

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 30, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 57

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.d.t.

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

PRAYER

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

Good morning. Thank you, Mr. Speaker.

Let us pray together in the spirit of unity of heart and mind.

May God himself, the God of peace, sanctify us through and through. And we pray, God, may our whole spirit, soul and body, be kept blameless until Your coming, O Lord, the one who calls us His faithful, and He will in His time.

Create in us a pure heart, O God, and renew a steadfast spirit within us. Do not cast us from Your presence or take Your holy spirit from us. Restore us to the joy of Your salvation, and grant us a willing spirit to sustain us.

Write Your law upon our hearts and put it in our minds, that we may be a living letter of faith written not with ink but with the spirit of the living God, not on a tablet of stone but on a tablet of human hearts; that the law of our God be in our hearts, our path and feet may not slip, and may we desire to do Your will, O God, and may we delight in God's law in our innermost being.

And, Lord, may our souls be leavened by Your Holy Word and that we may not conform to the pattern of this world but be transformed by the renewing of our minds in order to be fulfilled, obedient, faithful, and holy in all we do.

It is in our Lord and savior Jesus' name we pray. And P.S., Lord, thank You for a budget passed on time. And all God's people said amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, June 29, 2011, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER. However, the following Journal is in print and, without objection, will be approved: Tuesday, April 12, 2011.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND Tabled

SB 1151, PN 1447

By Rep. ROSS

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent and for Commonwealth agency payments or assistance; providing for review of coordinator, for the establishment of a management board for distressed third class cities and for powers of management boards; prohibiting distressed third class cities from filing Federal bankruptcy petitions; and making editorial changes.

URBAN AFFAIRS.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 78, PN 2241**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 67, PN 66**, 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 15, PN 2223

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

HB 38, PN 2224

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 67, PN 66

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

HB 463, PN 2226

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.

HB 488, PN 2225

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.

HB 1336, PN 2091

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.

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

The SPEAKER. The members will report to the floor.

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. BOYD, from Lancaster County for the day, and the gentleman, Mr. CUTLER, from Lancaster County for the day. 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, and the gentleman, Mr. WATERS, from Philadelphia County for the day. Without objection, the leaves will be granted.

The Speaker is about to take the master roll call. The members will please report to the floor.

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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalf	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causer	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson

Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Daley	Hennessey	O'Brien, M.	Toepel
Davidson	Hess	O'Neill	Toohil
Davis	Hickernell	Oberlander	Truitt
Day	Hornaman	Parker	Turzai
Deasy	Hutchinson	Pashinski	Vereb
DeLissio	Johnson	Payne	Vitali
Delozier	Josephs	Payton	Vulakovich
DeLuca	Kampf	Peifer	Wagner
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

LEAVES ADDED—6

Caltagirone	Galloway	Sabatina	Williams
Evans, D.	McGeehan		

LEAVES CANCELED—3

Cutler	Waters	Williams	
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The SPEAKER. One hundred and ninety-eight members having voted on the master roll call, a quorum is present.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 302, PN 279**, entitled:

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for annual reports; and making editorial changes.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

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The House proceeded to third consideration of **SB 606, PN 770**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Crawford Lakelands Byway as a scenic byway.

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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causser	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Daley	Hennessey	O'Brien, M.	Toepel
Davidson	Hess	O'Neill	Toohil
Davis	Hickernell	Oberlander	Truitt
Day	Hornaman	Parker	Turzai
Deasy	Hutchinson	Pashinski	Vereb
DeLissio	Johnson	Payne	Vitali
Delozier	Josephs	Payton	Vulakovich
DeLuca	Kampf	Peifer	Wagner
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley

Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

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The House proceeded to third consideration of **SB 1056, PN 1192**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **SB 1057, PN 1193**, entitled:

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

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

(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-198

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **SB 1058, PN 1194**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causser	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stevens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas

Curry	Helm	O'Brien, D.	Tobash
Daley	Hennessey	O'Brien, M.	Toepel
Davidson	Hess	O'Neill	Toohil
Davis	Hickernell	Oberlander	Truitt
Day	Hornaman	Parker	Turzai
Deasy	Hutchinson	Pashinski	Vereb
DeLissio	Johnson	Payne	Vitali
Delozier	Josephs	Payton	Vulakovich
DeLuca	Kampf	Peifer	Wagner
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S., Speaker
Ellis	Knowles	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **SB 1059, PN 1195**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission; and providing for the additional appropriation of Federal funds from the General Fund to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2011, to June 30, 2012.

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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **SB 1060, PN 1196**, entitled:

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

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

(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-198

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

NAYS-0

NOT VOTING-0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **SB 1061, PN 1197**, entitled:

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

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

(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—198

Adolph	Emrick	Kortz	Rapp
Aument	Evankovich	Kotik	Ravenstahl
Baker	Evans, D.	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causar	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman

Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Daley	Hennessey	O'Brien, M.	Toepel
Davidson	Hess	O'Neill	Toohil
Davis	Hickernell	Oberlander	Truitt
Day	Hornaman	Parker	Turzai
Deasy	Hutchinson	Pashinski	Vereb
DeLissio	Johnson	Payne	Vitali
DeLozier	Josephs	Payton	Vulakovich
DeLuca	Kampf	Peifer	Wagner
Denlinger	Kauffman	Perry	Watson
DePasquale	Kavulich	Petrarca	Wheatley
Dermody	Keller, F.	Petri	White
DeWeese	Keller, M.K.	Pickett	Williams
DiGirolamo	Keller, W.	Preston	Youngblood
Donatucci	Killion	Pyle	
Dunbar	Kirkland	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Cutler	Godshall	Waters
Brennan			

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.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1352, PN 2227**, entitled:

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.

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

The SPEAKER. It is moved by the gentleman, Mr. Stephens, that the House concur in the amendments inserted by the Senate.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, we are doing HB 1352, which is the omnibus School Code legislation. HB 1352 is also legislation that deals with the background checks for those involved in the field of education.

And I would like to have the prime sponsor of the bill, Representative Stephens, to give him the opportunity to talk about that part of the House bill, and then, Mr. Speaker, I would pick up and then continue the dialogue on the rest of the information. If that could be done?

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1352, the School Code, and would ask all members to vote "no."

There are several issues with this that I think people ought to be aware of. First of all— Mr. Speaker, the gentleman would like to have a sidebar.

The SPEAKER. The gentleman will suspend.

Is the gentleman from Allegheny County, Mr. Markosek, willing to yield? The gentleman, Mr. Clymer, from Bucks County was not finished. The Speaker misinterpreted him.

The gentleman, Mr. Clymer, may go ahead and proceed on his first recognition. The Speaker apologizes for the misunderstanding.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, as I had just mentioned a few moments ago, this is the omnibus School Code bill, and some of the provisions in it deal with the budget reopener. This is for school districts' compulsory age time of enrollment. This is for the beginners. It allows school districts to give them an additional 2 weeks to enroll to correct some problems. It repeals the APS (approved private schools) audit resolution. That issue is now completed, so it is no longer needed. We have school safety report language. This is a technical fix to make it an annual report. The PIAA policy for student participation in sports programs. When programs in resident school districts have been discontinued, this allows them to go to another school with a cooperative

response from that second school. Language to eliminate the State payment, Mr. Speaker, to charter schools regarding the State contribution of 50 percent to Social Security. The State has already included that 50 percent in their payment to charters. So this eliminates a potential double payment.

Also in this bill is the community colleges' reimbursement, the formula for disbursement; the ADM (average daily membership) definition, which is applicable for many years. The idea is to make it more consistent rather than have a lot of ups and downs in the ratio that is used. It repeals the accountability language, thereby allowing more flexibility to schools as to how to spend their money. The basic education subsidy dollar amount, that is also in the budget, but in this School Code is the formula for distribution payments to the IUs (intermediate units) for institutionalized children, there is \$9 million; special education payments to schools, a formula; payments to homebound children; and the Duquesne transportation language, a technical fix.

Also, we are transferring from the 2010 Fiscal Code, which is important that we have this in this legislation, the workers' safety committees. A transfer of entities, that is the Scotland Scranton employee pools. If you remember when both those schools were closed, there was a 3-year pool for educational entities to take from that pool. This is the last year of that 3-year pool. Community college transfer and articulation programs are in there; the Library Code, which deals with funding distribution and extends waivers.

Then, Mr. Speaker, we have in there legislation that we have moved from the House Education Committee or from the Senate Education Committee, and it is such issues as no PlanCon (Planning and Construction Worksheet) for school districts not seeking State reimbursement. There is the Safe Schools Advocate in there for school districts of the first class, moving it to the Pennsylvania Commission on Crime and Delinquency; background checks, which you will hear about later from the Representative who is the prime sponsor of this bill; background checks on institutional sexual assault as an added offense; a moratorium on data collection on PIMS (Pennsylvania Information Management System) and PELICAN (Pennsylvania's Enterprise to Link Information for Children Across Network); IU transparency in reporting; moratorium on Act 48, which is professional development, a "may" provision allowing school districts to determine if they want to for 2 years continue making payments to teacher development; saving some funds for school districts' background checks, and the degrees of the offense and prospective employment; superintendent eligibility, providing alternatives for school boards in the selection of a superintendent; dual enrollment update, no program changes dealing with postsecondary swaps; and the alternative certification, which was passed by both chambers last year, and that was SB 441.

Mr. Speaker, our House staff was pleased to provide the Democrat House staff in advance with the topics and issues to be covered, which I just covered in the education bill. We wanted their comments and their review early in advance, and we were pleased to be cooperative.

The Education Code is a compilation of changes designed to improve the quality of education for all of our students. After all, Mr. Speaker, working to improve the education process takes a bipartisan effort, and I respectfully ask the members to support HB 1352. Thank you.

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. Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, HB 1352 originally was intended to place an added layer of protection for our students here in the Commonwealth by adding the crime of institutional sexual assault as one of the crimes that would prohibit you from teaching. Over in the Senate they undertook significant efforts to expand upon the protections afforded to our students and as it relates to the background checks and the other crimes and offenses for which someone, if they were convicted, would either not be permitted to teach or defining the length of time that would have to elapse before they return to the classroom.

Mr. Speaker, HB 1352 provides significant protections for our students. It protects our students from those who have been convicted of crimes, crimes that are vile and dangerous in nature to our students, and I would urge an affirmative vote on HB 1352. Thank you, Mr. Speaker.

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

The Speaker recognizes the gentleman from Allegheny, Mr. Markosek, for the first time.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would ask all of the members to vote "no" to HB 1352.

This is the School Code bill. This bill implements a basic ed formula that abandons the costing-out study and severely underfunds school districts. It repeals the costing-out study language that states the Commonwealth's commitment to provide adequate and equitable funding to schools. We have seen plenty, plenty of testimony, plenty of evidence that there is not equitable funding to Pennsylvania schools. We have wealthy school districts receiving more money or not being cut as much as poorer school districts. We see wealthy school districts that are cut a small amount of money per student and per classroom and some of our lower income school districts are severely cut and have severe cuts per student and per classroom.

The Democrats had bills passed last year, last session that we wanted to include in the School Code. For example, Representative Sturla had a bill dealing with funding for the disabled and funding for children with disabilities. This was not put in partly because we were not in the room to have a chance to put it in, which I think is a greater part of the problem and perhaps may be the biggest reason why we should oppose this bill. On and on and on through this budget process we saw where the majority party with the Governor's Office have negotiated the budget, have negotiated the School Code, have negotiated all these things and the Democrats in the House and in the Senate have not had a say. We have been shut out; we have been stymied. We have been stymied here on the floor with various motions – motions of germaneness, motions of the previous question – speakers refusing to approach the microphone for interrogation, all of these kinds of things to silence, to silence the minority party here in the House of Representatives.

This is wrong and we should not vote for this. We had very little say in it. And what is really more important, it really hurts the children – special ed children, the regular children – the

school districts of Pennsylvania, and it is another reason why property taxes will go up because of what the budget and what this School Code actually says and does.

With that, Mr. Speaker, I would ask all members to please oppose this bill and let us move forward with a fairer situation for our kids and for our school districts in Pennsylvania.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Philadelphia, Mr. Dwight EVANS, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1352 CONTINUED

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 Clinton County, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Allegheny County indicated that this bill clearly will drive up school property taxes across the State. I have good news. That does not have to happen. As all of you know, this morning's announcements indicate that the surplus is clear up around \$750 million, and it has been said by the majority leader and the Governor and others, this is the people's money. Now, our Fiscal Code says that that money is not going to the Rainy Day Fund. So it is my belief that we should return at least a portion of that money to the school property taxpayers. It is their money.

MOTION TO SUSPEND RULES

Mr. HANNA. I stand to offer my amendment, A04764, and I understand I need to suspend the rules to do so, Mr. Speaker. So I would make a motion to suspend the rules for the purpose of offering amendment A04764.

The SPEAKER. The gentleman, Mr. Hanna, has moved to suspend the rules for the consideration of amendment A04764.

On the question,

Will the House agree to the motion?

Mr. HANNA. Mr. Speaker, do I have an opportunity to explain the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Hanna, for a brief description of the amendment and comment. You can debate why we should suspend the rules.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, my amendment A04764 would return a portion of the \$750 million surplus to school property taxpayers. It is their money. Again, the majority leader and the Governor have said that this surplus is their money. As I indicated, it is not part of the Rainy Day Fund under the Fiscal Code. So it is available to be returned to the property taxpayers, and that is what my amendment does.

My amendment uses the formula designed by former Governor Tom Ridge, just used about a decade ago. I think probably any member in this House who served a decade ago under Gov. Tom Ridge voted for this formula, voted to use this formula to drive surplus dollars back to school property tax payers. So my amendment uses the same formula to return at least a portion of the surplus to school property tax payers.

Mr. Speaker, we are not a bank. We need to return this money to the people who paid it. We should not be holding it and saving it to be used later on for more tax breaks to corporations. This is our opportunity to return the money to the people who have paid it into the surplus, and that is school property tax owners.

The SPEAKER. The gentleman will suspend.

I think that is a little off the explanation of the amendment and maybe debating the amendment. The gentleman should focus now on why we should suspend.

Mr. HANNA. Thank you, Mr. Speaker.

I will conclude from that that the Speaker thinks I have given an adequate explanation of the amendment.

The SPEAKER. I think the Speaker gave you adequate leeway anyhow, but the Speaker appreciates that.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I would urge all members to vote to suspend the rules so that we can approve this amendment and return this surplus money to the people who paid it into the surplus, school property tax owners. Again, Mr. Speaker, I urge an affirmative vote on suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The question is, would the House suspend the rules for the consideration of amendment A04764?

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

Mr. TURZAI. Thank you.

I rise in opposition of the motion to suspend the rules.

Certainly we had 4 years of control by the other party, and it is interesting it never got done when they had their Governor and were in charge of this House.

But this particular amendment is a Department of Revenue amendment. We are dealing with the School Code, which is the Department of Education. There is no reason to suspend the rules when there is not an appropriate connection between the amendment and the statute, the proposed statute.

Please vote "no" to suspend. Thank you.

The SPEAKER. The only people that are allowed to debate suspension of the rules are the maker of the motion, the maker of the bill in question, and the two floor leaders.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—121

Barbin	Denlinger	Keller, F.	Petrarca
Benninghoff	DePasquale	Keller, W.	Preston
Bishop	Dermody	Kirkland	Quinn
Bloom	DeWeese	Kortz	Ravenstahl
Boback	Donatucci	Kotik	Readshaw
Boyle, B.	Dunbar	Kula	Roebuck
Boyle, K.	Emrick	Longietti	Sabatina

Bradford	Evankovich	Mahoney	Saccone
Briggs	Fabrizio	Maloney	Sainato
Brown, R.	Frankel	Mann	Samuelson
Brown, V.	Freeman	Markosek	Santarsiero
Brownlee	Galloway	Marshall	Santoni
Burns	George	Masser	Scavello
Buxton	Gerber	Matzie	Shapiro
Caltagirone	Gergely	McGeehan	Simmons
Carroll	Gibbons	Miccarelli	Smith, K.
Christiana	Gillen	Millard	Smith, M.
Cohen	Goodman	Milne	Staback
Conklin	Hahn	Mirabito	Stephens
Costa, D.	Haluska	Mullery	Sturla
Costa, P.	Hanna	Mundy	Thomas
Cox	Harhai	Murphy	Tobash
Cruz	Harkins	Myers	Toepel
Culver	Heffley	Neuman	Toohil
Curry	Helm	O'Brien, D.	Vitali
Daley	Hornaman	O'Brien, M.	Wagner
Davidson	Johnson	Parker	Wheatley
Davis	Josephs	Pashinski	White
Deasy	Kampf	Payton	Williams
DeLissio	Kavulich	Peifer	Youngblood
DeLuca			

NAYS—76

Adolph	Gingrich	Metcalfe	Roae
Aument	Grell	Metzgar	Rock
Baker	Grove	Micozzie	Ross
Barrar	Hackett	Miller	Saylor
Bear	Harhart	Moul	Schroder
Brooks	Harper	Murt	Sonney
Causar	Harris	Mustio	Stern
Clymer	Hennessey	O'Neill	Stevenson
Creighton	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Hutchinson	Perry	Taylor
DiGirolamo	Kauffman	Petri	Truitt
Ellis	Keller, M.K.	Pickett	Turzai
Evans, J.	Killion	Pyle	Vereb
Everett	Knowles	Quigley	Vulakovich
Farry	Krieger	Rapp	Watson
Fleck	Lawrence	Reed	
Gabler	Maher	Reese	Smith, S.,
Geist	Major	Reichley	Speaker
Gillespie	Marsico		

NOT VOTING—0

EXCUSED—6

Boyd	Cutler	Godshall	Waters
Brennan	Evans, D.		

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 gentleman from Philadelphia County, Mr. Thomas.

The House will come to order. If we could just please hold the conversations down. The House will come to order, please.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman just suspend for one second.

The House will please come to order. Will the members please take their seats and hold the conversations down. We would appreciate it. The members will please take their seats and hold the conversations down.

The Speaker thanks the members.

The gentleman, Mr. Thomas, may proceed on concurrence.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have heard from an overwhelming number of people in my district and from across Philadelphia County, and they directed me to come here this morning and say to you, whether you be Democrat or Republican, give me my money. Let me decide what I should do with my money. Do not take \$700-and-some million and decide what you want to do. Give me my money. Those revenues belong to the taxpayers of Pennsylvania, and they should decide how that money should be spent.

Next, Mr. Speaker, I would like to ask the maker or whether there is somebody that can stand to answer some questions in reference to HB 1352. Is anybody willing to stand for interrogation?

The SPEAKER. The gentleman, Mr. Clymer, indicates he will stand for interrogation. The gentleman, Mr. Thomas, may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I know the time is not our friend, but there is a whole bunch of stuff in this bill, and it scares me when I see a whole bunch of stuff like this in one bill, but let me just ask some questions.

Number one, did we return the Pennsylvania accountability block grant funding line item to the '10-'11 funding level? Yes or no.

Mr. CLYMER. Could the gentleman repeat the question.

Mr. THOMAS. The question is whether or not we restored the Pennsylvania Accountability Block Grant Program, which is a program that our own Speaker had his fingerprints on. It is a good program that has helped Pennsylvanians from one end of the State to the other, and I thank our Speaker for his fingerprints on that program. My question is, did we restore it to the '10-'11 funding level?

Mr. CLYMER. Mr. Speaker, no. That is really an item that we would discuss within the budget itself, the moneys. If you recall in the budget discussions that took place the other day, \$100 million has been restored. If my memory serves me correctly, \$100 million was put in there over what the Governor had proposed, but no.

Mr. THOMAS. So if I understand you correctly, you are saying, I know that the Governor zeroed it out?

Mr. CLYMER. That is correct.

Mr. THOMAS. You restored 100 million—

Mr. CLYMER. Yes.

Mr. THOMAS. —but is that where it was in '10-'11?

Mr. CLYMER. No; no.

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

Mr. Speaker, "Science: It's Elementary," did we restore that?

Mr. CLYMER. The answer is no.

Mr. THOMAS. Mr. Speaker, did we restore the line item for adult literacy?

Mr. TURZAI. Mr. Speaker?

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

The subject before the House is concurrence in Senate amendments to the School Code bill. The questions the gentleman is asking are relative to the General Fund budget where the line items were funded. So the subject before the House is the Education Code bill, not the general appropriations bill.

Mr. THOMAS. Okay. Mr. Speaker, maybe you can provide some clarification. I thought that concurrence on HB 1352 would implement what was contained in the general budget as it relates to public education. Is that correct or am I wrong?

The SPEAKER. The gentleman's interpretation is correct. However, asking about specific line items in the budget, whether they were funded or not, is not really part of this bill. But you are right about this is a bill that implements the educational components of the General Fund budget.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, with respect to K through 12, the Governor's budget removed \$1 billion from K through 12 and related programs. Some of that has been restored, but has all of it been restored?

Mr. CLYMER. No. The answer is no. Whatever we did the day before in a line item for prekindergarten, they are the dollars that will stay in there.

The one thing that we did do that I had mentioned at the outset is that some of the school administrators indicated that they would like to have an additional time to enroll early beginners – that is, young children – into the school, and so we allowed them additional time to do that. So if a parent moved into a community and they were 2 days late in officially registering their child, this gives the school district an opportunity to enroll that child and the parent as well. So that is good; that is a good provision, but that does not carry a fiscal note.

Mr. THOMAS. Mr. Speaker, is the charter school reimbursement contained in HB 1352?

Mr. CLYMER. No.

Mr. THOMAS. Mr. Speaker, are there any programs in HB 1352 that would encourage more males to go into teaching, the teaching profession, and are there any programs to improve the pay of teachers in Pennsylvania—

Mr. TURZAI. Mr. Speaker?

Mr. THOMAS. —in HB 1352?

Mr. TURZAI. Mr. Speaker, point of order, Mr. Speaker.

The SPEAKER. Will the gentleman suspend.

POINT OF ORDER

The SPEAKER. The gentleman, Mr. Turzai, will state his point of order.

Mr. TURZAI. Thank you, sir.

The good gentleman from Philadelphia is interrogating our good chair of the Education Committee on issues that are clearly in the summaries of the bills and in the bill itself. Interrogation is designed to inquire about and to find answers that you do not know or could not find out yourself. This is clearly off mark. If the gentleman wants to make floor remarks on the issues that he is trying to raise through interrogation, certainly that is appropriate.

The SPEAKER. The Speaker thanks the gentleman.

The gentleman, Mr. Thomas, would be asked to focus his interrogation on the issues that are within the Education Code bill, but may proceed.

Mr. THOMAS. Mr. Speaker, I thought that is what I was doing, but I hear what you have said and I hear the majority leader, and I thank the astute chairman of the committee for trying to answer some of these questions, and I thank you. So I conclude my interrogation.

The SPEAKER. Does the gentleman seek further debate on the bill?

Mr. THOMAS. Mr. Speaker, probably at some point the majority chair of the Education Committee and myself will probably have to get with somebody to figure out all of the stuff that is contained in HB 1352.

But from what I can glean from HB 1352, I have got to go back to my mom and my grandmamma, who sometimes used to say to us, put your titles down and just apply some common sense. And one of the commonsense principles was that sometimes if you want to figure out whether something is good or not good, you have got to put it all in a bag, shake it up, and if you get more good than bad that comes out, you support it, but if more bad than good comes out, then you have got to leave it alone.

On HB 1352 there is more that is not in it than is in the bill, there is more bad than good, because this bill is implementing what was contained in the general appropriations bill, and from the general appropriations bill and HB 1352, we know \$1 billion came out of education and went into prisons. So we did jail but not Yale.

Mr. Speaker, when we look at HB 1352 on concurrence, Mr. Speaker, there is no incentive in there for teachers to stay in the Commonwealth of Pennsylvania. Some part of HB 1352 talks about background checks, but those background checks will probably discourage more folks from wanting to teach in the Commonwealth of Pennsylvania. And when you look at Pennsylvania next to New Jersey, New York, and even Ohio, but primarily New Jersey and New York, our neighboring States, teachers are paid more, more, more than teachers in the Commonwealth of Pennsylvania. There is nothing in HB 1352 that deals with that.

There is nothing in HB 1352 that deals with the costing-out study. We took a look at what it would cost to provide a quality education in Pennsylvania. We know what the numbers are. There is nothing in HB 1352 to deal with what we know is the truth about providing a quality education. So, Mr. Speaker, we know that there is nothing in HB 1352.

Mr. Speaker, there is nothing in HB 1352 that deals with the violence that is exploding in rural school districts, some suburban school districts, and in urban school districts. Yes, there is a provision for a school advocate, but we need not just an advocate, we need a comprehensive approach to making all schools safe and the 21st-century learning centers.

Mr. Speaker, so if you shake it up, we have got more that is bad than good, and you cannot do anything but nonconcur in HB 1352. If you want to concur in something, we need to concur in our desire to go back to the table and do it right and take this and put it in one of these trash cans.

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. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

I rise briefly to urge a nonconcurrence vote in HB 1352. There are some very important provisions in this bill, provisions strengthening our institutional sexual assault laws, language that I first introduced last session and fought together with the gentleman from Montgomery on the other side of the aisle to get done in this session, and I am deeply disappointed that I cannot vote to support those provisions as a result of the weights that were put on public education in the extra 30 pages that were added to this bill over in the State Senate.

As has been said on this House floor and I want to reiterate briefly, this bill implements a basic education funding formula that abandons the costing-out study and severely underfunds school districts in my area, throughout Montgomery County, and throughout this Commonwealth. It repeals the very costing-out study language that passed in this House of Representatives on three separate occasions by overwhelming bipartisan majorities, once achieving 191 votes, votes from both sides of the aisle.

I think, Mr. Speaker, notwithstanding some of the good provisions in this bill, to abandon the costing-out study at this critical time, to say that we are not going to provide an adequate and equitable funding source for our public education is the wrong answer, and as a result, I will be voting against concurrence on HB 1352.

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 Mercer County, Mr. Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, as we all know, HB 1352 represents the omnibus School Code bill, and so in essence, it is a compilation of various proposals, some of which are good proposals, some of which went through the House Education Committee, which I supported and voted for and are good proposals to enact. For example, lessening some of the requirements for our school districts in terms of reporting on the PIMS system, it is a good piece of legislation. Putting the articulation language that we adopted last session and making it permanent in the School Code, which means that students can go to community colleges, get credit for courses, and then articulate those courses over to a 4-year institution, these are good provisions, but on the big issues in this bill, the big issues, this piece of legislation fails, and I must vote "no" and urge my colleagues to vote "no."

We established a goal in public education about 3-plus years ago, a goal to reach adequacy targets in terms of funding for our school districts. We know that our school districts are under pressure. They have to meet adequate yearly progress, and they cannot do that unless they are adequately funded. And so we established a goal to establish adequacy targets for each school district and for the State to step up to the plate and help them reach those targets so that our children can be proficient in reading and math, so that they can succeed, they can go on to college or other education and succeed. This bill eliminates that goal. It eliminates that goal that we set, and the worst part about it is it replaces it with no goal. So we now have no goal in public education.

Scripture tells us that where there is no vision, the people shall perish. There is no vision in this bill. We have eliminated the goal, and what has it led to? It has led to the poorest school districts, the very poorest school districts in the State are now receiving the largest cuts in terms of per-pupil funding.

Let me tell you a minute about my district, the Sharon City School District, a 64-percent poverty concentration, one of the highest poverty concentrations, and yet it is No. 7, No. 7 in terms of cuts on a per-pupil basis. They would lose \$1,024 per pupil. Now, last night during the debate we heard from the gentleman from Allegheny County. We heard about cuts in the range of \$300 per pupil and that school districts ought to be able to handle that. I believe that district had a 14-percent poverty concentration. Here is Sharon with a 64-percent poverty concentration, more than \$1,000 per pupil.

The Farrell Area School District, one of the poorest in the State, an 82-percent poverty rating. They are losing \$663 per pupil. I picked up, I did not actually pick it up, but I read my newspaper online this morning, and while we were debating the budget, in Farrell they were finalizing their school budget. It is a small school district, and one of the decisions they were forced to make last night – and every school director voted for the budget and every school director spoke afterwards about their dismay over the budget they had to adopt – they laid off last night six teachers: a special education teacher, a kindergarten teacher, a fifth grade teacher, two sixth grade teachers, and a family and consumer science teacher. This hurts our children, and that action, that forced action led Charles Branca from the school board to state that these cuts were made due to "...state funding cuts," quote, "ordered by Gov. Tom Corbett,..." and he went on to further state to remind the audience, "...remember that the governor balanced the budget on the backs of children." This is the school director from Farrell.

And so here we are, we are punishing the poorest school districts that do not have the ability to help themselves. We are cutting their funding the worst, and we are taking disadvantaged children and putting them in a terrible situation where they do not have the teachers and the courses that they need to succeed, and then we are going to expect them to be proficient on the PSSA (Pennsylvania System of School Assessment) test and be productive students.

The other main part of this bill that causes me deep, deep concern is the language regarding what is required for a person to be eligible as a superintendent. It was contained in HB 858, which never came on this floor for a vote, and here is the problem. Right now superintendents are required to have a certain amount of education as well as a certain amount of classroom experience. They are educators, and it is critically important that they have experience that relates to education. We would expect a doctor to be trained in how to be a doctor and have some experience, and yet here we are, we are taking the educational leader of the school district and we are saying, all that is required is that you have a master's degree in finance or business and that you take a leadership class through the Pennsylvania-inspired leadership program. So theoretically, we could have somebody running one of the most important institutions in our Commonwealth, a superintendent of schools, to educate our children that is in their twenties, that just graduated with an M.B.A. (master of business administration), took a leadership course, and now they have become superintendent. As my colleague from Luzerne County pointed out, I do not think that was envisioned. I think the idea was

somebody that has been a CEO (chief executive officer) for a number of years, that has life experiences, that has management, actual experience being hired, but that is not how this legislation is written. And so today if we enact HB 1352, that 20-something-year-old student, perhaps with the right connections in that school district, with simply an M.B.A. and a leadership class becomes superintendent, and I think that the education of our children is too important.

So for these reasons – no stated goal for public education, a funding formula that is taking the most away from the poorest school districts and the least away from the richest school districts, and a change in law allowing a 20-something with no educational experience to become superintendent – it overweighs the good parts of this legislation and mandates a "no" vote, and I urge my colleagues to vote "no." 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. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I believe that we missed a golden opportunity in not addressing the funding formula this year.

A couple days ago we passed – we were very interested in helping our businesses – we passed a Fair Share Act, but unfortunately, what we have not done – and it has been over years, so I do not just blame it this year – we have not passed a fair formula act for our children, and we had an opportunity to do that because this formula is all messed up. When I had my school districts in Allegheny County that I represent taking a 16-point-some cut and I see some of the other wealthier districts in Allegheny County taking a lesser cut, that tells me something is wrong and we should have addressed it.

Mr. Speaker, I also had an amendment on a prior printer's number that I believe every one of us in this chamber should address. I find it outrageous that we do not preemploy drug testing for our school employees. To get a job on the turnpike as a laborer, you have to have a drug test to be hired, but in our school districts, we are dealing with one of our most precious elements, our children's minds, and we do not have the drug test before they are preemployed. That is outrageous; that is outrageous.

The other thing I find outrageous that I had an amendment to on a prior printer's number was the fact that people's lives change, Mr. Speaker. We do background checks when they first get employed. We are talking about working with children and things change. The amendment I had to the prior printer's number would have mandated every 7 years the school employees would have a background check so that we can know that we have the best employees, the best professionals, the best teachers working without problems in our school districts, but that did not happen because the printer's numbers were changed and I could not amend HB 1352.

I would hope that the chairman of the Education Committee, my good friend on the other side there, would consider the bill I have in committee to address this unfairness, to address this situation to make our children safer. Therefore, I will be voting to nonconcur on this bill.

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. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

As I listen to today's discussion, I am struck by two apparent points of confusion that I thought I might address. The first is that the decision about what amount in total should be appropriated for education has already been made. This bill to the extent it has fiscal impacts is how those funds are sent to our home districts, to the school districts in our communities. We already voted to send more State money than ever before in history to local school districts, more State money than ever before in history, and to the extent that my Democratic friends thought this was insufficient, it perplexes me, because they voted for less last year, they voted for less the year before, they voted for less the year before, and the year before, and the year before, and the year before. This is the most State money ever being sent to school districts.

Now, my friend, the gentleman from Philadelphia, said something like, send me the money. Well, I have got good news. I come bearing good tidings for the people from Philadelphia. This formula that is before you today sends nearly \$1 billion to Philadelphia. It sends \$65 million more than ever before in State history to Philadelphia. Now, if you would rather that Philadelphia get less and that other districts get more, I think that we can work together towards that goal, but my friends on this side of the aisle have heard your cry and have already addressed it – \$65 million more State money than ever before to Philadelphia – and if you would like to see that formula changed, we can work on that.

The other confusion seems to be the difference between State money and Federal money. There was Federal money sent out to school districts with the State as a conduit the last 2 years. As you know, that Federal money available this year is zero, but of course, we do not get to vote to create the Federal money. We do not have a printing press to print money like the Federal government. We have to work with the dollars that exist, and this bill provides for how those dollars are allocated – the most State money in the history of Pennsylvania to our local school districts, the most State money in the history of Pennsylvania to the poorest school districts – and if your local districts are confused because the Federal government is not delivering money to them this year, I suggest that you do what is most appropriate in education and you educate them. It does not serve the public, it does not serve your school districts to confuse them when you do understand the difference between State money and Federal money. We all understand the difference, and Governor Corbett, the House Republicans, the Senate Republicans have seen to it that more State money than ever before in history is going to public education.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the gentleman, Mr. Cutler, from Lancaster County on the floor of the House. His name will be added to the master roll call.

CONSIDERATION OF HB 1352 CONTINUED

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 Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I had not planned on making the first portion of my comments here, but the previous speaker from Allegheny County is just factually wrong. There is more money for every school district in one particular line item that helps to fund basic education in the State of Pennsylvania. There are multiple other line items of State funding that get cut or eliminated or severely altered in terms of where they go and what they are used for. So the statement that school districts are getting more this year than they were last year is just patently false.

Mr. Speaker, the choices made in the way the money is distributed here will disproportionately punish the poorest school districts in the State of Pennsylvania, and those are not just urban districts; even more so, they are poor rural districts.

You know, in the past 6 years when we did invest in funding basic education in the State of Pennsylvania, the percentage of schools making adequate yearly progress has increased from 62 percent to 96 percent. That is because we invested in those schools. Pennsylvania is the only State in the nation with improved academic scores in all grades. That is a result of the investments we made in education and the way we made those investments, driving them to the areas with the most need.

Mr. Speaker, the statistics are pretty clear. High school dropouts are more than twice as likely to be unemployed and three times more likely to receive welfare assistance, costing billions of dollars each year for government-funded assistance programs. Decreasing the number of high school dropouts by half would nationally produce \$45 billion per year in net economic benefits to society, and improved education and more stable employment greatly increases tax revenues such as the return of at least \$7 for every \$1 invested in prekindergarten education, programs that are being cut in this bill. Forty-one percent of all prisoners have not completed high school compared to 18 percent of the general adult population, and the annual cost of incarcerating an individual is about \$32,000, while the annual cost of quality public education is about \$11,000, soon to be lower than that in the State of Pennsylvania as a result of this, although I will suggest that then it will not be quality education; it will simply be public education. Now, that may be the objective here, but I do not think that is what we should be doing.

There is only one charge in the Constitution as it relates to funding, and it says that "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." It does not say you need to build roads. It does not say you need to fund prisons. It does not say you need to do welfare. It does not say you need to do anything else that is in the budget. The only thing the Constitution says is that you need to provide for a thorough and efficient form of public education to serve the needs of the Commonwealth, and on that mark, this bill fails miserably.

Yesterday we passed a budget that did injury to education. This bill adds insult. Mr. Speaker, let me give you a few examples, and this is the part where I do not understand how some people can vote for this. I understand how the gentleman from the 28th can support it. He is going to get cut, his school districts are going to get cut \$2,435 per classroom. I understand how the gentleman from the 165th can support this. He has a school where the classrooms are only going to get cut \$972 per classroom. I even understand how the gentleman from Moon Township, who spoke yesterday, can support it. His school district is only going to get cut about \$4,000 per classroom. The average classroom in Pennsylvania is going to get cut about \$10,000 under this allocation.

But now let me point out some districts that you may not have paid attention to. The gentleman from the 39th District is going to go home and explain to his constituents that while the average was \$10,000 per classroom and some members that led him to this path are going to get cut less than \$1,000 or \$2,000, his classroom cut in his school district is \$22,000 per classroom, more than 20 times what it is in the district in the 165th. The gentleman from the 54th is going to get cut \$13,000 per classroom, and he is going to explain to his folks back home why that was a good deal for them when someone else was getting cut less than \$1,000 per classroom. The gentleman from the 14th has a couple of school districts, \$17,520 per classroom, \$15,016 per classroom; the gentleman from the 15th, \$14,000 per classroom; the gentleman from the 122d, \$12,000, \$11,000, \$17,000, \$11,000; the gentleman from the 13th, \$12,000, \$17,000, \$11,000, \$15,000. This is compared to the \$972 in some of the wealthiest districts in this State; the gentleman from the 199th, \$12,000; the 125th, \$14,000, \$14,000, \$17,000; the gentelady from the 65th, \$19,000, \$16,000; the gentleman from the 6th, \$12,000, \$13,000; from the 4th, \$18,000, \$20,000, \$14,000 cuts per classroom when other classrooms in some of the wealthiest districts in the State are going to be cut less than \$1,000. How do you explain to your constituents back home that you were willing to vote for a cut that was 20 times what it was in some of the wealthiest districts in the State? The gentelady from the 111th, \$10,000, \$11,000, \$12,000, \$13,000, \$14, 000; from the 108th, \$12,000, \$14,000, \$13,000; the gentelady from the 116th, \$11,000; from the 107th, \$15,000; from the 137th, 10,000; from the 85th, \$12,000 and \$10,000; from the 56th, \$18,000. I am not making these numbers up. This is what is in the printout you have.

The SPEAKER. The gentleman will suspend.

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

Mr. SCHRODER. Just a brief point of parliamentary inquiry.

It would be a lot easier to follow if the gentleman would just start from the first district and go on to the 203d. Just a suggestion.

The SPEAKER. I am not sure that is a parliamentary inquiry.

The gentleman may proceed.

Mr. STURLA. Mr. Speaker, I was not going to cover every district, but if you would like me to, I could. I was trying to be brief here.

The SPEAKER. The 21 districts the gentleman was focused on seemed appropriate.

Mr. STURLA. I did not mention the Speaker's district.

The SPEAKER. That could get you out of order.

Mr. STURLA. Mr. Speaker, just a few more. The 67th district, \$17,470 and \$18,815. I remind you, contrast that with the districts that are getting cut \$2,000, \$1,000, \$4,000.

I understand yesterday when the gentleman said, you know, you do not need to raise taxes. You can suck these cuts up and you can pull your bootstraps up and you can do it. If my district were only getting cut \$4,000 a classroom, I think I could do it, too, but my district is getting cut 3 times that amount, and some of you, your districts are getting 3 and 4 and 5 times that amount, and when compared to the wealthiest district, 20 times that amount, and you are going to go back and tell your constituents that you did their bidding for them. Well, I have a suggestion. Maybe you did not do their bidding for them. Maybe you did the bidding for someone else.

I have noticed a pattern where this budget and this bill, in particular, seems to have a disdain for those with less accumulated wealth. The haves do not take much of a cut. The middle class and the have-nots get whacked up the side of the head with a 2 by 4. There seems to be a perverse desire to help out the haves as if somehow maybe you will get invited to another cocktail party.

The SPEAKER. The gentleman will suspend.

