

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 28, 2012

SESSION OF 2012

196TH OF THE GENERAL ASSEMBLY

No. 51

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.d.t.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

HON. MICHAEL K. HANNA, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us bow our heads in prayer:

Generous God, You provide for the lilies of the field and the birds of the air, and You promise to take care of us even when our faith is small. Bless us as we examine the use of Your gifts and seek to use them fairly, honestly, and prudently to better our Commonwealth and meet the needs of our citizens.

During this time of deliberation, as we estimate our needs and allocate our resources, may we remember that we are doing Your work, not our own. We pray for Your guidance to help those struggling across Pennsylvania.

Lord, may we see this session day as a way of serving You. May all that we do today be Your honor and glory. In Your name we pray. 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 27, 2012, will be postponed until printed.

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 75, PN 3827

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making changes necessary for the administration and implementation of the act of December 20, 2011 (P.L.446, No.111),

entitled "An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to registration of sexual offenders pursuant to Federal mandate; and making editorial changes," in the areas of perjury and falsification in official matters, dissemination of criminal history record information, disposition of children generally, court-ordered involuntary treatment of certain sexually violent persons and registration of sexual offenders; and, in juvenile matters, further providing for definitions and for disposition of dependent child.

HB 823, PN 3792

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; in planned residential development, further providing for application for final approval; and providing for wastewater processing cooperative planning.

HB 1343, PN 3828

An Act authorizing State-owned universities and the employees thereof to enter into certain agreements with affiliated entities; providing for doctoral degrees; and making related repeals.

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

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. LAWRENCE, from Chester County for the day, and the gentleman, Mr. METCALFE, from Butler County for the day. Without objection, the leaves will be granted.

The minority whip requests a leave of absence for the gentleman, Mr. SAMUELSON, from Northampton County for the day. Without objection, the leave will be granted.

The Speaker returns to leaves of absence and rescinds the request for the gentleman, Mr. Metcalfe, from Butler County. At the time we take the master roll call, his name will be on it.

STATEMENT BY MR. DALEY

The SPEAKER. For what purpose does the gentleman from Washington County, Mr. Daley, rise?

Mr. DALEY. A point of personal privilege or a point of information.

The SPEAKER. A parliamentary inquiry?

Mr. DALEY. No, a point of information. A parliamentary—
No, I guess a personal privilege.

You know, I just want, Mr. Speaker, I just want to tell you that I just found out that the Supreme Court had upheld the Obamacare 6 to 3. I am sure some members are concerned about that, and I wanted to make them aware of that.

Thank you, Mr. Speaker.

The SPEAKER. I would say the gentleman was recognized under unanimous consent in that case.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Lawrence Samuelson

LEAVES CANCELED—2

Lawrence Samuelson

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman from Clinton County, Mr. Hanna, rise?

Mr. HANNA. To correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. HANNA. Thank you, Mr. Speaker.

During my absence, SB 100 passed the House. I would just like the record to reflect that had I been here, I would have liked to have been recorded in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman's remarks will be noted for the record.

GUEST INTRODUCED

The SPEAKER. If I could have the members' attention. I do want to recognize a guest that is with us this morning.

Interning in Representative Stern's office this summer, we would like to welcome Rachel Biltz, who is visiting us. Rachel, please rise. Welcome to the hall of the House.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. The Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

We will have an immediate Rules Committee meeting to convene in the Appropriations conference room. An immediate Rules Committee meeting in the Appropriations conference room.

And then it will be followed by an Appropriations Committee meeting in the majority caucus room. An Appropriations Committee meeting will follow the Rules Committee. The Appropriations Committee will be in the majority caucus room.

The SPEAKER. Immediate Rules Committee meeting followed by Appropriations.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 11 a.m. I would ask our Republican members to please report to

our caucus room at 11 a.m. We would be prepared to come back on the floor at 1 o'clock. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The gentleman, Mr. Frankel, from Allegheny County, for the purpose of a Democratic caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 11 o'clock. Democratic caucus at 11 a.m. Thank you.

RECESS

The SPEAKER. This House stands in recess until 1 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOHN MAHER) PRESIDING

BILLS REREPORTED FROM COMMITTEE

HB 1643, PN 2059

By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for operation by persons under age 16.

APPROPRIATIONS.

HB 1980, PN 3858

By Rep. ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district superintendents and assistant district superintendents, further providing for eligibility; in professional employees, further providing for rating system and for payment of salaries in cases of sickness, injury or death; and, in State Board of Education, further providing for powers and duties of board.

APPROPRIATIONS.

HB 2368, PN 3824

By Rep. ADOLPH

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for definitions, for persons authorized to engage in business of receiving deposits and money for transmission, for corporations authorized to act as fiduciary, for retention of records and admissibility of copies in evidence, for emergency powers and for acquisitions, and offers to acquire, shares of banks, bank and trust companies, trust companies and national banks; repealing provisions relating to prohibition against certain acquisitions, to legal holidays and to limitation on deposit of Commonwealth funds; further providing for additional powers of incorporated institutions related to conduct of business, for persons

bound by bylaws and execution of instruments, for general lending powers, for direct leasing of personal property and for limits on indebtedness of one customer including purchased paper; repealing provisions relating to installment loans including revolving credit plans, to real estate loans, to authorizing certain loans for commercial, business, professional, agricultural or nonprofit purposes including revolving credit plans, to authorizing monthly interest loans for individuals, partnerships and other unincorporated entities, to alternate basis for interest charges by institutions, to charging interest at rates permitted competing lenders, to notice of annual fees and refunds on credit cards of affiliate banks, to authorization of fees for revolving credit plans and to extensions of credit to individuals, partnerships and unincorporated associations; further providing for application of chapter, for actions required, permitted or prohibited in fiduciary capacity, for transfer of fiduciary accounts and for investments; repealing provisions relating to real estate loans; further providing for lending powers and direct leasing of personal property; repealing provisions relating to conditional powers of savings banks; providing for pledges for deposits, limits on indebtedness of one customer including purchased paper; further providing for tentative trusts, for authorized offices, for authorization of new branches, for approval of branch by department and for branches outside Pennsylvania; repealing provisions relating to branches acquired from the receiver of a closed institution or from an institution in danger of closing; further providing for articles of incorporation and for certificate of authorization to do business; providing for organization as a limited liability company; further providing for minimum capital, for classes of shares, for share certificates, for cash dividends, for redemption and acquisition of redeemable shares and statement of reduction of authorized shares, for number, qualifications and eligibility of directors or trustees, for audits and reports by directors or trustees, accountants and internal auditors and for prohibitions applicable to directors, trustees, officers, employees and attorneys; repealing provisions relating to indemnity and immunity of certain directors; providing for standard of care and justifiable reliance; further providing for articles of amendment, for authority to merge or consolidate, for requirements for a merger or consolidation, for mergers, consolidations and conversions of savings banks, for right of shareholders to receive payment for shares following a control transaction, for articles of conversion, for voluntary dissolution prior to commencement of business, for certificate of election for voluntary dissolution and for articles of dissolution; repealing provisions relating to examinations and reports, to examination of affiliates and persons performing bank services, to relationship of institutions and their personnel with officials and employees of department and to additional powers of the Department of Banking; and further providing for penalties and criminal provisions applicable to directors, trustees, officers, employees and attorneys of institutions and for penalties applicable to persons subject to this act.

