

The SPEAKER. The gentleman from Allegheny, Mr. Frankel, is recognized for the purpose of an announcement.

Mr. FRANKEL. Mr. Speaker, I just want to announce for Democratic members, we will come to the floor at 9 o'clock and we will be voting things that have already been caucused. We will need a caucus later on in the morning, but we will not caucus before session at 9 o'clock. So on the floor at 9 o'clock; caucus at the call of the Chair. Thank you.

### **BILLS AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Saccone, from Allegheny County, who moves that this House do adjourn until Thursday, June 30, 2011, at 9 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:50 p.m., e.d.t., the House adjourned.