Perhaps that is a little bit argumentative.

Mr. STURLA. Mr. Speaker, when my kids were growing up, one of their favorite movies was "101 Dalmatians," and if any of you have seen that, you will remember there is a scene where Cruella de Vil, played by Glenn Close, has her butler scurrying around her trying to do her bidding, and in rhetorical disgust, she says, "What kind of sycophant are you anyway?" And the butler replies, "w-what kind" of sycophant "would you like me to be?" I am reminded of that here when you are being told that you need to vote for cuts that are 20 times what they are in some of the wealthiest districts in this State, and you are asking, how quickly can I vote for this? How would you like me to vote for it? Can I vote for it twice? Your constituents will hopefully ask the question of you, and I would be interested to hear the answer, how can you justify a cut that is 20 times that of a district that is wealthier and spends more per student on their kids than you do on yours? How do you go face your constituents and say, that was good for us back home here? We needed to take a \$20,000 cut per classroom, maybe lose a teacher's aide, maybe lose science materials, maybe lose textbooks, maybe lose all sorts of things. That other school where they have everything already, they are going to have to use white chalk this year. They are not going to get the colored chalk this year. How do you explain that to your constituents back home?

Mr. Speaker, I rise against concurring in Senate amendments to HB 1352 and would like to make an inquiry, if I could.

The SPEAKER. A parliamentary inquiry?

Mr. STURLA. Well, Mr. Speaker, I guess if I could interrogate the majority leader on a parliamentary question.

The SPEAKER. Parliamentary questions would be posed to the Speaker.

Mr. STURLA. Mr. Speaker, multiple times this year the question has been raised whether amendments were germane, and the issue was raised on the single-subject challenge. And as late as March 7 of this year, the majority leader said, "Recent case law has specifically marched toward a much more limited view of germaneness in the context of legislative enactment,"

and he cited cases that included the *City of Philadelphia* and the *Pennsylvanians Against Gambling Expansion*. He said, "In fact,...last year the Pennsylvania Superior Court addressed a single-subject challenge to SB 92 of 2003. SB 92 amended the Crimes Code and the Judicial Code..." and the Superior Court—

The SPEAKER. Is the gentleman making a parliamentary inquiry?

Mr. STURLA. Well, Mr. Speaker, I do not think it is appropriate to question the germaneness. I guess the question is, do I question whether this bill will be constitutional since I believe it violates the single-subject issue?

The SPEAKER. If the gentleman feels that the bill violates the Constitution because of the single-subject decisions, then he should challenge the constitutionality of this bill.

CONSTITUTIONAL POINT OF ORDER

Mr. STURLA. Mr. Speaker, I would like to challenge the constitutionality of this bill based on the single-subject arguments that have been made as recently as several months ago on the floor of the House. Thank you, Mr. Speaker.

The SPEAKER. The gentleman needs to cite a section of the Constitution which he believes is violated.

Mr. STURLA. Article III, section 3.

The SPEAKER. The gentleman, Mr. Sturla, raises the point of order that HB 1352 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair does now.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER. The Speaker recognizes the gentleman, Mr. Sturla, on constitutionality.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understand it, this bill started out in the Judiciary Committee as "An act to amend the Public School Code...to add criminal offenses to the list of employment prohibitions for various time periods, and to provide for a standardized form for reporting arrests and or convictions for present and prospective employees, and for procedures related thereto..." I do not know exactly how the division of funds related to the budget do not violate that single subject.

This bill has gone through multiple iterations, and as the majority leader pointed out on March 7, "The fact of the matter is," as the gentleman stated, "The fact of the matter is, there is a much more limited view of germaneness, and keep in mind that in fact the fact that bills were in the same code did not prevent the Supreme Court from overturning the Fair Share Act on the basis of the fact that just because they were in the same code did not mean that joint and several liability reform could actually be in a similar bill with respect to DNA." He went on later to say, "...amendments have to be germane to a bill's subject as reflected in its title. A bill has to have a unifying theme. If we do not narrow our focus with respect to the germaneness of amendments, we endorse the position that Pennsylvania courts should be the legislator of last resort and sort through our bills

to determine what the appropriate subject should be. We are not willing to surrender that legislative authority to our sister branch."

Now, Mr. Speaker, I am pretty sure that this bill will end up in court just based on the fact that I believe there will be civil liberty questions raised as a result of the inequitable funding. If that is the case, I would hate to see it thrown out just because it violated the single-subject rule, which is why I raise that issue now.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. This body, every year, has a history of doing a School Code bill. That has been true, whether controlled by the Republicans or whether controlled by the Democrats. It is also true in the Senate, and it is also true with respect to going to the Governor's desk and becoming law. Each and every year we take a look at the School Code, because the delegation of power with respect to the schools comes from the State, and we say these are the items we need to address to make sure that come next September, our schools are running as best they can. And so what is done by this historical body is to look at the schools in total, the Education Code in total, and make the appropriate changes needed based on the experience and the evaluations of that particular year.

It is, without a doubt, one of the most important functions we in the General Assembly perform, and the historical precedent has always been that the Education Code is looked at in toto. So this in no way violates the single-subject rule. Not only is there a unifying theme, but there has been precedent upon precedent within this body and in this Capitol.

In addition, I would suggest, and we can certainly check the record, but I wonder if the maker of the motion has ever challenged a School Code when offered by the opposing party, or even when they were offering the School Code bill, or even in the past when we had done School Code bills, depending on who was in the majority. My sense is, this is just an opportunity for television time on an issue that is a nonissue.

Please vote "no."

The SPEAKER. On the question of constitutionality, those voting "aye"— The gentleman is only entitled to be recognized one time on constitutionality under the rules.

Mr. STURLA. Okay.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill started out as a two-page bill with a title that was two and a half lines. The title today is virtually a full page and is now called the Omnibus Education Act.

Now, I believe "omnibus" means comprising multiple subjects by definition. You have called the bill a multiple-subject bill. That is because it is a multiple-subject bill. We have not run an Education Code bill in 2 years because we did not want it Christmas-treed with multiple subjects. So by definition, we have an unconstitutional bill in front of us, and we should all vote that it is unconstitutional.

Thank you, Mr. Speaker.

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

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

The following roll call was recorded:

YEAS—110

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

NAYS—88

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

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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

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

The SPEAKER. Is the gentleman seeking to continue debate on the concurrence? The gentleman may continue.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I will not be long. I just want to reiterate the fact that there are multiple problems with this bill in terms of its fairness in the way districts get treated. Members could vote "no" on this today. This bill does not need to be done. We could pick it up again tomorrow, the day afterwards, in September.

If you all made the commitment that you were only going to let your school district be cut the same amount per classroom as every other school district in this State, I actually do not stand to gain much. My district gets cut, I think, \$11,000, \$12,000, and I would only get cut \$10,000. So it gains a little bit. But for those of you that represent districts that are getting cut \$20,000 and \$22,000 and \$18,000, that is a substantial amount of money in your struggling schools that is going to result in higher local taxes, and I would encourage you to vote "no" on this.

One quick point for the record. One of the prior speakers said that I was here because I was seeking television time. Just for his information and the information of other members in the House, PCN (Pennsylvania Cable Network) is not carried on my local cable. So I am not here for TV time; I am here for the students of Pennsylvania and the rights of individuals to get an education as put forth in the Constitution of Pennsylvania that declares that they have entitlement to a free, thorough, and efficient public education system.

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 Philadelphia County, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to oppose the adoption of HB 1352, and let me begin by saying there are some elements in this bill that I do support, and it came through the Education Committee. And I am pleased, for example, to see that it does include the issue or addresses the issue of articulation agreements between community colleges and 4-year universities and colleges that allows students more readily to transfer from community colleges to institutions of higher learning, and thus, enhances their ability to get a good higher education. That perhaps is particularly important, given our votes in this current budget cycle, to make it more difficult to access those institutions by the fact that we have cut the amount of State money going into them.

But let me look very carefully at this bill and tell you why indeed I think it needs to be opposed. The most important aspect is that we, by adopting this measure, abandon the costing-out concept in funding basic education in this State. The idea was that funding for our schools should be adequate and equitable, but this abandons that goal. And I understand that for some members there are problems with the costing-out study, but it is a fairer approach to dealing with funding education than what we have here.

I find it peculiar that in abandoning that goal, the goal that all districts in this Commonwealth should be treated equally and that there should be a level playing field for what we do for our

children, that in doing that and then in adopting this plan, it is necessary to add, by the language, seven supplements, and it is not clear to me on how we determined that there should be seven supplements to particular school districts. What is the criteria, or is there a criteria? There seems to be no rhyme or reason as to why seven districts are given some kind of special treatment in this bill and nearly 500 others are not.

Now, one of the previous speakers, the gentleman from Allegheny, stood upon this floor and very proudly stated that this plan gives more money to school districts than any time in school history, and he particularly chose to focus on my district, saying that the School District of Philadelphia gets 65 million more dollars. Now, that, to me, Mr. Speaker, is a very peculiar kind of statement to make, because each student in my district loses \$1,333 under this plan – \$1,333.

Now, let us translate that into what has been used as a reference. People have talked about how much you lose per classroom. In Philadelphia, under this formula, if you have 25 students in a classroom, you lose \$33,000 for each classroom in the city. And if you happen to have 30, which would certainly be more common, you lose almost \$40,000 per classroom in my district.

Now, I suggest that the gentleman from Allegheny might trade places with me if he thinks this is such a good formula and such a good plan. Perhaps some of my other colleagues who are benefited by this plan would trade places with my school district and accept that kind of cut. I do not see anyone volunteering, and I doubt that anyone would volunteer to take that kind of reduction to their school districts.

Well, let me be clear, Mr. Speaker, that this plan hurts students in my district and hurts them in poorer districts or hurts them in rural districts. The plan is fundamentally flawed, wrong, unfair, discriminatory, whatever language you want to use, and it is not a plan that speaks to what we as legislators should be doing to benefit our young people.

Now, there has also been discussion about how the only reductions in our education funding is because we lost Federal money. First of all, let us understand that the cuts of the Corbett administration are far in excess of Federal stimulus dollars. Now, my Republican colleagues might not want to admit that, but those cuts are far in excess of the amount of Federal stimulus dollars that we got.

But also understand, Mr. Speaker, that Federal money, after all, is still the people's money. It comes from the people of Pennsylvania. It goes to Washington and comes back to us. So let us not somehow create this illusion that somehow there is this pot of money that the Federal government just controls, that exists somehow in a vacuum, and somehow that money is something that is not the money of the people of Pennsylvania.

This proposed legislation is wrong. It hurts students across this Commonwealth. I urge that you vote against HB 1352. 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 Chester County, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

You know, Mr. Speaker, I was not going to get up and talk on this bill or bring any of this up, but since we have spent so much time hearing from the other side about real or imagined carnage being inflicted on education as a result of the School Code bill and the budget, I just want to go into an area that has

not been yet discussed but I think very much needs to be part of this conversation, because the Governor made one very simple request during his budget address, and that is he called upon teachers, other State employees, to accept a 1-year pay freeze, a 1-year pay freeze to help ameliorate the impact of any budget reductions.

Mr. Speaker, according to the latest figures from the Pennsylvania School Boards Association, and let us keep in mind that we have 500 school districts in our State, only 75 districts were successful in getting their teachers to agree to a 1-year pay freeze. One hundred thirty-three districts got their administrators to agree to a pay freeze. Mr. Speaker, I know I spoke to school board members back in my county who indicated that a mere 1-year freeze would go most of the way, if not all the way, in limiting any impact of any budget reductions that we were forced to make here in Harrisburg because of the years of overspending and reliance on Federal stimulus funds in the past.

Mr. Speaker, these meager numbers are shameful. The public-sector employees should not be the only sector of this economy shielded from the fiscal downturn. So I do not want to hear, as a result of this week, wailing and hand wringing about this charge being added in a school district because the teachers, the administrators, and support staff could have avoided much of this, yet they chose not to.

So, Mr. Speaker, I urge support for passage of HB 1352 and just express my deep disappointment that our public employees, by and large, except for these 75 and 133 that I mentioned, and they are due to receive their credit for stepping up to the plate, but shame on the rest of them that have not.

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 Cambria, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

Three hundred ten years; a deficit of \$1 billion; \$900 million spent for charter and cyber schools; \$750 million of surplus; and \$600 million from the last budget that came from stimulus. I rise in opposition to this bill, because this bill does not provide fair funding to all. The statement that we have had to tell our constituents, people who pay taxes, is, everybody has to share in the pain. Now, for some reason we have let the rules get so ahold of us that we cannot even admit that this bill that went over as one thing, came back 2 days later as something else, is not fair. It is not fair.

Now, historically, the majority leader tried to explain that we have omnibus school bills, and in the historical process of this House, we do accept bills that pass in the House, bills that pass in the Senate. Both of those bills are combined into this omnibus bill, and there is nothing wrong with that because the public has had an opportunity to see what is in the bill. There is a difference this time, and the difference this time is, because we will not go out and deal with a fair funding formula for everybody, there are four separate supplemental appropriations in here that no one has ever looked at, and they are in there because the funding formula is not fair.

Now, in my home district, we have an affluent school district, and they do not receive much money under the formula, because there are a few people who make a lot of money, but there are a lot of people who are on fixed incomes. Those fixed-income people have to pay as much real estate tax as the people that are well-to-do. It is not fair to them to make them

have a formula that does not let them get a fair amount back from the State. But instead of us staying here and doing our job and making a funding formula that is fair to all of Pennsylvania, we have allowed an omnibus bill to come in and say, you four people, you get to have some help because this funding formula is not fair.

No public hearing has allowed us or the public to say, is it fair to have four people protected and no one else? No, it is not fair. Is it fair for us to stand here and say to people, \$1 billion has to be cut from public education, when we know, and I just point this out, on page 4 of 19 of the Auditor General's special report on charters and cybers, that the same school districts that have kids going to cyber schools pay different amounts of money.

In Jenkintown, when he did his audit, one cyber school got \$15,000 from one school district. Another school district in Mercer paid \$6,700 for the same cyber school. Now, if we do not change that, that is \$200 million we could have put back into full-day kindergarten, but we do not do it because we are not willing to sit down and have a hearing on the hard question. The hard question is, what funding formula is fair to everyone so that if we have to cut \$1 billion, it is fair? This is not fair.

I close by saying this: In 1701 Penn said we are going to have a charter of privileges. In that charter, it required every bill that was going to come before the General Assembly to be reviewed for 10 days. Give your comments, the legislature would mark it up, and they would have a bill. But everybody in the colony knew what that bill was going to be, and they had a chance to amend it. This bill starts out simple enough; everybody agrees to it. It comes over from the Senate, and all of these things are Christmas-treed on it. Not a single person gets to see all of these supplemental appropriations. And because we allow the rules to subvert the process, we no longer have any freedom that allows us to tell our constituents, well, yeah, it is unfair, but there is nothing we can do about it. There is something we can do about it. We are governed by laws of our own making, and we are supposed to live free. If we keep letting this happen time after time, we are not going to vote down because somebody says it has to be done. And if it does not matter that we have a public hearing, it does not matter that our constituents are not taken care of, then we have got a problem. This is unconstitutional, because there are four separate appropriations in it that nobody else gets. Only the four people get them. That is wrong.

If we are going to make people pay \$1 billion against public education, then it has got to be fair, and that means we have got to have a hearing on it and that means it has got to apply across the board. I am voting "no," because this is not fair and it is not helping freedom one bit and it is not helping public education one bit.

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 York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I want to specifically touch on why I will be voting against this, and that is because of the York City School District. York City teachers, and I know the comments that were presented earlier about teachers and pay freezes and how many districts did and how many districts did not. I will tell you that the York

City School District teachers have accepted a pay freeze. They have accepted a pay freeze, and they did that specifically, and they said this in the negotiations, to protect all-day kindergarten. And what do they get in return for that gesture of accepting a pay freeze? They get an \$8.76 million cut to the York City School District that will harm our children in York City. It is the third highest per-student cut in the entire State of Pennsylvania of the 500 school districts. It is a 16.2-percent reduction and threatens all-day kindergarten. And also the art and music programs will be eliminated in the York City School District for our most vulnerable students, the kids that need those programs the most, and this is on top of a school district that has already furloughed 100 teachers.

If the Governor wanted to set an example for the districts, for the teachers that took a pay freeze and do some gesture of good will to them, this is not the way to go about it, Mr. Speaker. Again, they already accepted a pay freeze, and what did the students of York City and the teachers of York City get in return for that? The third highest per-student cut in the entire State. It is unconscionable, and I will be voting "no."

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 Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I know you have asked me to play nice, but sometimes it is so difficult, especially when you hear numbers being thrown out there, when you hear comments being made that we should treat all our students, all our schools, alike. Where have you been for the last 21 years? Because Monroe County for the last 21 years has been getting stiffed with a 1991 law based off of a 1990 census.

Now, you notice my schools were not mentioned for taking those dramatic cuts. Do you know why? Because we did not get any money the last few years. We did not get any of that extra stimulus money that really got thrown into these budgets. My school districts got \$196,000 when some of these school districts were getting \$10 and \$15 million.

The Senate sent out letters to each and every one of these school districts, I even told mine, be careful, that candy is not going to be there in 2 years. You are going to have dramatic problems. You are going to have cuts or you are going to have tremendous increases. This is money that we do not have. This is money that was borrowed, basically borrowed. We do not have to pay it back, but it was one-time money. The Federal government borrowed it. The same thing; the Federal government borrowed that money because it is money that they do not have. Now we do not have it, Mr. Speaker. It is not there. It is not there.

But just to tell you a little story, and I know my side knows it. If you built a brand-new home in Monroe County 5 years ago, it cost you \$250,000. Today that same home is worth about \$150,000. The problem is, there is an \$11,000 school property tax bill on that house. And please do not tell me that my area is rich. In the Pocono Mountain School District, 38 percent of the kids qualify for a free or reduced lunch – 38 percent of the kids.

You know, we have got problems in Monroe County, so next year when the dollars start coming back, let us not throw it into those school districts that are claiming they got killed so much and we got to make up for it; take care of those school districts

that have not been getting the dollars, have been getting shafted because of a census, because of a lousy law back in 1991 that I feel is unconstitutional. That is the decision that should be made here. Strike down that law. Treat every student in this Commonwealth the same.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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. Thank you, Mr. Speaker.

I think like a lot of members who first looked at the spreadsheets detailing the cuts that were proposed in this budget, we had a sense of, why are they seemingly so arbitrary? Why are certain districts being cut deeper and harder than others? Why are certain districts just disproportionately hurt and targeted by this budget? And the answer seems to be rooted in a School Code that does not make sense for Pennsylvania, that goes back on our promise of a costing-out study, that guaranteed that we were going to make progress towards closing the adequacy gap, that we were going to finally fulfill our commitment to fund public education, that we were going to stop pushing off to local school boards at least 50 percent of the job of educating our students, that we were going to stop pushing off on the property taxes what we in Harrisburg are supposed to do.

So as I looked at the School Code, and I actually must say Chairman Adolph and the Appropriations Committee did a fine job of actually going through the lines and really saying where the cuts are and where they are not, where stimulus money was used and where it was not. But when we look at the School Code bill, it becomes obvious what is driving these cuts and why these restorations are so inequitable. With that in mind, I would just ask the chairman of the Education Committee, whom I respect deeply, to stand for a very quick interrogation.

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

Mr. BRADFORD. Mr. Speaker, it is my understanding that in the Senate amendments to the School Code, they have restored an additional \$29 million to education. Unlike the restorations that were made in the House, which were largely to the accountability block grant and the basic education line item, the Senate targeted their money very specifically in four areas. Could you please state the four areas of the School Code where we have put in those additional dollars under the Senate amendments?

Mr. CLYMER. Mr. Speaker, would the gentleman repeat that part of his interrogation where he is asking those four specific areas?

The SPEAKER. The gentleman will suspend a minute.

The House will come to order, please. The two gentlemen cannot hear each other. Will the members please hold the conversations down. Will the members please hold the conversations down. I know these are long days and it gets a little restless. If we can at least have enough clarity for the gentlemen to hear each other.

The gentleman, Mr. Clymer, may proceed. The gentleman, Mr. Clymer, may proceed with his response.

Mr. CLYMER. Mr. Speaker, we would prefer the gentleman who is providing the interrogation to repeat the question so that we can more clearly understand it.

Mr. BRADFORD. My understanding is, under the Senate amendments, 29 million additional dollars were restored into the basic education of Pennsylvania students. Those dollars, those \$29 million, were not driven out using the accountability block grant or the basic education subsidy but were driven out using a different method. Could you please enlighten me as to what the basis or rationale is for the four new categories of school districts that are receiving those \$29 million in additional funds?

Mr. CLYMER. Thank you, Mr. Speaker.

To respond to your question, the English language learners supplement would be one. The budget stabilization supplement reductions is two. The second-class school district subsidy, and finally, the additional House supplement. Those are the four areas.

Mr. BRADFORD. Thank you, Mr. Speaker.

My understanding is that the English language learner higher-income supplement drives out \$13 million to certain Pennsylvania school districts, and to qualify, districts, as stated in the School Code, must have an aid ratio of between .7 and .8. So no lower than .7, no higher than .8, and a student population of less than 20,000. Could you tell me which of our 500 school districts in Pennsylvania will qualify for those \$13 million in State funds?

Mr. CLYMER. Give us a moment.

Mr. Speaker, in response, the four school districts that would qualify would be the Harrisburg City School District, the Erie City School District, Lancaster School District, Lebanon School District, and the Allentown School District.

Mr. BRADFORD. Okay. So of the \$29 million being driven out, \$13 million will go to these five school districts, or about 1 percent of school districts in Pennsylvania. Is that correct?

Mr. CLYMER. That is correct.

Mr. BRADFORD. Okay.

My next question would go to what has been called the personal income supplement, which is going to drive out an additional million dollars, targeted to certain school districts. My understanding is to qualify, a school district must meet all of these requirements, that these are ands, not ors. A school district must have a poverty supplement in the basic education subsidy greater than \$35,000 and a student admission in '09-'10 greater than 5500, a 2011-2012 aid ratio greater than .5, equalized mills greater than 23 for the '09-'10 school year, and an adjusted personal income valuation for the 2008 tax year less than \$900 million.

Now, unlike the costing-out study that had a formula, what is the basis for those criteria to drive out those funds to Pennsylvania school districts?

Mr. CLYMER. Mr. Speaker, the formula for those who would qualify would be those on a fixed income, they would have high taxes, there is little State funding, and their ADM is changing, and we have one school district that would qualify.

Mr. BRADFORD. You have one school district?

Mr. CLYMER. Yes, with the data that we have. It is changing, but with the data that we have at the present time. I mean, that could evolve throughout the upcoming months.

Mr. BRADFORD. Respectfully, our budget analysts are showing you are actually going to have four districts under the personal income supplement that will. They will be the Pocono Mountain School District, the East Stroudsburg School District, the Stroudsburg Area School District, and the William Penn School District.

Mr. CLYMER. That is correct. I did not know that you wanted me to give those additional school districts. But those are the same school districts that we have as well, and you are correct in that assumption.

Mr. BRADFORD. Okay. So this is no longer about closing the adequacy gap; this is targeting specific school districts for these funds. Is that correct?

Mr. CLYMER. Could you repeat the question?

Mr. BRADFORD. Under the prior School Code, it was the policy of this legislature and this Commonwealth to close the adequacy gap to fully fund basic education. Under these amendments that the Senate has added in, we are getting away from closing the adequacy gap, but now we are targeting very specifically certain school districts to drive out these funds. In the case of the personal income supplement, it is going to be four school districts that are going to receive that benefit. Is that correct?

Mr. CLYMER. Because of the reductions that we have had in education, the costing-out formula is no longer valid. So we are moving in a different direction, trying to, at the same time, be very sensitive, very conscious of the fact that there are school districts in need, and we are trying to provide that assistance as much as we can.

I mean, we recognize these are not easy days and easy times ahead of us, but what we want to do, Mr. Speaker, is work cooperatively and work together in a bipartisan way to try to come together so that we can provide the necessary funding for those school districts and those that have special needs, as the ones that we talked today.

You know, we are, with our leadership – that is leadership on both sides of the aisle – trying to remedy this situation.

Mr. BRADFORD. Right. And, Mr. Speaker, please know I do hold you and the work you have done in the highest regard. I know your commitment to public education is second to none, and I appreciate that and I think you know that.

On one of the other areas that I wanted to touch on, one of these other categories where dollars are being specifically driven out, is what is being called the second-class school district supplement. And for that, what we are looking for or what we are targeting for funds is those school districts that are classified as a second-class school district in the 2000 census, receives a charter school reimbursement greater than \$3.5 million in '09-'10, and had a student population greater than 8,000 in '09-'10. Could you tell me why the student population has to be greater than 8,000 as opposed to 18,000 or 28,000? Why these arbitrary numbers?

Mr. CLYMER. Mr. Speaker, this is the charter school reimbursement that you were referring to, and that is the ratio of the students to that particular dollar figure simply because they lost students in the population.

Mr. BRADFORD. And I am sorry, Mr. Speaker—

Mr. CLYMER. The school districts lost the students.

Mr. BRADFORD. Right. You are saying that this district was particularly hard hit by the lack of the charter school reimbursement?

Mr. CLYMER. That is correct.

Mr. BRADFORD. And respectfully, and I do appreciate it, only one school district will get the second-class school district supplement. That will be the Coatesville School District. Is that correct?

Mr. CLYMER. And that is correct. Coatesville School District will be the beneficiary, but again, as I mentioned a few moments ago, this is evolving and there could be other school districts involved as well.

Mr. BRADFORD. That will end my interrogation.

If I may, on the bill, sir.

The SPEAKER. The gentleman may speak on the bill.

Mr. BRADFORD. Chairman Clymer, I think, has done an admirable job trying to explain how these funds are being driven out, and I do mean it when I say that I know Representative Clymer has all the best interests, the chairman has all the best interests for public education. But I should also mention that there is actually a fourth subsidy that is going to be driven out when we abandon the costing-out study. We are going to have the minimum increase for subsidy loss, and we are going to drive out an additional \$14 million. This will be for districts with an aid ratio greater than or equal to .8 and a '09-'10 student population less than 10,000. Only four districts will qualify for this, and again, it is arbitrary. That is my problem with this. These cuts are as inequitable as they are arbitrary. They are driven out more by politics and political concerns than they are concerns for educating our children or for capping school property taxes.

In my own legislative district, I am proud to represent five school districts. Most of them are quite affluent; some are not. The cuts that are proposed in this budget are disproportionate and they are harsh and they are wrong.

The chairman mentions the loss of charter school reimbursement. Charter school reimbursement was zeroed out by the Governor's budget, is not restored in the School Code bill. As a result of zeroing out line items that helped our poorer school districts, we have created a budget that just does no good by Pennsylvania students.

I would mention that five school districts are going to see their entire support from the Commonwealth cut by over 20 percent – the Coatesville School District, Kennett Consolidated, West Chester, Phoenixville, and the Norristown School District, which I represent. These cuts are just wrong. They make no sense when you read how we have abandoned the costing-out study in favor of picking winners and losers, where we play politics with our kids' future, where we make choices about how we drive out resources based more on who has political power and clout as opposed to need.

We have an obligation to all Pennsylvania students. This budget, this School Code, it abandons that. It abandons our most basic obligation to our students in favor of the worst kind of political hierarchy: those who have the power get, and those who do not are left behind. A Republican President not that long ago said we will leave no child left behind. He was right to make that promise, and this legislature was right to say we will put resources behind that promise to make sure every kid gets what he deserves. Now we hide behind saying, oh, stimulus is gone, but the simple reality is, stimulus is not what is driving these cuts. An ideological agenda, an assault on public education that will hurt our property tax payers and our children equally, is what is driving this.

This School Code is wrong for Pennsylvania, it is wrong for our students, and I ask for a "no" vote.

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 Schuylkill County, Mr. Goodman.

Mr. GOODMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition to HB 1352. Mr. Speaker, there are many reasons to vote against this legislation. However, for me, the greatest reason is the elimination of the costing-out study.

The costing-out study had two goals, Mr. Speaker. The first goal was to provide funding to struggling school districts, many of them in rural Pennsylvania who lost their industrial base and must now rely solely on local property taxes. The second goal of the costing-out study was to prepare students, many of them in the same struggling school districts, for their PSSA tests. Those were the goals, Mr. Speaker, and the part that I simply do not understand is in 2006 this House voted 185 to 13 to authorize the costing-out study. In 2009 this very House voted 191 to 11 to implement the costing-out study, and now less than 2 years later, we are voting to eliminate the costing-out study. This happens every time we have a Republican Governor. They change the funding formula to benefit affluent school districts at the expense of struggling school districts.

Mr. Speaker, how heavy a load do we have to put onto our public schools before they collapse? Right now in the Commonwealth of Pennsylvania, we allow homeschooling, charter schooling, cyber schools, cyber charter schools, EITC, and soon, vouchers. The budget that was passed last evening cut \$1 billion from public education, and now we are going to eliminate the costing-out study, the study that provided equal funding for all school districts so that all children could be provided the same level of education. This makes absolutely no sense to me, Mr. Speaker.

Mr. Speaker, I have a legislative district that has two State prisons. The one thing that most prisoners share is their lack of education. Seventy-five percent of all State prisoners do not have a high school diploma. Right now it costs the Commonwealth of Pennsylvania anywhere from \$30,000 to \$35,000 a year to keep a person incarcerated. Mr. Speaker, when I see us cutting out the costing-out study, it reminds me of the old saying, you can either pay me now or you can pay me later. The greatest investment that we can make for our children's future is in public education. We either pay the money up front or we pay it at the end.

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 lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

One of the previous speakers spoke about the fact that he thought this education code was unfair to certain districts because there was more money per classroom removed from certain districts than others. I feel it is important to remind the members that not all districts get a lot of State aid.

To be really honest about it, my taxpayers pay for 90 percent of our schools at home out of real property taxes and earned income taxes. We get very little State aid to begin with, so when you compare how many dollars you believe are missing from this classroom or that classroom as a result of the loss of the Federal stimulus funds, remember that my schools do not even get that much money. And that is true despite the fact that my taxpayers also contribute generously sales taxes, income taxes, inheritance taxes, and corporate taxes to schoolchildren all over the Commonwealth of Pennsylvania without ever getting it back. I am not complaining. I am merely explaining that you

cannot take from us what we never got. So if your school district seems to have lost money, be grateful that your school districts are getting enough money and that your taxpayers at home are not bearing the burden.

This is a tough year for us. We have actually increased State dollars for K to 12 education. It is a bad year. We have to balance the budget; we did the best we could. But please do not use the differing aid amounts as your comparison. It makes no sense.

Thank you.

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. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in opposition to HB 1352, and my good colleague from Allegheny County earlier made the assertion that there is more money being put into education. Well, I would respectfully disagree with his assertion there, because when I look at the spreadsheet and I see my schools, I see, for example, McKeesport High School losing \$2.9 million. I see Baldwin-Whitehall losing \$1.28 million; South Allegheny, \$986,000; West Mifflin and West Jefferson Hills, likewise losing big bucks.

So I am rising in opposition to 1352, Mr. Speaker, because we are removing the equity funding formula, a formula that was set up in a bipartisan way a number of years ago to help fund and provide for students in schools that are in a poor district. These people do not have the tax base, but yet it was deemed appropriate that these students should have the same opportunity in a poor school district as they do in a rich district.

Now, I would like to review some numbers, if I could, Mr. Speaker. Let us just take McKeesport School District, for example, to show how inequitable this is. Sixty-four percent poverty rate; they are going to lose \$703 per child or \$17,575 per classroom. South Allegheny, with a 43-percent poverty rate – \$587 per child, \$14,675 per classroom. Contrast that with one of my richer schools, West Jefferson Hills, at a 13-percent poverty rate – \$248 per child or \$6,000 per classroom, Mr. Speaker.

Now, Mr. Speaker, let us look at some of the other schools in Allegheny County in the Mon Valley. My good colleague from the 40th District who has Upper St. Clair, which is the richest school district in Allegheny County, that school district has a poverty rate of 4 percent – \$80 per child, Mr. Speaker, \$80 is what is going to be cut per child, or \$2,000 per classroom.

Now, let us contrast that with my other colleague from the 39th District who lives 3 miles away, the Clairton School District, sir. The Clairton School District has a poverty rate of 79.9 percent – \$886 per child, \$22,150 per classroom. Now, wait a minute; 3 miles away it is \$2,000 per classroom and here we have \$22,000 per classroom, a \$20,000 per classroom difference in 3 short miles. So we have a very diverse population. We have rich districts; we have poor districts. Mr. Speaker, we are setting up the haves versus the have-nots. This equity funding formula was critical into giving all these children the correct opportunity to get a good education, and we are taking that away.

It is blatant, it is wrong, and, Mr. Speaker, I would request that everybody vote "no," because a "no" vote is a vote to reject the inequity. A "yes" vote is a vote to okay this inequity. So I would urge everybody to vote "no." 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 Clearfield County, Mr. Gabler.

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

I rise in support of concurrence of HB 1352, and I just wanted to offer a couple of comments in response to the invocations from the other side of the costing-out study. The other side continues to reference the costing-out study as though it is sacrosanct, except for the fact that it is being mischaracterized. The formula for the costing-out study was implemented solely by the Rendell administration, not in consultation with the legislature. It called for a \$4 billion increase in funding to education, except only \$2 billion was supposed to come from the State. The other \$2 billion was slated to come from local property tax payers.

So I think it is important to point out that everybody who is advocating a wholesale adherence to the costing-out study is advocating a \$2 billion increase in local property taxes. This language that is before us today, concurrence of HB 1352, implements responsible School Code language that we can be proud of in being accountable to the taxpayers, and I urge an affirmative vote.

Thank you very much, 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 lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Good morning, Mr. Speaker.

I rise to share that I will not be voting in favor of this bill on concurrence for the following reason.

I have listened to the debate this morning. I have reviewed this bill and all its affiliated amendments, which are iterations of other bills, and I am struck by the fact that we do not have a solution to funding public education in the Commonwealth of Pennsylvania in any way that approximates equitable or in any way that makes any sense.

The fact that we have now deviated from the costing-out study but without the input of stakeholders or the minority party in the House is just evidence that we have gone about this in a way that excludes approximately 45 percent of the citizens of the Commonwealth. And that type of exclusion is just not acceptable, it is just not democratic, and for that reason I will be voting "no" on this and hope that we can work toward a sound and fair and reasonable solution to funding public education in the Commonwealth with that as one of our major and primary priorities and responsibilities.

Thank you.

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 Westmoreland County, Mr. Harhai.

Mr. HARHAI. Thank you, Mr. Speaker.

I rise to oppose concurrence of HB 1352 for two basic reasons. One, I agree with the gentleman from Schuylkill County that this assault on public education presents the same results in my legislative district on my four core schools. It is going to be very tough to go back to Belle Vernon, Monessen, Yough, and Southmoreland School Districts and tell them this is the right thing to do.

Secondly, I have a bill that I wanted to offer that has been not offered, but it deals with— And it is not included in this bill, HB 1352; it is my own HB 1050. It is a special aid to school districts that lose tax base money from a company. In this case, it was Sony that left Westmoreland County and left one of my school districts, Southmoreland Area School District, in the lurch for roughly \$1 million. We have funding in the public education department for this particular funding, and I was hoping that we could get this included in the bill and it has not been. But in the future, I would hope that we could get it some proper consideration and get it included in some School Code bill, any School Code bill, to help the schools now that they have been cut so deeply. And my average, just for estimates, and I do not like to go through numbers, but I will say, on average, my schools per student lose \$500 per student.

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, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, just a quick correction or a clarification. The gentleman from Clearfield County suggested that the costing-out study, the legislature had not dealt with that. I would like to report to everyone here that Act 114 of 2006 authorized the State Board of Education to conduct a costing-out study, and it passed with a bipartisan vote of 185 to 13. HB 1067 of 2008-09 implemented the first costing-out funding formula and passed the House 191, a bipartisan vote of 191 to 11. And the formula also passed both chambers in '09-'10 and again in '10-'11.

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, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just to wrap this up, I want to remind the members to please vote "no." We on the Democratic side have not been part of the negotiations for this. We have heard a lot of information about how poorly this money is driven out, how unfairly this money is driven out, how many, many wealthier school districts are getting a lot more money, that the lesser, lower-income school districts are losing a lot more money. It is just totally unfair, and I will just leave the folks here with one final thought.

I know there are people that are complaining that we are spending maybe \$10,000 to \$12,000 a year on educating a student while it costs us \$35,000 a year to put somebody in prison and keep them there. And if we do not spend the money for the students, for the young people, oftentimes we will end up spending it down the road to a much greater degree as they enter our correctional system and we have to warehouse them there, and by that time the education of those students is long past and any value to the education money that we are spending is something that is long gone.

So I would just offer that since this is an unfair bill, we have not been a part of it, it is totally unfair in the way the money is driven out, and it will be ultimately, ultimately far more costly to the people of Pennsylvania if we pass this bill just the way it is. So I would ask all the members to please vote "no." Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

I certainly appreciate the debate here this morning from both sides of the aisle. Someone had said, mentioned about no child left behind and how we must make certain that as we move ahead in the months that are before us, that we devise new strategies, that we devise ways to make certain that quality education is indeed for every child.

A couple of things that I would like to add is that the economic stimulus, when it ended, did hurt a number of schools. They did not properly prepare, fiscally responsible for the end of those dollars, and they were hurt. I think that they will now adopt changes within the budgets that they will present to make certain that those things do not occur again.

Also, Mr. Speaker, what we need is a strong economy here in Pennsylvania. I heard quite a few speakers mention that their school districts are hurt because of the downside and businesses are no longer where they once were in their counties. Well, we need to work in a very collective way to make certain that our economies are strong in Pennsylvania – jobs that bring more revenue into the Commonwealth; additional funding for all our services, including education.

But at the end of the day, Mr. Speaker, either we work together, because that is so important if we are going to provide the kind of education we want for our young people. If we become so diverse that we cannot sit down together and work out these alternative solutions and find ways to present to make quality education a reality here in Pennsylvania, we are going to have our problems.

So, Mr. Speaker, again, I thank each person for the debate this morning and would ask for an affirmative vote on HB 1352.

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

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

Mr. TURZAI. Thank you.

I rise in support of 1352, but I think it is important, given the information presented, that another story be told. It is important to understand that when the other party was in the majority for the past 4 years, that if you look at the '09-'10 basic education funding formula, or the '08-'09 for which we have statistics, that the disparity under their formula and how much went to a particular school district by percentages ranged from 22.31 percent in State funding to 3 percent in State funding. Talk about disparity. That is true for '09-'10; it is true for '08-'09; it is definitely true for '10-'11.

And let me make it clear, under the Rendell administration, the increase in basic education from '03-'04 to 2010-2011 increased by 40 percent when the rate of inflation was 20 percent. And let me make it clear, those increases were targeted to very specific school districts at the expense of many other school districts. I think that the notion that the corrective in 1352 toward a basic level of fairness between the taxpayers and those receiving those dollars needed to be addressed.

And here is an interesting fact: If you look at the worst performing schools based on scores with math and reading on the PSSA tests, 11 of the 15 school districts that receive the most money in State aid on a per-pupil basis are also the worst

performing schools in the State. The notion that somehow performance follows the State subsidy is a myth.

Let me talk to you a little bit about the Philadelphia School District where we need to see significant improvement, like we do in many other districts. More money directed there from the Rendell administration and our counterparts across the aisle has not changed a 4.4-percent dropout rate, by far the highest in the State, or the fact that less than 60 percent of the students in that school district graduate. Anybody who thinks or argues that the total money is going to actually make the difference is kidding themselves.