APPROPRIATIONS.

HB 2369, PN 3774

By Rep. ADOLPH

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion, for assessment of expenses of department upon institutions, for disclosure of information forbidden, penalty and exceptions, for examination of corporations or persons affiliated with institutions and for orders by department; and providing for implementation of the Consumer Financial Protection Act of 2010.

APPROPRIATIONS.

HB 2370, PN 3763

By Rep. ADOLPH

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for residential mortgage interest rates and for effect on inconsistent acts.

APPROPRIATIONS.

SB 1115, PN 2337

By Rep. ADOLPH

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, establishing the Special Education Funding Commission; and imposing duties on the Department of Education; in reimbursements by the Commonwealth and between school districts, further providing for definitions; and providing for the distribution of special education funding for student achievement and instruction of eligible students and for special education accountability.

APPROPRIATIONS.

SB 1263, PN 1627

By Rep. ADOLPH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general budget implementation, further providing for the Department of Labor and Industry.

APPROPRIATIONS.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1055, PN 3577

By Rep. TURZAI

An Act providing for professional employer organizations.

RULES.

HB 1525, PN 3714

By Rep. TURZAI

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

RULES.

HB 1934, PN 3589

By Rep. TURZAI

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

RULES.

BILLS REREPORTED FROM COMMITTEE

HB 2354, PN 3831

By Rep. TURZAI

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for certificate requirements, for equivalency practice for individuals and for equivalency practice for firms and entities.

RULES.

HB 2485, PN 3784

By Rep. TURZAI

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, in transfers of funds, further providing for exclusion of consumer transactions governed by Federal law; and making an editorial change.

RULES.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman from Chester County, Representative Lawrence. He will be removed from the leave list, without objection.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 793 By Representatives JOSEPHS, CRUZ, CALTAGIRONE, COHEN, JAMES, MYERS, PARKER, SANTONI, STURLA, WATERS and YOUNGBLOOD

A Resolution memorializing the Congress of the United States to commend President Barack Obama on his mandated regulatory order allowing more than 800,000 young people to stay in the United States legally without fear of deportation.

Referred to Committee on STATE GOVERNMENT, June 28, 2012.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2521 By Representative PETRARCA

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a KIDS First registration plate and for payments to and grants from the Children's Trust Fund.

Referred to Committee on TRANSPORTATION, June 28, 2012.

No. 2522 By Representative PETRARCA

An Act establishing the Joint Commission on Science and Technology and providing for its powers and duties; and providing for the operation of the Central Management and Information Center.

Referred to Committee on STATE GOVERNMENT, June 28, 2012.

No. 2523 By Representative PETRARCA

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for reporting of suspected abuse or a prohibited sexual act.

Referred to Committee on JUDICIARY, June 28, 2012.

No. 2524 By Representative PETRARCA

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, extending the act to include leased vehicles, motorcycles, motor homes, off-road vehicles and commercial vehicles; and further providing for definitions.

Referred to Committee on CONSUMER AFFAIRS, June 28, 2012.

No. 2525 By Representative PETRARCA

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, eliminating a mortgage prepayment penalty for all residential mortgages, regardless of amount.

Referred to Committee on COMMERCE, June 28, 2012.

No. 2526 By Representative PETRARCA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, prohibiting wireless telephone use by school bus drivers.

Referred to Committee on EDUCATION, June 28, 2012.

No. 2527 By Representative PETRARCA

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for sites.

Referred to Committee on STATE GOVERNMENT, June 28, 2012.

No. 2528 By Representative PETRARCA

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, extending the right of child support to estate of decedent.

Referred to Committee on JUDICIARY, June 28, 2012.

No. 2529 By Representative PETRARCA

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing that hunting and trapping are property rights.

Referred to Committee on GAME AND FISHERIES, June 28, 2012.

No. 2530 By Representatives TALLMAN, CREIGHTON, GROVE, HARRIS, F. KELLER, MILLER, MOUL and PERRY

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

Referred to Committee on LABOR AND INDUSTRY, June 28, 2012.

No. 2531 By Representatives SCAVELLO, BOYD, R. BROWN, CREIGHTON, CUTLER, DUNBAR, GROVE, HAHN, HARHART, HICKERNELL, HORNAMAN, PEIFER and CULVER

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for limitations on nonresident earned income taxes.

Referred to Committee on LOCAL GOVERNMENT, June 28, 2012.

No. 2532 By Representatives MURT, COHEN, DeLUCA, BRENNAN, CALTAGIRONE, D. COSTA, DALEY, J. EVANS, FLECK, GEIST, GIBBONS, HARPER, HORNAMAN, MANN, MILNE, MUNDY, NEILSON, SANTONI, SCHMOTZER, K. SMITH, STABACK, STERN, STURLA, TAYLOR, WATSON, WHITE and YOUNGBLOOD

An Act changing the name of the Department of Public Welfare to the Department of Human Services and providing for a transition period.

Referred to Committee on HUMAN SERVICES, June 28, 2012.

SENATE BILLS FOR CONCURRENCE

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

SB 1345, PN 2285

Referred to Committee on CONSUMER AFFAIRS, June 28, 2012.

SB 1503, PN 2120

Referred to Committee on STATE GOVERNMENT, June 28, 2012.

The SPEAKER pro tempore. Members are encouraged to report to the floor of the House. Recorded votes will commence shortly.

The House will be at ease for a few minutes.

The House will come to order.

SUPPLEMENTAL CALENDAR A**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2485, PN 3784**, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, in transfers of funds, further providing for exclusion of consumer transactions governed by Federal law; and making an editorial change.

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

* * *

The House proceeded to second consideration of **HB 2354, PN 3831**, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for certificate requirements, for equivalency practice for individuals and for equivalency practice for firms and entities.

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

SUPPLEMENTAL CALENDAR B

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1055, PN 3577**, entitled:

An Act providing for professional employer organizations.

On the question,
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—200

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

| | | | |
|------------|--------------|---------|------------|
| Dermody | Keller, M.K. | Pickett | Smith, S., |
| DiGirolamo | Keller, W. | Preston | Speaker |
| Donatucci | Killion | | |

NAYS—0

NOT VOTING—0

EXCUSED—1

Samuelson

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.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Representative Samuelson, who will be removed from the leave list.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1525, PN 3714**, 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 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—201

| | | | |
|-------------|------------|------------|-------------|
| Adolph | Dunbar | Kirkland | Quigley |
| Aument | Ellis | Knowles | Quinn |
| Baker | Emrick | Kortz | Rapp |
| Barbin | Evankovich | Kotik | Ravenstahl |
| Barrar | Evans, D. | Krieger | Readshaw |
| Bear | Evans, J. | Kula | Reed |
| Benninghoff | Everett | Lawrence | Reese |
| Bishop | Fabrizio | Longietti | Roae |
| Bloom | Farry | Mackenzie | Rock |
| Boback | Fleck | Maher | Roebuck |
| Boyd | Frankel | Mahoney | Ross |
| Boyle, B. | Freeman | Major | Sabatina |
| Boyle, K. | Gabler | Maloney | Saccone |
| Bradford | Galloway | Mann | Sainato |
| Brennan | Geist | Markosek | Samuelson |
| Briggs | George | Marshall | Santarsiero |
| Brooks | Gerber | Marsico | Santoni |
| Brown, R. | Gergely | Masser | Saylor |
| Brown, V. | Gibbons | Matzie | Scavello |
| Brownlee | Gillen | McGeehan | Schmotzer |
| Burns | Gillespie | Metcalfe | Simmons |
| Buxton | Gingrich | Metzgar | Smith, K. |
| Caltagirone | Godshall | Miccarelli | Smith, M. |
| Carroll | Goodman | Micozzie | Sonney |
| Causser | Grell | Millard | Staback |
| Christiana | Grove | Miller | Stephens |
| Clymer | Hackett | Milne | Stern |

| | | | |
|------------|--------------|-------------|------------|
| Cohen | Hahn | Mirabito | Stevenson |
| Conklin | Haluska | Moul | Sturla |
| Costa, D. | Hanna | Mullery | Swanger |
| Costa, P. | Harhai | Mundy | Tallman |
| Cox | Harhart | Murphy | Taylor |
| Creighton | Harkins | Murt | Thomas |
| Cruz | Harper | Mustio | Tobash |
| Culver | Harris | Myers | Toepel |
| Curry | Heffley | Neilson | Toohil |
| Cutler | Helm | Neuman | Truitt |
| Daley | Hennessey | O'Brien, M. | Turzai |
| Davidson | Hess | O'Neill | Vereb |
| Davis | Hickernell | Oberlander | Vitali |
| Day | Hornaman | Parker | Vulakovich |
| Dean | Hutchinson | Pashinski | Waters |
| Deasy | James | Payne | Watson |
| DeLissio | Josephs | Payton | Wheatley |
| Delozier | Kampf | Peifer | White |
| DeLuca | Kauffman | Perry | Williams |
| Denlinger | Kavulich | Petrarca | Youngblood |
| DePasquale | Keller, F. | Petri | |
| Dermody | Keller, M.K. | Pickett | Smith, S., |
| DiGirolamo | Keller, W. | Preston | Speaker |
| Donatucci | Killion | Pyle | |

NAYS-0

NOT VOTING-0

EXCUSED-0

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 1934, PN 3589**, entitled:

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

On the question,

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-201

| | | | |
|-------------|------------|-----------|------------|
| Adolph | Dunbar | Kirkland | Quigley |
| Aument | Ellis | Knowles | Quinn |
| Baker | Emrick | Kortz | Rapp |
| Barbin | Evankovich | Kotik | Ravenstahl |
| Barrar | Evans, D. | Krieger | Readshaw |
| Bear | Evans, J. | Kula | Reed |
| Benninghoff | Everett | Lawrence | Reese |
| Bishop | Fabrizio | Longietti | Roae |
| Bloom | Farry | Mackenzie | Rock |
| Boback | Fleck | Maher | Roebuck |
| Boyd | Frankel | Mahoney | Ross |
| Boyle, B. | Freeman | Major | Sabatina |
| Boyle, K. | Gabler | Maloney | Saccone |
| Bradford | Galloway | Mann | Sainato |
| Brennan | Geist | Markosek | Samuelson |

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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.

SUPPLEMENTAL CALENDAR C

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2368, PN 3824**, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for definitions, for persons authorized to engage in business of receiving deposits and money for transmission, for corporations authorized to act as fiduciary, for retention of records and admissibility of copies in evidence, for emergency powers and for acquisitions, and offers to acquire, shares of banks, bank and trust companies, trust companies and national banks; repealing provisions relating to prohibition against certain acquisitions, to legal holidays and to limitation on deposit of Commonwealth funds; further providing for additional powers of incorporated institutions related to conduct of business, for persons bound by bylaws and execution of instruments, for general lending powers, for direct leasing of personal property and for limits on indebtedness of one customer including purchased paper; repealing provisions relating to installment loans including revolving credit plans, to real estate loans, to authorizing certain loans for commercial,

business, professional, agricultural or nonprofit purposes including revolving credit plans, to authorizing monthly interest loans for individuals, partnerships and other unincorporated entities, to alternate basis for interest charges by institutions, to charging interest at rates permitted competing lenders, to notice of annual fees and refunds on credit cards of affiliate banks, to authorization of fees for revolving credit plans and to extensions of credit to individuals, partnerships and unincorporated associations; further providing for application of chapter, for actions required, permitted or prohibited in fiduciary capacity, for transfer of fiduciary accounts and for investments; repealing provisions relating to real estate loans; further providing for lending powers and direct leasing of personal property; repealing provisions relating to conditional powers of savings banks; providing for pledges for deposits, limits on indebtedness of one customer including purchased paper; further providing for tentative trusts, for authorized offices, for authorization of new branches, for approval of branch by department and for branches outside Pennsylvania; repealing provisions relating to branches acquired from the receiver of a closed institution or from an institution in danger of closing; further providing for articles of incorporation and for certificate of authorization to do business; providing for organization as a limited liability company; further providing for minimum capital, for classes of shares, for share certificates, for cash dividends, for redemption and acquisition of redeemable shares and statement of reduction of authorized shares, for number, qualifications and eligibility of directors or trustees, for audits and reports by directors or trustees, accountants and internal auditors and for prohibitions applicable to directors, trustees, officers, employees and attorneys; repealing provisions relating to indemnity and immunity of certain directors; providing for standard of care and justifiable reliance; further providing for articles of amendment, for authority to merge or consolidate, for requirements for a merger or consolidation, for mergers, consolidations and conversions of savings banks, for right of shareholders to receive payment for shares following a control transaction, for articles of conversion, for voluntary dissolution prior to commencement of business, for certificate of election for voluntary dissolution and for articles of dissolution; repealing provisions relating to examinations and reports, to examination of affiliates and persons performing bank services, to relationship of institutions and their personnel with officials and employees of department and to additional powers of the Department of Banking; and further providing for penalties and criminal provisions applicable to directors, trustees, officers, employees and attorneys of institutions and for penalties applicable to persons subject to this act.