Do you know what is happening in Philadelphia? This is important, and it is a great barometer of the direction that things need to go. Do you know that 40,000 kids have now moved into charter schools in Philadelphia? And do you know why? Because the present system has been failing them – failing them. I stand here today to tell you we care about each and every kid in the Commonwealth, and we want to make sure he or she gets the appropriate opportunity to have the best life that the American dream can provide that child.

I am also pro-taxpayer, because we are not going to throw good money after bad, and we are going to make sure that the funding formula, which was completely skewed for political reasons and not for performance reasons, is going to be more fair and reflective of getting the job done and being fair to the taxpayers.

I urge everybody to vote "yes" on 1352. It is moving in the right direction. A lot more work needs to be done, but the politicization, the politicization of education over the last 8 years and the political rhetoric has got to come to an end and we have got to care about the kids and the taxpayers and not the political process here.

Vote "yes" for 1352.

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 Philadelphia, Mr. Thomas.

Mr. THOMAS. You cannot sit up and tell me that my house is falling down and I should be okay with that. It is important that we separate facts from fiction, and let me do the facts. There are 33 different languages in the Philadelphia school system. Let me say that again: There are 33 different nationalities that make up the almost 200,000 kids that go to the Philadelphia school system.

Second, prior to Governor Schweiker and Governor Ridge, the Commonwealth of Pennsylvania was sending \$5600 a year to Philadelphia for a kid's education – \$5600. You cannot buy a book with \$5600 for all the kids in the system.

Mr. Speaker, when you look at the Ridge-Schweiker years that acknowledged before the General Assembly, both the House and Senate, that there was inequitable distribution of education dollars, and sometimes it looked like it was based on color, income, and other, as the majority leader said, based on politics rather than on what happens to children, and while I might not have liked the study that Governor Schweiker undertook and released a bad report of what happens to children in the Commonwealth of Pennsylvania, as a result of that report, Governor Schweiker took steps to put a School Reform Commission in place in Philadelphia, did away with the Board of Education. This body appointed that School Reform Commission, which the majority party still represents the

majority party of the Philadelphia School Reform Commission. From the time that investments went from \$5600 to about \$10,000 or about \$11,000 to Philadelphia from the Commonwealth of Pennsylvania, performance is not where it is in those districts where you are spending \$15,000 to \$20,000 per kid. But naturally, Philadelphia has been acknowledged as to having made significant progress based on increased investment, increased accountability, increased compassion to what happens to children in Philadelphia County. That is a fact. That is not fiction.

No, we are not where you would like for us to be, but it is better than what it used to be before Governor Schweiker and Governor Rendell stepped up to the plate. It was not until the Governor Rendell years that 203 members of this House believed that it was okay to invest in Head Start. You know, we paid no money towards Head Start prior to the Rendell years. We thought that was a Federal government responsibility and did not need State support. If you look at when we started putting money in Head Start, when we started increasing money in public education, the prison population has gone down while children's performance has gone up. It is no mistake that if you invest in children on the front end, you are going to spend less on them on the back end. It is a fact, not fiction. It is a fact that in Pennsylvania right now, when you look at the explosion of our prison population, it looks like you could get a scholarship to jail quicker than you can to Yale, because if we spend half of what we spend on prisons on education, the prison costs are about \$35,000. Give me \$20,000 and I will educate every child in Philadelphia County. Spend \$20,000 with the appropriate accountability systems in place.

And the majority leader mentioned about the buildings in Philadelphia. You know, the average building in Philadelphia County and in other counties is well over 40 years old, buildings that do not have the infrastructure to meet the requirements of the 21st century. When is the last time that we advanced a capital support program for public schools? We have kids now in other districts that travel 20 to 30 miles a day to get a vocational education, because we got vocational ed schools that serve four or five districts. We have some kids that spend 10 hours a day traveling back and forth to a vocational educational program.

Here is what I am saying; here is what I am saying: Let us stop, let us stop, let us stop pointing fingers at one another and point it at ourselves as a collective. We know that when you invest in children on the front end, you are going to get a better return on the back. It is like Prudential. It is like Prudential. You will have ahold of the rock if you spend it on the front end.

So let us stop all of this fiction and about this scare information. Let us tell it like it is. I even heard somebody from Montgomery County talk about how much Montgomery County pays for education all over the place. That is correct. But look at the percentage of people from Montgomery County that go in other counties and work, make money in other counties and take it back to Montgomery County. We are not in a situation where you can live—I know the first thing that was said to me when I came into the House, and I said to somebody that I was from Philadelphia County. Do you know before somebody even knew who I was, they told me that you come from a county where half of your behind is in New Jersey and the other part of your behind is in Pennsylvania, and therefore, you should only get a portion of what you are due in Philadelphia County. That is insulting. That is insulting. And one can argue that we make

statements like that because Philadelphia County might not reflect York County or Berks County or another county.

We are all, we are all connected and members of this great, this great experiment called the United States of America. The beauty, the beauty of our success is caught up in our diversity. Our future is tied to our diversity. Let us stop pointing fingers because of where you live and how you live, and let us just do what we need to do, and that is educate our children and let them become the best on the globe, on this planet earth, and stop talking about where you come from and because I do not have as much as you do.

They are God's children, and as God's children they deserve the best that everybody gets. Let us stop this madness that we have been perpetuating. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

It was not my intention to get up and make another comment on this bill, but I do respect legislative process, and certainly I understand the majority leader usually speaks last, and indeed, I only have two opportunities to speak, but I could not sit here and allow the majority leader to make what I regard as clearly reckless and inflammatory statements about my school district without responding to them.

And let me just say this, Mr. Speaker: You can point to problems in Philadelphia. You talked to the issue of dropout rates and student achievement. I am somewhat perplexed, Mr. Speaker, to understand how reducing the amount of money that goes to students in my school district by \$1300 is going to improve student achievement. How is it going to improve keeping more students in school? Is it going to address the dropout rate by giving them less money? That makes no sense to me, Mr. Speaker.

The majority leader also referenced the fact that we have 40,000 kids in charter schools. I thought the majority leader was a man who believed in school choice. I believe in public school choice. I support charter schools. That is public school choice, Mr. Speaker, and that is certainly something I would think the majority leader would embrace.

And I might point out also that this proposal cuts charter school reimbursement to the city of Philadelphia and other school districts in this Commonwealth. If you believe in choice, Mr. Speaker, why are we not funding it?

And let me also say something about the complexity of the Philadelphia School District. I would admit that we have schools that are struggling, but I also know that in Philadelphia, we have the finest schools in this State, public or private. There are no stronger schools than Masterman, Central, and the arts schools. And in fact, Mr. Speaker, if I look at my neighboring districts, my neighboring counties, they send their kids into Philadelphia to be educated. We have kids from Delaware, from Montgomery, from Bucks County who come in to the School District of Philadelphia to get their education because they know we have quality schools.

Now, unfortunately, they do not allow our kids to go out into their districts and get that education, but we do provide solid

education, despite what the majority leader says. I think it is a really inappropriate attack upon my district. I would ask that we not support this bill. I would hope that, indeed – and this is my only chance to speak – I would hope that the debate would end without further such statements.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny, Matt Smith.

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

If the good chairman of the Education Committee would just indulge me for a brief interrogation.

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

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

Mr. Speaker, we have heard many members from the other side of the aisle get up and make the statement that this School Code and this budget increases K to 12 education funding in the '11-'12 fiscal year at a higher level than the '10-'11 fiscal year. Is that correct?

Mr. CLYMER. Mr. Speaker, it is the basic line item that did increase; that is correct.

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

Mr. Speaker, can you identify for us a single school district out of the 500 school districts in the Commonwealth that will be receiving more money this fiscal year than they did under the '10-'11 budget?

Mr. CLYMER. If you wait just a moment, we will get that information for you.

Mr. Speaker, absent the economic funds, the Federal stimulus funds, each of the school districts should have been doing better, and if you want, we will provide that information for you.

Mr. M. SMITH. Okay. Well, actually, thank you for that answer, Mr. Speaker. Actually, I am just asking out of the 500 school districts this year in this budget, are there any that we can point to that will be receiving more funding from the Commonwealth, including all the funds they receive, accountability block grant, charter school reimbursement, educational assistance programs, school improvement grants, "Science: It's Elementary," IU funding? Can you identify for me in State dollars which school districts are going to be receiving more funding under the '11-'12 budget than they received under the '10-'11 budget?

Mr. CLYMER. Mr. Speaker, the gentleman can receive those figures from his own caucus, from his Appropriations, so I would just—

The SPEAKER pro tempore. Will the gentleman please suspend.

The purpose of interrogation is asking questions that you do not know the answers to. These printouts, as I understand it, have been available in the caucuses for some time, and you probably know the answers. Is that correct?

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

I actually do not know the answer because we have heard from the other side that K to 12 education funding is increasing. I am still waiting on a single school district out of 500 that is going to be receiving more funding this year than they did last year. I honestly do not know the answer. I have not been able to identify a single school district.

Mr. CLYMER. Mr. Speaker, as you well know, there is more money for basic education funding, if you look at the line item, because of the dollars that have been put in there. I would go to your Appropriations chairman or chairlady and just ask them for those additional figures. They should be available to you.

Mr. M. SMITH. I am sorry, Mr. Speaker. I could not hear the gentleman's answer.

Mr. CLYMER. Mr. Speaker, there was an increase in the basic education funding. If you look at that line item, you will see an increase. For the additional part of your question, you need to contact your Appropriations chairman and they will provide that additional information.

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

So is the answer that the majority Appropriations chairman will provide that information on a school district that is receiving more this year than last year?

Mr. CLYMER. I am saying you should get it from the Democratic Appropriations chairman. They will have that information for you.

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

I appreciate the answer. I actually have talked to the minority chair of the Appropriations Committee, and he honestly cannot identify a single school district receiving more funding this year as compared to last year either.

Mr. TURZAI. Objection. Is this interrogation or—

Mr. CLYMER. In the basic line item, they did. If you would check—

Mr. TURZAI. Objection. Point of order.

Mr. CLYMER. —with your Democratic Appropriations chairman—

The SPEAKER pro tempore. Will the gentleman please suspend.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Rhetorical questions are inappropriate. If the gentleman from Allegheny County has some facts he wants to argue, argue them.

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

It actually, with all due respect to my friend from Bradford Woods, is not a rhetorical question. I am asking—

The SPEAKER pro tempore. Will the gentleman please suspend.

Upon interrogation, the gentleman must ask questions that he does not know the answers to, and if he would like to continue upon conclusion of interrogation and make other comments, he may proceed to do so, but please restrict your questions upon interrogation to specific questions that you do not know.

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

I would just reiterate again that I simply do not know the answer and would state, respectfully, to the good chairman of the Education Committee, if we are going to talk about increasing education funding, K to 12 funding, as has been stated repeatedly, and we cannot identify – and I would love for the gentleman to identify a single school district out of 500—

The SPEAKER pro tempore. Will the gentleman please suspend.

Has the gentleman concluded his interrogation?

Mr. M. SMITH. No, Mr. Speaker.

The SPEAKER pro tempore. We would appreciate if you could move on to the specific question.

Mr. M. SMITH. Again, Mr. Speaker, I would just reiterate the very straightforward, simple question asking the good chairman of the Education Committee which school district out of the 500 in Pennsylvania is going to receive a bigger check this year from the Commonwealth than it did last year.

The SPEAKER pro tempore. I believe that question has been asked four or five times. The gentleman has answered that question by indicating that your Appropriations chairman would provide those materials that have been clearly printed.

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

With all due respect, I guess my question is, the answer to the question must be a number; it is from zero to 500. And if the good chairman would just provide me with a number, that would very simply answer my question. It is either zero or it is 500 or it is a number within that delta.

The SPEAKER pro tempore. Mr. Clymer—

Mr. M. SMITH. But at the end of the day, it has to be a number.

Mr. CLYMER. Mr. Speaker, I responded to that question. I said it is in the basic ed money where you have an increase, and I am going to leave it at that. If the gentleman wants to continue to interrogate on that very question, Mr. Speaker, then I am not going to respond anymore. I think that is the third time I have answered that question.

The SPEAKER pro tempore. The gentleman is encouraged to move on to another question.

Mr. M. SMITH. Mr. Speaker, I would be happy to interrogate the majority leader or the majority Appropriations chair also.

Mr. TURZAI. Mr. Speaker, we decline interrogation.

The SPEAKER pro tempore. Further interrogation has been declined, Mr. Smith.

Mr. M. SMITH. Thank you, Mr. Speaker. On the bill?

The SPEAKER pro tempore. On the bill, final passage.

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

When I asked my question in good faith for the gentleman to identify a single school district out of the 500 school districts in the Commonwealth of Pennsylvania that will be receiving greater funding this year from the Commonwealth than it did last year, I actually did not know the answer because we have heard so frequently from the other side of the aisle that — and I am quoting a member — K through 12 education funding is increasing under this budget. Now, if that is the case, then 1, 2, 499, 500 of the school districts could be identified as receiving more funding this year than they did last year. And I think it became clear through the interrogation of the good chairman from the Education Committee that not a single school district could be identified that will be receiving more funding this year than it did last year. I am more than happy to suspend my comments on the bill if any member of the majority can identify any school district that will receive more funding this year than it did last year, but alas, no school district can be identified because not a single school district in the Commonwealth will receive more State funding this year than it did last year, not a single school district out of 500.

Now, Mr. Speaker, the reason for that decrease is simple: \$259 million in the accountability block grant, prestimulus funding, eliminated; \$7 million in the Dual Enrollment Program, prestimulus funding, all State funding, eliminated;

\$11 million in the school improvement grants, prestimulus, no Federal dollars, \$11 million eliminated under this budget; \$47 million of the Education Assistance Program, prestimulus, no Federal money, all State funds, \$47 million eliminated in this budget; \$7 million in the "Science: It's Elementary" program, prestimulus, no Federal funding, State funding, \$7 million eliminated.

Mr. TURZAI. Point of order, Mr. Speaker. Point of order.

Mr. M. SMITH. \$224 million—

Mr. TURZAI. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER pro tempore. The majority leader will state his point of order.

Mr. TURZAI. Thank you.

I think it is interesting that we spent 15 minutes on interrogation when supposedly the facts seem to be well and handily, or at least the one view of the facts, in the hands of this gentleman.

Secondly, secondly, this is not the budget bill, this is the Education Code bill, and I think that they are far afield from the underlying bill.

Thank you.

The SPEAKER pro tempore. The gentleman's remarks are duly noted.

Mr. Clymer, are you seeking recognition?

Mr. Smith, you may continue.

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

Again, on the School Code, HB 1352, \$224 million, charter school reimbursement, '08-'09 funding level before the stimulus, \$224 million is being eliminated under this budget; \$5 million for the intermediate unit program, prestimulus, no Federal dollars, State dollars eliminated in this budget.

Mr. Speaker, again, I would reiterate in a response to the majority leader, my good friend from Bradford Woods, I did not know the answer. I am waiting to be corrected, that there is a single school district receiving more funding this year. I would love to have identified for me a single school district, but the majority cannot do that, and that has become clear through this interrogation. Mr. Speaker, it is clear that K to 12 education funding is not just being cut under this School Code, it is being slashed. For that reason and the reasons enunciated earlier, that there is not a single school district in the Commonwealth receiving more funding this year than it did last year, I would respectfully ask my colleagues to vote against this School Code.

Thank you, Mr. Speaker.

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

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

It was interesting in the previous conversation because I have heard so much about us and them, Democrats and Republicans, and how much the Republican Party is being responsible for cutting spending but increasing funds for education. But yet, under the previous interrogation or the last couple of statements from the last three or four speakers, not one, not one, and it would seem that someone would be proud to say, here is one, but not one yet, increase in funding.

Now, I happen to represent three separate school districts, three very diverse districts: Wilkinsburg, which is a distressed school district; Pittsburgh, which is a competitive district; and the Fox Chapel School District, which is one of the wealthier school districts in Allegheny County. It is interesting to me when I look at this, because I have had the experience that no one else had the experience of in the country of the United States. I had the first privatized school in the whole country of the United States of America. It was called the Turner experiment. It was interesting because I have heard things – and I know, yes, there are plusses and minuses about the school system, but millions of dollars were spent into the school system, they picked the students that they wanted, and guess what, scores went down – I heard some things and disparaging remarks about, yes, we care about some of the people in Philadelphia, but yet, one of the greatest proponents of dealing with this voucher and the other school funding, the schools that they are affiliated with, the scores went down in that system as far as the charter schools are concerned.

It sounds a little bit disingenuous to me when we are talking about increasing funding for education. It was also interesting, I heard something about 4 years before the previous Rendell administration. Well, 4 years before, in his first 4 years, and I had the fortune to be here, I happen to remember that Republicans were in charge of the Senate and they were in charge of the House of Representatives. They were in charge of the House of Representatives and the Senate and in the clear majority with a Democratic Governor, and I happened to realize that the House and the Senate members, led by the Republicans of both parties, increased spending for some of those school districts, the same school districts they are going to take away.

Now, here is something else we have to realize. With the school districts we have, costs are still increasing. Costs are still increasing. I know in the Pittsburgh School District, we have to also pay for transportation, paying for transportation for people who do not even go to our school system, and that is increasing with the cost of gasoline and some of the other different costs with dealing with insurance and liability issues – liability issues which, unfortunately, are going to be a burden on my school district with their insurance rates because of some of the legislation we just passed in the last couple of days, increasing costs again on all of our school districts. I am just amazed that we are sitting down here talking about all these words about we are giving more money, but yet, we do not see the money. Somebody said yesterday, like Cuba Gooding said, "Show me the money." "Show me the money." "Show me the money." We are talking a good game, but nothing is being shown at all.

This is not going to help my school district in Wilkinsburg. They have the highest, one of the highest property taxes in the whole Commonwealth of Pennsylvania. It is going to cost them per household about \$836 or \$839. But yet, in a sense, I have a wealthier school district where it is going to cost them \$54, where the average house is selling for over half a million dollars and you have to have a whole acre of land just to own a house. This is not fair and it is not equal. It is really difficult that we are trying to mislead people because all of our school districts, one way or another, are going to have to pay the costs and we know what that means, property taxes for our residents, increased costs for paying for transportation for people who do not go to our school system, insurance rates going up, liability

rates going up, and the overall increase of the utilities which is going on across this country. This bill is very ingenuous, and I cannot vote to concur on this bill.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to speak on this bill. We were about ready to finish up, but I could not let the majority leader's comments go unanswered. You can pound your chest over passing a budget on time, and we have heard comments throughout the whole period here we were debating this budget that the last 8 years we were late. Well, I am here to tell you, the last few years we were late because House Democrats would not leave here until we had adequate funding for education. And we did that, because over the last 8 years, we were the only State in the country that had test scores go up each and every year.

You just heard the litany of programs that have been cut or eliminated that work, that are proven to work. You heard them. Head Start, Pre-K Counts, the accountability block grants have been cut incredibly. You heard all the programs that have been absolutely eliminated: charter school reimbursements, school improvement grants, "Science: It's Elementary." All those programs work. They are gone. If we had our way, we would stay here as long as it took to restore these grants, to restore these programs. We have the funding to do that. So pound your chest and the kids are going to suffer.

To suggest that the costing-out study is political is also so wrong. You heard once before, I think twice before, that they were bipartisan votes, unanimous votes in the Senate, and we implemented a costing-out program that all it was intended to do was equalize funding based on needs and population; nothing wrong with that, because you have heard all day long of the inequities in this funding formula, how the rich get richer and the poor get poorer. We are not going to stand by and listen to that kind of talk because we are here, we will continue to fight for education. No matter what happens with this budget, we will be there for the kids, for our children in K through 12, higher education; you name it.

Mr. Speaker, we need to nonconcur on this. We need to stay here and fix the education funding. That is what we need to do.

Thank you, Mr. Speaker.

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

Mr. STEPHENS. Thank you, Mr. Speaker.

I just came across some comments from the Senate's consideration of this bill, and I just wanted to read Senator Dinniman's comments on this exact bill when it was over in the Senate, and I will be very brief: "I urge all my colleagues, including on my side of the aisle, to support this bill. You know on this particular piece of legislation, thanks to our good chairman Senator Piccola, we were able to share the provisions of this bill days before the bill was finally passed. It has both democratic and republican parts that are incorporated into this bill. This bill is truly bipartisan, and I understand sometimes the desire to vote no when you're in a minority, but I do hope that we'll all come together and understand that the school code bill has some very precious and special aspects of it."

I urge an affirmative vote, Mr. Speaker.

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

Mr. PASHINSKI. Thank you, Mr. Speaker.

Yesterday I had the opportunity to speak about education and I really did not intend to rise today, but after the good gentleman from Allegheny County made some statements, I felt compelled that after spending 38 years in the classroom, I need to say that teaching is not easy. Teaching has challenges every single day, and in order to attain the successes that we all want, it takes an effort on behalf of a great deal of people, including this legislature. Of course we want fiscal prudent management, and of course we want accountability. There is a way to achieve it, but I could tell you that choking off the resources to those school districts is not the way to do that. I am not from Philadelphia. I am from Wilkes-Barre, Pennsylvania, from Wyoming Valley, a wonderful place to live and raise a family, hardworking, blue-collar people, great schools, even though the poverty levels are in excess of 57 percent and 50 percent. I represent Wilkes-Barre Area and Hanover Area.

Let me tell you this: When you do not have the resources, you cannot get the outcome that you want. The kind of money that is being taken away from the education system, as I indicated yesterday, hurts the children more than anyone else. I have not heard one, one effort, one effort to reduce the cost of diesel fuel, which increases those budgets. I have not heard one proposal to decrease the cost of supplies that has gone through the roof. I have not heard one proposal to talk about reducing utility costs, which increase those budgets. I have not heard one proposal that would reduce health-care costs, which drive those education budgets through the roof, not one, but yet we are going to choke that system off.

Mr. Speaker, let me conclude—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. Metcalfe, are you seeking—

POINT OF ORDER

Mr. METCALFE. Just a point of order, Mr. Speaker.

The SPEAKER pro tempore. Would you please state your point of order.

Mr. METCALFE. My understanding is, when we are on a piece of legislation, the speaker should be speaking to that, not what-ifs and what-ors and what is not in the bill, but actually what is before us, Mr. Speaker. This speaker was going on a litany and a tirade of those things, very impassioned speech, but, Mr. Speaker, totally off target from what we have to get done today.

The SPEAKER pro tempore. The Chair thanks the gentleman, but it does seem that the gentleman is drawing his conclusions in his remarks towards education, educational costs.

The Chair thanks the gentleman for his concerns. They are duly noted.

Mr. Pashinski, you may proceed.

Mr. PASHINSKI. Thank you very much, Mr. Speaker. I certainly appreciate that.

Let me conclude by saying this. No child wants to go to school hungry. No child wants to have a physical disability, nor a mental disability. No child wants to be born in a dysfunctional family. No child wants to come home to an empty home. No child wants to live in low-standard housing. No child wants to

be born poor. They just want a chance. The public schools are the way for those children, a salvation, a place where they can feed their bellies, fill them, and fill their minds with hope and aspiration that they can actually succeed in this great country. It has been proven time and time again.

This education bill is penny-wise, dollar-foolish. It is an assault on public education. It is wrong. I ask you to vote it down. Thank you.

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

Mr. WHITE. Thank you, Mr. Speaker.

I have a question of interrogation, but I am not sure whom to direct it to, so I will ask it like this: Could any member whose school district is receiving more overall funding as a result of this bill please stand for brief interrogation?

The SPEAKER pro tempore. The Chair has been advised that is not an appropriate— If you want to interrogate someone specifically—

Mr. WHITE. I will withdraw the request, Mr. Speaker.

The SPEAKER pro tempore. The gentleman withdraws the question. The gentleman may proceed.

Mr. WHITE. Thank you, Mr. Speaker.

I am just a little confused and I did not want to get into the parliamentary back-and-forth of what is proper interrogation and who knew what. All I know is what I know in my district; none of my school districts are receiving more money as a result of this bill. I am reading press releases that are coming out from members in this building bragging about how much more money everybody is going to get. So maybe I am just one of the have-nots in this whole equation and maybe that is just the way it is, but I think that that is not the case. I do not think that my districts are any more different than a lot of other districts out there. I think the difference is that at least I know what this really means and I am willing to tell the truth to my districts and let them know what this is really all about. We could stand here, we could spin it, we could talk about it, put out press releases, e-mail blasts; you name it. At the end of the day, the people are going to realize it when they realize their children are getting less quality in the classrooms and they are paying higher property taxes as a result.

I guess the best way to put it would be in the words of a former President who said that people are going to look back and say, were we better off 4 years ago than we were today? I think the answer is going to be when they see what the result of this bill and these cuts, cuts, cuts to public education do to our taxes and do to the quality of our schools, everybody here is going to know the answer and they are not going to need a press release from any of us to see it.

Thank you, Mr. Speaker.

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

Mr. KRIEGER. Thank you, Mr. Speaker.

I did not intend to speak and I do not intend to inflame passions here, but I think there are a couple issues that are important that we need to at least address.

The answer on the other side very often is more money. The gentleman who previously spoke indicated if he had \$20,000, he could educate children in Philadelphia. This problem is bigger than Philadelphia. I am not picking on Philadelphia. The answer is not more money.

There has been talk about the connection between the prison population and education. Certainly there is some connection there, but it is not as direct as some members will have us believe. There is a connection, however, and that connection is a failure of families. We all know that is the real problem here. Perhaps I am stating the obvious, but the problem is, the money that we continue to force down in this system, not just the education system, is actually corrosive of the families that we think we are trying to help. I think until we are willing to have that discussion, we are going to play this game every year, we are going to talk about more or less money, and we are going to avoid the real problem, and that is our families in too many areas are failing. A kid that comes from a violent home is not going to learn; I do not care if you give him \$50,000, he is not going to learn. I think we need to quit masking the problem, we need to quit using money to actually make the problem worse, and we need to begin to address that problem.

Thank you, Mr. Speaker.

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

Mr. PAYTON. Thank you, Mr. Speaker.

I will be brief. I rise to oppose this bill for a number of reasons. First, I guess, let me say that you are entitled to your opinion, not your own set of facts. The gentleman cannot name one district, one district that received an increase, yet I have heard several times that the majority party is increasing education, but yet what they are doing, what they are doing is decimating education, increasing class size, eliminating teachers in early childhood education, damaging, damaging the lives of young people.

So I rise to stand against concurrence, and I would urge all the members to do so as well.

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

I rise today, and generally, I do not believe in wasting energy and wasting time, and I especially do not believe in talking when it is unnecessary to speak, so typically I do not come to the floor to speak because I believe most of us come here and we already kind of know when we get to the floor where we are going to be on a certain bill or particular issue. However, when I was listening to the majority leader's comments, and then subsequent to that, some of my colleagues' comments after that, I thought it was important to say that each one of us in this House is a product of our educational system. Some of us come from strong supportive systems; some of us come from not so strong and not so supportive, and we make it here in spite of them. But when we start talking about the system, and I will agree with the majority leader, it is not totally about money. I would also agree that more money does not necessarily mean better outcome. However, I will tell you, not enough money will guarantee the direct correlation that we see today, and that is an ever-increasing spend, State spend, taxpayer dollars to our correctional facilities and a decreasing or increasing pressure to decrease cost on everything else.

The gentleman from Westmoreland County brought up a very important topic that I think we ought to engage, and I know, I can ask for myself, I am willing to engage in it, how do we support, how do we engage, and how do we make sure the family structure and the communal structure all fit together in what we are trying to get in an outcome of our educational system? But when we come to the table to talk about families

and communities, let us also realize what we do or do not do as it relates to spending also impacts that. So if we decrease pressure and decrease support to our safety nets or we do not provide enough support to our day cares and our after-school programs and our tutorial programs, or we do not invest in our communities so that when our children wake up and they walk to and from school, they are walking to and from situations that look worse than Beirut or Vietnam, then we do not really or we cannot really anticipate any major changes in what we see in our educational system. So for me, I will gladly admit in Pittsburgh we spend about \$20,000 per pupil, and what I will say, have we produced everything we want to see in our educational system? No. So do I believe we should pour more money into the system? I do, but I think we should be smart about how we pour the money.

We saw that the accountability block grants and investing in early education works. We know that. We saw that if we support our teachers and help develop teachers, it works. We saw that if we make an investment for after-school programs that also support the academic outcomes that we want, it can make a genuine difference. So when you talk about the money and if it makes sense to cut it or increase it, I think we have to get really specific, because you cannot talk about our educational system and the investment we make in it and not talk about all the other things that go into supporting a child and supporting a family.

So I would just encourage us. Again, going back and forth around this issue I know is not going to change anyone's mind today, but as we move forward, and if the gentleman from Westmoreland wants to start a task force to look at how we support families and how we look at developing outcomes for children all throughout the Commonwealth, I will be the first to sign up for it. But we have to be very serious in understanding that, yes, money in and of itself does not work unless you are doing it strategically and you are investing in the things that we know will work, especially for those most in danger to fail in our system. So I would encourage our members to move past the rhetoric and let us get down to work to really improve the lives of a lot of our children across this Commonwealth.

So thank you, Mr. Speaker.

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

Mr. FRANKEL. Thank you, Mr. Speaker.

After listening to the debate and particularly the defense of this bill by my colleagues on the other side of the aisle, I think of George Orwell and Lewis Carroll, and I think about how hard-pressed they would be to create an alternative universe, a fantasy as convoluted as the defense of this bill that has been made by my Republican colleagues.

HB 1352 is no more or less than an ideological attack on public education that is seeking to systematically dismantle public education and replace it with a privatized system of education. I urge my colleagues to nonconcur in HB 1352.

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

Mr. MAHER. Thank you, Mr. Speaker.

I was among the many who were dashing to microphones when the gentleman from Washington County asked his question that he then withdrew about whose districts are receiving more money than last year. I am really sort of amazed that so many of our colleagues among the Democrats appear to

be without very basic information, the very basic information that would demonstrate that virtually every one of their districts is receiving more State money than ever before. Now, whether they are receiving more money in total when you consider local sources, when you consider Federal sources, I do not have that information handy, but I am clearly aware that the Federal funds that were dispensed through Pennsylvania for the past 2 years are now zero. And if you do not have information about those Federal funds, I would hope that your Appropriations staff could provide it, and if they cannot, please feel free to contact me and I will help you, because the very simple fact is, when it comes to State money, this year Pennsylvania is directing more money to public education, more State money, than ever before. It is not an imagination. It is not an illusion. It is a fact. It is a simple fact. And if your school district's sum of Federal and State money is less than in the past and if that troubles you, I would suggest you write your Congressman about the Federal money, write President Obama about the Federal money, but there is nothing that any one of us can do to affect the amount of Federal funds, except for what our friends and neighbors would do, which is to ask the President to provide them.

But when it comes to State money, this is the most ever across the State. For instance, in Philadelphia, last year Philadelphia received \$122 million of Federal funny, money, funny money – unintended – Federal money that was dispensed through Pennsylvania. This year Philadelphia does not have that \$122 million of Federal money but is receiving approximately \$85 million more State money than ever before. Now, Pennsylvania makes up some of the gap with the Federal money for most of the districts. Now, granted, it is not all, but most, but Pennsylvania this year has not made up the entire deficit created by the absence of the Federal funds. But keep in mind, you have the opportunity today to vote to allocate in most every case, the most State money to your neighbors in your home school districts, the most ever, is the opportunity today. It is not less, it is more, and you really should understand that.

Thank you, Mr. Speaker.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief because this is the second time I have spoken.

I actually did talk to my Appropriations chair and I did get a printout, as was suggested, and I will submit that for the record, which will show that every one of the 501 school districts in this State gets less funding this year than they did last year.

Now, I am baffled by the rhetoric on the other side. On one hand, I hear members saying, these are necessary cuts; we are reining in fiscal spending; we are being fiscally responsible; are we not wonderful; look at the great cuts we made. And out of the other side of their mouth they say, this is the most money we have ever spent. Own your cuts; just own up to them. Go back to your district, revel, take a parade down the street and say, I cut your school district, good for me; I am proud of it. Do that. Own it. Do not try and say it is more money when it less. It is not, it is a cut; 500 school districts are cut in this piece of legislation. I will submit this for the record.

Thank you, Mr. Speaker.

DOCUMENT SUBMITTED FOR THE RECORD

Mr. STURLA submitted a document for the Legislative Journal.

(For document, see Appendix.)

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

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

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise to speak in response to the gentleman from Allegheny County who just a few moments ago said that there is more State money than ever before for education. Another speaker today said there is more money in basic education than last year. Yes, each one of us has a printout from our Appropriations Committee and all you have to do is look it up. The budget voted last night for basic education was \$5.3 billion. Last year it was \$5.7 billion. That is a reduction of \$400 million. Now, I know some of my colleagues on the other side are going to come up with this convoluted explanation that, well, there was some stimulus money involved, and yes, there was \$654 million of stimulus money, but when you look at the cuts to education, K to 12, the cuts are almost \$1 billion. I think it is \$950 million if you add all the line items, not just basic education. So at a time when the State is losing \$654 million of stimulus, the Republican majority is using that as an excuse to cut \$950 million. So the cuts go beyond the loss of the stimulus money, and it is basically untrue to say that basic education has gone up because each one of us can look it up two ways. You can look up the main line item, \$5.7 down to \$5.3, or you could look up the line item for your individual school district, and yes, it is true that every single school district got less in basic education in the new budget than they have in the current year.

Mr. Speaker, I know we are having a debate on these numbers and we are saying our perspective, but these actions we take on the House floor have real consequences. Last night there was a budget that cut the SSHE (State System of Higher Education) schools, the State System schools by 18 percent. Five minutes ago there was a vote by the SSHE board of directors to raise tuition 7.5 percent on our students, on our families; tuition went up.

The SPEAKER. The gentleman will suspend.

The State System of Higher Education's actions are not really a part of the debate on the bill before us. I would urge the gentleman to stay focused on this issue.

Mr. SAMUELSON. I appreciate that, Mr. Speaker.

This issue before us is the School Code, which implements \$1 billion of cuts to K to 12 education. We cannot make an excuse that it is just a loss of stimulus money. We cannot pretend that State funding went up when it went down. When you look at every line item in this budget and add them together and look at the budget in its totality, State funding is down. You

just cannot say the opposite and hope people believe you, because you know what? They are going to go to the Internet, they are going to get their own copies of the printouts, and the citizens are going to see directly what happened to their school district. They are going to know the truth, and the truth shall set them free. They are going to know the truth that the State funding for education went down, and overall, education funding is going down \$1 billion.

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—109

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

NAYS—89

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kortz	Ravenstahl
Boyle, B.	Dermody	Kotik	Readshaw
Boyle, K.	DeWeese	Kula	Roebuck
Bradford	Donatucci	Longietti	Sabatina
Briggs	Fabrizio	Mahoney	Sainato
Brown, V.	Frankel	Mann	Samuelson
Brownlee	Freeman	Markosek	Santarsiero
Burns	Galloway	Matzie	Santoni
Buxton	George	McGeehan	Shapiro
Caltagirone	Gerber	Mirabito	Smith, K.
Carroll	Gergely	Mullery	Smith, M.
Cohen	Gibbons	Mundy	Staback
Conklin	Goodman	Murphy	Sturla
Costa, D.	Haluska	Myers	Taylor
Costa, P.	Hanna	Neuman	Thomas
Cruz	Harhai	O'Brien, D.	Vitali
Curry	Harkins	O'Brien, M.	Wagner
Daley	Hornaman	Parker	Wheatley

Davidson	Johnson	Pashinski	White
Davis	Josephs	Payton	Williams
Deasy	Kavulich	Petrarca	Youngblood
DeLissio			

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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.

APPROPRIATIONS AND RULES

COMMITTEE MEETINGS

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an Appropriations Committee meeting, an immediate Appropriations Committee meeting in the majority caucus room, and then at 1 o'clock, there will be a Rules Committee meeting in room 39, East Wing, at 1 o'clock.

Thank you very much.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room. There will also be a Rules Committee meeting at 1 o'clock in room 39, East Wing.

REPUBLICAN CAUCUS

The SPEAKER. The lady, Ms. Major, from Susquehanna for the purpose of a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 1:15. I would ask our members to please report to our caucus room at 1:15. We would be prepared to come back on the floor at 2 p.m.

Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, for the purpose of a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats, likewise, will caucus at 1:15. Democrats will caucus at 1:15. Thank you.

Mr. Speaker, what time are we coming back to the floor? Two?

The SPEAKER. Two o'clock.

Mr. FRANKEL. Thank you. Thank you very much.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Reichley, for the purpose of correcting the record.

Mr. REICHLEY. Thank you, Mr. Speaker.

Last night on amendment 4630 to SB 330 after reconsideration had been approved, I was recorded in the affirmative and wish to be recorded in the negative. That is for the second vote on A4630.

The SPEAKER. The gentleman's remarks will be spread upon the record.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There will not be any more votes here. The House gives leave to the committees that were announced to proceed with their actions. I do have a couple of bill signings and other referrals to make, but there will not be any more votes between now and when we come back at 2 o'clock.

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 1352, PN 2227

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.

SB 302, PN 279

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for annual reports; and making editorial changes.

SB 606, PN 770

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for the designation of the Crawford Lakelands Byway as a scenic byway.

SB 728, PN 734

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

SB 1056, PN 1192

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

SB 1057, PN 1193

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

SB 1058, PN 1194

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

SB 1059, PN 1195

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission; and providing for the additional appropriation of Federal funds from the General Fund to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2011, to June 30, 2012.

SB 1060, PN 1196

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

SB 1061, PN 1197

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

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

RECESS

The SPEAKER. This House stands in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:15 p.m.; further extended until 2:34 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. Members will please report to the floor. Members, please report to the floor.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 359 By Representatives LAWRENCE, CUTLER, DENLINGER, SCHRODER and TALLMAN

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the Capitol Police, House of Representatives and Senate security forces in this Commonwealth and research and evaluate how funding and resources are allocated for these police forces.

Referred to Committee on JUDICIARY, June 30, 2011.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1764 By Representatives DAVIS, JOHNSON, BISHOP, B. BOYLE, K. BOYLE, BRENNAN, V. BROWN, BROWNLEE, CALTAGIRONE, CRUZ, DAVIDSON, DeLUCA, DENLINGER, DONATUCCI, FREEMAN, GALLOWAY, GERGELY, HORNAMAN, JOSEPHS, W. KELLER, KULA, MANN, McGEEHAN, MUNDY, MURPHY, NEUMAN, M. O'BRIEN, PARKER, PAYTON, QUINN, SABATINA, SAMUELSON, STURLA, SWANGER, WAGNER and YOUNGBLOOD

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for tenants' right to disclosure.

Referred to Committee on URBAN AFFAIRS, June 30, 2011.

No. 1766 By Representatives P. COSTA, D. COSTA, DeLUCA, FRANKEL, KORTZ, KOTIK, MATZIE, BARRAR, BRENNAN, BURNS, DAVIS, EVERETT, FABRIZIO,

HALUSKA, HARHAI, HARKINS, MAHONEY, MUSTIO, PASHINSKI, SAINATO, STABACK, STERN, STURLA, TAYLOR, WAGNER, WHITE, YOUNGBLOOD, RAVENSTAHL and KULA

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for video gaming.

Referred to Committee on GAMING OVERSIGHT, June 30, 2011.

No. 1767 By Representatives FREEMAN, SAMUELSON, HAHN, THOMAS, BRENNAN, CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, GINGRICH, HENNESSEY, HORNAMAN, JOSEPHS, KOTIK, KULA, MIRABITO, MUNDY, MURT, O'NEILL, PASHINSKI, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Manufactured Home Community Rights Act, adding definitions; providing for abandoned manufactured homes, for sale of manufactured home communities and for remedies; and repealing certain provisions of The Landlord and Tenant Act of 1951.

Referred to Committee on URBAN AFFAIRS, June 30, 2011.

No. 1768 By Representatives FARRY, BAKER, DALEY, DAVIS, DeLUCA, DONATUCCI, GEIST, GIBBONS, GILLESPIE, GINGRICH, GOODMAN, GROVE, HARRIS, JOHNSON, JOSEPHS, MAHONEY, MANN, MARSHALL, MILLER, MILNE, MOUL, MURT, O'NEILL, PICKETT, QUINN, RAPP, SAYLOR, SCAVELLO, STURLA, SWANGER, TAYLOR, VULAKOVICH, WAGNER, WATSON and YOUNGBLOOD

An Act providing for the protection of victims of sexual violence, for duties of law enforcement agencies, for procedure and for penalties.

Referred to Committee on JUDICIARY, June 30, 2011.

No. 1769 By Representatives FARRY, AUMENT, D. COSTA, CREIGHTON, DiGIROLAMO, DONATUCCI, EVERETT, GINGRICH, HESS, KNOWLES, MURT, O'NEILL, PETRI, SWANGER, VULAKOVICH and WATSON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for criminal laboratory user fee.

Referred to Committee on JUDICIARY, June 30, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 1122, PN 1436

Referred to Committee on APPROPRIATIONS, June 30, 2011.

SB 1123, PN 1437

Referred to Committee on APPROPRIATIONS, June 30, 2011.

SB 1124, PN 1438

Referred to Committee on APPROPRIATIONS, June 30, 2011.

SB 1125, PN 1439

Referred to Committee on APPROPRIATIONS, June 30, 2011.

SB 1126, PN 1440

Referred to Committee on APPROPRIATIONS, June 30, 2011.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 78, PN 2241

By Rep. TURZAI

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in operation of boats, further providing for operating watercraft under influence of alcohol or controlled substance and for the offense of homicide by watercraft while operating under influence.

RULES.

SB 1062, PN 1444

By Rep. TURZAI

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

RULES.

BILLS REREPORTED FROM COMMITTEE**HB 1525, PN 2023**

By Rep. ADOLPH

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.

APPROPRIATIONS.

SB 330, PN 1459

By Rep. ADOLPH

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 public referendum requirements and for installment payment of school real property taxes.

APPROPRIATIONS.

SB 419, PN 1405

By Rep. ADOLPH

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.

APPROPRIATIONS.

SB 448, PN 1458

By Rep. ADOLPH

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.

APPROPRIATIONS.

SB 552, PN 1442

By Rep. ADOLPH

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

APPROPRIATIONS.

SB 791, PN 821

By Rep. ADOLPH

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

APPROPRIATIONS.

SB 1007, PN 1121

By Rep. ADOLPH

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

APPROPRIATIONS.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 562, PN 2092**, and **HB 1696, PN 2260**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 66, PN 30; HB 345, PN 300; HB 399, PN 365; HB 917, PN 980; HB 1219, PN 1329; HB 1448, PN 1738; HB 1449, PN 1739;**

HB 1549, PN 2221; HB 1727, PN 2192; HB 1728, PN 2193; HB 1729, PN 2194; HB 1730, PN 2195; and HB 1731, PN 2222, with information that the Senate has passed the same without amendment.

SUPPLEMENTAL CALENDAR C

RESOLUTIONS PURSUANT TO RULE 35

Mr. CONKLIN called up **HR 361, PN 2263**, entitled:

A Resolution honoring the State College Area High School Girls Track and Field Team for winning the 2011 PIAA State Track and Field Championships.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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

* * *

Mr. CONKLIN called up **HR 362, PN 2264**, entitled:

A Resolution congratulating the Philipsburg-Osceola High School Softball Team on winning the 2011 PIAA Class AA Softball Championship.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccone
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causer	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Cutler	Hennessey	O'Brien, M.	Toepel
Daley	Hess	O'Neill	Toohil
Davidson	Hickernell	Oberlander	Truitt
Davis	Hornaman	Parker	Turzai
Day	Hutchinson	Pashinski	Vereb
Deasy	Johnson	Payne	Vitali
DeLissio	Josephs	Payton	Vulakovich
Delozier	Kampf	Peifer	Wagner
DeLuca	Kauffman	Perry	Watson

Denlinger	Kavulich	Petrarca	Wheatley
DePasquale	Keller, F.	Petri	White
Dermody	Keller, M.K.	Pickett	Williams
DeWeese	Keller, W.	Preston	Youngblood
DiGirolamo	Killion	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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

STATEMENT BY MR. CONKLIN

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

Mr. CONKLIN. Under unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman is so recognized.

Mr. CONKLIN. I would just like to thank the body. I would like to thank my cosponsor on the first one for the State College Track Girls Team, Representative Benninghoff. And on our second resolution, I would like to thank Representative Bud George for our girls softball team. They both were proud of our central Pennsylvania heritage. Both these girls teams were able to win the State championships in each of their divisions and bring it home. I would like to thank this chamber for being a part of these resolutions, which will be given to the coaches of each team with Mr. Benninghoff's name on and Mr. George's name on as appropriately put.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third 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 third consideration?
Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Just to wish the House a happy— No.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. VITALI. No, I just wanted to interrogate briefly someone on behalf of this bill.

The SPEAKER pro tempore. The gentleman, Mr. Maher, has agreed to a period of interrogation, and you may proceed, Mr. Vitali.

Mr. VITALI. And the reason I get up is, I just thought there may have been some controversy the last time this was visited. I just wanted to make sure this did not go through without everyone being aware of it. Could you just describe the contents, Mr. Maher?

Mr. MAHER. I would be delighted to.

The agricultural community was added to the First Industries Program a few years back, but on a trial basis with a sunset day of today. This bill is before us with unanimity from the Senate, I hope unanimity from the House, and the expectation of the Governor to be able to ink this, not as part of any package or deal, but simply because it is the right thing to do.

Mr. VITALI. Thank you.

I do not have any further questions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Ellis	Kortz	Rapp
Aument	Emrick	Kotik	Ravenstahl
Baker	Evankovich	Krieger	Readshaw
Barbin	Evans, J.	Kula	Reed
Barrar	Everett	Lawrence	Reese
Bear	Fabrizio	Longietti	Reichley
Benninghoff	Farry	Maher	Roae
Bishop	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyle, B.	Gabler	Mann	Sabatina
Boyle, K.	Galloway	Markosek	Saccione
Bradford	Geist	Marshall	Sainato
Briggs	George	Marsico	Samuelson
Brooks	Gerber	Masser	Santarsiero
Brown, R.	Gergely	Matzie	Santoni
Brown, V.	Gibbons	McGeehan	Saylor
Brownlee	Gillen	Metcalfe	Scavello
Burns	Gillespie	Metzgar	Schroder
Buxton	Gingrich	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causer	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stevens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla

Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Cutler	Hennessey	O'Brien, M.	Toepel
Daley	Hess	O'Neill	Toohil
Davidson	Hickernell	Oberlander	Truitt
Davis	Hornaman	Parker	Turzai
Day	Hutchinson	Pashinski	Vereb
Deasy	Johnson	Payne	Vitali
DeLissio	Josephs	Payton	Vulakovich
Delozier	Kampf	Peifer	Wagner
DeLuca	Kauffman	Perry	Watson
Denlinger	Kavulich	Petrarca	Wheatley
DePasquale	Keller, F.	Petri	White
Dermody	Keller, M.K.	Pickett	Williams
DeWeese	Keller, W.	Preston	Youngblood
DiGirolamo	Killion	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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

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

* * *

The House proceeded to third consideration of **HB 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 third consideration?
Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the vote.

The Chair recognizes the gentlelady, Ms. DeLissio. For what purpose does the gentlelady rise?

Ms. DeLISSIO. Thank you, Mr. Speaker.

I have two brief questions for the maker if he will stand for interrogation, please.

The SPEAKER pro tempore. Will the gentleman, Mr. Ellis, agree?

He has so agreed and you may proceed.

Ms. DeLISSIO. Thank you.

Mr. Speaker, on page 2, starting with line 6, "limited waiver" on this piece of legislation, section (iii) says, "During orientation of each new buyer...." Who is defined as the buyer, Mr. Speaker? Is that a member or is that if the business entity is indeed sold to a buyer?

Mr. ELLIS. Mr. Speaker, I could not actually hear her speaking. If she could speak a little louder. I am sorry. I did not hear the question.

The SPEAKER pro tempore. If you could just suspend. Members cannot hear the interrogation. Members, please be seated or take your conversations to the rear of the hall.

The Chair thanks the members. You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I am happy to repeat the question. Mr. Speaker, on page 2, beginning with line 6, "limited waiver,"

"(iii) During orientation of each new buyer, the health club provides instructions regarding the use of the health club...." et cetera. Who is defined as the buyer? That is if the business were to be sold to another entity?

Mr. ELLIS. That actually refers to the person who is joining the health club.

Ms. DeLISSIO. Are they buying— Is this an equity position?

Mr. ELLIS. It is not an equity position, but it is a private club so they have to pay a fee to join, and we had defined it as a buyer.

Ms. DeLISSIO. Okay. Thank you.

And then, Mr. Speaker, in reference to the 6,000 square feet limitation, what is driving that 6,000 square feet? How did that particular number come to be?

Mr. ELLIS. We mirrored the 6,000 feet language from many other States that already have passed this into their law, and the thought process behind it is simply that anything beyond 6,000 feet, you are probably looking at a two- or three-story facility. Whenever you get into that, then there are additional concerns about what if somebody is up in a back room and the emergency providers come to provide any kind of service if necessary and they cannot find the person who is working out. Essentially, what we are trying to accomplish is create one big room, open walls, so the people can see where anything may be transpiring.

Ms. DeLISSIO. I appreciate the explanation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—186

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

NAYS—12

Bishop	Fabrizio	Hornaman	Rapp
Boyle, K.	Freeman	Metcalfe	Samuelson
Creighton	Harkins	Perry	Thomas

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Waters
Brennan			

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

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

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

* * *

The House proceeded to third consideration of **SB 791, PN 821**, entitled:

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

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.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority leader, who requests a leave of absence for the gentleman, Mr. SABATINA, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF SB 791 CONTINUED

The SPEAKER. The gentleman, Mr. Vitali, is in order on the bill.

Mr. VITALI. Thank you, Mr. Speaker.

First of all, I want to congratulate Representative Sonney for his efforts moving his local issue forward. I know he has worked with Senator Earll on this issue. I just want to – and I understand this thing is going to pass – but I just want to put on the record why I oppose, why I will be voting "no" on this legislation.

This bill, I believe on the surface, is meant to address one particular parcel of land on the shores of Lake Erie. I believe that the purpose of this legislation, as I understand it, is to allow for a greater setback requirement from a bluff for an amusement park, which sits on the bluff of Lake Erie. And I understand, I understand that amusement park wants to build a building and that would come within the setback requirements of this law, and I believe that the amendment is designed to change the law so that that amusement park, without going through other channels, can build this building extension. So I have a number of concerns here. It is hard to say whether this is appropriate or not. I am not sure that the setback requirements of this bill meet the requirements of testable, empirical, replicable, which I know we all subscribe to, but there is a— And I understand at the moment that DEP (Department of Environmental Protection) is neutral on this. It is my understanding that they were not at all times supportive of this.

One of my concerns with regard to this legislation is, although it has really been drafted with the thought of this Waldameer amusement park in Millcreek Township, Erie County, the problem with this bill is it has statewide implications, and I do not think in committee questions were adequately answered with regard to any potential impacts of this legislation on any other situations in the Commonwealth. So there is that danger of unforeseen consequences, and there also is that constitutional problem. Our Constitution specifically prevents special bills. There is a provision in our Constitution which prevents special bills, which are bills for one particular situation without specific notice, so there is a potential constitutional problem, which I think the courts need to deal with. There is the problem of unintended consequences, which I do not think we know of. And there is also the matter of process here. We should not be crafting statewide legislation to deal with one local problem.

I can count. I know how this thing is going to go, but I just wanted it to be put on the record why I will not be voting "yes" on this. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

Does the gentleman, Mr. Sonney, seek recognition on final passage? The gentleman is in order.

Mr. SONNEY. Thank you, Mr. Speaker.

I would just like to remind the members that the former speaker was correct. This bill basically is drafted for Waldameer Park, but I would like everybody to understand that when you look at the coastline along Lake Erie, most all of it is bluff, almost all of it, and it is right at the water's edge, this bluff. Well, this particular piece of property, the bluff that we are talking about, is in excess of 200 feet back from the lake, and there are multiple homes, a condominium complex, and a campground that are on water's edge, and none of these properties have ever been affected by Lake Erie. All this bill is doing is removing that bluff. What we are saying is that the bluff on this property is not affected by the lake. So we are trying to remove a restriction that is causing some problems for Waldameer Park wanting to expand.

I would also like to make a note that the Uniform Construction Code is very, very specific when it comes to building on or near bluffs. So it is not that we are removing all requirements out there. We are simply getting ready, trying to remove the Environmental Quality Board's restrictions concerning this particular bluff.

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	Fabrizio	Lawrence	Ravenstahl
Aument	Farry	Longietti	Readshaw
Baker	Fleck	Maher	Reed
Barbin	Frankel	Mahoney	Reese
Barrar	Gabler	Major	Reichley
Bear	Geist	Maloney	Roae
Benninghoff	George	Mann	Rock
Bishop	Gerber	Markosek	Roebuck
Bloom	Gergely	Marshall	Ross

Boback	Gibbons	Marsico	Saccone
Boyle, B.	Gillen	Masser	Sainato
Brooks	Gillespie	Matzie	Santoni
Brown, R.	Gingrich	McGeehan	Saylor
Burns	Goodman	Metcalfe	Scavello
Buxton	Grell	Metzgar	Schroder
Caltagirone	Grove	Miccarelli	Simmons
Carroll	Hackett	Micozzie	Smith, K.
Causer	Hahn	Millard	Smith, M.
Christiana	Haluska	Miller	Sonney
Clymer	Hanna	Milne	Staback
Conklin	Harhai	Mirabito	Stephens
Costa, D.	Harhart	Moul	Stern
Costa, P.	Harkins	Mullery	Stevenson
Cox	Harper	Mundy	Sturla
Creighton	Harris	Murphy	Swanger
Cruz	Heffley	Murt	Tallman
Culver	Helm	Mustio	Taylor
Curry	Hennessey	Myers	Thomas
Cutler	Hess	Neuman	Tobash
Daley	Hickernell	O'Brien, D.	Toepel
Day	Hornaman	O'Neill	Toohil
Deasy	Hutchinson	Oberlander	Truitt
Delozier	Kampf	Pashinski	Turzai
DeLuca	Kauffman	Payne	Vereb
Denlinger	Kavulich	Payton	Vulakovich
Dermody	Keller, F.	Peifer	Wagner
DeWeese	Keller, M.K.	Perry	Watson
DiGirolamo	Keller, W.	Petrarca	Wheatley
Donatucci	Killion	Petri	White
Dunbar	Kirkland	Pickett	Williams
Ellis	Knowles	Preston	Youngblood
Emrick	Kortz	Pyle	
Evankovich	Kotik	Quigley	Smith, S., Speaker
Evans, J.	Krieger	Quinn	
Everett	Kula	Rapp	

NAYS—20

Boyle, K.	Cohen	Freeman	Parker
Bradford	Davidson	Galloway	Samuelson
Briggs	Davis	Johnson	Santarsiero
Brown, V.	DeLissio	Josephs	Shapiro
Brownlee	DePasquale	O'Brien, M.	Vitali

NOT VOTING—0

EXCUSED—6

Boyd	Evans, D.	Sabatina	Waters
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.

* * *

The House proceeded to third 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 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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Boyd	Evans, D.	Sabatina	Waters
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 with amendment in which the concurrence of the Senate is requested.

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 78, PN 2241**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in operation of boats, further providing for operating watercraft under influence of alcohol or controlled substance and for the offense of homicide by watercraft while operating under influence.

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

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

On that question, the Speaker recognizes the gentleman, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

If I could have the indulgence of the members for one moment.

This bill passed a little bit earlier this year. HB 78 has to do with DUIs (driving under the influence) by watercraft. We are trying to make them consistent with DUIs by vehicle. I am going to have a piece of paper sent around to you. I like to refer to this as Valerie's Law. There was a young lady in my district who was killed in Representative Hanna's district. This young lady was brought over from Russia, adopted by an American family. Sadly, she lost her mother several years afterward. Her aunt was gracious enough and adopted her, trying to give her a better life. Unfortunately, that life was taken prematurely by an individual who had already had four DUIs by vehicle, and subsequently several other instances, DUI, or at least under the influence while operating a boat.

I would ask your support of this initiative that we can make Pennsylvania's laws, regardless of what vehicle you are in, consistent. If you are going to take the life of someone in a watercraft, in a car, or whatever else, we are going to see that your sentence is then a second-degree felony and defined accordingly.

Last, there is a provision in there that if you were to kill more than one individual, you would have additional consecutive sentencing to go along with that, and the Senate added an amendment to require that if you have a prior DUI by motor vehicle, it would be considered at the time of sentencing for a DUI while boating.

I appreciate the indulgence of the members. You will see a picture of this nice, young lady. In my opinion, there are many tragedies for our young people that we cannot do anything about, many illnesses, but this was a preventable death. I hope

you will join me in preventing future deaths, whether it is for a young person or any of our citizens here in the State of Pennsylvania.

Thank you, Mr. Speaker. I appreciate the members' indulgence.

The SPEAKER. For the information of the members, the flier that the gentleman, Mr. Benninghoff, made reference to, that is being handed out right now; the Speaker has given him permission to hand that out. Normally we would require the member's name to be on it, identifying what member would be handing something of this nature out. Given the timing and the nature, the Speaker has made an exception and given the gentleman authority to hand that out at this point in time.

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge concurrence on HB 78 and to submit additional remarks for the record.

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

Thank you, Mr. Speaker.

I rise today in support of HB 78. This bill would toughen Pennsylvania's DUI laws by linking boating under the influence with driving under the influence.

I had introduced this legislation as a separate bill, now amended into HB 78, in response to an overwhelming outcry for action in my community following a tragic event.

On July 9, 2009, a 12-year-old girl was killed in a boating accident on the Susquehanna River in my district. The operator of the boat that killed her was intoxicated and also had three prior DUI convictions.

Due to the penalties outlined in Pennsylvania law, the maximum time he could spend incarcerated for this offense was 7 years because the law currently does not link DUI and BUI, and therefore did not take his previous DUI convictions into account.

It is simply not right that a person who is convicted of DUI and kills someone should face less incarceration simply because they did so behind the wheel of a boat rather than behind the wheel of a car.

I strongly urge my colleagues to concur in the Senate amendments and send this important legislation to the Governor.

Thank you.

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 Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker. On the bill.

I just want to alert members, I know I have consistently opposed mandatory minimum sentencing and other members of this chamber have. I wanted to alert the members that this piece of legislation contains a mandatory minimum of 3 years in jail. It does not require the intentional killing as I read this act. If you are under the influence of alcohol and your actions result in the killing of a person while boating, even if it is not intentional, it mandates 3 years in jail. If that same accident has multiple people, each of these 3-year sentences is consecutive. So if you are driving a boat with four people in it and you are under the

influence and all die, even if it is not intentional, even if there is no malice, even if there are extenuating circumstances, that would be 12 years in jail. I am not going to rehash all of the arguments for why mandatory minimums are a bad idea. They have been talked about before in the House, and I just want members who oppose the concept of mandatory minimums to be aware that this bill contains mandatory minimums.

Thank you.

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—191

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

NAYS—6

Bishop	Curry	Payton	Vitali
Cohen	Josephs		

NOT VOTING—0

EXCUSED—6

Boyd Brennan	Evans, D. Godshall	Sabatina	Waters
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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.

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 66, PN 30

An Act designating a bridge on that portion of S.R. 1012 over the Lackawanna River, Archbald Borough, Lackawanna County, as the Police Chief Thomas J. Malone Memorial Bridge.

HB 78, PN 2241

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in operation of boats, further providing for operating watercraft under influence of alcohol or controlled substance and for the offense of homicide by watercraft while operating under influence.

HB 345, PN 300

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

HB 399, PN 365

An Act designating the Shenango River Bridge, which carries State Route 322 over the Shenango River in Jamestown Borough, Mercer County, as the Staff Sergeant David M. Veverka Veterans Memorial Bridge.

HB 917, PN 980

An Act designating the bridge carrying State Route 2014 over the Beaverdam Branch of the Juniata River in Hollidaysburg Borough, Blair County, as the Sgt. 1st Class Daniel Lightner Memorial Bridge.

HB 1219, PN 1329

An Act designating a bridge on that portion of State Route 2011 over the East Branch of Sideling Hill Creek, Monroe Township, Bedford County, as the Donald H. Clark Memorial Bridge.

HB 1448, PN 1738

An Act amending the act of May 24, 1956 (1955, P.L.1674, No.566), entitled "An act authorizing council of any incorporated town to create the office of town manager, and prescribe his powers and duties," further providing for the office of town manager and for powers and duties of a town manager.

HB 1449, PN 1739

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for the office of borough manager and for powers and duties of a borough manager.

HB 1549, PN 2221

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in names and corporate powers and classification of counties, further providing for counties divided into nine classes; and, in prothonotary, clerks of court, clerk of orphan's court, register of wills, recorder of deeds, further providing for how offices to be held.

HB 1727, PN 2192

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1728, PN 2193

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1729, PN 2194

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 1730, PN 2195

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University—Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1731, PN 2222

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure; and making an appropriation from a restricted account within the Agricultural College Land Scrip Fund.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1062, PN 1444**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the majority leader that the House concur in the amendments.

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

Mr. VEREB. Thank you, Mr. Speaker.

Let me start off by thanking the caucus in which I am a member of and the many Democrats who have been continuing to support my effort, our effort, to right the wrongs that have been existing within our Gaming Board and BIE (Bureau of Investigations and Enforcement). With that same thanks comes the respect of not putting members who have been so supportive of such a great effort into an impossible political decision to make.

I withdrew my amendment shifting funding within the Gaming Fund for one reason and one reason only. I have the utmost respect of the people who have supported this fight since late 2006.

Now, let us talk about some of those who have not supported this fight since 2006, Mr. Speaker. There seems to be more of an effort to protect the chicanery that goes on in this Gaming Board. There seems to be more of an effort to fight our efforts to right the so many wrongs that have been reported. You really almost have to ask yourself the question, it is very easy to quote D.A.s and Attorneys General and law enforcement and F.O.P. (Fraternal Order of Police) and associations on all of our bills that we run, but how come on this piece of legislation no one is listening to the same groups that they quote? How many district attorneys; how many Attorneys General; how many police associations, troopers associations; and how many more grand jury reports do we need to read, hear of, or be directed to recognize that they all see that the current setup is not working? It protects the politically connected.

I think I heard earlier something about cocktail parties for a class of people. Well, this is no different than that argument I guess, you see, because the current setup – and I will not quote pages in a grand jury report because I do not want to have to strike them – there is a class of people in that grand jury report, and that class of people is not your neighbor, that class of people is not your civic leader in your community. That classic person in some cases is a convicted felon, in some cases is politically connected, but in all cases has been defended, has had their background report altered by the Gaming Board, by BIE.

Now, any thought that retraction in this amendment makes this issue go away, let me just say to my supporters it does not and I thank you. But let me just say to those who do not support it and do not offer any corrective advice or action to move forward, we are going to put people in a very uncomfortable situation over the next year to get them to work with us and understand what we are trying to do.

This system has been allowed to be susceptible to corruption and to continue unabated, and we just cannot do this, Mr. Speaker.

With the confidence and the sweat equity of our new Governor, the former Attorney General of this Commonwealth has assured me that he will exercise his right to appoint a new chairman to this Gaming Board. I am confident that that person will come with the same philosophy and the same work ethic

that our current Governor and former Attorney General brings to the table. Just that alone, just that commitment alone is enough to make me withdraw this amendment, Mr. Speaker, not to mention the Governor in the fall has assured me that he will put his sweat equity into this issue, because do you know why? The Governor helped draft this when he was Attorney General.

It is no secret what we are trying to accomplish. What is secret is, what are the people that do not want this to happen afraid of? What are we afraid of? What is the downside? There is not a downside. The upside is, if we fix this, then we will not have to spend hundreds of thousands of dollars on grand jury reports like our Gaming Board pointed out.

Their first reaction was, how much money did it cost? Well, I am sorry if we cut in on their trips to Rome and their other junkets that they have done over the years, but the reality is, if we do the right thing with a small amount of money to transfer, we will not have these grand jury reports, Mr. Speaker.

The bottom line is all said in one internal e-mail that came from the acting director of BIE after this grand jury report, and essentially this gentleman stated that status quo is fine with him and that this organization should continue to operate the way they have been.

Well, Mr. Speaker, I am voting "no." I certainly would urge folks to vote "no" on a gaming budget, but I realize some members are in difficult positions because of casinos in their districts. But, Mr. Speaker, status quo is not the way to go. Vote "no."

Thank you very much.

The SPEAKER. The Speaker needs to correct the record. This is actually for concurrence in Senate amendments to House amendments. I had inverted that previously.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like to thank the gentleman from Montgomery County for withdrawing his amendment, amendment No. A04438.

I am urging everyone to vote "yes" in concurrence of SB 1062. The consequences if we do not concur on this, we will lose 16,000 jobs in the private sector of people working in our casinos. It will also affect our property tax relief, meaning that we would lose \$4 million a day, and some of the ancillary businesses such as your hotels, restaurants, and maintenance people would also suffer.

And I am very happy that the gentleman from Montgomery County has seen that this will benefit the residents of this great State of Pennsylvania.

In addition to that, the majority chair of Gaming Oversight has stated that he will hold hearings this summer to address some of the issues that came out of the grand jury report, and I have the utmost respect for him, and I know he will hold the hearings around the State to clarify any issues that may come up.

Once again, \$4 million a day in revenue will be lost if we do not concur with SB 1062. I am asking everyone to do a "yes" vote. We cannot afford in this State to lose \$4 million a day in revenue. Thank you.

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

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

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I have in previous years voted "yes" on the Gaming Board budget. I feel very strongly that we need an adequately funded and very strong gaming regulatory structure in this Commonwealth to police the gaming activities. However, Mr. Speaker, over the years I have become convinced that that, unfortunately, is not what we have.

Representative Vereb's efforts and, indeed, this House's efforts to remove BIE, the Bureau of Investigations and Enforcement, from the Gaming Control Board and put it under another agency has been a major reform attempt which has been endorsed by two separate grand jury reports now and supported by many members of this House.

Mr. Speaker, our effort on the budget was an attempt to further that cause along by shifting the funding within the Gaming Board budget over to the Attorney General. Obviously, we are at the end of this process, and it has not come to fruition yet, but as the gentleman from Montgomery County indicated, this is not the end of the battle. This is not the end of our efforts to make sure that investigation enforcement is truly independent, both in practice and in physicality, from the Gaming Control Board.

So, Mr. Speaker, I will be a "no" vote for the gaming budget, and we will be back to press this issue on another day. Thank you.

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

On that question, the Speaker recognizes the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this grand jury report is old news. The current board, the current Gaming Board has looked at those recommendations, evaluated those recommendations, and implemented almost every one. The current Gaming Board is doing their job. They are doing it well.

We need to concur on this bill. As the Democratic chairman of the Gaming Committee already stated, we will lose \$4 million a day if this does not pass and thousands and thousands of jobs. It makes no sense to nonconcur on this bill. The recommendations have been implemented. The Gaming Board is doing their job. Let us make sure we keep these jobs, these people working in Pennsylvania, and keep the money flowing in for property tax relief.

Thank you, Mr. Speaker.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I agree with my two colleagues over here, Representative Vereb and Representative Schroder, who indicated that we should vote "no" on this issue.

I just have an observation about those members who said that we are going to lose \$4 million. Well, the Commonwealth may lose \$4 million, but there will be \$4 million more in the homes of people to pay their taxes, to pay their mortgages, to help with their students, with their children's college funds. So there is another flipside to it, but having shared that, Mr. Speaker, I do ask my colleagues to be a "no" vote on this issue. Thank you.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support SB 1062, and I support it for two reasons: jobs, jobs, jobs. I heard 16,000 jobs. And, Mr. Speaker, I also heard that \$4 million will go into the property tax relief account, \$4 million, \$4 million into the property tax relief account. That is what we have been talking about from both sides of the aisle. Let us not jeopardize that. Vote "yes" on SB 1062 on concurrence.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—117

Adolph	DePasquale	Killion	Petrarca
Barbin	Dermody	Kirkland	Petri
Bishop	DeWeese	Kortz	Pickett
Boback	DiGirolamo	Kotik	Preston
Boyle, B.	Donatucci	Kula	Ravenstahl
Boyle, K.	Fabrizio	Longietti	Readshaw
Bradford	Farry	Maher	Reed
Briggs	Frankel	Mahoney	Roebuck
Brown, R.	Freeman	Major	Ross
Brown, V.	Galloway	Mann	Sainato
Brownlee	George	Markosek	Samuelson
Burns	Gerber	Marshall	Santarsiero
Buxton	Gergely	Marsico	Santoni
Caltagirone	Gibbons	Masser	Scavello
Carroll	Goodman	Matzie	Smith, K.
Cohen	Grell	McGeehan	Smith, M.
Conklin	Hahn	Millard	Sonney
Costa, D.	Haluska	Mirabito	Staback
Costa, P.	Hanna	Mullery	Sturla
Cruz	Harhai	Mundy	Thomas
Culver	Harkins	Murphy	Vitali
Curry	Heffley	Mustio	Wagner
Daley	Hennessey	Myers	Wheatley
Davidson	Hornaman	Neuman	White
Davis	Johnson	O'Brien, D.	Williams
Day	Josephs	O'Neill	Youngblood
Deasy	Kampf	Parker	
DeLissio	Kavulich	Pashinski	Smith, S.,
Delozier	Keller, M.K.	Payne	Speaker
DeLuca	Keller, W.	Peifer	

NAYS—80

Aument	Fleck	Maloney	Rock
Baker	Gabler	Metcalfe	Saccone
Barrar	Geist	Metzgar	Saylor
Bear	Gillen	Miccarelli	Schroder
Benninghoff	Gillespie	Micozzie	Shapiro
Bloom	Gingrich	Miller	Simmons
Brooks	Grove	Milne	Stephens
Causer	Hackett	Moul	Stern
Christiana	Harhart	Murt	Stevenson
Clymer	Harper	O'Brien, M.	Swanger
Cox	Harris	Oberlander	Tallman

Creighton	Helm	Payton	Taylor
Cutler	Hess	Perry	Tobash
Denlinger	Hickernell	Pyle	Toepel
Dunbar	Hutchinson	Quigley	Toohil
Ellis	Kauffman	Quinn	Truitt
Emrick	Keller, F.	Rapp	Turzai
Evankovich	Knowles	Reese	Vereb
Evans, J.	Krieger	Reichley	Vulakovich
Everett	Lawrence	Roae	Watson

NOT VOTING—0

EXCUSED—6

Boyd	Evans, D.	Sabatina	Waters
Brennan	Godshall		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MS. YOUNGBLOOD

The SPEAKER pro tempore. For what purpose does the gentelady, Ms. Youngblood, rise?

Ms. YOUNGBLOOD. Just to thank the members of the House of Representatives for concurring in SB 1062 and saving \$4 million a day in revenue for the Commonwealth.

The SPEAKER pro tempore. The Chair thanks the lady.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 907, PN 1452**, entitled:

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.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the vote.

The Chair recognizes the minority Appropriations chairman, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak on SB 907. It is one of those bills most of our constituents and, I would venture to say, some of the members do not really fully understand, but the Fiscal Code is used to implement the general appropriations budget, especially, in this case, the one that Republicans voted for last night that will cause local tax increases; eliminate thousands of jobs at the county, school district, and State levels; increase tuition; and cut services to our most vulnerable residents, which will increase the cost of families caring for ill and elderly loved ones. Democrats made it clear last night that this budget is offensive to the people of Pennsylvania.

I recommend a "no" vote. This bill is a mishmash of many miscellaneous provisions; some are good, but mostly bad. It has become a GOP dumping ground for any legislation that you could not get passed during the fiscal year.

I recommend a "no" vote because the bad in this budget far outweighs the good. It cuts tax credits that will impact jobs – arbitrarily cuts the tax credit for new jobs by \$12.4 million; arbitrarily cuts the tested and proven job-creating film production tax credit by \$15 million; arbitrarily cuts the Housing and Redevelopment Assistance Program, a program that has created and sustained thousands of jobs over the years and built thousands of homes, generating tens of millions of dollars in economic impact.

This bill includes language that enables the Governor's collapse and confuse consolidations – let me repeat that – the Governor's collapse and confuse consolidations, smoke and mirrors, taking more money away from the vulnerable and those that hurt the most.

This bill maintains another one-time transfer of revenue from the CAT Fund (Catastrophic Loss Benefits Continuation Fund) to the General Fund, another accounting gimmick to fool the public. Let me note that as of today we have a revenue surplus this fiscal year – and I know you have heard my predictions before – as of today a \$751 million revenue surplus, and we still have a little way to go here before the end of the month; almost \$800 million. You may recall not long ago I stood here and said, you know, a conservative, a conservative estimate of what the money that we would have in surplus would be maybe \$500 million by the end of the fiscal year. It is almost \$800 million, and if you really look at it, it is another \$800 million on top of that that could be applied to next fiscal year. That is heading to \$2 billion of surplus that we have decided not to use, and even to use any kind of a reasonable part

of it, we have decided not to and make horrendous, painful cuts with this tremendous, tremendous amount of money sitting on the table, taxpayers' money, not our money, taxpayers' money that could be used to alleviate and mollify some of these very, very drastic cuts.

This bill ensures that we do not have a balanced budget. It is not balanced because it prohibits the transfer of surplus funds into the Rainy Day Fund. So it leaves hundreds of millions of surplus revenue unaccounted for, unaccounted for. So much for accountability and transparency. There is no indication of where most of that \$800 million is. There is no line item that says it is in the Rainy Day Fund. That is all we heard from the other side. Well, we have these liabilities. Well, we have these debts. Well, here is the money. Show me where you put it. Well, we want to save it for a rainy day. You have not even done that. Where is the money?

These are just a few of the reasons we should vote "no" on SB 907. But the greatest reason of all is it implements an unbalanced budget bill that will have a negative impact on more Pennsylvanians than it will help, and it was done, it was done behind closed doors and without the input of the members in this House of Representatives who represent nearly one-half of the constituents of the population of Pennsylvania. That is wrong. It is a poor way to run a government. It is a closed-door way to run a government. It is not open. It is not transparent. There is no light being shined on the backrooms, in the smoke-filled rooms where this was put together. It is wrong, and I would ask every member of this House, not just the Democrats, every member of this House that is for transparency to vote "no" on SB 907.

Thank you, Mr. Speaker.

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

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

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

The SPEAKER pro tempore. The gentleman indicates that he will, and you may proceed.

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

Mr. Speaker, there has been a lot of discussion over the last couple days about surplus dollars coming into the Commonwealth in fiscal year '10-'11, revenue over expenditures. Mr. Speaker, do you have an estimate on what that total amount of revenue over expenditures is through today?

Mr. ADOLPH. Yes.

Mr. M. SMITH. And what is that amount?

Mr. ADOLPH. The unanticipated revenue over expenses, based upon the Republican Appropriations budget analysis, is \$752 million.

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

And just so I am clear, that is for the current fiscal year we are in right now, the '10-'11 budget year?

Mr. ADOLPH. That is correct.

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

Now, Mr. Speaker, is it correct to say that that money, pursuant to section 1702-A, which is on page 25, lines 12 through 14, of SB 907, that money is not being deposited and

is in fact prevented from being deposited into the Budget Stabilization Fund, correct?

Mr. ADOLPH. That is correct.

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

Can you identify out of that \$751 million how much is being put into the fiscal year '11-'12's spending plan?

Mr. ADOLPH. Yes. The restoration of the block grants, \$100 million; \$25 million for additional tax refund reserves; \$23.7 million for additional supplementals, and that is for programs that have zeroed out and still need to be provided funds in order to finish the year.

If you remember, Mr. Speaker, when the Governor introduced his budget back in March, he had proposed to bring the Tobacco Fund into the General Fund, and by doing that, bringing the cash that was in there and also the responsibility of paying for the expenses that the Tobacco Fund paid for, there was additional cash – and I am rounding this off – of \$140 million. The budget that was passed last night removed the Tobacco Fund and the programs and pushed it back out into the Tobacco Fund. As a result of that, the Governor's budget was short \$140 million. So that is another \$140 million.

And also, we increased the spending from the Governor's proposed budget by another \$141.6 million. It should leave us with an ending balance, Mr. Speaker, of \$244 million.

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

And I am sorry; I was having a little trouble there at the end. Is it \$244 million?

Mr. ADOLPH. Yes.

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

Now, Mr. Speaker, that money, the remaining balance of \$244 million, is not being deposited into the Budget Stabilization Fund pursuant to SB 907. Where is the balance of \$244 million being directed by the Fiscal Code?

Mr. ADOLPH. It automatically becomes part of next year's money, and we will find out when the Governor signs the budget, when the Budget Secretary certifies the balance, and not until that time.

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

Mr. ADOLPH. You are welcome.

Mr. M. SMITH. So as of this point, there is no specific appropriation for that \$244 million?

Mr. ADOLPH. No.

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

And that \$244 million, who will control where that money is appropriated?

Mr. ADOLPH. The General Assembly.

Mr. M. SMITH. And will that occur, I am assuming, Mr. Speaker, during next year's budget negotiations?

Mr. ADOLPH. Yes.

Mr. M. SMITH. For the '12-'13 fiscal year?

Mr. ADOLPH. Yes.

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

On the bill, Mr. Speaker?

The SPEAKER pro tempore. Is the interrogation ending, Mr. Smith?

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

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. You may proceed on the bill.

Mr. M. SMITH. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. M. SMITH. In order to make a motion that SB 907 is unconstitutional, what would the proper motion be?

The SPEAKER pro tempore. You would appropriately raise the point of order, indicate that this bill, in your opinion, is unconstitutional, and then quote the basis foundation of the Constitution, the sections in which you are defending that position.

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

CONSTITUTIONAL POINT OF ORDER

Mr. M. SMITH. I would like to make a point of order and a motion that SB 907 is unconstitutional pursuant to the Pennsylvania Constitution, Article VIII, section 14.

The SPEAKER pro tempore. The gentleman, Mr. Smith, raises the point of order that this bill is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

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

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

I am making a motion that SB 907 is unconstitutional pursuant to Article VIII, section 14, which under the Pennsylvania Constitution states, and I quote, "All surplus of operating funds at the end of the fiscal year shall be appropriated during the ensuing fiscal year by the General Assembly." Mr. Speaker, I submit to my colleagues that SB 907 is in fact unconstitutional, because given the interrogation of the good chairman of the Appropriations Committee, we are not in fact appropriating in any way, shape, or form the surplus, the revenues that we are receiving, the unanticipated tax revenues over expenditures of \$244 million. Mr. Speaker, those dollars are not being appropriated, they are not being put into the Budget Stabilization Fund under the language of SB 907, and there is no specific appropriation of those funds, given the interrogation that we just had, until the next fiscal year for that budget, which is the '12-'13 budget year.

In addition, Mr. Speaker, the current budget, given the fact that we have \$244 million that has not been allocated, is out of balance, as was said earlier by the minority chair. We have expenditures at one level – I am sorry, Mr. Speaker. We have revenues at one level and we actually have expenditures in the Fiscal Code at a level \$244 million below the level of collected revenues. Thus, this budget is out of balance.