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—201

| | | | |
|-------------|------------|-----------|------------|
| Adolph | Dunbar | Kirkland | Quigley |
| Aument | Ellis | Knowles | Quinn |
| Baker | Emrick | Kortz | Rapp |
| Barbin | Evankovich | Kotik | Ravenstahl |
| Barrar | Evans, D. | Krieger | Readshaw |
| Bear | Evans, J. | Kula | Reed |
| Benninghoff | Everett | Lawrence | Reese |
| Bishop | Fabrizio | Longietti | Roae |
| Bloom | Farry | Mackenzie | Rock |
| Boback | Fleck | Maher | Roebuck |
| Boyd | Frankel | Mahoney | Ross |
| Boyle, B. | Freeman | Major | Sabatina |

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 2369, PN 3774**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for general scope of supervision and exercise of discretion, for assessment of expenses of department upon institutions, for disclosure of information forbidden, penalty and exceptions, for examination of corporations or persons affiliated with institutions and for orders by department; and providing for implementation of the Consumer Financial Protection Act of 2010.

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—201

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

* * *

The House proceeded to third consideration of **HB 2370, PN 3763**, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, further providing for residential mortgage interest rates and for effect on inconsistent acts.

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—201

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

| | | | |
|------------|--------------|-----------|------------|
| Dean | Hutchinson | Pashinski | Waters |
| Deasy | James | Payne | Watson |
| DeLissio | Josephs | Payton | Wheatley |
| Delozier | Kampf | Peifer | White |
| DeLuca | Kauffman | Perry | Williams |
| Denlinger | Kavulich | Petrarca | Youngblood |
| DePasquale | Keller, F. | Petri | |
| Dermody | Keller, M.K. | Pickett | Smith, S., |
| DiGirolamo | Keller, W. | Preston | Speaker |
| Donatucci | Killion | Pyle | |

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **HB 1980, PN 3858**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district superintendents and assistant district superintendents, further providing for eligibility; in professional employees, further providing for rating system and for payment of salaries in cases of sickness, injury or death; and, in State Board of Education, further providing for powers and duties of board.

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?

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana County, Representative Reed. For what purpose does the gentleman seek recognition?

Mr. REED. To make a motion.

The SPEAKER pro tempore. You may proceed.

Mr. REED. Mr. Speaker, I would move that we move to proceed on HB 1980 under rule 24.

The SPEAKER pro tempore. The gentleman from Indiana County moves that the House do proceed on consideration of HB 1980 pursuant to rule 24.

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

The SPEAKER pro tempore. The Chair recognizes, on that question, the minority leader from Allegheny County, Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we support the motion to proceed and urge the members to vote for the motion to proceed.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-190

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

NAYS-11

| | | | |
|----------|-----------|---------|-----------|
| Cutler | Grell | Mullery | Samuelson |
| Davidson | Lawrence | Neilson | Truitt |
| Freeman | Mackenzie | Neuman | |

NOT VOTING-0

EXCUSED-0

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

The SPEAKER pro tempore. The House will proceed with consideration of HB 1980.

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-201

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

* * *

The House proceeded to third consideration of **HB 1643, PN 2059**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for operation by persons under age 16.

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-201

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

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

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of SB 1465, PN 2059, entitled:

An Act designating a portion of State Route 3 in West Chester Borough, Chester County, as the Senator Robert J. Thompson Highway; and designating the Pottstown Pike Bridge over the French Creek in South Coventry Township, Chester County, as the Representative Sam Morris and Eleanor Morris Memorial Bridge.

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

The House proceeded to second consideration of SB 1535, PN 2299, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, further providing for subpoena of records.

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

The SPEAKER pro tempore. It is the understanding of the Chair that all amendments filed to this bill have been withdrawn. If you have an amendment filed and you believe otherwise, please seek my attention now.

The Chair thanks those who have withdrawn their amendments.

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

The House proceeded to second consideration of SB 1546, PN 2331, entitled:

An Act amending the act of June 27, 1996 (P.L.403, No.58), known as the Community and Economic Development Enhancement Act, codifying the State Tax Equalization Board Law into the act; and making a related repeal.

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

Mr. SACCONI offered the following amendment No. A12711:

Amend Bill, page 13, by inserting between lines 12 and 13 Section 1522. Limitation on countywide reassessment.

(a) Prohibition.—The following shall apply:

(1) No local taxing authority shall undertake, on or after the effective date of this section, the process of a court-ordered countywide reassessment of real property for purposes of levying property taxes.

(2) Notwithstanding paragraph (1), any county currently conducting a court-ordered countywide reassessment as of the effective date of this section may, at the discretion of the county, continue the process.

(b) End of prohibition.—The prohibition under subsection (a)(1) shall remain in effect until the board has implemented and completed the requirements under section 1507, or until December 31, 2014, whichever occurs first.

(c) Definition.—As used in this section, the term "local taxing authority" shall mean any political subdivision authorized to impose real property taxes.

Amend Bill, page 14, by inserting after line 30 (vii) Section 1522.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Saccone, for a brief explanation of his amendment.

Mr. SACCONI. Thank you, Mr. Speaker.

This amendment is basically the same bill, 2137, that we passed 2 months ago, the temporary moratorium on property tax reassessments. It passed unanimously in the House and was sitting over in the Senate and it is being attached to this bill, and I urge an affirmative vote by all my colleagues. Thank you very much.

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

Mr. WHITE. Thank you, Mr. Speaker.

I rise in support of the Saccone amendment. It is substantially similar to an amendment that I have and will hopefully be withdrawing. This is an amendment that makes a good bill better, and I would urge all of my colleagues to support it. Thank you.

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

The following roll call was recorded:

YEAS—200

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

NAYS—1

Schmotzer

NOT VOTING—0

EXCUSED—0

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

On the question,
Will the House agree to the bill on second consideration as amended?

The SPEAKER pro tempore. It is the understanding of the Chair that the Representative from Washington County, Representative White, is withdrawing his amendment. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Mr. STURLA offered the following amendment No. A12722:

Amend Bill, page 2, by inserting between lines 22 and 23
(3) Notwithstanding any other provision of law, the Governor may not appoint an individual as a member of the board, if because of the individual's party affiliation under 25 Pa.C.S. Pt. IV (relating to voter registration), appointment of the individual would result in more than two members of the board having the same party affiliation as the Governor.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.
Mr. Speaker, this is fairly simple. It just says that no more than two of the members of the three-member State Tax Equalization Board can be from the same party.

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Indiana County, Representative Reed, on the amendment.

Mr. REED. Thank you very much, Mr. Speaker.
We would ask the members to support the amendment. Thank you.

The SPEAKER pro tempore. On the question of the amendment, the Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.
What is the procedure now, if I might ask? I would like to interrogate the maker of the amendment.