And therefore, Mr. Speaker, I respectfully request my colleagues join me in supporting this motion that SB 907 is unconstitutional. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence of the gentleman, Mr. Waters, on the floor of the House, and he will be added to the master roll.

CONSIDERATION OF SB 907 CONTINUED

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

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—109

Adolph	Fleck	Major	Reichley
Aument	Gabler	Maloney	Roae
Baker	Geist	Marshall	Rock
Barrar	Gillen	Marsico	Ross
Bear	Gillespie	Masser	Saccone
Benninghoff	Gingrich	Metcalfe	Saylor
Bloom	Grell	Metzgar	Scavello
Boback	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	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	Vereb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	Watson
Evankovich	Knowles	Quinn	
Evans, J.	Krieger	Rapp	Smith, S., Speaker
Everett	Lawrence	Reed	
Farry	Maher	Reese	

NAYS—89

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

Davis	Josephs	Pashinski	Williams
Deasy	Kavulich	Payton	Youngblood
DeLissio			

NOT VOTING—0

EXCUSED—5

Boyd	Evans, D.	Godshall	Sabatina
Brennan			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER pro tempore. Mr. Smith, are you still desiring recognition on the final passage of the bill?

Mr. M. SMITH. Very briefly on final passage, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

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

I will not belabor the point to my colleagues, Mr. Speaker, but I do believe that the budget in the Fiscal Code we are about to vote on is in fact out of balance. We are collecting revenue at a level which exceeds the expenditures here before us to the tune of \$244 million.

And again, I do not want to presume to know or provide advice to other members, particularly the new members, on how to vote on a particular piece of legislation, but I would submit, Mr. Speaker, that the most important vote that any of us will make at any particular time is in fact the budget votes. And as we know, it comes in very differing pieces – the General Appropriations Act, the Fiscal Code, the Welfare Code, and down the line – and I submit, and to quote my dear friend from Upper St. Clair, I do believe there may be some "skulduggery" afoot in the chamber with this missing \$244 million that at the end of the day will likely be controlled by the Governor.

So with that, Mr. Speaker, I would submit and respectfully request that my colleagues join me in voting against SB 907 on the grounds that it is out of balance.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

FILMING PERMISSION

The SPEAKER pro tempore. The Chair gives permission to Brad Bower, who is a photographer for the Associated Press, to take still photos for approximately a 10-minute period.

CONSIDERATION OF SB 907 CONTINUED

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

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, I am looking for some clarification on some of the changes that were made in the Senate related to the State Workers' Insurance Board investment authority under the bill,

and I am wondering if someone on the Republican side could explain to us in layman's terms what the effect of some of these changes will be?

The SPEAKER pro tempore. The gentleman has indicated a willingness to try to answer your questions, and I believe he is prepared. Mr. Adolph?

Mr. ADOLPH. Yes.

The SPEAKER pro tempore. Thank you.

You may proceed.

Ms. MUNDY. The bill reduces the amount that the board may invest in equities from 20 percent to 15 percent of the State Workers' Insurance Fund's assets. Can you explain again what the effect of that will be in layman's terms and why these changes were made?

Mr. ADOLPH. Thank you, Mr. Speaker.

The language that was inserted into SB 907 in Appropriations was "Investments in equities shall be made subject to the prudent...investor rule as provided for under" chapter "20...(relating to prudent investor rule)."

Now, for the members' information, the "General rule," "A fiduciary shall invest and manage property held in a trust as a prudent investor would, by considering the purposes, terms and other circumstances of the trust and by pursuing an overall investment strategy reasonably suited to the trust."

"Permissible investments...may invest in every kind of property and type of investment, including, but not limited to, mutual funds and similar investments, consistent with this chapter."

Now, in layman's terms what that means, the switch from a prudent man to a prudent investor was made in response to language that is included in the 2010 Auditor General report and which simply updates terminology used in the present investment practices.

I hope that answer satisfies the gentlelady.

Ms. MUNDY. Well, I am sorry; I had a very hard time hearing you, but it is very noisy on this side, unfortunately, and your side is not any better. So the comment about a hearing aid was really uncalled for.

The SPEAKER pro tempore. Will the House please come to order. The gentlelady is entitled to be heard.

Will the gentlelady please proceed.

Ms. MUNDY. I realize that tensions are high. I realize that there is a great deal of angst among members between the two parties, but I am looking for clarification on a bill that means a great deal to people who invest in the State workers' insurance investment fund.

Mr. Speaker, would you please repeat, and again, maybe we could take it one issue at a time. The equities issue, the board may invest in equities from 20 percent to 15 percent. What is the purpose of that?

Mr. ADOLPH. The rationale behind that is that less money is at risk because you are lowering the investment rate.

Ms. MUNDY. So there is less money invested in equities. You are lowering the rate from 20 to 15, so there is less money at risk?

Mr. ADOLPH. That is correct.

Ms. MUNDY. So equities are a more risky investment than other investments?

Mr. ADOLPH. Yes. Equities are a higher risk investment. So by lowering the percentage, you are lowering your risk.

Ms. MUNDY. Thank you.

Mr. ADOLPH. You are welcome.

Ms. MUNDY. Now, the SWIF statutory surplus, SWIF may invest up to 7 1/2 percent of the book value of its asset in equities. Again, is that the same rationale?

Mr. ADOLPH. Yes.

Ms. MUNDY. Thank you.

Mr. ADOLPH. You are welcome.

Ms. MUNDY. And lastly, the bill provides that investments in equities are now subject to the prudent investor rule as opposed to the prudent man rule, which had been the standard. Can you explain the difference between the prudent investor rule and the prudent man rule?

Mr. ADOLPH. Well, I am sure the gentlelady will understand that. That is just, say, for political correctness.

Ms. MUNDY. I am sorry?

Mr. ADOLPH. I said, I am sure the gentlelady would appreciate—

Ms. MUNDY. I heard that part.

Mr. ADOLPH. Okay. For political correctness we are changing it from "prudent man" to "prudent investor."

Ms. MUNDY. All right. So there is no real difference in the standard?

Mr. ADOLPH. That is correct.

Ms. MUNDY. Okay. Thank you, Mr. Speaker. I appreciate your response.

Mr. ADOLPH. You are welcome.

The SPEAKER pro tempore. The Chair thanks the lady and the gentleman.

The Chair recognizes the gentleman, Mr. Bradford.

Mr. BRADFORD. Thank you, Mr. Speaker.

If I may, would the chairman of the Appropriations Committee please stand for brief interrogation?

The SPEAKER pro tempore. He has agreed to do so, and you may proceed.

Mr. BRADFORD. Thank you, Mr. Speaker.

I had a question regarding this bill in particular, the treatment of the edu jobs money that came into the Commonwealth during, I believe, the '10-'11 fiscal year, and my understanding was that the Assembly, the General Assembly has already made provisions to use the edu jobs money in '10-'11 and shift about \$350 million from the current year into next year's budget. Is that an accurate assessment in your opinion?

Mr. ADOLPH. Yes.

Mr. BRADFORD. Now, are we using Federal dollars, Federal stimulus dollars? I realize the edu jobs were a second Federal pot of dollars that were brought into Pennsylvania to save teacher jobs mostly, public employee jobs – firemen, cops, and such. Are we spending that money in the '11-'12 budget?

Mr. ADOLPH. No.

Mr. BRADFORD. Mr. Speaker, I guess this is what I am struggling with. We use the stimulus money and we are kind of – I think we are playing a little bit of a shell game with the taxpayers' money on this. We have somehow tried to make the argument that by spending the State money and then filling it back with stimulus money, have we not really just – and I do not mean to sound in any way to put a bad motive on it – but we have kind of tried to change the name or relabel it or remarket it and turn what is really stimulus money, put it into the base for next year's spend level, and really we are using nonrecurring revenue, \$350 million of stimulus dollars in the '11-'12 budget.

Mr. ADOLPH. Well, I guess it is hard to identify the dollar,

but the way the legislation was written is that we were using the Federal money that was to be used for the remaining part of '11-'12 and we moved it back into '10-'11 and transferred State tax dollars into the '11-'12 years, and that is what the language does.

Mr. BRADFORD. Right. But respectfully, Mr. Speaker, I guess my question more is, by kind of playing the shell game and moving stimulus money into this current year's budget and moving our State appropriation for this year into next year's budget, that money does not somehow magically become recurring revenue. It is still stimulus dollars repackaged, and now we have set ourselves up for potentially a \$350 million funding cliff.

Mr. ADOLPH. If that money was not appropriated in the year '10-'11, we would have lost it.

Mr. BRADFORD. And I agree with that, Mr. Speaker. I think that is a fair assessment, but it does not become recurring revenue by taking out State money in the '10-'11 budget and spending it in the '11-'12. It is still one-time Federal dollars, and I think it is no more recurring. In fact, I think it sets us up for the funding cliff that we have heard so much about today.

Mr. ADOLPH. I would not disagree with you.

Mr. BRADFORD. I understand your position, Mr. Speaker. Thank you.

I also want to touch base on the accountability block grant, which is such an important program. Obviously, it pays for full-day kindergarten for a lot of our school districts, and I know you, to your credit, put \$100 million into that line item to restore about 40 percent of the Governor's opinion that that line item should be zeroed out. Unfortunately, my understanding is the \$100 million is not going into the '11-'12 budget. Is that a fair assessment of what you are proposing?

Mr. ADOLPH. Yes.

Mr. BRADFORD. You are putting that money into what year's line?

Mr. ADOLPH. '11-'12, basic education funding.

Mr. BRADFORD. Okay. But the accountability block grant that you are funding, you are not funding it in the '11-'12 budget. Is that correct?

Mr. ADOLPH. It is coming out of '10-'11 money.

Mr. BRADFORD. Okay. Why is that?

Mr. ADOLPH. I will explain that to you, but just for the record, I do not know if that is in this bill or not, but I will answer the gentleman's question because of the transparency factor. Obviously, when the bill left the House in May, it was part of the '11-'12 revenue. In negotiating with the Governor, the Governor felt that since the General Assembly, and particularly the House of Representatives, wanted to maintain and increase the K to 12 education and we felt very strongly on the accountability grants, the Governor negotiated and said that he will take \$50 million out of the Governor's reserves, and he asked the General Assembly to take \$50 million out of their reserves, and that is where that money is coming from.

Mr. BRADFORD. Okay. But why the decision to apply it to '10-'11 and not '11-'12? Obviously, we are working on the '11-'12 budget.

Mr. ADOLPH. The money could be spent in either year, and that was the decision.

Mr. BRADFORD. I guess my concern is, if we do this and we put the money and apply it towards last year's line item, when we go into the '12-'13 budget year, we will have applied zero dollars to the budget that we are currently passing.

Therefore, to restore funding – again, we have set ourselves up with a funding cliff – we will have to put in \$100 million in the '11-'12 budget, and then if we plan on continuing full-day kindergarten in Pennsylvania, that will cost us another \$100 million to do it at the 40-percent level in this budget, costing us \$200 million, an additional \$200 million funding cliff next year, and if we are to go up to the full funding of accountability block grants so that we have the accountability block grant for 100 percent of our students, it will be a \$350 million funding cliff.

Mr. ADOLPH. I am not quite sure— I do not know if I agree with all your full funding of accountability grants, because that gets negotiated every year.

I can tell you one thing, and I am only going to speak for one legislator and that is myself, I certainly will be negotiating very hard in order to restore those accountability grants. I am not quite sure if we are going to be able to do that, but based upon the way the economy is responding under this Corbett administration's new tax policies, hopefully we will be able to have additional revenue at this time next year.

Mr. BRADFORD. I agree with you, and I know President Obama is doing an amazing job getting our economy going in the right direction.

Mr. ADOLPH. The Obama-Corbett economy; yes.

Mr. BRADFORD. Yes. I know we respect our Governor and President equally.

Mr. ADOLPH. Yes.

Mr. BRADFORD. I guess my next issue is – and I appreciate your latitude and transparency – one of the issues, obviously, is the constitutional requirement of a capital budget, and I realize in the Fiscal Code, which we are debating, I do not see any reference to our borrowing authority.

Mr. TURZAI. Point of order, Mr. Speaker.

Mr. BRADFORD. Where is the capital budget?

Mr. TURZAI. Point of order.

The SPEAKER pro tempore. The gentleman will please suspend.

POINT OF ORDER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Turzai, on a point of order.

Mr. TURZAI. The gentleman's questions have been far afield from the Fiscal Code. We are not going through another General Fund budget argument here. This is the Fiscal Code, its implementation of the things that were done in the General Fund budget. The good gentleman had plenty of opportunity in the debate on the General Fund budget to hit these issues. We need to move forward with respect to the Fiscal Code, and the discussion needs to pertain to the Fiscal Code. General Fund spending, capital budget expenditures have never been in the Fiscal Code. The Fiscal Code is implementation language; that is it. The question should be restricted to that topic. Thank you.

The SPEAKER pro tempore. The gentleman's point is well taken, and the Chair recommends and suggests highly to the gentleman to keep his questions and comments specifically to the Fiscal Code.

Mr. BRADFORD. Right. And respectfully, I know that the majority leader is trying to run a tight ship and I appreciate that, and that is why we are all concerned under Article VIII, section 13(b), of the Pennsylvania Constitution on the requirement to

pass a capital budget. I was hoping it might be in the Fiscal Code. I understand that the majority leader has made clear it is not. I will move on.

I realize that bonding issuance authority is an issue that needs to be addressed. It is not being addressed in this bill. Maybe the Governor is going to use the \$900 million in existing bonding authority and never address that as part of a separate capital budget. I realize—

The SPEAKER pro tempore. Excuse me; has the gentleman completed his interrogation and do you want to speak on final passage?

Mr. BRADFORD. Yes, if I may, Mr. Speaker.

The SPEAKER pro tempore. You may proceed, sir.

Mr. BRADFORD. In summation, I thank the chairman for his comments. I think it needs to be stated that this Fiscal Code, in many ways, sets us up for many of the same problems that a lot of members believe are being adequately addressed in this budget; a lot of smoke and mirrors being used in the place of fiscal responsibility. For that reason and many others, I encourage a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Adolph, are you seeking recognition? The gentleman waives off.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—109

Adolph	Fleck	Major	Reichley
Aument	Gabler	Maloney	Roae
Baker	Geist	Marshall	Rock
Barrar	Gillen	Marsico	Ross
Bear	Gillespie	Masser	Saccone
Benninghoff	Gingrich	Metcalfe	Saylor
Bloom	Grell	Metzgar	Scavello
Boback	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	Vereb
Ellis	Keller, M.K.	Pyle	Vulakovich
Emrick	Killion	Quigley	Watson
Evankovich	Knowles	Quinn	
Evans, J.	Krieger	Rapp	Smith, S.,
Everett	Lawrence	Reed	Speaker
Farry	Maher	Reese	

NAYS—89

Barbin	DeLuca	Keller, W.	Petrarca
Bishop	DePasquale	Kirkland	Preston
Boyle, B.	Dermody	Kortz	Ravenstahl
Boyle, K.	DeWeese	Kotik	Readshaw

Bradford	Donatucci	Kula	Roebuck
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Shapiro
Caltagirone	Gerber	McGeehan	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.
Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Mundy	Sturla
Costa, D.	Haluska	Murphy	Thomas
Costa, P.	Hanna	Myers	Vitali
Cruz	Harhai	Neuman	Wagner
Curry	Harkins	O'Brien, D.	Waters
Daley	Hornaman	O'Brien, M.	Wheatley
Davidson	Johnson	Parker	White
Davis	Josephs	Pashinski	Williams
Deasy	Kavulich	Payton	Youngblood
DeLissio			

NOT VOTING—0**EXCUSED—5**

Boyd	Evans, D.	Godshall	Sabatina
Brennan			

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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair at this time recognizes the majority leader for a Rules Committee announcement.

Mr. TURZAI. There will be an immediate Rules Committee meeting in the Appropriations Committee conference room. There will be an immediate Rules Committee meeting in the Appropriations conference room. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be a Rules Committee meeting in the Appropriations Committee conference room.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Are there any caucus announcements?

The Chair at this time recognizes the gentleman, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

I would like to announce a Democratic caucus at 4:15 after the Rules Committee meeting. We will be, as I understand it, back on the floor at 5 o'clock. Is that correct, Mr. Speaker?

The SPEAKER pro tempore. We intend to recess at the call of the Chair and come back approximately around 5 o'clock.

Mr. FRANKEL. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

There is no need for the Republicans to caucus. We have efficiently completed our business this afternoon. So thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

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.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip for leaves of absence for the gentleman, Mr. WILLIAMS, from Philadelphia, and the gentleman, Mr. CALTAGIRONE, and without objection, the leaves of absence will be so granted.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 562, PN 2092**

By Rep. TURZAI

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for purchase of agricultural conservation easements; and abrogating a regulation.

RULES.

HB 1696, PN 2260

By Rep. TURZAI

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

RULES.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
June 30, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, September 19, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, September 19, 2011, unless sooner recalled by the Speaker of the House of Representatives.

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

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

The SPEAKER pro tempore. The Chair recognizes the majority leader, who offers the following amendment, which the clerk will read.

The following amendment was read:

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, September 26, 2011, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the House agree to the amendment?
Amendment was agreed to.

The SPEAKER pro tempore. Those in favor of the amended resolution will vote "aye"; those opposed, "no."

On the question,
Will the House concur in the resolution of the Senate as amended?
Resolution as amended was concurred in.
Ordered, That the clerk present the same to the Senate for its concurrence.

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third 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 third consideration?
Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—172

Adolph	Donatucci	Kotik	Quinn
Aument	Dunbar	Kula	Ravenstahl
Baker	Ellis	Longietti	Readshaw
Barbin	Evankovich	Maher	Reed
Barrar	Evans, J.	Mahoney	Reese
Bear	Fabrizio	Major	Reichley
Benninghoff	Farry	Mann	Roebuck
Bishop	Fleck	Markosek	Ross
Bloom	Frankel	Marsico	Saccone
Boback	Gabler	Matzje	Sainato
Boyle, B.	Galloway	McGeehan	Santarsiero
Boyle, K.	Geist	Metcalfe	Santoni
Bradford	George	Metzgar	Saylor
Briggs	Gerber	Miccarelli	Scavello
Brooks	Gergely	Micozzie	Schroder
Brown, R.	Gibbons	Millard	Shapiro
Brown, V.	Gillespie	Miller	Simmons
Brownlee	Goodman	Milne	Smith, K.
Burns	Grell	Mirabito	Smith, M.
Buxton	Grove	Moul	Sonney
Carroll	Hackett	Mullery	Staback
Causer	Hahn	Mundy	Stephens
Christiana	Haluska	Murphy	Stern
Cohen	Hanna	Murt	Stevenson
Conklin	Harhai	Mustio	Sturla
Costa, D.	Harhart	Myers	Taylor
Costa, P.	Harkins	Neuman	Thomas
Cox	Harper	O'Brien, D.	Tobash
Cruz	Harris	O'Brien, M.	Toepel
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	Perry	Watson
DeLissio	Kampf	Petrarca	Wheatley
Delozier	Keller, M.K.	Petri	White
DeLuca	Keller, W.	Pickett	Youngblood
DePasquale	Killion	Preston	
Dermody	Kirkland	Pyle	Smith, S., Speaker
DeWeese	Knowles	Quigley	
DiGirolamo	Kortz		

NAYS—24

Clymer	Gillen	Krieger	Roae
Creighton	Gingrich	Lawrence	Rock
Denlinger	Hutchinson	Maloney	Samuelson
Emrick	Kauffman	Marshall	Swanger
Everett	Kavulich	Masser	Tallman
Freeman	Keller, F.	Rapp	Toohil

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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

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

SUPPLEMENTAL CALENDAR D

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 562, PN 2092**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for purchase of agricultural conservation easements; and abrogating a regulation.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Gillen, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—184

Adolph	Emrick	Kotik	Quigley
Aument	Evankovich	Krieger	Quinn
Baker	Evans, J.	Kula	Ravenstahl
Barbin	Everett	Lawrence	Readshaw
Barrar	Fabrizio	Longietti	Reed
Bear	Farry	Maher	Reese
Benninghoff	Fleck	Mahoney	Reichley
Bishop	Frankel	Major	Roae
Bloom	Gabler	Maloney	Rock
Boback	Geist	Mann	Roebuck
Boyle, B.	George	Markosek	Ross
Boyle, K.	Gerber	Marshall	Saccone
Brooks	Gergely	Marsico	Sainato
Brown, R.	Gibbons	Masser	Santoni
Brown, V.	Gillen	Matzie	Saylor
Brownlee	Gillespie	McGeehan	Scavello
Burns	Gingrich	Metcalfe	Schroder
Buxton	Goodman	Metzgar	Simmons
Carroll	Grell	Miccarelli	Smith, K.
Causser	Grove	Micozzie	Smith, M.
Christiana	Hackett	Millard	Sonney
Clymer	Hahn	Miller	Staback
Cohen	Haluska	Milne	Stephens
Conklin	Hanna	Mirabito	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
Cutler	Hennessey	O'Brien, D.	Toepel
Daley	Hess	O'Brien, M.	Toohil
Davidson	Hickernell	O'Neill	Truitt
Davis	Hornaman	Oberlander	Turzai
Day	Johnson	Parker	Vereb
Deasy	Josephs	Pashinski	Vulakovich
DeLissio	Kampf	Payne	Wagner
Delozier	Kauffman	Payton	Waters
DeLuca	Kavulich	Peifer	Watson
Denlinger	Keller, F.	Perry	Wheatley
DePasquale	Keller, M.K.	Petrarca	White

Dermody	Keller, W.	Petri	Youngblood
DeWeese	Killion	Pickett	
DiGirolamo	Kirkland	Preston	Smith, S.,
Donatucci	Knowles	Pyle	Speaker
Ellis	Kortz		

NAYS—12

Bradford	Freeman	Moul	Santarsiero
Briggs	Galloway	Rapp	Shapiro
Dunbar	Hutchinson	Samuelson	Vitali

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1696, PN 2260**, entitled:

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Saccone, that the House concur in the amendments inserted by the Senate.

Those voting to concur will vote "aye"; those voting to nonconcur will vote "no." Members—

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

Mr. VITALI. To interrogate the—

The SPEAKER pro tempore. Does the gentleman waive off? The gentleman waives off.

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

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

The following roll call was recorded:

YEAS—189

Adolph	Ellis	Kirkland	Quigley
Aument	Emrick	Knowles	Quinn
Baker	Evankovich	Kortz	Rapp
Barbin	Evans, J.	Kotik	Ravenstahl
Barrar	Everett	Kula	Readshaw
Bear	Fabrizio	Lawrence	Reed
Benninghoff	Farry	Longietti	Reese
Bishop	Fleck	Mahoney	Reichley
Bloom	Frankel	Major	Roae
Boback	Freeman	Maloney	Rock
Boyle, B.	Gabler	Mann	Roebuck
Boyle, K.	Galloway	Markosek	Ross
Bradford	Geist	Marshall	Saccone

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

NAYS—7

Denlinger	Maher	Swanger	Vulakovich
Krieger	Smith, M.	Vitali	

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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. SACCONI

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

Mr. SACCONI. Thank you, Mr. Speaker.

I will be real brief. I just want to thank everyone once again. This is an important bill for my area. I want to thank my colleagues on the other side of the aisle, too, who worked very hard. I want to thank the leadership and staff. They did a great job. A lot of people had to move very quickly in both Houses to get this done and they did it, and I just cannot say enough.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. P. COSTA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Costa, on unanimous consent.

Mr. P. COSTA. Thank you, Mr. Speaker.

First off, I want to congratulate the member from Allegheny County. Hopefully, the Governor will sign it into law.

But I will say I am disappointed that the Senate took out the portion that affected Allegheny County. I am asking the majority leader, we still have another opportunity to affect Allegheny County with HB 166, and I am hoping that HB 166 will move through this House again.

And again, congratulations to the member from Allegheny County.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. WHITE

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

Mr. WHITE. Thank you, Mr. Speaker.

Under unanimous consent?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. WHITE. Thank you, Mr. Speaker.

I just want to thank all the members of this chamber for supporting this bill. It is similar to a bill that I already had. I want to thank my friend from Allegheny County, Mr. Saccone, and Representative Neuman, who really helped push this through.

Although I share my friends from Allegheny County's disappointment that Allegheny County was stripped out of this in the Senate, hopefully we can revisit that issue. But the Washington County taxpayers dodged an \$8 million bullet tonight because of the members of this chamber. They said the legislature could not do anything in time, and tonight we proved them wrong.

So thank you very much on behalf of everybody in Washington County.

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING****STATEMENT BY MR. M. SMITH**

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

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

Briefly under unanimous consent.

The SPEAKER. I appreciate if it would be briefly, but the gentleman is recognized.

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

I just want to congratulate the gentleman from across the aisle from Washington as well as our members from Washington and hope to be able to vote for HB 166 that will include Allegheny County in the moratorium language and look forward to supporting HB 166 in the fall. Thank you, Mr. Speaker.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 960, PN 2258**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

STATEMENT BY MR. DeLUCA

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

Mr. DeLUCA. Unanimous consent, Mr. Speaker.

The SPEAKER. The gentleman is recognized under unanimous consent and would appreciate it if we could keep it moving.

Mr. DeLUCA. Mr. Speaker, I want to congratulate the two individuals on that legislation that we passed, and the reason I did not get up and speak against it, I knew how important it was for those two individuals for their county. I certainly would hope that the majority party would pass the same type of legislation for Allegheny County, because we are in dire need of that moratorium until we get our assessment process in order back there, and our senior citizens and homeowners can no longer take that burden of the property taxes back in Allegheny County. So again, I want to congratulate the two individuals for working on that piece of legislation for Westmoreland. Thank you.

RULES COMMITTEE MEETING

Mr. TURZAI. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Turzai, is recognized for the purpose of an announcement?

Mr. TURZAI. Yes, sir.

I am calling for an immediate Rules Committee meeting in the Appropriations conference room; an immediate Rules Committee meeting in the Appropriations conference room.

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

The House will come to order.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 960, PN 2258

By Rep. TURZAI

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, adding definitions; providing for fraud detection system, for administration of assistance programs and for copayments for subsidized child care; further providing for determination of eligibility; providing for verification system and for eligibility for persons with drug-related felonies; further providing for persons eligible for medical assistance, for medical assistance payments for institutional care, for reimbursement for certain medical assistance items and services, for payments for readmissions to a hospital paid through diagnosis-related groups and for medical assistance benefit packages, coverage, copayments, premiums and rates; in Statewide quality care assessment, further

providing for the definition of "net patient revenue," for implementation, for calculation and notice of assessments under certain conditions, for restricted account limitations and for conditions for certain payments; and providing for inmate medical costs.

RULES.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 816, PN 1853**, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

On the question recurring,

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—196

Adolph	Emrick	Kotik	Rapp
Aument	Evankovich	Krieger	Ravenstahl
Baker	Evans, J.	Kula	Readshaw
Barbin	Everett	Lawrence	Reed
Barrar	Fabrizio	Longietti	Reese
Bear	Farry	Maher	Reichley
Benninghoff	Fleck	Mahoney	Roae
Bishop	Frankel	Major	Rock
Bloom	Freeman	Maloney	Roebuck
Boback	Gabler	Mann	Ross
Boyle, B.	Galloway	Markosek	Saccone
Boyle, K.	Geist	Marshall	Sainato
Bradford	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causar	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla
Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Cutler	Hennessey	O'Brien, M.	Toepel
Daley	Hess	O'Neill	Toohil

Davidson	Hickernell	Oberlander	Truitt
Davis	Hornaman	Parker	Turzai
Day	Hutchinson	Pashinski	Vereb
Deasy	Johnson	Payne	Vitali
DeLissio	Josephs	Payton	Vulakovich
Delozier	Kampf	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Kavulich	Petrarca	Watson
DePasquale	Keller, F.	Petri	Wheatley
Dermody	Keller, M.K.	Pickett	White
DeWeese	Keller, W.	Preston	Youngblood
DiGirolamo	Killion	Pyle	
Donatucci	Kirkland	Quigley	Smith, S.,
Dunbar	Knowles	Quinn	Speaker
Ellis	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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

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

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 960, PN 2258**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, adding definitions; providing for fraud detection system, for administration of assistance programs and for copayments for subsidized child care; further providing for determination of eligibility; providing for verification system and for eligibility for persons with drug-related felonies; further providing for persons eligible for medical assistance, for medical assistance payments for institutional care, for reimbursement for certain medical assistance items and services, for payments for readmissions to a hospital paid through diagnosis-related groups and for medical assistance benefit packages, coverage, copayments, premiums and rates; in Statewide quality care assessment, further providing for the definition of "net patient revenue," for implementation, for calculation and notice of assessments under certain conditions, for restricted account limitations and for conditions for certain payments; and providing for inmate medical costs.

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

The SPEAKER. It is moved by the lady, Mrs. Gingrich, that the House concur in the amendments inserted by the Senate.

The Speaker recognizes the lady, Mrs. Gingrich, on that question.

Mrs. GINGRICH. Thank you, Mr. Speaker.

Good evening, Mr. Speaker. Part of this bill that is before us this evening you will recognize, because embedded in this bill that has now come back from the Senate, you will recognize at

least four different pieces that were incorporated that came out of this House with a great deal of support from both sides.

I am going to give you a brief summary of the changes that were made in the Senate so that we are all singing off the same song sheet in knowing what we are dealing with under HB 960.

It authorizes DPW (Department of Public Welfare) to implement any necessary changes to assistance programs, including seeking waivers or Federal approval to ensure that the assistance programs administered by DPW do not exceed the aggregate amounts appropriated by the General Appropriations Act for the upcoming fiscal year. It ensures that the DPW budget is balanced. It utilizes current technology to streamline the public assistance eligibility verification process; eliminates duplication of assistance and deters public assistance fraud; saves State and county dollars for the cost of medical care to inmates and allows DPW to draw down additional Federal dollars for the cost of care for those individuals; and also, it ensures adequate payments to MCOs (managed-care organizations), hospitals, and nursing homes.

In summary, that is what we see in the bill before us. It is a culmination of many years of hard work out of the Republican policy caucus and this chamber as a whole on returning integrity and efficiency to the welfare program and working in partnership with DPW, and I would encourage you all to support this effort tonight in HB 960.

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, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, under this bill, the Secretary of the Department of Public Welfare has unfettered power to cut State spending by more than one-quarter billion dollars to plug the huge hole in the 2011-12 DPW budget passed by the Republicans.

In doing so, HB 960 gives unprecedented authority to the Secretary of Public Welfare to change eligibility, benefits, copays, and provider reimbursements.

In his budget address, Governor Corbett said that his "online budget dashboard" will encourage transparency in the budget process. However, this budget has been anything but transparent.

The Republican budget provides no plan, no direction for the wishful savings assumed within DPW. Instead of making tough decisions, Republicans in the General Assembly pass that responsibility to the DPW Secretary, providing him with phenomenal and unprecedented power to adversely impact the lives of Pennsylvania citizens most in need.

This bill allows the Secretary to circumvent – and this is the part that everybody in this room ought to be very upset about – to circumvent the legislature, circumvent the General Assembly and the Independent Regulatory Review Commission, whose processes provide for the transparency of public disclosure and allow for public comment on changes impacting our citizens.

With all of the secrecy and vagueness contained in the budget, sometimes I sit here and wonder, what do we need transparency for? Why are we for transparency when we come here and just see the Republican Caucus, along with the Corbett administration, totally obliterate all those things that we have held very important to us here in the legislature for several hundred years?

Without statutory language, regulations, or even a simple letter of intent providing details, we have no clue, we have no clue what changes will be made in this Don Quixote-like quest to find waste, fraud, and abuse. Who will be cut or denied coverage in managed care? Will eligibility requirements be changed? How will reforms in programs for our disabled citizens impact their services? Specifically, what populations, providers, payments, etc., will be impacted or targeted? Perhaps cutting waste, fraud, and abuse in medical assistance is just an excuse to cut benefits, terminate eligibility, cut provider rates? Who knows? Will persons trying to leave welfare and become self-sufficient working citizens be blocked by unknown restrictions and reforms? Will hardworking families lose their ability to afford safe child care for their children? Will these families then have to choose between working and placing their children in unsafe situations?

It does not have to be this way. We have three branches of government. We have and maybe I should say had checks and balances. The Commonwealth of Pennsylvania is not a monarchy. And here we go on the eve of the Fourth of July, the anniversary of our freedom, the anniversary of our form of government, the anniversary of our government by the people and for the people, we see one branch of government turning its legislative and oversight and transparency powers over to the executive branch and allowing them to make the decisions that we all ran and agreed and signed an oath and took an oath of office to uphold. Those powers, we are now just giving them to an unelected Secretary, who is not even from Pennsylvania, to make some of the most important decisions that many Pennsylvanians and their families will face, folks that are having problems, folks that need our help, folks that have gone beyond their means, folks that are looking for some helping hand, and we here in the General Assembly or, I should say, the Republican Caucus in the General Assembly have turned that power to help those people over to somebody that even the Republicans in this caucus will not ultimately control. And when these people come into our offices, and I am saying "our" because they are going to come into both of our offices, they are going to say, why was my program cut? What happened to the funding for my program, my child's program, my elderly parent's program? My provider had to shut down. How are we going to answer them? Are we going to say, well, we have no control over that anymore? We gave that power away for no good reason.

This is one of the worst pieces of legislation I have ever seen in my 30 years here, and that is really saying something. This is just wrong; it is just wrong. Whether you agree with the spending in welfare or the programs in welfare, it is wrong for us here in the legislature to give up our basic powers to the executive branch to make these very, very difficult decisions that we should be making. This is just wrong. I cannot believe that I would serve in this body long enough to see this actually happening. It is a sad, sad day if we pass HB 960, and I would ask every member in this chamber, irregardless of what you think about the DPW budget, to vote against this bill.

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 Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Mr. Speaker.

Mr. Speaker, I am going to say some things that I hope are not offensive, because I am not trying to offend anyone. I want to talk about history, and some parts of our history are not pleasant and we do not want to bring them back up. Well, as I read this bill and look at what happened for the whole week, the first thought that came to my mind, be careful what you ask for because you might get it when you really do not want it, and let me tell you what I mean. In 1526 A.D., 200 slaves were brought to this country. They did not ask to be brought here. They were brought here. Now, that is what history says. History also says, well, why were these slaves brought here? Well, they were brought here to make people rich. It was about landownership and a workforce.

Now, here is what you asked for. You asked for a free labor force, because during that time our ancestors wanted that, and what was offered was welfare in payment. What the slaves were offered was welfare: food, clothing, shelter, and health care. That is what they were offered when they were first brought here, and then the country started making money – sugar, tobacco, cotton; more land, more workers, more wealth. Then England, England set up a monopoly law, that they allowed Americans in the Colonies to monopolize the sugar, the tobacco, and the cotton.

Well, I have got to say we did have a friend in Pennsylvania, because in 1711 Pennsylvania was the first State to abolish slavery, even though it was overruled by the British Crown.

Now, here we are today. Today we are trying to make a choice in what laws we believe in, and let me tell you why I say "what laws," because in 1885 both the Missouri Supreme Court and the United States Supreme Court made a ruling on Dred Scott, and the ruling on Dred Scott said this: If you are not helping the club, you cannot be a part of it. The Supreme Court of the United States said, if you are not contributing, then you are not covered by the Constitution, and therefore as a slave, you do not even have a right to be in the court.

Now, let us get to where we are today. The same social contract, welfare for people who are not working – clothes, shelter, food, and housing. But the problem is, the country has been paying for it too long. So now our Republican brothers and sisters are saying, wait a minute; it has been too long; you all have become takers and not makers; we want our country back.

Now, when you say you want your country back, I am hoping that that does not mean to go back to the Dred Scott ruling, but that is what it appears to me: We want our country back, and we made a mistake by bringing you all here. And we paid for it for a couple hundred years, and we do not want to pay for it anymore. So what we are going to do, we are going to take the authority away from the legislature and give it to Willie Lynch. Now, Willie Lynch is the overseer, the Welfare Department, and we are going to give the power to the Welfare Department and let them decide what poor people are eligible under the Constitution to be given government services.

Now, for me, that stings, because I thought we had got past that, but it reminds me of my grandmother. Let me tell you what my grandmother used to say about peanuts. She would say, "Don't bring peanuts in the house," because the dust, the goober dust, was bad luck. Now, you know, "goober" is an African word for "peanut." So the goober dust was bad luck. It was an African product, brought here by Africans: "Don't bring it in my

house." You all want your country back, but I hope again that does not mean at the expense of expelling a whole lot of other people, because what we are confronted with today is not just the slaves being takers but all Third World country people here being takers, especially illegal immigrants. So now we are wrapping all this together: You do not deserve any rights; you do not deserve any benefits; we do not consider you to be American; and we are not going to take care of you any longer. We are going to let Willie Lynch do it, and that is what is happening tonight.

A vote for this is a vote for a reminiscence of the Dred Scott Supreme Court ruling and supporting Willie Lynch to provide services to our people, and I ask that we do not, under any circumstance, if you have a heart and you believe we all are Americans, do not concur with HB 960.

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 Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Allegheny, the chairman of the Appropriations Committee, was absolutely accurate in his statement that the Secretary of Public Welfare has unlimited power under this bill in order to make cuts and that we in the legislature are totally shut out of the process. It is hard to imagine that even in conservative districts, the people there are demanding that the legislators be shut out of the process of deciding what cuts should be made and what services should be provided, though the idea that the legislature should not just willy-nilly give away power is well embedded in Pennsylvania administrative law. Pennsylvania administrative law provides that an administrative agency derives all its power from the legislature and has the authority to do only that which the legislature has delegated it to do by statute.

And it also provides that in order for such delegation of power by the legislature to be proper, the legislation must contain adequate standards to guide and restrain the agency's exercise of that power. This legislation does not meet that legal test. The idea that the Secretary shall just seek to save a certain amount of money and shall have the power to change service eligibilities to whatever he wants in order to save a certain amount of money, that is not proper delegation. That does not give him any guidance.

Now, as an attorney, you know, I have mixed feelings about legislation like this. Part of me likes the idea of let us have the lawyers file lawsuits and we will find out what this means. This is an invitation to multiple lawsuits from lawyers all over the State, and the lawsuits are going to be very expensive and they are going to cut into whatever savings there are.

If the State wants to make cuts, we have a duty to say specifically what cuts we want to make or say specifically how the decisionmaker is going to make the decision. This is far too broad a grant of authority given to any governmental decisionmaker. It is worse when the governmental decisionmaker has no roots in Pennsylvania, but it is bad in any case. We in the legislature ought to at least know the criteria by which we want decisions made. We ought not to be giving unlimited grants of power to individuals. It is wrong as a matter of responsiveness to our constituents, it is wrong in terms of a political matter in the views and the operations of the respective houses of government, and it is wrong legally.

This is improper delegation of power. It is a bad legal doctrine. It is a bad political doctrine. It is bad, most importantly, for the men and women in our respective districts who are going to be adversely affected by this legislation.

I would urge a vote of nonconcurrency in HB 960.

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

On that question, is the gentleman, Mr. Frankel, seeking to offer up amendment A4919? No?

Mr. FRANKEL. I am just speaking; just speaking.

The SPEAKER. The gentleman would like to speak on the bill? The gentleman is in order, on concurrence.

Mr. FRANKEL. Thank you, Mr. Speaker.

Just briefly, this piece of legislation is monumental in terms of the changes in the capacity that it allows the Secretary of the Department of Public Welfare the discretion to make changes without oversight. This amendment that was placed in the Senate follows a pattern, a pattern of making enormous changes in public policy in this State without the capacity of Democrats to participate in the discussion, done in a stealth manner, without input, without public hearings, and it is outrageous to take such a dramatic change in a department that provides the safety net for people in our communities without any public input. It has the capacity to totally eviscerate the safety net that so many Pennsylvanians rely on.

Earlier today, on a partisan basis in a party-line vote, our Republican colleagues voted to make and impose devastating cuts to public education. This evening, this evening we are poised to begin to dismantle the safety net that so many Pennsylvanians rely on. Working families who depend on health care, disabled Pennsylvanians, senior citizens are all going to be held to the whim of a single person without legislative oversight. This is irresponsible, this is unacceptable, and it should be rejected this evening.

So I ask my colleagues on both sides of the aisle, before we take this step, let us have hearings about this. We should not be rushing into this. We should have the opportunity to get the input of the health-care community, of the folks that provide human services, of the people who rely on the safety net before we make such dramatic changes.

Do not concur in HB 960. Thank you.

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 Clearfield, Mr. George.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I am on a mission. I am on a mission to find the men and women with the courage to stand up for those that are living in despair, trying desperately to live lives of dignity. I am looking for those lawmakers with the courage to look past the stereotypes, ignore the boilerplate, and do what is right by rejecting HB 960.

During yesterday's budget debate I lamented on the policies that harm the most vulnerable among us – our seniors; our citizens facing terrible disabilities and afflictions. This HB 960 would put in motion the wheels that will run over these citizens. I know there is fraud, and it angers me, too, because it steals money from those who so desperately need it. However, this bill does not cut fraud; it cuts our responsibilities and lets decisions be made solely within the DPW.

HB 960 is a desertion of our responsibilities. We should not hand the DPW the authority to limit dental and pharmacy services. This is our responsibility. Please think about what kind of people we want to be, what kind of people we should be. Please consider our responsibility to people, all of them, not just those blessed with youth, good health, and fat wallets.

Please, join with me to do the decent, moral thing that you and I can do and in most cases are willing to do. Please join with me in seeing to it that we live up to our moral obligations and responsibilities. Vote against 960.

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 Tioga, Mr. Baker.

Will the members please clear the aisles. They are having trouble getting the clear shots on the cameras for the people shooting the video.

The gentleman, Mr. Baker, may proceed.

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

I rise to support the Welfare Code proffered by the gentledady. This legislation has a number of components, including expanded authority for the Secretary of the Department of Public Welfare to ensure that the savings for State fiscal year 2011-12 are realized. It is important to note that even the expedited rulemaking authority of the Federal government does set limits on what can be done as it relates to fees or conditions pertaining to the various federally funded welfare programs managed by the Commonwealth of Pennsylvania.

I do understand the concerns raised, however, that this is for only 1 year, and there is a 30-day public comment period on any changes. Further, this type of authority, contrary to the protestations that I heard earlier that this was unprecedented, with respect, is not true. This type of authority has been granted in recent years. In fact, in 2005 the House almost unanimously passed a similar measure.

The Secretary has pledged to notify the chairs of the appropriate standing committees prior to any publication in the Pennsylvania Bulletin, has made assurances that such notification would be at least 10 days prior to such notification in the Pennsylvania Bulletin. And as chairman of the Health Committee, I have also made a commitment to stay in contact with the Secretary to ensure there is open dialogue with respect to any publication related to the provision.

Now, again, with respect to the DPW special powers, in the Welfare Code, DPW was granted these special powers under Act 42 of 2005 during the Ed Rendell administration. In fact, under Act 42, DPW used the expedited regulatory authority for not one but eight final-omitted regulations relating to the revisions to the general assistance/medical assistance benefit packages and recipient copayments for adults; special MA (medical assistance) eligibility provisions; "MA day of care" definition; nursing facility rate limitation; nursing facility/metropolitan statistical area; nursing facility/county nursing facility services; revisions to the pharmaceutical services payment methods, pharmacy benefits, payment levels, and rate-setting notification; and lastly, the pharmaceutical services/revisions to the State maximum allowable cost for pharmaceutical services.

So to postulate, to maintain, after one speaker after another saying this was unprecedented, it was done before. And again, the intent here is to allow cost savings within this budget that we very much need and to allow some flexibility with still the 30-day notice in the Bulletin and 10 days' prior notice of that to the chairs of the respective committees.

So, Mr. Speaker, a lot of components to this bill. Obviously, I do support the legislation. We need to move the process along, and I applaud the gentledady for her legislation. 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. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, would the sponsor of the legislation, the lady from Lebanon, agree to an interrogation, please?

The SPEAKER. The lady indicates she will stand for interrogation.

Will the gentlemen clear the well of the House?

The gentleman may proceed with interrogation.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, how much savings is assumed in the underlying bill that is before the House?

Mrs. GINGRICH. I will get you that total answer.

I needed to double-check that, Mr. Speaker. It is \$193 million in DPW and \$4.5 million in corrections.

Mr. SHAPIRO. Mr. Speaker, I apologize. I am having a hard time hearing the lady.

The SPEAKER. Will the members please keep the conversations down, even those in the back of the House. If you could just keep the volume down a little bit. Members seeking interrogation are having trouble hearing each other.

Will the members please hold the conversations down. We would thank you very much. The members cannot hear each other during interrogation. Thank you very much.

The gentleman may proceed.

Mrs. GINGRICH. Thank you, Mr. Speaker. I will repeat.

The savings in DPW is \$193 million and \$4.5 million in corrections.

Mr. SHAPIRO. Thank you, Mr. Speaker.

So for these purposes, roughly about \$200 million – \$197 1/2 million.

Mrs. GINGRICH. Yes.

Mr. SHAPIRO. And can you point to the specific cuts in the legislation where that roughly \$200 million is taken from?

Mrs. GINGRICH. We did categorize those, Mr. Speaker.

The copays in child care, the calculation is \$16 million. As I look to the discussion on dental and pharmacy, combined is \$53.7 million. The changes, the limit on the readmissions to the hospitals, \$4.8 million. And the loophole premiums that we were talking about, that is \$10 million, and the hospital assessment percentage that revises the hospital assessment is \$109 million. Oh, and then the other is corrections, \$4.5 million.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

Mrs. GINGRICH. That is the breakdown I think I have.

If you have the fiscal note, you can refer to the fiscal note, Mr. Speaker, as well.

Mr. SHAPIRO. Thank you, Mr. Speaker, and I apologize. I did not have the fiscal note in front of me, but I appreciate the lady reading that.

In terms of actually implementing those cuts or identifying the specifics within those broad categories that you addressed, is that where, as the gentleman from Tioga was speaking before, is that where the Secretary would be given the authority to make those cuts?

Mrs. GINGRICH. We have given the Secretary a task, unquestionably, and rightly so. So yes, they will have the authority, which of course is not unprecedented, as you also heard discussed; this has been done before. And the expectation, of course, is that. They have the flexibility, the latitude, the fortitude, and the ability to go in and make these changes where they can be made.

Mr. SHAPIRO. Okay. And—

Mrs. GINGRICH. Of course, we cut the budget by \$400 million, so the challenge to the Secretary is before him, and you are correct.

Mr. SHAPIRO. I am sorry. So the lady said we cut the budget by \$200 million, so the Secretary needs to mete out those \$200 million in cuts. Correct?

Mrs. GINGRICH. Yeah.

Mr. SHAPIRO. Okay.

Mrs. GINGRICH. Yeah; this is not the total budget. This is the savings that you and I were talking about.

Mr. SHAPIRO. Correct; correct.

And within that savings, in terms of now shifting the authority to the Secretary, currently the practice would be that working through the IRRC (Independent Regulatory Review Commission) process, or even frankly working through the budget process that we have done here over the last few days, House members, Senate members, could specify the cuts in the budget as we did yesterday on the general appropriations bill or go through the IRRC process. So this is a change from that. Is that correct?

Mrs. GINGRICH. What we are talking about with the authority to the Secretary is defined in a 1-year framework. So for 1 year, you are correct.

Mr. SHAPIRO. Okay. So we provide the Secretary with that, I think, pretty extraordinary latitude or leeway for the 1 year.

You talk— Excuse me. The gentleman from Tioga spoke before about the precedent for doing this, I guess back in 2005-2006, and the lady has referred to that precedent. Is there other precedent for this, or are you relying on that precedent from '05-'06 as the foundation for making that change today?

Mrs. GINGRICH. Well, this all happened back in the prior administration in 2005, and it was a totally bipartisan agreement in an approach to making some necessary changes in welfare—

Mr. SHAPIRO. Sure.

Mrs. GINGRICH. —to enhance and improve efficiencies, and that is exactly what we are attempting to do this time, Mr. Speaker.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

And we heard during the original debate on the budget here in the House, there were quotes that were read by several colleagues of mine on this side of the aisle from Secretary Zogby and one of the other Secretaries within the administration about how they expressed, and I am paraphrasing now, they expressed concerns about being able to reach the savings that the House Republican Caucus had suggested would be necessary to meet in order to balance the budget.

I gather then, given the fact that the Governor has apparently signed off on the GA (general appropriations) bill and the budget deal that we are discussing here today – apparently

signed off on it – that there are very specific cuts and specific memoranda that have been put together that direct the Secretary to make specific cuts. Is that correct?

Mrs. GINGRICH. Yes, that is true, and we are looking for better management and, of course, better efficiencies.

Mr. SHAPIRO. Okay.

And is there a letter? Is there a document? Is there a memorandum? Is there something that has been put into the official record or something that has been shared with the legislative leaders that provides parameters to the Secretary to make these cuts?

Mrs. GINGRICH. He has a budget to work off of, as every other department does, and that is a document, a working document. Yes.

Mr. SHAPIRO. Okay. But the budget that he has in this Welfare Code that he presumably will get lays out, I think the lady would agree, pretty broad parameters to try and reach that \$200 million in savings. And the lady referenced and the gentleman from Tioga referenced before the 2005-2006 budget deal as precedent, so I am just asking that if in this budget deal, are there specific letters, documents, memorandum, things that have exchanged hands between the administration and the General Assembly to direct the Secretary to do specific things in order to accomplish those cuts?

Mrs. GINGRICH. He is the Secretary of Welfare, and we will be looking to the Secretary to do his job effectively and work in partnership with him.

Mr. SHAPIRO. Okay.

Mrs. GINGRICH. And thus far in the discussion, we have accomplished that. And whatever changes are going to be made in the department, we will have advance discussion in that, in those processes, and notification will be before all of us. So it is going to be a partnership, and it is going to be based on the budget dollars, Mr. Speaker.

Mr. SHAPIRO. Okay. Thank you.

I thank the lady for submitting to interrogation. I would like to speak on the bill, Mr. Speaker.

The SPEAKER. On the bill, you are in order.

Mr. SHAPIRO. Thank you.

Mr. Speaker, it is no secret, I presume, to this House that I do not support the underlying bill. It should be no secret to this House that I do not support balancing the budget on cuts to the most vulnerable in our society. It should be no secret to this House that I do not support doing those things in the face of what the gentleman from Delaware, the good chairman of the Appropriations Committee, spoke about before of having more than a \$700 million balance or reserve or surplus that exists this year.

What I also do not support in HB 960, though, is the unbelievable abrogation of power that this House is apparently about to do and cede to this administration. The good lady from Lebanon and the gentleman from Tioga before cited 2005-2006 and the prior administration as precedent for this type of abrogation of responsibility, abrogation of power. And I could have continued with my interrogation and I suppose gotten the lady to acknowledge the points that I am about to make, but I was seeking only to ask questions I did not know the answer to.

I do, however, know the answer to the following: that in 2005-2006, a letter was exchanged between then Governor Rendell, then Senate leaders Brightbill and Mellow, and then House leaders Smith and DeWeese – and I cite their names, Mr. Speaker, for the record just to point out the names that were

on this letter – and in this July 6, 2005, letter it specified the very medical assistance benefits cuts, the very provider payment rate changes, the changes to generic drugs, the changes to our nursing facility rates. It was a three-page letter that laid out all of the specifics of how these savings would be accomplished.

And, Mr. Speaker, it was not just a letter between the leaders. There was a public document put out in July of 2005, just days after the budget was passed, notifying the public of the changes that were going to be implemented by the Secretary, not unilaterally made by the Secretary but implemented by the Secretary, and this is a Department of Public Welfare document that was printed and provided a few days after the budget passed.

In addition to that, Mr. Speaker, we have heard about how this is precedent, but yet there seems to be no standards in place that show where or how these cuts will be made. Yet back in 2005-2006, DPW, with their cost containment status summary, had documents that were released to all legislators, to the leaders, and I presume it was made a public document, where each and every month they had a specified, specified budget savings and an estimate each month as to how they were meeting those savings.

So, Mr. Speaker, to simply rely on 2005-2006 as precedent for the current case that the majority is giving away its authority over this, I think, Mr. Speaker, respectfully, is certainly not the case. There were very, very specific processes put in place for the public, amongst the legislative leaders, and amongst all lawmakers and the administration to say, these are the specific ways we are going to save money and here is the progress that we have made.

Mr. Speaker, in this case, the majority, and respectfully I disagree with them on this point and I know they disagree with me, but the majority has said, we are going to save \$200 million from the Department of Public Welfare. We are going to cut things like drug and alcohol treatment and mental health services for people in our counties and all across our Commonwealth who need it most. And yet they turn around and instead of, frankly, being responsible and specifying where those cuts will come from, as they did in the GA budget bill yesterday, they are giving the authority to the Secretary, the unelected Secretary, the gentleman who came to Pennsylvania just a few months ago. That is the individual who is going to be making these \$200 million in cuts.

So, Mr. Speaker, I will end where I began. I do not support balancing our budget on the backs of the most vulnerable in Pennsylvania, as this budget will do. I certainly do not support, as a member of this House, as an elected lawmaker in Pennsylvania, I certainly do not support giving up the authority that I have as a House member or as a potential participant in the IRRC process through our committee process. Unfortunately, the majority does, and, Mr. Speaker, I do not think that is sound leadership for Pennsylvania. I do not think that will result in responsible decisions being made, because they are being made by an unelected official in one branch of government as opposed to it being done through all branches of government in a responsible, bipartisan way, and as a result, I will be voting to nonconcur on HB 960.

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 Bucks County, Mr. Petri.

Mr. PETRI. Mr. Speaker, given the late week – I will not even call it late night – I am going to be brief, but I do want to make a couple of points.

This budget, particularly in the DPW budget, is about charging the Secretary with some important tasks, and that task, as we all know, is to find about \$400 million of savings in the area of waste, fraud, and abuse.

Now, \$400 million for most of us is a lot of money, but in a State budget where this Welfare Department is 10.5 percent, we are asking him to save three-tenths of 1 percent – not very difficult, you would think. And even so, we all in this chamber are, of course, very cognizant of the services that need to be done. But, Mr. Speaker, what I have to share with the members who were not able to make all the Appropriations hearings is the frustration that I had as one member of hearing department after department, and particularly this department, where there were obvious cases of what I would call at least civil fraud and certainly abuse.

You know, there is an attitude in that department generally that a 9-percent administrative fee is not a large fee in order to make sure that people qualify for the benefits that they are entitled to. And it is interesting, when you raise that issue, every provider comes wandering into our offices and says, oh, but the waiting lists are so long. And, Mr. Speaker, I would suggest to you the appropriate first question for each of those providers is, how much money do you make? Understanding that everybody is entitled to a living, but how much money do you make? And you know what you will find, Mr. Speaker? There are people that come into our offices that are making six figures. They are making over \$100,000, and they are going to tell me that these cuts and they are going to tell us that these cuts are draconian and are going to be the ruination. And I would say to you, Mr. Speaker, if we can find a way to reduce the administrative costs for providing the services by 2 to 3 percent, we can eliminate waiting lists in a lot of areas. We could actually provide services to people who need them and not jobs for people who think that it has become their right to have a paycheck out of the taxpayer dole. That is what we are asking this Secretary to end. We are asking him and we are giving him some flexibility to say, you know what? Enough is enough. It cannot be a 9-percent fee.

I will just give you a quick example. In the area of child-care information services, it is costing our State \$69 million to ensure that 120,000 children have day care subsidized. That is not the cost of the actual day-care programs; that is the cost to make sure that their parents qualify. We can do better. And that is one little line item, but it is demonstrative of what is going on up and down our budget, and not only in DPW but elsewhere. What we should be asking ourselves today is, why is it that we are only tasking the Department of Public Welfare with this task of trying to eliminate waste, fraud, and especially abuse? And before people think that it is just the recipient abuse that we are looking at, let us remind ourselves that there are some provider abuses here that have got to stop. We cannot afford this kind of cost.

I would encourage my members to support this measure and to hold the Secretary on this rather short leash, to remind the Secretary that before he goes and does what he intends to do, we do expect him to announce and give us an opportunity to comment. And we will hold him to that standard and we will limit to a year, and if we do not like what happens and we think that abuses take place and that it is inappropriate, we will certainly be curtailing that activity, and he knows it and we know it.

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 Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to nonconcur on HB 960, and when I think about HB 960, rather than looking at us, I would like to look at those young people sitting over there in the corner, or look at our sons and daughters that are at home. And I guarantee you that if we ask our sons and daughters tonight about "Goblet of Fire"— Do you remember "Goblet of Fire"? "Goblet of Fire" was the fourth Harry Potter movie. You know, there have been seven Harry Potter movies, but the one that kind of stood out with me is "Goblet of Fire," and I try to take kids to go see these Harry Potter movies. But when we talk about "Goblet of Fire," as you know, there were triwizards, and "Goblet of Fire" was really about manipulation. And the message, if you talk to your sons or your daughters about the message out of "Goblet of Fire," one of the messages is, are people who we really think they are? Are we accomplishing what we think we are accomplishing? Are we doing that which is right, and are we honest about what it is that we are doing? And I guess that is why Harry Potter has been so provocative with young people, because it sends good messages about life and about how we should be doing business.

And with respect to HB 960, there is a portion of this bill which talks about savings through waste, fraud, and abuse. And I remember it was not that long ago that we sent to the Senate — and I do not know whether it is on the Governor's desk yet — but we talked about this fraud and abuse, and if the fraud and abuse was more than \$1,001, that you could end up being prosecuted and imprisoned for at least 7 years.

Now, when we think about that, on the face of it, it looks like we are going to save some moneys by sending folks to jail for at least 7 years for the abuse of \$1,001 with respect to welfare, but we do not take a moment to think about sending somebody away for 7 years. That means for 7 years, we are going to spend \$35,000, \$40,000 a year for everybody who abuses welfare for \$1,001. So that whatever savings you accomplish on the front, you end up losing on the end, and so there is nothing progressive about this imagined savings that we think we will accomplish.

We are prepared to empower somebody who has come from a State not even half the size of this great State called Pennsylvania, the Welfare Secretary. He is new. He comes from a State that is less 50 percent the size of this great State, and now we are prepared to empower him to act by regulatory authority and saving X amount of dollars that we have not figured out yet is the right path to savings.

Secondly, Mr. Speaker, we plan to save money with these limitations on access to medical assistance. Some cases, I see in here where you might not have to go to the doctor, can only go maybe three times a year to the doctor, four times a year to the dentist, one time a year to see the ophthalmologist, maybe two times to see the cardiologist. And so, Mr. Speaker, like Einstein in a laboratory, we have figured out what we think is a defined benefit package.

But going back again, I am not going to go back to the David A. School of Law for an analysis of how you answer this, but I would like to go back to what is good for the gander is good for the goose. Are we prepared to hold ourselves to a defined benefit package to save taxpayer dollars? Because right now in the Commonwealth of Pennsylvania, we have at least seven different benefit packages going on, and you know folks will fight with you if you start talking with them about their benefit package. In fact, the package that we have defined for people on welfare is not the same that people who work for corrections has. It is different from the people who work for the judiciary. It is different for the people who work for the Pennsylvania General Assembly. So if we really want to achieve cost savings, why not have a plan that we all are held by? So if you think that somebody on welfare should only be able to see the doctors three times a year, then Curt Thomas should not have to see a doctor any more than three times a year.

So, Mr. Speaker, if we really want to achieve savings and we are honest about what it is that we want to do, then let us start from a base of fairness rather than our own analysis of what we think is appropriate in this situation.

Mr. Speaker, last but not least, last but not least, it is a mistake to think that everybody that is on welfare is there because they are lazy, shiftless, or want something for nothing. I have some people in my district who have been burned out of their homes, do not have anything that they can rely on, who are on welfare because that was the only place that they could turn for help. So because I am on assistance, do not take my dignity. Because I do not have what you have, do not take my dignity. Sometimes there are people who are on welfare through no fault of their own. There were natural or other interventions which created the situation that they are in. And I say that only to say that as we go forward in figuring out how to cut back on public welfare, let us start from a basis of fairness, sincerity, and the dignity of mankind — human dignity.

Mr. Speaker, we should not have a situation where we force people to go to work and we know they do not have a high school diploma. We ask them to do ABC, and we know that they might have access to a computer but there is no capacity for access to the Internet. So, Mr. Speaker, we have got to make sure that we are doing what we really want to be doing and that we are doing it in a way that respects the dignity of people and is really sincere about wanting to accomplish something.

And so to that end, let me close it out, because I hear somebody in the background saying "wrap it up, wrap it up, wrap it up." Well, I want to wrap it up by nonconcurring on HB 960, and let us do it right. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Speaker needs to go over temporarily on consideration of HB 960 for the purpose of signing a bill. It will just be a minute.

BILL SIGNED BY SPEAKER

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

SB 1007, PN 1121

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

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

CONSIDERATION OF HB 960 CONTINUED

The SPEAKER. The House returns to consideration of HB 960.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

No clock this evening? No clock?

The SPEAKER. Did you want me to put a clock up on there? Do you want me to time it? If you would like to go with a voluntary time limit, we would be glad.

Ms. DeLISSIO. It will be short.

There but for the grace of God go I. We make this statement when we refer to someone who has had bad luck. It implies that the person is no less virtuous than we are but is now miserable purely because of bad luck, which might happen to us as well.

I wanted to share some thoughts with the group this evening as it pertains to HB 960, and I came purposely to the front of the House tonight because it was really important for me to see everybody's face. Quite truthfully, when it was announced that this bill will achieve or hopefully achieve almost a quarter of a billion dollars of savings—

The SPEAKER. The lady will suspend.

Will the members please hold the conversations down. I would appreciate if the members would keep the conversations down.

The lady may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

The House applauded, and there was a part of me that understood, as a businesswoman I understood the goal of achieving a more efficient and effective bureaucracy. That is part of our job, most definitely. But part of me was also quite horrified, because I am intimately familiar with the people that utilize these services every day. They are our neighbors. They are our friends. They are our constituents. They are our relatives. And the idea of applauding in a situation that could inadvertently harm any of those people was very sad.

We talk about this in terms of, and I have heard this for months now, and I followed this package of welfare abuse reform legislation over the past couple of months, and whenever we hear fraud, waste, and abuse, it always sounds as if the people who need this safety net are doing this on purpose, that categorically, everybody is out to scam the system.

Now, in any group of people, there are those who take advantage. I suspect there are even those here in this House tonight who take advantage, and we should always have systems in place to try to absolutely prevent that and to try to make sure that happens as little as possible. I think that the fraud, the waste, and the abuse, I think of it a little differently. I think that HB 960 is the Commonwealth fraudulently holding out on its citizens for services that they expect to be there, the way this bill is currently written and with the amount of leeway that the Secretary for the department has.

I think it is wasteful, because this package of bills really creates a very cumbersome bureaucracy, and that is a waste of time and effort and energy. And I think it is abusive because I think real people and real citizens, our constituents, will be hurt by this. To give such unilateral authority to DPW to make these significant and impactful changes without the input of stakeholders and certainly putting it beyond the scrutiny of the legislature is not a good business practice.

And I did hear the gentleman earlier tonight saying that if in a year or so we do not like what is happening, we will intervene. Again, this is not a very meaningful process or procedure. I do not think this constitutes responsible governing, and on behalf of the very businesslike but compassionate constituents of the 194th, I will be voting "no" on concurrence on HB 960.

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 lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to ask for a "no" vote on concurrence. I am not going to add to what has been said about how this will adversely affect the people who need us the most and how expensive in the long run it will end up being, because I think that was said very eloquently many times. But I want to just have you all think about something as we head into the weekend, and probably most of us, if not all of us, are going to go to some kind of religious service Friday night, Saturday, Sunday, and I want you to think about this and I want you to be thinking about it while you are listening to the sermon from whoever is the faith leader in your community. And I want you to think, when we are dealing with poor people – by the way, everybody has a very large percentage of poor people; it is not only Democrats – when we are dealing with poor people, we shut the stakeholders out. We abbreviate the processes. We do not pay much attention to this, the people who are the subject matter, what their rights might be, what their expectations might be, how their lives might be affected. We just do it, because the majority does not really seem to care. But when we talk about regulations that have to do with rich folks who own oil and gas conglomerates, then we make them do science.

Now, I do not know what your definition of "hypocrisy" is, but that is mine. 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 McKean, Mr. Causer.

Mr. CAUSER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of concurrence in HB 960.

Mr. Speaker, finally, finally some welfare reform. Getting rid of waste, fraud, and abuse in the Welfare Department is something that many of us have been working on for a very long time, and it has been needed for a very long time.

Cutting spending. We have certainly been working on that for a long time, and it is very sorely needed, while at the same time ensuring that people that truly need assistance get that assistance. Cutting \$400 million in the Department of Welfare is the right thing to do. Keep in mind, we are still providing in that department alone \$10.5 billion. Cutting this department is the right thing to do.

There are many commonsense reforms in HB 960. Drug testing, anti-benefit shopping, income eligibility verification – all very good, commonsense reforms that we need here in Pennsylvania. These are commonsense things that should have been passed a long time ago.

Mr. Speaker, I strongly support the welfare reforms that are in this piece of legislation and urge my colleagues to support it. 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. Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

Three points I would like to address as I urge this chamber to vote "no" on HB 960. We keep hearing from the other side "waste, fraud, and abuse"; "waste, fraud, and abuse." And as my colleague from Montgomery County on this side of the aisle was pointing out, this bill does not outline how you are going after that waste, fraud, and abuse. Instead, it leaves it up to the discretion of a Secretary who said, in a committee meeting on May 11, he was not sure how he could find the savings, was not sure how – an out-of-Stater from Rhode Island who worked with a budget probably smaller than that in Allegheny County and says he does not even know how. But you are leaving it up to him to find that waste, fraud, and abuse. I do not know how you do that and keep a straight face. That is point one.

Point two. For those of you in southeastern Pennsylvania, what you are doing here and what you did in the budget could be devastating. Our economy in southeastern Pennsylvania relies heavily upon eds and meds – hospitals and institutions of higher learning. And in the budget, you cut funding for institutions of higher learning, and now here in the Welfare Code you are sticking it to the hospitals, the hospitals that produce doctors, the hospitals that care for our families, the hospitals that provide jobs to thousands and thousands of people in southeastern Pennsylvania. What are you doing? You are cutting the funding.

And my last point— Mr. Speaker, if we could have order.

The SPEAKER. Members will please come to order. Hold the conversations down. We would appreciate it.

The gentleman may proceed.

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

The theme with the budget is that you are giving breaks to the big guy on the backs of the little guy. You would not tax Marcellus Shale but you will cut basic ed for kids. You would not tax smokeless tobacco but you will cut funding for breast cancer and cervical cancer screenings. That is what you did. Those are your priorities, and here you are doing it again. Here you are cutting programs that provide care and services for the

most vulnerable and most needy citizens in Pennsylvania. And you are not just hurting those that benefit from the programs; you are hurting the providers and the workers that work for those providers.

But you would not do false claims. You would not give the Attorney General the tools to go after the big guys that we know commit fraud all over this country, and they have been nailed for it in those States where there is a False Claims Act. Hundreds of millions of dollars, billions across the country at the Federal level and the State level have been recovered under the False Claims Act, but you rejected that this year.

But you will cut programs for the little guy. You will hurt the little guy. You will hurt the single mom. You will hurt the elderly. You will hurt the little kids who are born into poverty. That is your priority. That is what you have done. Brace for the big guy on the backs of the little guy. That is what you are doing when you vote for this tonight, and that is why I am urging everybody to be a "no" vote on HB 960.

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, Mr. Ken Smith, from Lackawanna County.

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

Mr. Speaker, I rise tonight to nonconcur with HB 960. It is a decision that I came to, not easily made. As a matter of fact, Mr. Speaker, I am a cosponsor of HB 960, and I commend the gentlewoman from Lebanon County. She does great work on the committee, and she is dedicated to not only helping causes but human services as well, and our chairman from Tioga County, another man that does great work on the committee. But, Mr. Speaker, as the process moves forward, I cannot believe what has become of HB 960. It is even hard to recognize at this point.

And, Mr. Speaker, I just want to say that as a member of the Health Committee, as the House bills came to us in the committee, I voted for the commonsense welfare reform bills and the process of it. They were very good bills within their own content. As a matter of fact, Mr. Speaker, much to the chagrin of the minority chairman of the Health Committee, I voted in favor of these commonsense bills. But because of the process, what has happened to the bill is unacceptable, and what has happened is, there has been a power grab. From the time it left the House and went to the Senate and came back for concurrence, it has changed.

And, Mr. Speaker, I just want to give one quick example of a situation that came up in the Health Committee. There is a young mother who is raising several children, and she is a single mom, and throughout the process of a month or two, she receives additional welfare checks. And she says, boy, this is great; this is going to go a long way in helping me to provide for my family. And several months after, she receives notice from the Department of Public Welfare that she inadvertently received these checks. Now, she spent the money. She does not know what to do. So she then comes to myself and says "I need help," because remember, we are talking about a population that does not have the resources to go to a lawyer to say "I need help." So this single mom comes to me and says "I think I made an error. I need help." So I have a responsibility to help this mother, and I then call the Department of Public Welfare and

I find out that I am unable to help because I have no authority. We sidestepped the process of the legislature, and the Secretary of the Department of Public Welfare becomes the sole power. That is dangerous, and that is a road I do not think we should start to travel.

Mr. Speaker, when it comes to waste, fraud, and abuse, I am the first one there to say we need to stop that. But are we going to do it at the expense of those in the twilight of life, in the dawn of life, and the shadows of life, those most vulnerable among us? Mr. Speaker, what has happened to this bill is unacceptable, and because of that, Mr. Speaker, I cannot support HB 960 and I ask for a nonconurrence.

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 lady from Philadelphia, Ms. Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I simply just want to make a couple of statements.

Number one, all of us in this House were elected by the people that we serve, to represent them in the House of Representatives. Whatever the issue was, we were elected to serve those people. They are depending upon us. They are trusting us to serve them and to take care of whatever the issues are. Therefore, in my opinion, it is out of order for us to delegate our authority to someone else.

And I want to just make a statement on those of us who feel that people who are on welfare, that our most needy people are poor people who do not know how to do anything, who do not want to do anything, and who are there for welfare fraud because they are lazy and do not want to work. But for the grace of God, any of us or any member of our family tomorrow could find ourselves in a situation where we need help. Even if you have saved up a few thousand dollars, one short spell of sickness can wipe that out in just a matter of months.

So many of the people who depend upon us are not lazy people, are not people who just want to "get over." They are people who have fallen upon some hard times. During these trying times, there are difficult days and families are having a difficult time. I serve a district that is fairly affluent. When I first took over that district 24 years ago, they did not know what foreclosure was. They did not know what unemployment was. They did not even know what welfare was. But many of them are in my office on a regular basis because they have fallen on some hard times. They have lost good jobs. Some of them have gotten sick. Some of them are divorced, and they now are finding that they need help, and my responsibility is to provide a way so they can be helped.

I do not feel it is my responsibility or the responsibility of this House to delegate the authority that has been given to us as Representatives in the House of Representatives to some one individual who can now be God, who can now take care of, at their whim, anything that needs to be taken care of. I believe that we all should nonconcur, not because it is all bad, but until we have an opportunity to look at it and find ways to make input, to make sure that the people who need help get it, and to make sure, if there is fraud, that it is eliminated. But it is not our responsibility to give it to someone else.

I think we should nonconcur until we have had an opportunity to sit down with DPW, find out what it is they want, and whatever part we can play in fixing it so that everyone is taken care of. Thank you.

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. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

Mr. Speaker, this is an argument that I as a Democrat cannot win. If I polled 100 people in my district, 99 of those people would tell me that people on public assistance are collecting \$2,000 a month, drinking beer, and smoking marijuana.

My nephew is a dentist, Mr. Speaker, who serves people on public assistance. If I vote "yes," my nephew will lose his job and I will have to find a new dentist.

As I look at "The Apotheosis" up there, I think about William Penn and his Holy Experiment and about how he founded the Commonwealth of Pennsylvania, and I think we are about to embark on another experiment.

And as much as I am very reluctant to vote "yes" on this bill, I think once and for all we have to put this issue to rest one way or the other. Either there is a great amount of waste, fraud, and abuse or there is not. So I am going to pray real hard in the next few minutes to figure out how I should vote on this bill, but I know the people of Pennsylvania feel that in the last 8 years, the Welfare Department is out of control. So I have got to think very hard and pray very hard about how I am going to vote.

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 Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

I know the hour is late, and I know I probably will not change any minds, but there are times when we need to get up because we need to be the voice of the people we represent.

One of the previous gentlemen mentioned waste, fraud, and abuse and where is it? Well, if you take a look at any budget in 2003, there was \$6 billion, and now it is \$10 1/2 billion. I can guarantee you, and most people watching this can guarantee you, there is significant waste and abuse. Any budget of any large organization will have that. So there is waste and abuse, and I think it is a great idea to let someone get in or have the discretion to do it. It is under our supervision. And the authority we give tonight, we can take away.

I spoke earlier today about education, and I talked about the destruction of the family and how that, I believe, is one of the major problems with education. And we certainly cannot afford to spend what we are spending in welfare, but I do not think that is the best argument against public welfare and against the abuse of public welfare. I think the real argument is this: It is destroying our families. It is destroying character. It is incentivizing bad behavior.

It was mentioned earlier about work. Work is good for anybody. Now, I understand there are people in this Commonwealth that cannot find work, but they certainly should be encouraged to do it, not just because they can be productive for the rest of society but it is better for them. It lifts them up. It is better for their character. That is the reason we need to cut back on welfare, not just because of the money but because of what it does to our people.

I would urge a concurrence vote. Thank you.

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 Greene County, Mr. DeWeese. The gentleman waives off. The Speaker thanks the gentleman.

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

We will let the lady from Lebanon, Mrs. Gingrich, conclude. Mrs. GINGRICH. Thank you, Mr. Speaker.

Thank you for the time, and thank you for the dialogue.

For years, the House Republican Caucus has called for reforms within the Department of Welfare specifically related to the '06-'07 audits that were conducted by Auditor General Jack Wagner. And as part of that '11-'12 budget that we are facing now, our efforts to reduce documented instances of waste, fraud, and abuse will be realized.

The bill is written to instill greater accountability and integrity in the State's welfare system, closing many of the existing loopholes. I know that we all agree we have a responsibility to our most vulnerable and needy among us. Those are our elderly, our disadvantaged children, our disabled population. In no way do we think that all public assistance recipients are lazy, do not want to work, or some of the egregious comments that get tossed around when you talk about public assistance. The point is, it is out of control. It is a very important program, a critical department to both Republicans and Democrats. It does not have a side of the aisle. We have got to close the existing loopholes, and we have got to restore integrity into this essential and very expensive program. This program represents 40 percent of our budget.

Thoughtful decisionmaking has to go into it. We will let the new Secretary do his job, do his job well. He will give us a time for input, he will give the public time for input, and we will be partners in how the taxpayers' dollars are spent. We can give the taxpayers a favorable return on their investment of tax dollars. This budget bill, incorporated with the way it was when it left us and went to the Senate and came back in this form, it can do just that.

I urge all my colleagues to support with me the concurrence of HB 960. Thank you.

The SPEAKER. The question is, will 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—130

Adolph	Everett	Lawrence	Ravenstahl
Aument	Farry	Maher	Readshaw
Baker	Fleck	Major	Reed
Barbin	Gabler	Maloney	Reese
Barrar	Geist	Marshall	Reichley
Bear	Gibbons	Marsico	Roae
Benninghoff	Gillen	Masser	Rock
Bloom	Gillespie	Matzie	Ross
Boback	Gingrich	Metcalfe	Saccone
Brooks	Goodman	Metzgar	Sainato
Brown, R.	Grell	Miccarelli	Saylor
Burns	Grove	Micozzie	Scavello
Carroll	Hackett	Millard	Schroder

Causer	Hahn	Miller	Simmons
Christiana	Harhai	Milne	Sonney
Clymer	Harhart	Mirabito	Stephens
Costa, D.	Harper	Moul	Stern
Cox	Harris	Mullery	Stevenson
Creighton	Heffley	Murt	Swanger
Culver	Helm	Mustio	Tallman
Cutler	Hennessey	Neuman	Taylor
Daley	Hess	O'Neill	Tobash
Day	Hickernell	Oberlander	Toepel
Deasy	Hutchinson	Payne	Toohil
Delozier	Kampf	Peifer	Truitt
DeLuca	Kauffman	Perry	Turzai
Denlinger	Keller, F.	Petrarca	Vereb
DiGirolamo	Keller, M.K.	Petri	Vulakovich
Dunbar	Killion	Pickett	Watson
Ellis	Knowles	Pyle	White
Emrick	Kortz	Quigley	
Evankovich	Kotik	Quinn	Smith, S., Speaker
Evans, J.	Krieger	Rapp	

NAYS—66

Bishop	Dermody	Keller, W.	Preston
Boyle, B.	DeWeese	Kirkland	Roebuck
Boyle, K.	Donatucci	Kula	Samuelson
Bradford	Fabrizio	Longietti	Santarsiero
Briggs	Frankel	Mahoney	Santoni
Brown, V.	Freeman	Mann	Shapiro
Brownlee	Galloway	Markosek	Smith, K.
Buxton	George	McGeehan	Smith, M.
Cohen	Gerber	Mundy	Staback
Conklin	Gergely	Murphy	Sturla
Costa, P.	Haluska	Myers	Thomas
Cruz	Hanna	O'Brien, D.	Vitali
Curry	Harkins	O'Brien, M.	Wagner
Davidson	Hornaman	Parker	Waters
Davis	Johnson	Pashinski	Wheatley
DeLissio	Josephs	Payton	Youngblood
DePasquale	Kavulich		

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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.

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 151, PN 1426**.

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 562, PN 2092

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for purchase of agricultural conservation easements; and abrogating a regulation.

HB 960, PN 2258

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, adding definitions; providing for fraud detection system, for administration of assistance programs and for copayments for subsidized child care; further providing for determination of eligibility; providing for verification system and for eligibility for persons with drug-related felonies; further providing for persons eligible for medical assistance, for medical assistance payments for institutional care, for reimbursement for certain medical assistance items and services, for payments for readmissions to a hospital paid through diagnosis-related groups and for medical assistance benefit packages, coverage, copayments, premiums and rates; in Statewide quality care assessment, further providing for the definition of "net patient revenue," for implementation, for calculation and notice of assessments under certain conditions, for restricted account limitations and for conditions for certain payments; and providing for inmate medical costs.

HB 1696, PN 2260

An Act providing for a temporary moratorium of court-ordered countywide reassessments and for reforms based upon study.

SB 151, PN 1426

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil penalties.

SB 791, PN 821

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

SB 1062, PN 1444

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

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

STATEMENT BY MR. REED

The SPEAKER. Is the gentleman from Indiana, Mr. Reed, seeking recognition under unanimous consent relative to the legislation that just passed? The gentleman may proceed under unanimous consent.

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

I just want to take a moment to thank and to congratulate the lady from Lebanon County, the gentleman from Lancaster County, the majority whip, the majority leader, the policy reform/policy development team, the staff from the policy office, the Health Committee, the Appropriations Committee,

the Human Services Committee, for their leadership and their work over the last 6 years, culminating until this moment when we passed the most meaningful welfare reform in Pennsylvania since the Ridge administration.