The SPEAKER pro tempore. Will the gentleman from Lancaster County receive interrogation?

Mr. STURLA. Yes.
The SPEAKER pro tempore. You may proceed. You are in order.

Mr. SCAVELLO. Mr. Speaker, what is the procedure now for the members of the equalization board?

Mr. STURLA. Mr. Speaker, there are currently three members, and they are appointed by the Governor. All this does is ensures that no matter whether the Governor, whatever political persuasion the Governor is of, that it does not become a politicized board.

Mr. SCAVELLO. And presently how is the board set up?

Mr. STURLA. I do not know, Mr. Speaker.

Mr. SCAVELLO. Well, why would you want to change it if you are not familiar with the makeup?

Mr. STURLA. Mr. Speaker, I was not the one that proposed changing the board. That was the underlying bill that proposed changing the board. All I am trying to do, as long as we are opening up the bill to change the board, this is just simply to try and ensure that there is fairness in the future, no matter who the Governor is. For all I know, there may be three Democrats on that board right now.

Mr. SCAVELLO. Yeah.

Mr. Speaker, if I might just speak on the amendment.

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

Mr. SCAVELLO. I always believe that the Governor should put the best qualified people on a board regardless of party. When we start to make decisions based on party affiliations and not on their ability, I think it is a bad way to go. And I personally recommend, I would like to leave it up to the Governor to make the choice, and I am sure he will put the most qualified people and not by voter registration on this board.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of the amendment, is there anyone else seeking recognition before I recognize the maker of the amendment for the second time?

The gentleman from Lancaster, Mr. Sturla, you may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as I understand it, the administration is not opposed to this amendment. And I would also point out that in every one of our counties, our county commissioners have two members from one party and one from the other party. It is simply something that we do in this State to ensure that there are balanced political opinions, and when it relates to tax equalization, I think that is something that is very important.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-179

| | | | |
|-------------|------------|-----------|-------------|
| Adolph | Donatucci | Kortz | Quigley |
| Aument | Dunbar | Kotik | Quinn |
| Baker | Evankovich | Krieger | Ravenstahl |
| Barbin | Evans, D. | Kula | Readshaw |
| Bear | Everett | Lawrence | Reed |
| Benninghoff | Fabrizio | Longiotti | Reese |
| Bishop | Farry | Maher | Roae |
| Boback | Fleck | Mahoney | Rock |
| Boyd | Frankel | Major | Roebuck |
| Boyle, B. | Freeman | Maloney | Ross |
| Boyle, K. | Gabler | Mann | Sabatina |
| Bradford | Galloway | Markosek | Saccone |
| Brennan | Geist | Marshall | Sainato |
| Briggs | George | Marsico | Samuelson |
| Brooks | Gerber | Masser | Santarsiero |
| Brown, V. | Gergely | Matzie | Santoni |
| Brownlee | Gibbons | McGeehan | Saylor |
| Burns | Gillespie | Metzgar | Schmotzer |

| | | | |
|-------------|--------------|-------------|------------|
| Buxton | Gingrich | Miccarelli | Smith, K. |
| Caltagirone | Godshall | Micozzie | Smith, M. |
| Carroll | Goodman | Miller | Sonney |
| Christiana | Grell | Milne | Staback |
| Clymer | Hackett | Mirabito | Stephens |
| Cohen | Haluska | Moul | Stern |
| Conklin | Hanna | Mullery | Stevenson |
| Costa, D. | Harhai | Mundy | Sturla |
| Costa, P. | Harhart | Murphy | Tallman |
| Cox | Harkins | Murt | Taylor |
| Creighton | Harper | Mustio | Thomas |
| Cruz | Harris | Myers | Tobash |
| Culver | Helm | Neilson | Toepel |
| Curry | Hennessey | Neuman | Toohil |
| Cutler | Hess | O'Brien, M. | Turzai |
| Daley | Hickernell | O'Neill | Vereb |
| Davidson | Hornaman | Oberlander | Vitali |
| Davis | James | Parker | Vulakovich |
| Day | Josephs | Pashinski | Waters |
| Dean | Kampf | Payne | Watson |
| Deasy | Kauffman | Payton | Wheatley |
| DeLissio | Kavulich | Peifer | White |
| DeLozier | Keller, F. | Perry | Williams |
| DeLuca | Keller, M.K. | Petrarca | Youngblood |
| Denlinger | Keller, W. | Petri | |
| DePasquale | Killion | Pickett | Smith, S., |
| Dermody | Kirkland | Preston | Speaker |
| DiGirolamo | | | |

NAYS-22

| | | | |
|-----------|------------|-----------|----------|
| Barrar | Evans, J. | Knowles | Rapp |
| Bloom | Gillen | Mackenzie | Scavello |
| Brown, R. | Grove | Metcalfe | Simmons |
| Causar | Hahn | Millard | Swanger |
| Ellis | Heffley | Pyle | Truitt |
| Emrick | Hutchinson | | |

NOT VOTING-0

EXCUSED-0

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

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **SB 1551, PN 2332**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic byways, providing for the designation of the 8.6 mile U.S. Route 202 Parkway between State Route 63 (Welsh Road) and State Route 611 in Montgomery and Bucks Counties as a scenic byway; and designating a bridge on that portion of U.S. Route 202 Parkway over Pennsylvania Route 309, Montgomery Township, Montgomery County, as the Chief Richard J. Brady Bridge.

On the question,

Will the House agree to the bill on second consideration?

Mr. **STURLA** offered the following amendment No. **A12723**:

Amend Bill, page 1, line 5, by striking out "AND"
 Amend Bill, page 1, line 8, by inserting after "BRIDGE"
 ; designating State Bridge No. 36-4009-0030-0000, the newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, as the Captain Edward Anthony Davis Memorial Bridge; and making a related repeal

Amend Bill, page 3, by inserting between lines 8 and 9
 Section 3. The newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, State Bridge No. 36-4009-0030-0000, is designated and shall be known as the Captain Edward Anthony Davis Memorial Bridge. The Department of Transportation shall erect and maintain appropriate signs which shall display the name of the bridge at each end of the bridge.

Section 4. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate section 3 of this act.

(2) The act of May 16, 2008 (P.L.152, No.18), entitled "An act designating State Bridge No. 36-4009-0030-0000, the newly replaced bridge on Dillerville Road in the City of Lancaster, Lancaster County, as the Edward Anthony Davis Memorial Bridge," is repealed.

Amend Bill, page 3, line 9, by striking out "3" and inserting
 5

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

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster County, Representative Sturla, for a brief explanation of his amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have been assured that my bill, which does the same thing as this amendment does, will be run tomorrow, and so I will withdraw this amendment so that this one can run clean and so can my bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The SPEAKER pro tempore. The Chair is in possession of a certificate for a late-filed amendment from Representative Goodman. Mr. Goodman, do you seek suspension to offer that amendment?

The gentleman indicates that he is withdrawing. The Chair thanks the gentleman.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1301, PN 2334**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in assessments of persons and property, providing for cities and counties of the first class, further providing for definitions and for administration and procedure and providing for applicability.

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—201

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

| | | | |
|------------|--------------|---------|------------|
| DePasquale | Keller, F. | Petri | |
| Dermody | Keller, M.K. | Pickett | Smith, S., |
| DiGirolamo | Keller, W. | Preston | Speaker |
| Donatucci | Killion | Pyle | |

NAYS-0

NOT VOTING-0

EXCUSED-0

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

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

The SPEAKER pro tempore. The House will be at ease temporarily.

The House will come to order.

* * *

The House proceeded to third consideration of **SB 1466, PN 2335**, entitled:

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2012, to June 30, 2013, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2012; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Revenue Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account and the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2012, to June 30, 2013; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2012, to June 30, 2013, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2012; and to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive Department of the Commonwealth 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, 2012, and to provide appropriations from the Motor License Fund, the Home Improvement Account and the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund 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, 2012.

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?

On that question, before the Chair recognizes the corresponding Appropriations chairmen, for the information of the members, please remember, on an appropriations bill, pursuant to rule 19(b), any member seeking recognition is limited to a single occurrence not to exceed 5 minutes, which certainly does not mean anyone seeking recognition needs to exhaust 5 minutes.

On the question of final passage, the Chair recognizes the gentleman from Delaware County, the majority Appropriations chairman, Representative Adolph.

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

Mr. Speaker, what you have before you is the 2012-2013 Commonwealth's general appropriations bill. Mr. Speaker, this budget spends \$27.656 billion—

The SPEAKER pro tempore. Would the gentleman suspend.

Those conversations at the back of the House and in the aisles, will you please adjourn to the anteroom. Would the conversations in the aisles please break up.

I apologize for the interruption. Chairman Adolph, you may proceed.

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

I will repeat: This budget spends \$27.656 billion, which represents an increase of \$370 million over last year's budget. But, Mr. Speaker, this budget is an increase of \$517 million since the original budget proposal back in February by Governor Corbett.

I know we have talked an awful lot about the revenue collections during the months of February, March, April, May, and June, and during our negotiations we were able to put together a budget that increased spending by \$517 million since the Governor gave his budget address. We did this, Mr. Speaker, without increasing taxes on the residents of Pennsylvania.

This budgets aligns State spending with current revenues so that this spending level can be sustained going forward. This spending level is based upon projections of revenues, just like we did last year. This projection is a conservative amount based upon an economy that is still struggling. We did not borrow money; we did not raid funds. We did this based upon the current revenue that is coming in to the Commonwealth with a slight increase in projections.

And I feel very confident that these projections will get us a balanced budget, just like we did this year. Just imagine, we put together a budget last year that spent \$27 billion, and I believe we will come within \$150 million of that projection. Our staffs in both the House and the Senate should be applauded for putting together those types of projections, that on a \$27 billion budget, we are going to get within \$150 million by the end of June 30, and I applaud our staffs for doing that.

This budget and what we have done in both the House and the Senate, we have added \$100 million to the accountability block grants. This \$100 million, Mr. Speaker, will be spread out across 500 school districts. With this accountability block grant, our school districts – whether they be urban, suburban, or rural – will receive at least the same money they received last year and more. In addition to that, this budget contains an extra

\$50 million which will be spread across our poorest school districts in the Commonwealth.

As far as higher education is concerned, and I do not have to tell you what the cut was last year to higher education in our State System and our State-related schools, 18 and 19 percent respectively. This budget puts \$229 million back into the State System of Higher Education and our State-related universities.

Now, let me tell you a little bit about what I just found out today. Temple University, an urban university in North Philadelphia on North Broad Street, as a result of their belt-tightening and the State appropriation that we are going to pass this week, will not increase tuition \$1 for their students this coming year – not \$1, a zero-percent tuition increase, Temple University.

Also in this budget, and I have heard from many of you, is the cadet classes for our State troopers. This budget provides for 100 new cadets.

Now, let us talk a little bit about the \$84 million that was restored from the Governor's budget regarding our county human services programs – \$84 million. We took a 20-percent decrease down to a 10-percent decrease, but that does not tell the whole story. This community, this community that relies on State funding, I have been in this legislature many, many years concerned about the waiting list. You know them. We now have 80-year-old folks taking care of their son or daughter with disabilities. That child has never, has never relied on this State to take care of them; those parents, those family members. Now this budget puts \$17.8 million into the waiting list – over 1100 individuals on that waiting list, some 21 years old, getting out of high school; others 50 years old, aging parents, worried what is going on. For the first time since I have been here, we are addressing that issue to the tune of \$17.8 million – that same community that we are so concerned about. Overall, there is a \$48 million increase in other line items for those mentally disabled individuals.

I know there are many legislators out there that were really concerned about the environment. We also preserve full funding for important environmental programs like the \$38 million Key 93 grants that go to our neighborhood parks, recreation facilities, conservation funds. How about the \$20 million for agricultural conservation easement purchases? And let us not forget the \$6 million for the alternative fuels incentive fund that we have adopted in this budget.

Now, I know there are folks that are concerned about the funding cuts in DEP (Department of Environmental Protection), and I am going to address that now as I did in yesterday's Appropriations hearing. To fully appreciate the entire DEP funding situation, you just cannot look at the general appropriations funding. As you know, DEP receives funds from many different areas, and only when you look at all the sources and add them up can you fully appreciate what is happening at DEP. If you look at the State funds, the special funds, the Federal funds, the restricted funds, and other funds in Act 13, you will see the entire funding picture.

What is really compelling is that when you add all these funds together and compare fiscal year '12-'13, you will see a \$670 million total funding figure. If you add those funds up, it is more than the fiscal year '08 and '09, which was \$663 million. And I used that number and everybody said, "Well, Bill, why are you going back that far? Why are you going back that far?" Well, I will tell you why. I will tell you why. Those 2 1/2 years, our entire budget included Federal stimulus money – \$7 billion

over those 2 1/2 years. So you cannot compare any of these line items with those years when we were using Federal stimulus money.

I have letters from the current DEP Secretary saying that they are doing double the inspections that they had done before, and they have 94 percent of their complement of employees, the highest in the State's history.

We handled the loss of the Federal stimulus money last year. We could not continue spending more money than we took in. We see what is going on in Washington; we see what is going on in Greece. Let us not fool ourselves. You must spend only to the extent of the revenue that you bring in, and this budget is very sustainable and we do it without adding taxes to our individuals.