Thank you very much, Mr. Speaker.

SUPPLEMENTAL CALENDAR A CONTINUED**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 330, PN 1459**, 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 public referendum requirements and for installment payment of school real property taxes.

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. Will someone stand for interrogation on this bill?

The SPEAKER. The gentleman from York, Mr. Grove, indicates that he will stand for interrogation.

Could we clear the aisles, please. The members will please take their seats. Will the members please take their seats. The Speaker thanks the members.

The gentleman, Mr. Vitali, may proceed with interrogation.

Mr. VITALI. Thank you, Mr. Speaker.

I rose to the mike because this is actually a terrible bill and I did not want it to just be voted on without people being aware of what it is, so I just maybe got to the mike for the most part just to slow things down, but having said that, would the gentleman just sort of outline the bill and perhaps we can go from there, outline the amendments that have been made in the Senate and put them in context and we can go from there.

Mr. GROVE. SB 330 in its original form, obviously, allows small businesses to pay for their property taxes through quarterly payments. Last night we amended it to include some Act 1 reforms. Obviously, there were originally 10 exceptions in Act 1. We removed seven of them. There are three remaining: pension, special education, and grandfathered and electoral debt.

Mr. VITALI. So it is my understanding that this bill in total eliminates— Could you outline what exceptions to Act 1 it eliminates?

Mr. GROVE. What was that again? I did not hear you.

Mr. VITALI. Just outline once again what exceptions to Act 1 this eliminates.

Mr. GROVE. What was taken out or what was left?

Mr. VITALI. As it remains now, as it remains now, what exceptions does it eliminate to Act 1?

Mr. GROVE. Recovery from disaster, emergency, implementing court order, administrative order—

Mr. VITALI. I am sorry, just a little slower. Just one by one, what does it eliminate?

Mr. GROVE. Recovery, eliminates recovery from emergency or disaster; implementing a court order or administrative order; construction; conditions that pose immediate threat of serious physical harm; costs resulting from implementing a school improvement plan; local tax base maintenance; maintain revenues derived from real property taxes, income taxes, basic education funding allocations and special funding allocations at the level of the index; cost for health-care related benefits. That is it.

Mr. VITALI. Mr. Speaker, I think this is dangerous legislation and I think it is dangerous legislation because it really dumbs down, forces the dumbing down of quality school districts. I am fortunate enough to represent three school districts – Haverford, Radnor, Marple – and we are very proud of the educational services we provide. Mr. Speaker, Act 1, as originally passed, posed a threat to that because it really would impede my school districts, my communities, from the ability to maintain quality schools, schools that not only provide a great foundation of education for the children of my community but help maintain property values because of the quality of the schools. Now, Act 1, as it initially was proposed, had some exemptions which mitigated the general concept of this act.

The SPEAKER. Will the gentleman suspend for just a minute.

POINT OF ORDER

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

Mr. HESS. Point of order.

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

Mr. HESS. Is the gentleman speaking on the bill, or is he doing interrogation?

Mr. VITALI. You are absolutely right. I apologize. I would like—

The SPEAKER. The Speaker thanks the gentleman.

Mr. VITALI. —to conclude my interrogation—

The SPEAKER. The gentleman will suspend, please.

The gentleman's point of order is correct. We should try to ask the questions and then speak later as you seek, but the gentleman may proceed.

Mr. VITALI. Exactly. I would end my interrogation and ask to speak on the bill.

The SPEAKER. Is the gentleman done with interrogation?

Mr. VITALI. I am done with my interrogation.

The SPEAKER. The Chair apologizes. The gentleman may proceed on the bill.

Mr. VITALI. Thank you, Mr. Speaker.

I think the reality of putting out referendum questions to increase local property taxes is that they generally lose. I mean, historically, if you look at referendum questions, which start out, do you support a tax increase to do fill-in-the-blank, they generally lose. The problem with requiring school districts to put increases to referendum is, they typically lose. The consequence to school districts is that they have to do things like increase classroom sizes, eliminate extracurriculars, start trimming things like libraries, staffing, and other programs, and

by and large, just decline the quality of education they can provide to kids. The more you eliminate exceptions like this bill does, the more of a financial bind you put school districts into, the more you force them to cut and cut. My school districts this year have been forced to shrink things like libraries and staffing personnel.

Mr. Speaker, I think, generally, putting education out to referendum is the wrong way to go. It strikes at the heart of representative democracy. Mr. Speaker, local communities have a right to elect their own school board members and they do that in the spirit of representative democracy because of the judgment these people have, the judgment their elected school board directors have. These are people who have distinguished themselves in the education field and have committed the time to look into the particulars of school budgets, look into the particulars of the programs, the values they have, the appropriate levels of classroom sizes. They can make decisions with regard to budget and expenditures by using their judgment, by using their expertise, by using the time that the common citizen does not have, the common citizen who goes to the polls once every 6 months simply does not have.

Mr. Speaker, by encouraging referendums, you erode representative democracy. Mr. Speaker, by encouraging referendums, you dumb down one of the most important things in a democracy, which is an educated citizenry. Mr. Speaker, I think this proposal tonight is just one of a series of attacks on public education in this State. My school board, my school board directors are convinced this is part of a concerted effort to destroy public education in this Commonwealth. I think it is something that we need to tenaciously fight against. I think we can do that by voting "no" for SB 330.

Thank you.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. SIMMONS. Thank you, Mr. Speaker.

I stand here today in support of SB 330. This important piece of legislation empowers the taxpayer to make decisions about their local school district funding. There is perhaps no bigger issue in our Commonwealth today than that of out-of-control school property taxes. Voters sent a message this past November that no longer will the same special interest groups that have dominated this Capitol for so long have the only say in the legislative process. I could think of no better piece of legislation for the taxpayers of my district, the 131st District, than SB 330.

I have to be absolutely honest, I wish there were no exceptions in this bill, but this important piece of legislation is the product of long hours of deliberation between the Governor and the legislative branch and I believe the best vehicle that we can get passed at this time for our taxpayers. Make no mistake about it, those in this chamber who argue against this bill are sending a clear message to the taxpayers of this Commonwealth that they do not think the taxpayers are smart enough to make the best decisions for their local school districts. I adamantly disagree with this notion. I have faith in the people of the Commonwealth. I believe the taxpayers have the capacity to make the decision that is best for them at the local level. They certainly have a better idea than some bureaucrats in Harrisburg.

You see, we do not see the senior citizens having to choose between turning on their heat or paying their school property taxes while out here in Harrisburg. I believe these people should

be able to decide how high their school property taxes should go. The Commonwealth has over \$50 billion in liabilities. We can no longer follow the same path we always have. The voters sent us here to turn around this sinking ship. I can think of no better message we can send to them than allowing them to vote if they want a school property tax increase.

I urge the members of this chamber to support SB 330. Let us show the taxpayers of this Commonwealth that we stand with them. I know I do. Do you?

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Luzerne County, Mr. Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I represent 15 communities in 2 counties. Those 15 communities span 4 school districts. Those 4 school districts elect 36 individuals from our community who are unpaid volunteers, elected to manage our public schools. Their responsibility is daunting. Their responsibility is to help educate and manage the education of our young people. The school directors do not have a choice on their students, nor do they know how many will be there year to year, and in some school districts, those numbers fluctuate wildly. The cost to educate these children is very significant. School directors rely on State funding combined with revenues generated locally; those revenues, primarily, property taxes.

I will freely admit, there is a universal hatred for property taxes. This hatred is also shared by every school director that I know.

The SPEAKER. The gentleman will suspend.

The members will please keep the volume on their computers down. I can hear it up here.

The gentleman may proceed.

Mr. CARROLL. There really is universal hatred for property taxes, and like I said, every single school director I know shares that hatred. They do not enjoy raising property taxes. The challenge, unfortunately, is that is the only option school directors have in this State. SB 330 will severely limit their ability to raise property taxes as a result of the exceptions being eliminated. That premise sounds good until a school district faces expenses it could never have anticipated or if student enrollment spikes in future years. Consider the problems likely to occur in districts with fast growing areas like Monroe County if SB 330 is approved. We just approved a budget with about a 15-percent funding cut for public education in this State. A school board's only avenue to secure funding has now been closed if SB 330 becomes a reality. A school district's ability to adequately educate the kids, in my view, is thereby crippled, especially by establishing a payroll baseline based on a school's enrollment payroll in 2010-2011. It is ironic that in Monroe County especially we lament continually the baseline established by the hold-harmless agreement from the early nineties. Here we are going to establish a brand-new baseline at a time, ironically, again that our enrollment is at a low point because of the economic decline from 2008. So we will end up with a baseline for growing school districts when enrollment is at a low point. So when these kids come to these school districts, the classrooms are going to get larger because the school directors will be limited in their ability to hire additional teachers. I have no doubt that the four school districts in Monroe County and others throughout this State will have additional growth. That day will undoubtedly come, and when it

does, these school directors, as I said last night, will be handed an unsolvable problem – a problem that results from their inability to govern, thanks to SB 330.

This bill and those who support it are giving these school directors that unsolvable problem. I wonder why those who support this bill did not just run for school director in their community. If we want to be serious about property tax relief and school funding, we should have that discussion, that discussion related to sales tax and income tax, but not a blind elimination of a school director's ability to govern. Simply removing an official's ability to do their job is not responsible governing. It is either pandering or it is a planned attempt to starve schools of funding. I fear it might be the latter. The result is a public school system that cannot meet the educational needs of our State's children, and that is sad.

This policy is severely lacking. SB 330 eliminates the ability to educate our children under the banner of school property tax relief. It is a false choice. I ask the House to reject SB 330 and embrace a discussion that involves real property tax relief and real solutions for our school district and not this failed attempt.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Northampton, Mr. Emrick.

Mr. EMRICK. Thank you, Mr. Speaker.

Prior to getting elected last November, I spent the last 18 years as a public high school teacher, so I have dedicated my entire life personally and professionally to improving the quality of education in our State. Today my two children also attend our local public school. So I have had the opportunity to see school districts spend money, both from within and without. In far too many cases, these school districts have spending that is out of control. So, Mr. Speaker, today I rise in support of SB 330, which will allow local voters and property tax payers to have a greater say if their school property taxes must increase above the rate of inflation.

Most, if not all of us, elected last November believe wholeheartedly in allowing school districts to have local control. With local control, there must come local accountability. If this body cannot come to an agreement in a uniform manner to address the crippling property tax issue we have in Pennsylvania, then this cost-control measure is the closest thing we can give our property tax payers back home. You see, Mr. Speaker, if school districts want to build Taj Mahal buildings with immaculate upgrades, where architects receive larger payments based on the cost of the project, then property tax payers should have the opportunity to be educated on the size, scope, cost, and financial impact of such projects. If school districts want to put in million-dollar AstroTurf fields and it will cause property taxes to rise yet again, then voters should have a say at the ballot box. If school districts want to engage in discretionary spending to build \$5 million swimming pools on the backs of taxpayers, voters and property tax payers have earned the right to have their say. It will help prevent economically unsustainable contracts and cause local school boards to carefully and closely evaluate every dollar they spend. You see, Mr. Speaker, this bill is for every senior citizen whose front porch I stood on, who begged and pleaded with me to do something about their astronomical rise in property taxes. This bill is for every person on a fixed income, especially our seniors who struggle to make ends meet and who have already sacrificed much of their own household spending in these

difficult economic times. This bill is for every young family just starting out in their first home, struggling to raise their children, pay their bills, and make ends meet. This bill is for every homeowner and property tax payer who has had enough of their property taxes increasing and having no say in the matter.

Mr. Speaker, I wholeheartedly support this bill and encourage my colleagues to do the same. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. COHEN. Mr. Speaker, the people of our local communities have many interests. They have an interest in paying as little taxes as possible. They also have an interest in having homes that other people are willing to buy. They have an interest in having schools that educate productive members of their communities. They have an interest in schools that help build up their communities for the future. This bill only deals with one narrow interest the people have, the interest of paying low taxes.

As a result of the redistricting situation, there are all sorts of maps available to both caucuses, to people around the State, showing the pattern of population declines. You can look at all the counties in western Pennsylvania, and with one or two exceptions, there are population declines everywhere. You can look in many of the neighborhoods in Philadelphia and there are population declines there. You can look in many of the suburban areas, many of the old industrial areas in eastern Pennsylvania, and there are population declines there. The fact is, in most of the communities of our State, there are less people than there were 10 years ago. People who have young children already are leaving the State. Already there is enough dissatisfaction with the opportunities available to families in Pennsylvania that many people are leaving. And now, here today, we are proposing to make it more difficult to run our schools. We are saying that we are going to have a complex formula, and if appropriations go up for our schools and if it cannot fit within this formula, that is tough. We will have to lay off teachers. We will have to cut back programs. We will have to send a message to parents that maybe they really ought not stay in Pennsylvania if they want quality education for their children.

I am the father of a teenage daughter who just graduated from high school, and I learned anew what I had known many years ago about how closely teenage kids are scrutinized. What extracurricular activities do they participate in? What score did they get on this test? What score did they get on that test? And that information is available to colleges across the country. It is in many, many databases, and my daughter got all sorts of solicitations from colleges and universities around the country based on her high scores in various subjects. Other kids she went to school with also got those letters of solicitation. You cut back education here and you take away advanced courses there and you get rid of a few advanced teachers or teachers' aides in this subject or that subject and future kids are going to get a lot less solicitations from colleges across the country. They knock off a few points on this test and a few points on that test of our kids and there are a few less scholarships that they are eligible for and there are a few less colleges and universities that really want them to come.

This is a bad bill. It will have a significant long-term, negative impact on the State of Pennsylvania, and I would urge that we all vote against it.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

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

Mr. Speaker, the hour is late. We are all tired. We have been here for a while, but I felt it necessary to stand and speak in favor of SB 330. You see, Mr. Speaker, much of what the previous gentleman said was correct. Many of the school districts in western Pennsylvania are declining. My own has lost 19 percent of its students over the past 20 years, and that is one of the reasons I stand to support SB 330, Mr. Speaker. You see, our school district, despite these declines, just borrowed \$80 million to renovate three 100-year-old schools. Although the public reached out in great, great volume and great voracity to tell them they had made a tremendous mistake, they cared not. And now we find ourselves, because we did not have the protections of SB 330, looking at \$125 million debt over the next 30 years on a population that is averaging 57 years old. Mr. Speaker, I am only 47. I am one of the young ones.

When PPG left and Eljer left, we lost entire generations, Mr. Speaker, and it only stands to reason that a school district formed when those industries were healthy and could sustain the economy of our local area, when they were around, we could afford such frivolous spending, but right now we find ourselves having to file court injunctions and appeal things to the public Department of Education just to protect our people from a tax burden in property taxes that will stunt our county for decades.

Mr. Speaker, SB 330 gives us that level of protection. Now, Mr. Speaker, over the last 5 days, I have kept hearing, those who need it most, those who need it most. I put some thought into that. Every person that sits on this floor, honored in their areas – and we do have to live up to that title, honored lady and honored gentleman – has an obligation to represent the wishes of the people that sent them here. That is obvious. It is almost rhetorical that I state it. Mr. Speaker, my people need this. We need SB 330. We need the protection so that boards looking to propagate their own political philosophy cannot tie up future boards. SB 330 is not draconian; it is not a cut-your-throat measure. It allows for growth in special ed funding, which is constantly changing with 503(b) qualifications handed down by the Federal government. It allows for meeting our pension obligations, because the teachers did pay their share.

Mr. Speaker, SB 330's time has come. Are we not proud that we give local control to our local school districts? I am. Let us give them the true control they need, that they ask for, and do the right thing. Please vote for SB 330.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise today in opposition to SB 330. I disagree with the false assertion that school districts have been abusing the use of exceptions under Act 1 to raise property taxes. Act 1, in fact, has helped to limit tax increases, and the school district's use of referendum exceptions has been low.

These are the following facts on Act 1 and the use of those exceptions by our school districts: Ten percent of school districts have not raised taxes in the last 5 years. The majority of school districts in any school year since the enactment of Act 1

have not even sought referendum exceptions. No more than 17 percent of school districts in any of the past 3 years have used referendum exemptions. Of referendum exemptions approved by the Department of Education, school districts have used only between 15 and 30 percent of these exemption amounts approved over the past 3 years. Act 1, in fact, has been working to reduce property tax increases. Property tax increases for most school districts are largely due to costs beyond the control of those school districts, such as mandated pension obligations, mandated special education costs, health-care costs, and charter school costs. Additionally, the fact that the State share of public education funding has decreased from 50 percent in the mid-1970s to 36 percent today only forces school districts to raise their property tax. Clearly, the State's failure to fund public schools, which they are obligated to do by the Constitution, and shifting that burden to local districts has resulted in this increased obligation. The over \$1 billion in budget cuts in this year's budget to school districts will only increase the pressure on those school districts to raise property taxes.

School districts need the exemptions of Act 1 to meet their mandated costs that are out of their control. The fact is that the majority of referendum exceptions approved by the Department of Education have been to two State and Federal mandated programs: pension obligations and special education expenditures. Referendum exemptions approved for these two mandated programs have continued to increase and now represent 69 percent of approved exemptions for the 2011-2012 budget period.

In terms of mandated pension obligations, the majority of school districts have increased pension obligations for 2011-2012 that exceed the 1.4 inflation index. By 2013-2014, this will increase to 461 school districts, 92 percent of the school districts in the Commonwealth. Without a referendum exemption for pension obligations, school districts will either be forced to cut other basic education programs to meet this State mandate or default on their pension payments.

Federal and State special education mandates mean that without a referendum exception, school districts will have to either cut other basic education programs to meet their required higher special education costs or possibly eliminate such things as gifted education programs that are not mandated by Federal law. SB 330's amendment does include exceptions for school district pension obligations and special education expenditures. However, these exceptions in the language of this bill are different and weaker than the current exceptions for school district pension obligations and special education expenditures. The new versions of these exceptions will have severe physical consequences on our school districts and the education of our children. If we do not restore the current exemptions for the mandated pension obligations and the mandated special education expenditures, school districts could face over \$165 million in further budget cuts in nonmandated school programs for the 2011-2012 school year. Without the current referendum exemptions for mandated school expenditures, including pension obligations to special education expenditures, school districts would have to reduce the funding for other programs to remain below the inflation index. Other possible results could occur if the referendum exemptions are not included in SB 330. School construction projects could grind to a halt from the impacting local economy and local jobs. There could be possible default on school bonds, acute financial

distress in perhaps dozens of school districts who are struggling to balance budgets with the lowest Act 1 index, that trail the Consumer Price Index combined with a billion-dollar-plus cut in State assistance, potential defaults on pension payments to the Public School Employees' Retirement System.

SB 330 weakens Act 1 and weakens the ability of school districts to fund State and Federal mandated costs that are beyond their control without having to go to referendum. If SB 330 is enacted, school districts will have to make further cuts in their basic education programs in order to fulfill State and Federal mandates and stay under the inflation index. In a year, when our State budget is cutting \$1 billion from our schools, why would we further punish those schools and their students by, and the students that they educate, by passing SB 330 that will only increase the amount of cuts that school districts will have to make to their basic education programs? I believe that quality education should be the paramount goal of all of us who serve in this legislative body. We should be about ensuring that our students have the opportunity to get the best education possible. It is for that reason I ask that you vote "no" on SB 330. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Carbon County, Mr. Heffley.

Mr. HEFFLEY. Mr. Speaker, I rise in support of SB 330. I thank my colleague from York County for all his hard work to bring this to the floor. As a father of two children in the public school system, I realize the importance of public education. As I talk to many of my friends and the constituents in my district about the issues that we face as a State, one thing that always comes up in those conversations is property taxes. With our public education system, there needs to be a balance between the taxpayers and our education system. School districts, under this measure, will now need to justify tax increases. An informed electorate will make a commonsense decision on whether these tax increases are justified. I do not believe that we will see 60 children in each classroom because the people will make informed decisions, but they will also hold the school districts accountable for spending, and that is what we do not have right now in our system. This will bring that accountability back into it.

For the senior citizens who right now are wondering how they are going to stay in their homes for another year because they are on a fixed income, their homes have been paid off for years, but their property taxes continue to rise and they choose between paying those taxes and putting food on the table. When I cast my vote in favor of this, I am voting for the senior citizens. I am voting for the working-class families, the people who work two to three jobs to make ends meet in this economy, but yet continue to see their property taxes rise and they do not have a voice in the matter. This vote that I cast today will give them that voice.

I strongly urge my colleagues to vote in support of meaningful property tax relief. That is what we ran on. That is what we need to get done.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Westmoreland, Mr. Evankovich.

Mr. EVANKOVICH. Thank you, Mr. Speaker.

Mr. Speaker, earlier tonight, with near unanimous support, we concurred on HB 1696, which was a good measure to help

control the property tax issue that we have in our State. And here we are again, getting ready to vote on another tool to give the taxpayers in the State of Pennsylvania one more thing that they can point to to say that those in Harrisburg really do care about the issues that we are facing. Mr. Speaker, I am not fearful of going home and talking to the people in my district about this bill because, Mr. Speaker, what this bill does, make no mistake, what this bill does is simple. It does not prevent school districts from raising property taxes. It does not even prevent them from raising taxes over the index. All it does is it gives the people in those school districts, the property tax payers, a little bit more of a say in the decision. In fact, I look forward to talking to the people in Penn Township, Franklin Regional, Kiski Area, Burrell, New Kensington-Arnold, Leechburg School Districts, and Armstrong School District in talking about this bill. Mr. Speaker, in fact, one district, one school district, has already heard the call. Burrell School District just approved a pay freeze for administration, support, and teachers for the following fiscal year.

Just to talk about some of the points that have been raised, to my good colleague from Delaware, I have a lot of sympathy and I have a lot of the concerns that you do about getting referendum happy, but to that point, I would agree with you if this were a referendum that was statewide, but these are very narrow referendums, voted on by the people that it affects and no one else. I think there is a danger in getting referendum happy. Let us be clear, this bill would not shift any tax burdens. Whether the property taxes are raised because of an exception granted by the Department of Education or whether the property tax increases are done by a voter referendum, it is still coming from the same pocket. And lastly, to my good colleague from Luzerne County, I do not believe that this bill usurps any power from the local school district. In fact, I believe that it gives them the necessary community support that they need to proceed with how they believe they can best educate the kids of that district. Mr. Speaker, for those reasons I urge a "yes" vote on this important bill for the taxpayers of our State. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I would like to thank you, Mr. Speaker.

Mr. Speaker, I was just curious if the maker of the amendment that came to this bill originally, from the 196th, would be willing just to answer a couple of questions for me?

The SPEAKER. The Speaker apologizes; he was asked a question on the side.

Mr. CONKLIN. That is fine, Mr. Speaker.

The SPEAKER. Will you repeat your question?

Mr. CONKLIN. It has been a long day, I understand.

I was wondering if the maker of the original amendment from the 196th would be willing just to answer a couple quick questions for me?

The SPEAKER. I do not see him down here near the well of the House.

Mr. CONKLIN. Would anybody be able to answer just a couple quick questions, just so I understand the bill better? Or you can just go over me, Mr. Speaker, and I can come back when he is available.

The SPEAKER. The gentleman will just hang on a second while I try to see if there is someone that can answer the questions.

Mr. CONKLIN. I would be willing to sit down, Mr. Speaker, until he gets back. It is not a problem.

The SPEAKER. The gentleman cheerfully indicates he will stand for interrogation.

Mr. CONKLIN. I would like to thank the Speaker, and I would like to thank the gentleman for coming down.

Just a couple quick questions. I am just trying to clarify a little bit. Help me out here. On your amendment that you put into this bill, you talked about construction costs. Can you explain a little bit the way it was done and how your bill changes it?

Mr. GROVE. The amendment that was put in removed the construction exception out of Act 1.

Mr. CONKLIN. And can you explain a little bit about Act 1, that construction exemption, exactly how that worked?

Mr. GROVE. It is debt for costs up to 60 percent of the construction cost average for academic buildings, up to \$250,000 for nonacademic construction. I believe it is only used six times.

Mr. CONKLIN. I am sorry. So explain to me, for instance, if a school district has a construction project, explain to me step by step exactly how they would be able to use that exception.

Mr. GROVE. They would just apply to PDE (Pennsylvania Department of Education) and PDE would approve it based on—

Mr. CONKLIN. So basically if they had a construction project, they could apply for the exemption to be able to go out to bond to get that project done.

Mr. GROVE. Yeah, the debt for the cost, up to 60 percent of the construction cost average for academic buildings, only if they wanted to raise taxes over the index.

Mr. CONKLIN. And what would that index be at that time?

Mr. GROVE. It is a calculation built into Act 1.

Mr. CONKLIN. Which is? Please forgive me—

Mr. GROVE. It varies from school district to school district.

Mr. CONKLIN. I was going to say, I really do not know the answer. Let us use, for instance, let us use Spring Grove Area School District.

Mr. GROVE. That is an excellent school district, by the way, Mr. Speaker.

Mr. CONKLIN. I understand some very academically astute students have graduated from there.

Mr. GROVE. My wife is one of them.

What are you looking at right now? Could you share your document?

Mr. CONKLIN. No, I just was— I do not have a document on that.

Mr. GROVE. Okay.

Mr. CONKLIN. It is just a few notes I had written down.

Mr. GROVE. What is the question about a wonderful school district?

Mr. CONKLIN. Well, what I am curious about, and I will just pick that one, if you had to go out for construction on that, would you know exactly how much the school district, how much they could increase taxes this year based on that school district?

Mr. GROVE. Yes. They know well in advance. PDE has to get them that number well in advance for their budgeting purposes.

Mr. CONKLIN. What would happen if they had an emergency in that school district? For instance, in some school

districts we have what is called sinkholes. Buildings are built, a sinkhole opens up, and the foundation actually comes apart and it is an emergency repair that may cost \$5 to \$10 million. This has happened in the past. I was just curious, what would you do? How is that handled now?

Mr. GROVE. Well, Spring Grove School District, for example, has, I believe, about \$6 million in reserves, so they would use their reserves to pay for that.

Mr. CONKLIN. What would happen, for instance, a school district up in the northern counties right now that has no reserves? How would they handle a situation like that for an emergency repair?

Mr. GROVE. They are actually not looking to pay for those kinds of costs under this. The exceptions are built in for future costs, already indebted costs. So exceptions would not apply for emergency cases or so forth. It is set at the beginning of the year. They need to let the department of public education know whether they are going to go to referendum well in advance of the primary election.

So these exceptions play a role in their budgeting process for the final budget, and previously, before they would go to – if they choose to go to referendum, if they want to go above the act index.

Mr. CONKLIN. So – and please forgive me; I am not trying to mislead anybody with my questioning – so if you had a school district with no reserves and they had a multimillion-dollar project which had to be corrected immediately, they would be able to go out to bond and raise taxes to be able to fix that immediately?

Mr. GROVE. If they were staying beneath the index or had—

Mr. CONKLIN. If they had to go over.

Mr. GROVE. —insurance, which they are required to have. In the case of emergency, they would have insurance.

Mr. CONKLIN. Okay. But if they have to go over that index and the insurance does not cover that, would they be able to raise taxes immediately?

Mr. GROVE. They would have to go to the voters and say, our school building fell into a sinkhole; we need to build a new one; please approve a tax rate of whatever to build that new building. And then once that new building was built, the tax rate would reduce. So the choice is up to voters. I think any voter out there would be smart enough to realize students need their school building that fell into a sinkhole, it would need to be rebuilt, and would be probably more than happy. I know residents in Spring Grove School District would be more than happy to ensure that they have a school building for their kids to go to.

Mr. CONKLIN. Thank you.

Just another question I have here. On the pension part of it, explain to me a little bit how that will change now from the way it was under Act 1 to how it is going to be now.

Mr. GROVE. The current exception for the pensions for Act 1 allowed school districts to raise the pension rate based on their actual costs, based on the increase in the employee contribution rate. The new language that was voted into SB 330— Actually, it is in the fiscal note if you pull that out, from the Committee on Appropriations. One, two, three, fourth paragraph down, list number four.

Mr. CONKLIN. I am sorry; I do not have it with me. If you could just read it real fast. I will trust your reading.

Mr. GROVE. "...Costs due to increases of more than the index in the school's share of payments to PSERS taking into account only the increase in the PSERS contribution rate."

Mr. CONKLIN. So is that as of today or every year? Does your bill allow the obligation rate to increase every year? So every year as there are more hires, the obligation goes up, or should I say there are more retirees, as the obligation goes up. Does your bill allow for that adjustment, knowing that there will be a higher strain on that school district's retirement account?

Mr. GROVE. Yes. It was designed to help school districts plan for the pension spike that is obviously coming up shortly. So it allows them to apply for exceptions as the PSERS employer contribution rate increases because of that.

Mr. CONKLIN. And that would be through referendum voting as well?

Mr. GROVE. No. That would be through the pension exception.

Mr. CONKLIN. They could do it.

Mr. GROVE. Yeah.

Mr. CONKLIN. Would it apply to a school district or PSERS that had invested or a school district that may have their own actuary that comes in on their pension system and allows them to work with those individuals, but for some reason, such as the financial market went in the past, their actuary or their arc over that 5- to 7-year period, their end-of-year payment may increase or their obligation may increase because of bad investments, would that allow them to be able to cover those costs?

Mr. GROVE. It is the employer contribution rate. So whatever the employer contribution rate that PSERS sets for school districts to pay, that the State pays half of, is what they are allowed to go to referendum, above the index, for the exception.

Mr. CONKLIN. Would you have any idea – and I know you are very fortunate to come from a very good school with a large surplus right now, and my hats off to your school board; it shows they have done a good job – do you have any idea if they had to do a property tax increase, what would their maximum be this year?

Mr. GROVE. Off the top of my head, I do not know that.

Mr. CONKLIN. Close, 1 percent, 2, 3 percent? I know it is based on millage.

Mr. GROVE. Off the top of my head, I do not know.

Mr. CONKLIN. Would you guess 3 – I mean, I know I am putting you on the spot, but I was just curious.

Mr. GROVE. I would rather not guess on those things. You probably can get it from your Education Committee or the Department of Education. Actually, it is probably on their Web site.

Mr. CONKLIN. I would like to, but I only have a short amount of time tonight. That is the only reason I was wondering.

Okay. You cannot get the answer then, in a short amount of time.

Mr. GROVE. It changes every year. It is different for every school district. There is a computer right beside you. You can just look on the Web site, pde.state.pa.us. Look it up.

Mr. CONKLIN. I appreciate that.

Mr. Speaker, may I just speak on the bill now, sir?

The SPEAKER. Absolutely.

Mr. CONKLIN. Thank you very much.

I would like to thank the gentleman for taking the time to attempt to answer a few questions because I do realize he was

not prepared for what I wanted to ask him. I think a lot of that has to do with the line of questioning that I had, that the bill has just come over, and for obvious reasons, as our dialogue showed, and I wanted the folks here to understand that our dialogue showed that there is information that people do not have. The maker of the amendment to the bill does not have it. The staff who worked diligently on this amendment to this bill does not have it. I do realize I can go to my Education Committee, which most of them have gone home. I can get on the Web site and try to track down that information, which is going to take hours to do this evening, but as we know, the clock is ticking this evening. But one of the points I was trying to make is that, for instance, the one school district we were talking about, Mr. Speaker, I have learned is very fortunate. They have a very large surplus. But other school districts throughout this State, Mr. Speaker, whether it is Duquesne, whether it is other school districts, are facing bare bones. They are facing a point within their educational system that the funding source just is not there. We can blame it on past board members. We can blame it on anybody we would like, but the problem is, the obligations well outweigh the money that is available. Then there are school districts that are just getting by day to day. They have laid off 150 schoolteachers. They have increased class sizes from 20 to 30. They have gone down the road. They have closed their secondary schools to try to consolidate, and they are still having trouble making it meet.

I understand what the maker is trying to do. He is trying to do a good thing. As I said before, I believe his intentions are wholesome. I believe the intentions he has on this bill are for the best of Pennsylvanians, and you know what, it is actually a good, political, sound piece of legislation, politically sound, Mr. Speaker, very politically sound. Policywise, it fails, and that is one of the problems we have to decide when we are down here being a legislator: Do we take the political road and we make the right vote to get reelected, or do we make the policy decision that is best for our neighborhoods? For instance, Grove City has over a 9-percent cut in its funding this year, over 9 percent. So let us just say that the cost-of-living index was 2.8 percent or 1.8 percent, as it probably will be, and then we add on what they can do to that, between their cut and the amount of money they have for their pension increase, and then you balance that. Let us say they have a catastrophe that happens within their school district and all at once they have to go out to bond. They are over the allowable amount of tax increase they can do. Now, on the surface, people are doing backflips because they cannot get that revenue source, but the State just cut their obligation. So they are already down almost 10 percent, 10 percent. Their pension increase just increased 3 percent. All at once they have a catastrophe.

You know, the easy political thing to say, Mr. Speaker, is to say, you know what, they can just put it on a referendum vote. It is June; what the heck, put it on a referendum vote. Maybe if we work really hard, we may get that on the referendum vote for November, but the problem is, the school starts back up in September. The best thing that was said out of our conversation is, he pointed out how good his school district was, how good they are, how responsible they are. What he said was that these elected officials are responsible, they would never abuse a system. They would only use it to help out their communities, and that is the point at hand. We do have qualified elected officials. You know, sometimes I wonder what we are thinking here on this floor. We get elected and we come down here and

all at once we believe our county commissioners can no longer make good decisions. We believe our school directors can no longer make good decisions. We believe our township supervisors can no longer make good decisions. And sometimes, not because we want to, we like to use regional arguments. We will say that the schools in the southeast are failing, just because we are from the west. You know, it is a great argument. It sounds politically sound in your own little region, but the reality is, the policy is flawed. The policy is flawed, because when you get into a southeast school, you are going to find many different types of backgrounds, many different ethnicities, many different cultures. You are going to have children that come from many different backgrounds.

So the money that it costs for that school district is totally different than what it may cost from what we would call our perfect wholesome school district, the school district where both parents are married, the school district where the father makes \$100,000 a year and the mother stays home and makes lasagna some nights and other nights she makes bread, and some nights they have a barbecue in the backyard around the little barbecue pit and they all sit down and they talk about today's activities.

The SPEAKER. The gentleman will suspend.

Mr. CONKLIN. I am sorry, Mr. Speaker.

The SPEAKER. Were you on the bill, or were we telling a story?

Mr. CONKLIN. A story on the— I would like to consider it a story on the bill, but I—

The SPEAKER. The gentleman will—

Mr. CONKLIN. I understand the Speaker's—

The SPEAKER. —direct his comments a little. We have given you a lot of latitude there. The gentleman will please—

Mr. CONKLIN. Thank you, Mr. Speaker.

The SPEAKER. —direct his remarks to the bill.

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

It is getting late and I am sorry if I wandered from where I wanted to be.

Basically just to wrap up, we have already established through a dialogue that school board members are qualified to do a job. We have already established through Governor Corbett's budget that there are going to be 10-percent cuts for some school districts. We have already established through Governor Corbett's budget that there is going to be less funding in other places, whether it is Pre-K Counts programs or our other unit programs. What we are doing is that we are making a good political vote here. I mean, an excellent— I want to tell you folks who vote for this, this is the best political vote for your district you are ever going to make, but it is a lousy policy decision. It is saying we do not trust our local school board officials and we are going to tie the hands so that in case of emergency, we could end up actually harming our children.

So as much as I am against property taxes, I have to ask my colleagues, this is not good policy. You know what, let us vote "no" to this and let us look at our tax structure. Let us come back and work together. Property taxes are antiquated. They are outdated. Let us do what Texas does and give a menu. Let us look at how Texas raises revenues and let us give that menu. Let us do what Texas does and raise that menu.

So, Mr. Speaker, I know I only spoke for a couple seconds here and I did not mean to go on so long. Let us just remember, good politics is not good policy. We have to trust our local school board members. I agree, property taxes do not work. Let us vote this bill down. Let us get together, come up with a

taxing revenue source that is equal to everybody, does not hurt our seniors, does not hurt our low-income folks who are working night and day, but most of all, let us remember, let us help our children, help our school districts.

I want to thank the Speaker. I want to thank the maker of the amendment for giving me the opportunity to interrogate him. Thank you, Mr. Speaker.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We are going to go over SB 330 temporarily for the consideration of SB 448, which we cannot vote until 9:22.

* * *

The House proceeded to third consideration of **SB 448, PN 1458**, 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 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—196

Adolph	Emrick	Kotik	Rapp
Aument	Evankovich	Krieger	Ravenstahl
Baker	Evans, J.	Kula	Readshaw
Barbin	Everett	Lawrence	Reed
Barrar	Fabrizio	Longietti	Reese
Bear	Farry	Maher	Reichley
Benninghoff	Fleck	Mahoney	Roae
Bishop	Frankel	Major	Rock
Bloom	Freeman	Maloney	Roebuck
Boback	Gabler	Mann	Ross
Boyle, B.	Galloway	Markosek	Saccone
Boyle, K.	Geist	Marshall	Sainato
Bradford	George	Marsico	Samuelson
Briggs	Gerber	Masser	Santarsiero
Brooks	Gergely	Matzie	Santoni
Brown, R.	Gibbons	McGeehan	Saylor
Brown, V.	Gillen	Metcalfe	Scavello
Brownlee	Gillespie	Metzgar	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causser	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Cohen	Haluska	Moul	Stephens
Conklin	Hanna	Mullery	Stern
Costa, D.	Harhai	Mundy	Stevenson
Costa, P.	Harhart	Murphy	Sturla

Cox	Harkins	Murt	Swanger
Creighton	Harper	Mustio	Tallman
Cruz	Harris	Myers	Taylor
Culver	Heffley	Neuman	Thomas
Curry	Helm	O'Brien, D.	Tobash
Cutler	Hennessey	O'Brien, M.	Toepel
Daley	Hess	O'Neill	Toohil
Davidson	Hickernell	Oberlander	Truitt
Davis	Hornaman	Parker	Turzai
Day	Hutchinson	Pashinski	Vereb
Deasy	Johnson	Payne	Vitali
DeLissio	Josephs	Payton	Vulakovich
DeLozier	Kampf	Peifer	Wagner
DeLuca	Kauffman	Perry	Waters
Denlinger	Kavulich	Petrarca	Watson
DePasquale	Keller, F.	Petri	Wheatley
Dermody	Keller, M.K.	Pickett	White
DeWeese	Keller, W.	Preston	Youngblood
DiGirolamo	Killion	Pyle	
Donatucci	Kirkland	Quigley	Smith, S., Speaker
Dunbar	Knowles	Quinn	
Ellis	Kortz		

NAYS—0

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Godshall	Williams
Brennan	Evans, D.	Sabatina	

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.

CONSIDERATION OF SB 330 CONTINUED

The SPEAKER. The House will now return to the consideration of SB 330.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Berks County, Mr. Gillen.

Mr. GILLEN. Thank you, Mr. Speaker.

I applaud the suggestion of my good friend from Centre County who just spoke a few moments ago, and I suggest that we endorse it as a body and as a Commonwealth. The State of Texas has no individual personal income tax and it has no corporate income tax. So if we are going to use the Texas model, I suggest that we do it in its entirety.

But my primary reason for rising this evening, Mr. Speaker, is to speak on the subject of compassion. We have heard a great deal about compassion over the course of this recent debate. We have heard a great deal about compassion during the course of my short tenure here in the House of Representatives. What is not compassionate is standing by the wayside in the place that I call home, Berks County, where 5500 homeowners have been foreclosed on in the last 4 years. One of the most significant factors cited in the loss of homes in the county that I live in is high property taxes; for many, a second mortgage. I visited a

property that was for sale for \$289,000 in Berks County. The property taxes on it were \$8800. I visited with another realtor a \$375,000 property. The property taxes on it were over \$10,000 a year.

Mr. Speaker, I support and applaud the effort of SB 330, because in order to be compassionate, we have to recognize that keeping children and families together in their homes means that a child can remain in their classroom, a child can remain in their neighborhood, a child can attend a park, a church, a community center and their neighborhood school, but a child, in part due to property taxes, whose family is forced out of a home, that child is not only disenfranchised from the loss of a home, the loss of a teacher, the loss of a school district, but any educator would readily recognize being in a transient community presents some extraordinarily unusual challenges in education. So if we truly are compassionate and we are concerned about children, then I would suggest that we embrace SB 330.

I had a World War II veteran limp over to me at a recent public event that I was at and he said to me, Mark, you have to help us. I thought perhaps it had something to do with his injury, his partial disability, his status as a World War II veteran. I said, what can I do to help? You know what he said to me? He said do anything you can to work on the property tax problem. Do anything that you can to reduce my property taxes. Do anything that you can to help me to stay in my home. I suggest that we colabor in a compassionate way, in a caring way, with the Greatest Generation, with our seniors, with our children, with our families, with our elderly. I suggest to you, the compassionate thing to do today is to vote in the affirmative on SB 330.

I am not concerned as other speakers have suggested as to what may be politically expedient. If I knew as I stood here at this very moment that voting in the affirmative for SB 330, knowing that it would cost me something politically, I would vote exactly the same way because I believe it is the right thing to do for the taxpayers of the Commonwealth of Pennsylvania and for the people of my district.

Mr. Speaker, in the February issue of Where to Retire, and my good colleague from Philadelphia suggested there is an exodus going on from Pennsylvania. May I suggest that one of the reasons that people leave Pennsylvania and one of the reasons that people have cited in my own area, in the district that I represent, is because they are being driven out by high property taxes. And in the February issue of Where to Retire Magazine, it compared two States and a location in each of those States. They looked at Wilmington, Delaware, and the aggregate taxes – that is, property tax as well as other taxes. They took a retired person, a fixed income, a fixed property value, and the tax load on that senior was a little bit better than \$1,000. Then they examined a location in Pennsylvania, in Lancaster County, and they found that that very same individual, if they were to retire in that location, their aggregate tax load, property tax included, was over \$9,000.

Mr. Speaker, might I suggest to you—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the lady, Ms. Mundy, rise?

Ms. MUNDY. Mr. Speaker, I would suggest that the gentleman is far afield of SB 330 as amended last evening, and the only reason I raise that is because I will be requesting that same latitude a little later on.

The SPEAKER. The Speaker believes he has given a few people a little latitude here this evening. I can try to rein him in a little tighter. The Speaker thanks the lady.

The gentleman will please confine his remarks to the legislation that is before us.

Mr. GILLEN. Thank you, Mr. Speaker, and good night.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in opposition to SB 330, sir. This legislation will further cripple our school districts from raising the necessary funds to run an efficient district, sir. It is going to tie their hands when we should not be tying their hands. It removes an option from our school districts which we should not remove.

Mr. Speaker, last night this chamber cut \$1 billion from our school districts, \$1 billion, and that \$1 billion cut is going to incur program cuts, layoffs, and increase class sizes. So now here tonight, we are going to turn around and try to cut off the money from another side. We are going to try to hinder their resource gathering by limiting their options. It sounds to me like a pincer movement on a battlefield, sir. That is what I am starting to see. It is like a war. It appears that the majority party has put our school districts, they are at war with our school districts when the Constitution says we have to provide for public education for our children.

Now, Mr. Speaker, I represent five school districts: Baldwin-Whitehall, South Allegheny, McKeesport, West Mifflin, and West Jefferson Hills, and I have heard their calls to oppose this legislation. I have heard their calls, sir. Now, I share those districts with some of my colleagues. The gentleman in the 36th District, my good friend down here in front, he has agreed with me. He is going to stand in opposition. The gentleman from the 35th District, likewise, whom I share McKeesport, South Allegheny, and West Mifflin with, he is standing with me in opposition to this.

Tonight I would like to reach out to my colleague in the 39th District, which we share West Jefferson Hills High School. They have been very vocal to me. I have to assume they have been very vocal to him. So I would ask the gentleman of the 39th District to stand with me tonight, as I stood with him earlier on his legislation, and oppose this legislation because that school district does not want it. Sir, this is bad policy. It is not the right thing to do. We should not be choking off the ability for these school districts to raise the funds they need.

So with that, Mr. Speaker, I will conclude and ask that everybody oppose this legislation.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I am fairly confident that the remarks I am about to make will not be popular with either side of the aisle because I do not see this legislation as being one side or the other. Much like the gentleman from Allegheny who expressed a torn conscience about the welfare reform bill we voted on about an hour or so ago, I think we need to approach this kind of legislation in a solemn and sober-minded fashion, not with triumphalist sort of phrases in which we are demeaning school board directors, who I think are legitimate individuals in our communities who do the very best they can, in most places. I am sure every one of us has a school board director that we may disapprove of or disagree with some decisions of those school districts. I voted against the amendment when it was posted both last night and corrected the vote this morning to make sure it was clear that I was voting against it because I do not believe it was the best we could have done on the amendment. I think it is a good start. I think that it is a necessary situation we take up.

I have a district that covers Lehigh and Berks Counties. Berks County, if you do not live in Berks County, you have never seen ground zero property tax discontent unless you have been to Berks County. Those people, as the gentleman, Mr. Gillen, mentioned, are being driven from their homes in many situations and find the situation very unaffordable. So my heart goes out to them, and I think we do need to do something, but I do not think we can do this in a shortsighted fashion. I would have preferred to see the Grove amendment include a provision for court-ordered costs to be covered as an exception, because I think we may see scenarios come up where Federal courts, not just State courts but Federal courts, order our school districts to incur certain costs, that this amendment will not allow them to apply for an exception.

I am hoping that the ardor with which some of our colleagues have mentioned here tonight about being so glad to be able to limit the ability of other people to raise taxes – and there is nothing as easy as limiting other people's ability to raise taxes – will be just as vigorous should those same school districts come back to us in about 2 or 3 years saying they do not have enough funds now. Because although the effective date of this legislation will be either 60 days or 90 days and not take effect until the fiscal years after January 1, 2012, the effects of the legislation, I think, are going to really come home at around 2014, when the Federal health-care legislation which expands Medicaid eligibility on the States but does not give us the requisite funds to cover those costs are going to come clashing together. So the actions we take now to help our seniors – and we do have the State with the third largest per capita population of seniors – are going to come in direct conflict with the desires of many of those parents of children who are school age who come to my office and say they are concerned as a lady did about the cuts in arts funding, cuts in other programs. I think if there is any one thing to use as a silver lining in this legislation, it is that this amended bill will provide more capacity to school boards to look the teachers associations directly in the eye and say, we cannot give you any more in pay or benefits because we will have to go out to referendum to do so and the public will not vote for that. That in and of itself will help to dampen or temper the drive for continuous annual salary increases, which have in turn an effect on pension contributions and pension benefits.

So I think from the fiscal standpoint for both ourselves and for the school districts, this is a good step forward. I hope the members will be open if we need to amend the situation should we find in later years that we need to provide greater flexibility again to the school districts, but I would ask members to look at this piece of legislation, from both sides of the aisle, and to vote "yes" for the bill.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to SB 330.

First, Mr. Speaker, I would like to point out that there is a serious problem with the way the bill is drafted with the Grove amendment as it pertains to the retirement exception. Rather than a year-to-year calculation based on the actual increase in retirement costs for the district, as is the case with the current pension exception, the Grove amendment requires that any increase in retirement costs use school districts 2011-12 compensation as its base compensation moving forward in perpetuity. Therefore, if a district's compensation base grows over time, that growth would not be factored in. If the compensation base shrinks, the change would be reflected with a reduction in the amount of the exception. This means that it is likely that a disparity will occur between school districts over time since the calculation for most districts would continue to be the '11-'12 year. Shrinking districts would continue to have access to the important exception, while its efficacy for growing school districts would diminish within a matter of years. Certainly, we do not want to create that type of disparity for treatment of our school districts with respect to this exception.

In addition, Mr. Speaker, this bill takes away school districts' ability to deal with mandated costs that are outside of their control, this at a time when their State funding has been cut almost \$1 billion in the Republican budget that was adopted yesterday. The net effect is to say to school districts that they must cut programs, they must lay off teachers, they must increase class size. In other words, they must hurt public education. What you are doing is the cruelest unfunded mandate possible. You are forcing local officials to hurt children's education.

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

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Saccone.

Mr. SACCONI. Thank you, Mr. Speaker, but I am actually from Allegheny County.

The biggest problem with school budgets, Mr. Speaker, is employee salaries, medical benefits, and pensions. As I have said before, that is 75 percent of the cost in school districts. And the biggest problem with school boards – and I was on a school board – is they are ineffective at negotiating employee contracts. SB 330 provides leverage for the taxpayers so school boards can more effectively negotiate those contracts to hold down costs.

Now, I hear frequently that we are hurting schools and teachers and students, every manner of stakeholder we are hurting. Well, I never hear the taxpayer. What about the taxpayer? Because the taxpayers are paying those bills and their

resources are limited. Now, I know my good colleague from Allegheny County, I know he has heard from the unions loud and clear and I have heard from the unions loud and clear, but I encourage him and all the members from Allegheny County to stand with me and the taxpayers to hold down costs in school districts. Many of those taxpayers are senior citizens who spent their whole life paying for their little castle, their little home, only to find that at the end of their lives they cannot afford their own little castle anymore.

Mr. Speaker, I have had those seniors, little old ladies tugging my elbow at the grocery store and at the bank saying, I am a widow; I am living on my husband's U.S. Steel pension, 800 bucks a month, and I can barely make it, and then I have to pay – I cannot even afford my medical care, but I have to pay the medical care of the employees at the school district and their benefits, and I cannot pay my property tax, and I might have to give up my home. Mr. Speaker, it is hard, it is hard to deal with that. And others have told me, I would like to improve my home. I would like to add on that addition. I would like to do something to fix up my house, but I cannot because they might raise my property taxes and I might lose my home.

Mr. Speaker, the taxpayers have had enough. They have sent the message loud and clear in the last election cycle. SB 330 requires school boards to manage their costs better. Why? Because they will have to directly convince the taxpayers that their additional taxes are necessary. That is all it is. It does not hurt school districts at all.

So I would encourage all my colleagues here to stand with me and the taxpayers and vote "yes" on SB 330.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

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

Mr. GABLER. Thank you, Mr. Speaker.

I know it is a tough act to follow, but I will be brief, and in fact, I would even be willing to submit to a voluntary 1-minute clock, because I just will have a few things that I think need to be pointed out.

Contrary to what many have argued last night and this evening in opposition to this bill, this bill does not restrict school boards from covering their costs. It simply requires school boards to justify their expenses to the voters when increases go beyond the index. Through much discussion, agreements have been made to maintain the Act I exceptions for special education costs, pension obligations, and approved electoral debt. Make no mistake about it – educational needs in school districts will continue to be met.

What this bill is about is accountability to the voters and finally enabling property tax payers to have a say over what they pay. Sunshine is the best disinfectant, Mr. Speaker. This bill sheds some light to school property tax payers on where their hard-earned money is being spent. This bill ensures that working families and seniors on fixed incomes will have a role in the decisionmaking process before that money comes out of their pockets.

This bill provides true accountability and transparency in school district budgets. A "yes" vote is a vote in favor of the interests of property tax payers. A "no" vote is a vote against

hardworking families and seniors on fixed incomes who struggle to pay their property taxes. I urge an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Speaker recognizes the lady from Luzerne, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, rule 24 provides that "...a bill may not receive action on final passage until at least 24 hours have elapsed from the time the bill and its amendatory language was available to the public...."

Mr. Speaker, considering the controversy surrounding this bill and its potential impact on public education, I have been contacted by several members on this side of the aisle, stakeholders, and the public requesting additional time to study the impact of last night's amendments to the bill. In consideration of these requests, the House Democrats are going to require the maximum amount of time available to study the effect of last night's amendments on the welfare of the children of this Commonwealth.

Mr. Speaker, I request to be recognized on the bill upon the expiration of the 24-hour period.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and notices the presence of the gentleman from Philadelphia, Mr. Williams, on the floor of the House. His name will be added to the master roll call.

CONSIDERATION OF SB 330 CONTINUED

The SPEAKER. For the information of the members, the 24-hour rule would suggest that we cannot vote this bill on final until 10:30. The Speaker is simply asking to clarify that there is no one else seeking recognition on the legislation. The Speaker thanks the members.

VOTE CORRECTION

The SPEAKER. Is the gentleman, Mr. Kavulich, seeking recognition for the correction of the record? The gentleman may proceed.

Mr. KAVULICH. Yes; unanimous consent. To correct the record, please.

The SPEAKER. For correction of the record, the gentleman may proceed.

Mr. KAVULICH. Earlier today, Mr. Speaker, when we cast our votes on SB 791, I was recorded as a "yes." I would like to change that to a "no."

CONSIDERATION OF SB 330 CONTINUED

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will go over SB 330 temporarily for the signing of some bills.

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 101, PN 1427; SB 260, PN 1400; SB 419, PN 1405; SB 552, PN 1442; and SB 907, PN 1452.**

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 101, PN 1427

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

SB 260, PN 1400

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.

SB 419, PN 1405

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.

SB 552, PN 1442

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, providing for industry partnerships.

SB 907, PN 1452

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.

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

VOTE CORRECTION

The SPEAKER. Is the gentleman, Mr. Hanna, seeking recognition for the purpose of correction of the record? Is the gentleman, Mr. Hanna, seeking recognition for the correction of the record?

Mr. HANNA. Thank you, Mr. Speaker.

Yes, I would like to correct the record.

Earlier, Mr. Speaker, on SB 260, amendment A3605, I was recorded in the affirmative and I would like to be recorded in the negative.

Thank you, Mr. Speaker.

STATEMENT BY MR. GILLEN

The SPEAKER. If the House would come to order and the members please take their seats.

There was a tragic event that one of our members would like to be recognized for unanimous consent. It is along the lines of a condolence resolution-type situation, and I would appreciate if the members would please take their seats.

The Speaker thanks the members, and the gentleman from Berks, Mr. Gillen, is recognized under unanimous consent.

Mr. GILLEN. Mr. Speaker, this morning when we picked up the newspaper in Berks County, there was indeed a front-page story about the budget and the deliberations here, but there was another story which caught all of our attention, fellow House members here in Berks County, and it began with "Deputy Shot." As more information unfolded on this tragedy in Berks County, we realized that there was a task force of U.S. marshals, State Police, as well as Berks County sheriff's deputies that were out serving a warrant in a rather rugged part of northern Berks County. Berks County sheriff's deputy Kyle Pagerly pursued a suspect into the woods. There was gunfire that was exchanged and Deputy Sheriff Pagerly was struck in the head. He was airlifted to a hospital, but he eventually died last night.

Deputy Pagerly was where he wanted to be, that was on the frontline when duty called, and it did not matter if that duty was serving a warrant or volunteering for his fire department or if he was in Kosovo or if he was in Iraq, he knew that when duty called, he needed to be on the frontline.

The Scripture says that "Greater love hath no man than this, that a man lay down his life for his friends." He was the first to take the fire, the fire was returned, and the suspect was killed.

He served our community in a variety of ways. In fact, it was a short bicycle ride from my own house. He served our community not only as a law enforcement officer and as a firefighter, but he also served his country in larger ways. He truly exemplified what duty, honor, country, community, caring, giving, and sacrifice are all about. He is going to be missed. He is going to be missed by his family; he is going to be missed by his wife; he is going to be missed by these members here.

We call him neighbor in Berks County, but there is another title that we would like to add to neighbor and we also call him hero in Berks County.

And with the Speaker's permission, I think it would be fitting to acknowledge this patriot, this family man, this law enforcement officer, and this hero with a moment of silence, Mr. Speaker.

The SPEAKER. Members and guests will please rise in a moment of silence for a fallen law enforcement officer.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Deputy Sheriff Kyle Pagerly.)

The SPEAKER. The Speaker thanks the gentleman.

CONSIDERATION OF SB 330 CONTINUED

The SPEAKER. The House returns to the consideration of SB 330.

On the question recurring,
Shall the bill pass finally?

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

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

Mr. Speaker, we have been here for some pretty arduous days, and it is a democracy, a representative democracy, and in a representative democracy, we have had important civil debates on many important issues and we have heard from all sides, and I recognize that that discussion is important. Please know that for 4 years I myself, like many on our side of the aisle, were in the minority and we recognized that we needed to get our message on the table but that at a certain point a representative democracy also meant a vote. In the end, a vote is what most says what each of us as a Representative stands for, even more than the rhetoric. It is a privilege that each and every one of us has that none of the people that we represent have. We have the honor and the privilege to be able to vote for the 60-some thousand folks we each represent. I knew on a lot of issues over the last 4 years we were not going to win because the voters had sent a majority of folks with a different perspective on many of the issues.

I had the good honor during one of our breaks to spend some time with two great Representatives from the city of Philadelphia from the other side of the aisle, and I know that when we pick up the legislative session again, there are some important issues that we need to deal with, many that deal with important things about the children of this State and their future, and we need to have a dialogue with both sides.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

Mr. TURZAI. I would like to not get into a confrontational ending for this part of the session. I would like us – there are no more speakers – to move forward with a motion to proceed so that we can come to a civil, a civil conclusion, and I would move to proceed so that we would have an opportunity to put up the final vote until we come back later in the legislative session, and I put that out as an olive branch, because nobody else wants to speak, as opposed to moving on a previous question, which is a more, really, inappropriate way to end this session at this time.

What I would like to do is do a motion to proceed, and I would invite all my friends across the aisle to join me in that vote and put up our vote for this last bill until we return for other legislative work and let us go out of here as friends. We can disagree on the issues, we can have different positions, but we have great respect and civility for each other. And so I move a motion to proceed in the spirit of good friendship, camaraderie, civil debate.

Thank you very, very much. I would like you to vote "yes" on a motion to proceed.

The SPEAKER. The gentleman, Mr. Turzai, has made a motion to proceed.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I appreciate the leader's comments about camaraderie here today. It has not always been like that these last 6 months. However, we are about less than half an hour away from the 24-hour rule, and we have heard oftentimes throughout this session so far that we ought to honor and respect our House rules. We have 24 hours to evaluate this bill, to study it, and we feel that we should be able to take those whole 24 hours to do that, and we oppose the motion to proceed.

The SPEAKER. The question is, shall the House move to proceed to an immediate vote on SB 330?

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. GALLOWAY, from Bucks County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF SB 330 CONTINUED

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

The following roll call was recorded:

YEAS—105

Adolph	Fleck	Maloney	Roae
Aument	Gabler	Marshall	Rock
Baker	Geist	Marsico	Ross
Barrar	Gillen	Masser	Saccone
Bear	Gillespie	Metcalfe	Saylor
Benninghoff	Gingrich	Miccarelli	Scavello
Bloom	Grove	Micozzie	Schroder
Boback	Hackett	Millard	Simmons
Brooks	Hahn	Miller	Sonney
Brown, R.	Harhart	Moul	Stephens
Causar	Harper	Murt	Stern
Christiana	Harris	Mustio	Stevenson

Clymer	Heffley	O'Brien, D.	Swanger
Cox	Helm	O'Neill	Tallman
Creighton	Hennessey	Oberlander	Taylor
Culver	Hess	Payne	Tobash
Day	Hickernell	Peifer	Toepel
Delozier	Hutchinson	Perry	Toohil
Denlinger	Kampf	Petri	Truitt
DiGirolamo	Kauffman	Pickett	Turzai
Dunbar	Keller, F.	Pyle	Verbe
Ellis	Keller, M.K.	Quigley	Vulakovich
Emrick	Killion	Quinn	Watson
Evankovich	Knowles	Rapp	
Evans, J.	Krieger	Reed	Smith, S.,
Everett	Maher	Reese	Speaker
Farry	Major	Reichley	

NAYS—91

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

NOT VOTING—0

EXCUSED—7

Boyd	Caltagirone	Galloway	Sabatina
Brennan	Evans, D.	Godshall	

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,
Shall the bill pass finally?

MOTION FOR PREVIOUS QUESTION

Mr. TURZAI. Mr. Speaker?

The SPEAKER. The question is, will the House agree to the bill?

On that question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Sir, at this time I would like to move the previous question.

Mr. DERMODY. Mr. Speaker? Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Turzai, moves the previous question on SB 330. Those who second the motion

will rise and remain standing until their names are recorded. Twenty members are required.

The gentleman, Mr. Metcalfe; the gentleman, Mr. Roae; the gentleman, Mr. Vulakovich; the gentleman, Mr. Scavello; the gentleman, Mr. Quigley; the lady, Mrs. Swanger – once I have said your name, please sit down – the gentleman, Mr. Pyle; the lady, Ms. Rapp; the gentleman, Mr. Hutchinson; the gentleman, Mr. Causer; the gentleman, Mr. Hickernell; the lady, Ms. Major; the gentleman, Mr. Saylor; the gentleman, Mr. Reed; the gentleman, Mr. Adolph; the lady, Ms. Pickett; the gentleman, Mr. Hess; the gentleman, Mr. Miller; the gentleman, Mr. Knowles; the gentleman, Mr. Creighton; the gentleman, Mr. Tallman; the gentleman, Mr. Payne.

The motion for the previous question having been made and seconded, those in favor of the motion will—

MOTION TO TABLE

Mr. DERMODY. Mr. Speaker, point of order.

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

Mr. DERMODY. Mr. Speaker, pursuant to rule 55, I rise to make a privileged motion.

The SPEAKER. The gentleman will state his motion.

Mr. DERMODY. That motion is to lay SB 330 on the table, Mr. Speaker.

The SPEAKER. The motion to lay on the table is a privileged motion. It takes priority over the motion to move the previous question.

Therefore, the gentleman, Mr. Dermody, moves that SB 330 be laid on the table.

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

The SPEAKER. Those in favor—

Mr. TURZAI. Mr. Speaker?

Mr. DERMODY. Mr. Speaker, on the motion, please.

The SPEAKER. The gentleman, Mr. Dermody, on the motion.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, our House rules give us another 25 minutes or so to study the bill, to evaluate the bill. We should respect those rules instead of moving the previous question as we have done so often during this session. We are here. The 20 minutes we can wait here and we can work without moving the question, without shutting off debate. There are several members here who may want to debate it additionally. We should have the opportunity to do that. All you have to do is lay this bill on the table for the period of time that it takes before we can vote this bill.

The SPEAKER. Those in favor of the motion will vote "aye"; those opposed, "nay." The members will proceed to vote—

MOTION FOR PREVIOUS QUESTION

Mr. TURZAI. Mr. Speaker, I move the previous question on the motion to table.

The SPEAKER. The gentleman, Mr. Turzai, moves the question on the motion to table SB 330. Those who second this

motion will rise and remain standing until their names are recorded. Twenty members are required.

Mr. Metcalfe; Mr. Causer; Mr. Ellis; the gentleman, Mr. Saylor; the gentleman, Mr. Vereb; the gentleman, Mr. Clymer; the lady, Ms. Major; the gentleman, Mr. Adolph; the gentleman, Mr. Reed; the gentleman, Mr. Everett; the gentleman, Mr. Knowles; the gentleman, Mr. Baker; the gentleman, Mr. Hess; the gentleman, Mr. Miller; the gentleman, Mr. Hennessey; the gentleman, Mr. Ross; the gentleman, Mr. Perry; the gentleman, Mr. Grove; the gentleman, Mr. Killion; the gentleman, Mr. Kauffman; the gentleman, Mr. Barrar.

The motion for the previous question having been made and seconded, those in favor of the motion for the previous question will vote "aye"; those opposed will vote "no." An "aye" vote is a vote to end all debate and bring the House to an immediate vote.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman from Philadelphia, Mr. McGEEHAN. Without objection, the leave will be granted.

CONSIDERATION OF SB 330 CONTINUED

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

The following roll call was recorded:

YEAS—110

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

NAYS—85

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

NOT VOTING—0

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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

MOTION TO ADJOURN

Mr. DERMODY. Mr. Speaker, point of order.

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

Mr. DERMODY. Mr. Speaker, pursuant to rule 55, I rise to make a privileged motion.

The SPEAKER. The gentleman will state his motion.

Mr. DERMODY. I move this House do adjourn until tomorrow, July 1, 2011, at 8 a.m.

Mr. TURZAI. Mr. Speaker, I would move—

The SPEAKER. The gentleman, Mr. Dermody, has moved that this House do adjourn.

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

MOTION FOR PREVIOUS QUESTION

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

Mr. TURZAI. On the motion to adjourn, I would move the previous question.

The SPEAKER. The gentleman, Mr. Turzai, moves the previous question on the motion to adjourn.

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. Those who second the motion will rise and remain standing until—

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. —their names are recorded. Twenty members are required.

The gentleman, Mr. Vereb; the gentleman, Mr. Saylor; the lady, Ms. Major; the gentleman, Mr. Everett; the gentleman, Mr. Reed; the gentleman, Mr. Adolph; the lady, Ms. Pickett; the gentleman, Mr. Knowles; the gentleman, Mr. Hess; the gentleman, Mr. Miller; the gentleman, Mr. Ross; the gentleman, Mr. Perry; the gentleman, Mr. Grove; the gentleman, Mr. Kauffman; the gentleman, Mr. Marsico; the gentleman, Mr. Keller; the gentleman, Mr. Schroder; the gentleman, Mr. Pyle; the gentleman, Mr. Rock; the gentleman, Mr. Causer; the lady, Ms. Rapp; the gentleman, Mr. Metcalfe.

The motion for the previous question having been made and seconded, those in favor of the motion for the previous question will vote "aye"; those opposed will vote "no."

Mr. DERMODY. Mr. Speaker?

The SPEAKER. An "aye" vote—

Mr. DERMODY. Mr. Speaker?

POINT OF ORDER

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

Mr. DERMODY. Point of order.

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

Mr. DERMODY. The previous question cannot apply to an adjournment motion, Mr. Speaker.

The SPEAKER. Are you asking that as a question, or are you telling me that as a fact?

Mr. DERMODY. Well, I am suggesting to you, Mr. Speaker, that that is the correct ruling that the Speaker should make, that it cannot apply. It is a privileged motion. It prevails over a motion to move the previous question, and I request a ruling of the Chair.

The SPEAKER. The motion to adjourn, while it is the highest ranking of the privileged motions, like any other motion, that does not preclude it from being subject to the motion to move the previous question. It takes privilege over prior motions, but that does not preclude it from the intervening business of a motion to move the previous question.

RULING OF CHAIR APPEALED

Mr. DERMODY. Mr. Speaker, I would like to appeal the ruling of the Chair and be recognized on that appeal.

The SPEAKER. The ruling of the Chair is that the motion to adjourn is subject to the parliamentary motion to move the previous question.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

Mr. DERMODY. Mr. Speaker, I would like to speak on it, on the appeal. I would like to speak, please, on the appeal of the ruling.

The SPEAKER. The Sergeants at Arms will please clear the aisles and the members will please take their seats.

The question before the House is an appeal of the ruling of the Chair.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, I would move the previous question on the motion to appeal the Chair.

Mr. DERMODY. Mr. Speaker, he cannot— I have not been given an opportunity to speak on the motion.

The SPEAKER. The gentleman, Mr. Turzai, moves the previous question on the appeal of the Chair. Those who second this motion—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. —will rise and remain standing until—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. —their names are recorded.

Mr. DERMODY. The precedent states—

The SPEAKER. Twenty members are required.

Mr. DERMODY. —that the leader can be recognized for 3 minutes; for 3 minutes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Saylor; the gentleman, Mr. Vereb; the lady, Ms. Major; the gentleman, Mr. Everett; the gentleman, Mr. Reed; the gentleman, Mr. Adolph; the gentleman, Mr. Knowles; the gentleman, Mr. Hess; the gentleman, Mr. Miller; the gentleman, Mr. Hickernell; the gentleman, Mr. Metcalfe; the gentleman, Mr. Causer; the gentleman, Mr. Rock; the gentleman, Mr. Reichley; the gentleman, Mr. Ellis; the gentleman, Mr. Pyle; the gentleman, Mr. Krieger; the gentleman, Mr. Roae; the gentleman, Mr. Maher; the gentleman, Mr. Vulakovich; the gentleman, Mr. Quigley; the gentleman, Mr. Gabler; the gentleman, Mr. Schroder.

The motion for the previous question having been made and seconded, those in favor of the motion for the previous question will vote "aye;"—

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. —those opposed will vote "no."

Mr. DERMODY. Point of order, Mr. Speaker.

The SPEAKER. An "aye" vote is a vote to end all debate—

Mr. DERMODY. Mr. Speaker, we have got precedent—

The SPEAKER. —and bring the House to an immediate—

Mr. DERMODY. —where the leader can be recognized on a—

The SPEAKER. —bring the House to an immediate vote.

Mr. DERMODY. —motion to move the previous question, Mr. Speaker, and we have it right here.

The SPEAKER. The gentleman will suspend.

An "aye" vote is a vote to end all debate—

Mr. DERMODY. Mr. Speaker?

The SPEAKER. There is nothing in order but the taking of the vote – and to bring the House to an immediate vote.

Mr. DERMODY. Mr. Speaker, I have a precedent here from—

The SPEAKER. The members will proceed to vote.

Mr. DERMODY. —April 4, 2006, which says, "This motion"—

The SPEAKER. The gentleman is out of order.

Mr. DERMODY. —"is not debatable."

The SPEAKER. The gentleman is out of order.

Mr. DERMODY. "It is customary that we allow the leaders to speak."

The SPEAKER. The gentleman is out of order.

Mr. DERMODY. "I am assuming the leader is"—

The SPEAKER. The gentleman is out of order.

The members will proceed to vote. There is nothing in order but the taking of the vote.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—110

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

NAYS—68

Bishop	Dermoddy	Kotik	Readshaw
Boyle, B.	Donatucci	Kula	Roebuck
Bradford	Fabrizio	Longiatti	Sainato
Briggs	Freeman	Mahoney	Samuelson
Brownlee	George	Mann	Santarsiero
Burns	Gerber	Markosek	Santoni
Buxton	Gergely	Matzie	Shapiro
Carroll	Gibbons	Mirabito	Smith, K.
Cohen	Haluska	Mullery	Smith, M.
Conklin	Hanna	Mundy	Staback
Costa, D.	Harhai	Myers	Thomas
Costa, P.	Harkins	Neuman	Vitali
Cruz	Hornaman	O'Brien, M.	Wagner
Davis	Johnson	Parker	Waters
Deasy	Josephs	Petrarca	Wheatley
DeLissio	Kavulich	Preston	Williams
DePasquale	Keller, W.	Ravenstahl	Youngblood

NOT VOTING—17

Barbin	Davidson	Goodman	Pashinski
Boyle, K.	DeLuca	Kirkland	Payton
Brown, V.	DeWeese	Kortz	Sturla
Curry	Frankel	Murphy	White
Daley			

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. When an appeal is taken, the Speaker should clearly state the decision which is being appealed. The debate is concluded.

The question before the House is, shall the decision of the Chair stand as the judgment of this House?

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

The SPEAKER. There is nothing in order but the taking of the vote.

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—110

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

NAYS—84

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

NOT VOTING—1

Payton

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

The SPEAKER. The decision of the Chair is sustained.

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

The SPEAKER. The motion to adjourn is now before the House. Moving the previous question has already been sustained. Therefore, there is no debate and nothing before the House but the vote.

Those in favor of adjournment will vote "aye"; those opposed to adjournment will vote "nay."

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

The following roll call was recorded:

YEAS—84

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

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

NAYS—110

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

NOT VOTING—1

Payton

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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 agree to the motion?

The SPEAKER. The question before the House is the motion to table SB 330. That motion was subject to the motion to move the previous question. Therefore, there is nothing before the House but the vote.

Those in favor of tabling SB 330 will vote "aye"; those opposed to tabling SB 330 will vote "no."

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

The following roll call was recorded:

YEAS—85

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

NAYS—110

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

NOT VOTING—0

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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

The SPEAKER. Now the question before the House is the motion to move the previous question for the immediate consideration of SB 330.

Those in favor of the motion will vote "aye"; those opposed, "nay."

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

(Members proceeded to vote.)

The SPEAKER. There is nothing before the House but the vote. There is nothing before the House but the vote.

For the information of the members, this is the motion to move the previous question on the vote to bring SB 330 to an immediate vote, which cannot take place until 10:34.

For the information of the members, the motion to move the previous question on SB 330, which is before the House, closes off debate on SB 330. The 24-hour rule allows the bill to be voted at 10:34. Therefore, at 10:34 SB 330 is eligible for being voted on without any motion to proceed or any other procedural motions, and this motion precludes any other debate and calls for an immediate vote on SB 330.

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

The following roll call was recorded:

YEAS—110

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

NAYS—85

Barbin	DeLuca	Keller, W.	Preston
Bishop	DePasquale	Kirkland	Ravenstahl
Boyle, B.	Dermody	Kortz	Readshaw
Boyle, K.	DeWeese	Kotik	Roebuck
Bradford	Donatucci	Kula	Sainato
Briggs	Fabrizio	Longietti	Samuelson
Brown, V.	Frankel	Mahoney	Santarsiero
Brownlee	Freeman	Mann	Santoni
Burns	George	Markosek	Shapiro
Buxton	Gerber	Matzie	Smith, K.
Carroll	Gergely	Mirabito	Smith, M.

Cohen	Gibbons	Mullery	Staback
Conklin	Goodman	Mundy	Sturla
Costa, D.	Haluska	Murphy	Thomas
Costa, P.	Hanna	Myers	Vitali
Cruz	Harhai	Neuman	Wagner
Curry	Harkins	O'Brien, M.	Waters
Daley	Hornaman	Parker	Wheatley
Davidson	Johnson	Pashinski	White
Davis	Josephs	Payton	Williams
Deasy	Kavulich	Petrarca	Youngblood
DeLissio			

NOT VOTING—0

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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

The SPEAKER. The motion to move the previous question is sustained, and SB 330 is before the House.

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—109

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

NAYS—86

Barbin	Dermody	Kotik	Ravenstahl
Bishop	DeWeese	Kula	Readshaw
Boyle, B.	Donatucci	Longiotti	Roebuck
Boyle, K.	Fabrizio	Maher	Ross
Bradford	Frankel	Mahoney	Sainato
Briggs	Freeman	Mann	Samuelson

Brown, V.	George	Markosek	Santarsiero
Brownlee	Gerber	Matzie	Santoni
Burns	Gergely	Mirabito	Shapiro
Buxton	Gibbons	Mullery	Smith, K.
Carroll	Goodman	Mundy	Smith, M.
Cohen	Haluska	Murphy	Staback
Conklin	Hanna	Myers	Sturla
Costa, D.	Harhai	Neuman	Thomas
Costa, P.	Harkins	O'Brien, D.	Vitali
Cruz	Hornaman	O'Brien, M.	Wagner
Curry	Johnson	Parker	Waters
Daley	Josephs	Pashinski	Wheatley
Davis	Kavulich	Payton	White
Deasy	Keller, W.	Petrarca	Williams
DeLissio	Kirkland	Preston	Youngblood
DePasquale	Kortz		

NOT VOTING—0

EXCUSED—8

Boyd	Caltagirone	Galloway	McGeehan
Brennan	Evans, D.	Godshall	Sabatina

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.

STATEMENT BY MR. ELLIS

The SPEAKER. Is the gentleman, Mr. Ellis, seeking recognition under unanimous consent?

Mr. ELLIS. Yes, Mr. Speaker.

Thank you very much, Mr. Speaker.

And if everyone in the chamber will just bear with me at this time, today is June 30, and I do not bring that up because it is June 30 in our world, but it is June 30 in the real world. It is my mother's birthday, and I just wanted to wish her a happy birthday. Seven years I have not been home. Hopefully, everybody will work together and maybe we can finish on the 29th next year so I can be home for my mom's birthday. But thank you very much, Mr. Speaker.

The SPEAKER. Happy birthday to Brian Ellis's mother.

STATEMENT BY MR. LAWRENCE

The SPEAKER. Is the gentleman, Mr. Lawrence, seeking recognition under unanimous consent?

Mr. LAWRENCE. Thank you, Mr. Speaker.

Along a similar line as my good colleague, today is my 10-year wedding anniversary. So for my wife who is watching along at home, I will be home soon. Thank you.

The SPEAKER. The Speaker wishes happy anniversary to the Lawrences.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. For what purpose does the lady, Ms. Mundy, seek recognition?

Ms. MUNDY. Mr. Speaker, I would like to submit my remarks on HB 30 that I was prevented from making for the record.

The SPEAKER. Did you mean SB 330?

Ms. MUNDY. SB 330.

The SPEAKER. The lady may submit the remarks to the clerk, and they will be put upon the record.

Ms. MUNDY. Thank you, Mr. Speaker.

Ms. MUNDY submitted the following remarks for the Legislative Journal:

Mr. Speaker, I rise to share my serious concerns about SB 330 as amended by the House last night.

This bill is poorly drafted. Every education organization we spoke with yesterday – the School Boards Association, school business officials, Public School Employees' Retirement System among them – has interpreted the meaning of this language differently.

We have no business passing a piece of legislation which is so poorly drafted that it can be interpreted in many different ways. But while the language of SB 330 is unclear and open to many interpretations, the intent of the bill is crystal clear. This bill is phase two of the ultraconservatives' assault on public education.

Phase one was the budget bill which made deep, inequitable cuts to Pennsylvania's public schools. Now phase two is the Grove bill, which seeks to give school districts no alternative but to cut programs, lay off teachers, and overcrowd classrooms. Phases three and four are yet to come with bills to lay off teachers for economic reasons and tuition vouchers will be brought up for a vote in the fall.

I believe that the result of this bill, as part of this ultraconservative agenda, is to degrade the quality of public education to the point where tuition vouchers and other State-funded private education look more and more appealing to citizens left to struggle to educate their children in underfunded public schools.

After we debated amendments to this bill last night, I was shocked to see an item in Capitol Wire related to it.

The article states: "The amendment debate began at 9:45 p.m. and the bill passed two-and-a-half hours after Corbett began to make deals.

" 'A bunch of meetings and \$2 million in budget commitments later, he had rounded up 102 and we voted,' " said one House Republican who helped whip the issue. "Ten members, \$2 million. Done.' "

And the sad, ironic thing is that the \$2 million to buy these votes was in effect \$2 million that could have been used to restore some of the cuts you made to public education, but instead was used to further advance the ultraconservatives' assault on public education.

Over the last 20-some years, the voters of Pennsylvania have had the opportunity to give themselves property tax relief through referenda in their school districts three separate times, and three times those referenda failed. This bill is not the solution to the property tax problem. That solution must come from us here in Harrisburg. But rather than assume our responsibility, we will pass the Grove bill, which will give school districts no alternative but to cut programs, lay off teachers, and overcrowd classrooms.

How very sad for the young people of Pennsylvania.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, there will be no more votes. The desk will remain open for some housekeeping-type things, but there will be no more votes.

The Speaker would also note for the members that I hope you have a happy and productive summer working in the districts.

Additionally, for the information of the members, the desk will be open past 11 o'clock, which is permissible under the rules for the purpose of signing bills or other housekeeping-type events. There will not be any votes though, and that is permissible. I just wanted to alert the members to that fact.

The House will be at ease.

The House will come to order.

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 330, PN 1459, and SB 448, PN 1458.**

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 330, PN 1459

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 public referendum requirements and for installment payment of school real property taxes.

SB 448, PN 1458

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.

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

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 this House, the Chair recognizes the gentleman, Mr. Simmons, from Northampton County, who moves that this House do now adjourn until Monday, September 26, 2011, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:19 p.m., e.d.t., the House adjourned.