I also want to point out that responsible decisions contained in this budget send a loud and clear message that Pennsylvania is committed to improving our economy and creating jobs. Look, it is embarrassing when you pick up a business magazine and you see Pennsylvania ranked 47th, 48th, 49th, 50th in job creation. You take a look at the crippling capital stock tax, a capital stock tax that businesses have to pay in Pennsylvania. It is the highest in the nation. You do not have to have a profit to pay that capital stock tax. We will continue the repeal of that tax.

There are many items in this budget; I am sure we are going to hear about that as the day goes on. But, Mr. Speaker, we have put together a budget that restores full funding for K to 12, higher education. We have put money back into the environment. We started a program for the waiting list. We have taken care of our most financially distressed school districts, and we did this all without raising taxes on our individuals.

Keep in mind, 70 percent of our taxes, 70 percent of our revenue comes from two sources: Pennsylvania sales tax and Pennsylvania income tax. There are 20 other taxes in there, but 70 percent are paid by your neighbors, your relatives, every time they go to the store and every time they get a paycheck. This budget will bring more jobs to Pennsylvania, because we have incentives in this budget that will bring job creators to Pennsylvania so they can hire our friends and our neighbors so they can have good high-paying jobs, so they can support their families and send their children and grandchildren to school.

Do the job that you were sent to Harrisburg to do. Be responsible. There are line items and there are figures in this budget that you may not agree with. I want to personally thank, number one, and this is a bipartisan congratulations to my colleagues that serve with me on the PHEAA (Pennsylvania Higher Education Assistance Agency) board. They straightened that agency out several years ago and made a decision earlier this week to put \$75 million of the agency's earnings, \$75 million of the agency's earnings into our State grants for our college students. And I am also very proud that there were no negative votes on that vote, because they know it is going to a good cause – helping the hardworking people of Pennsylvania pay for tuition.

That agency also created a brand-new program, a \$5 million program that is going to help your neighbors get those hard-earning, high-paying blue-collar jobs. Whether it be in agriculture, Pennsylvania manufacturing companies, or our energy industry, they will now qualify for those State grants.

I am going to leave you with this thought, because I may or may not have the privilege to talk to you again later on today. Some of you – and I have mentioned this to my colleagues in

the Republican Caucus – some of you may remember him, most of you know there is a building named after him, my mentor here in Harrisburg was Speaker Matt Ryan, and he told me and the other members that served under him, in difficult times, the most important thing that has to be done in Harrisburg is pass a budget on time. Now is the time; today is the day, that all those programs, all those line items that mean so much to our constituents will not come to be unless you vote "yes." Do not put those institutions, your friends, your family, in jeopardy of not being funded. Do not put those social agencies in jeopardy. Do not put those school districts in jeopardy.

Please, Mr. Speaker, do the responsible thing. Vote for a sustainable budget that does not raise taxes on your friends and neighbors. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Allegheny County, the minority Appropriations chairman, Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I stand before you today as we consider SB 1466, the general appropriations bill of the budget package. This is the start of the budget package. It is a package; it is not one bill. There are other bills, as we all know, that go along with this package, and we have a deadline. We have a deadline to pass the entire package by midnight June 30, not just this bill.

This bill is not – is not – a no-tax budget. This does not represent a no-tax budget. As I have said before and you have probably heard me, technically we could probably go through it, legally go through it and not find any indication that we are raising any taxes – in fact, it is a spending bill; it is really not a tax bill anyway – but nevertheless, it perhaps represents no increase in State taxes.

But this budget is a tax – and make no mistake about it – on Pennsylvanians all over the Commonwealth. All we have to do is look in the paper, whether it is back home where I live in the southwestern part of the State or here in south-central Pennsylvania. Almost every day for the last several weeks we have seen school district after school district after school district raising taxes, and they are raising the taxes because these last two budgets, this one and the one before, have been woefully inadequate.

Local taxes have had to be raised. Local counties and municipalities have had to raise taxes because this budget is woefully short in helping them.

And I will give you a new tax, a caregiver tax. If you are a caregiver or if you are a person in Pennsylvania that has a loved one that needs care and the program that is caring for them now or possibly would care for them has now been cut or will be cut, or they cannot get to the program because there is not adequate transportation to get them there, and if a loved one has to stay home and take care of that person and perhaps even quit their job in order to take care of that person, that is a hefty tax on an individual, on a family.

I want to also thank my colleagues from across the aisle for realizing that the Governor and his budget priorities are way off track and out of sync with most Pennsylvanians. They have increased spending from what the Governor originally has proposed. They have increased spending substantially in some cases – not enough; nowhere near enough – but they have recognized and do not agree with the Governor that his spending plan was sufficient.

Still, I must urge members to vote "no" on SB 1466. It does nothing to restore any of the cruel budget cuts passed last June that continue under the 2012-2013 proposal, and it does little to repair the economic pain being felt by residents across the State – layoffs, painful program cuts, tuition increases, and sad psychological and financial decisions made by more and more families all over Pennsylvania.

School districts are still getting roughly \$1 billion less in State funding for classroom education since Governor Corbett took office – \$1 billion less since the current Governor took office for classroom education. Ask any school director in Pennsylvania if they think they are getting increased money for educational purposes in Pennsylvania. I challenge you to ask any school director in Pennsylvania that question. They will tell you an emphatic no. School districts are locked in, locked in to this huge and painful cut, and we are seeing the results of that on a daily basis.

Even if you go back to the 2008-2009 budget, before the stimulus money, school districts are getting nearly a half a billion less in State funding for classroom education even by going back to that standard. We continually hear about, well, we have lost the stimulus package. Well, we have lost State money even on education spending that has gone down even way more than that.

The budget package will provide hundreds of millions of dollars in tax breaks for big corporations while it cuts 10-percent funding that counties need to provide vital health and human services to residents with intellectual disabilities and others. Big tax breaks for businesses at a time when a lot of our most vulnerable citizens are enduring and experiencing a great deal of pain.

We heard a lot of people a couple of years ago running around the Capitol, running around back home, wherever we come from, talking about certain people that are tax-and-spend people, tax-and-spend people. I would suggest that this budget represents a tax-credit-and-spend budget. This is a business-tax-credit-and-spend budget.

This budget does not do enough to spur job creation. In fact, it will put more teachers and school staff out of jobs on top of the more than 15,000 laid off because of the current budget. So we are not creating jobs here; we are losing a lot of jobs because of this 2-year budget cycle. And we do not know how much money this budget package will leave on the table that could be used to offset some of the other devastating cuts. We have not seen a financial statement.

But finally, I urge a "no" vote because this budget, again, does nothing, does absolutely nothing to rebuild our crumbling roads and bridges. Nothing in this even hints at solving the huge problem that every one of us in this room is very cognizant of – a massive and expensive infrastructure program in order to get us back to where we need to be and not be a Third World country in terms of infrastructure in this Commonwealth.

I will save the rest of my remarks until later in the debate because I know there are many members who will want to speak about this budget. But just let me repeat again: This is a very painful budget, and it is not a no-tax budget.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Allegheny County, the minority caucus chairman, Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I stand today to voice my concerns about this budget and what I am calling the new normal in Pennsylvania. We have entered a sad period in State government where we seem to just accept ideas and priorities that were once thought to be unacceptable.

As I see the new normal in Pennsylvania, it is a bleak picture. The new normal is our constituents, our most needy citizens being kicked off of Medicaid rolls at an alarming rate.

Mr. Speaker, the new normal is this administration adding noneducation-related money in the form of pension and Social Security payments to the K through 12 funding formula and then, and then trying to pass that off as an increase in funding for our children's education.

Mr. Speaker, the new normal is flat-funding our State-related colleges and universities and our State System universities after years of cuts to those same organizations and then, then calling it a restoration.

The new normal is accepting that people cannot get to work or to their doctors' offices or to their schools because we continue to look the other way, as my colleague, the Democratic Appropriations chairman said, we are looking the other way when it comes to transportation and mass transit funding.

The new normal reminds me of an ailing man who has outgrown his bed, but instead of helping him get a new bed, we are just going to cut off his feet. Mr. Speaker, when did the new normal fail to include a mandate that government provides and maintains quality services to its neediest citizens? When did the new normal start to mean that we never, not even once, have a serious discussion about how to raise the revenues necessary to provide for our constituents?

Apparently, apparently the new normal means Pennsylvania will continue to disregard revenue generators that have been successfully implemented in many other States, and in some cases, every other State.

The new normal means that Pennsylvania will continue to leave \$80 million on the table by not implementing a reasonable tax on smokeless tobacco products and cigars, just as every single other State in the United States does.

Pennsylvania will leave \$275 million on the table by not having shared sacrifice and freezing the phaseout of the capital stock and franchise for 1 year. No shared sacrifice; that is, we are giving a tax cut to businesses while we are taking away services from others. One year that should be frozen; \$275 million of additional revenue.

Pennsylvania will leave \$41 million on the table by not capping the sales tax vendor discount giveaway, and Pennsylvania will leave another \$35 million on the table by not closing the Amazon loophole for the collection of online sales taxes. And we continue to leave hundreds of millions of dollars on the table by not fully and adequately closing the loophole that allows corporations not to pay their fair share of corporate taxes.

And finally, Mr. Speaker, finally, the new normal means that in lieu of generating a statewide revenue stream worth hundreds of millions of dollars by putting a reasonable tax on the extraction of natural gas, Pennsylvania has settled for a meaningless, optional county fee that fails to provide the resources we need in this State, a tax that every other oil energy-producing State has.

Mr. Speaker, the new normal is not okay with me, and I believe this budget locks into place the drastic and misguided budget priorities that my colleagues across the aisle voted for last year. We are not doing anything to restore those cuts. We are simply creating a new normal in Pennsylvania, and the new normal is not okay with me.

Please vote "no" on SB 1466.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Snyder County, Representative Keller.

Mr. F. KELLER. Thank you, Mr. Speaker.

I rise in support of SB 1466, but before I begin to speak about the particulars of this bill, I first want to take an opportunity to say thank you to the hardworking taxpayers and businesses that earned the money for the current 2011-2012 budget, and for their work that will create the almost \$27.7 billion we will be spending this upcoming year. Truly, this is about putting the people of Pennsylvania first. It is about being fiscally responsible and dispensing with innuendo and misinformation. We are going to hear that over the course of the day here, but here are some facts.

The facts are that this budget does not increase taxes on the hardworking people of Pennsylvania. It takes what they have earned and spends it responsibly for the priorities. We have heard a little bit about the school districts and how spending has been cut and how money has been taken out of the classrooms. The fact of the matter is that money has been taken out of those classrooms, but it has been taken out of the classrooms by the special interests that have caused increases in salaries over a 10-year period for specific districts, as much as \$20 million: East Allegheny School District, over \$18 million in increases above the rate of inflation; Franklin Regional School District, over \$18 million over the rate of inflation in the last 10 years. It is not Harrisburg that is putting all the strain and tax increases on the people of Pennsylvania. We are brining fiscal responsibility to State government, and I encourage everybody to look and see what we are doing. I encourage the people that have approved budgets and increases and have gone after that, to the taxpayers, to look at themselves and say it is time to be responsible like Harrisburg is. It is time to make sure that we do not spend more than we have.

The hardworking people of this Commonwealth who have entrusted us with their hard-earned resources, every day at home they have to live within their budget. They cannot spend more than they make. We owe it to these people. We owe it to the taxpayers, the individuals, to make sure that we are not being irresponsible with their resources. This is a good budget that puts the priorities of the people first. Do not let this misinformation about cuts in the DPW (Department of Public Welfare) budget overwhelm the real debate. The fact of the matter is, over last year, the DPW budget is increasing \$35 million. Yes, that is an increase for the most vulnerable citizens of \$35 million. Those are facts. I have spent the last two nights going through every line of this budget, and if anybody would like to discuss it with me, come on over here and I will show you this is a good budget to vote for.

You are going to talk about some cuts of \$83 million to county human services, but the fact of the matter is, other items have been increased. Intellectual Disabilities-Community Waiver is increased \$65 million. Again, do not let, do not get

sucked into the emotion and the misinformation. Let us deal with compassion and facts, and let us make a good decision for the folks of Pennsylvania. We did it last year. We put on financial responsibility. We were responsible with their resources. The people of the Commonwealth are counting on us to be responsible again this year.

I urge a "yes" vote for SB 1466. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentlelady from Luzerne County, Representative Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the budget bill, SB 1466. A budget is a list of priorities, and while I find fault with many of the priorities established in this budget proposal, I want to highlight its shortcomings regarding my top priority, early childhood care and education. A few weeks ago this House unanimously passed my amendment to the budget, which restored \$15 1/2 million for the child-care services line item. This line item funds Keystone STARS (Standards, Training/Professional Development, Assistance, Resources, and Support), subsidized child care for low-income working families, and it used to fund the T.E.A.C.H. (Teacher Education and Compensation Helps) program before it was eliminated in last year's budget.

The budget proposal before us today removes my amendment language and again cuts funding for this crucial appropriation supporting Keystone STARS and subsidized child care by \$12.8 million. In fact, under this budget, total State funding for child-care programs is cut by over \$63 million, nearly 18 percent, when compared with the levels provided before Governor Corbett took office. And it certainly does not restore last year's cuts to Pre-K Counts, Head Start, or T.E.A.C.H. I find it ironic that on the same day we may consider a bill to improve the way we evaluate teachers in order to promote quality in schools, we are also considering a budget that fails to train teachers to prepare children for academic success and prevent problems that taxpayers will be forced to pay for later on.

It was apparent a few weeks ago, after the unanimous vote on my amendment to restore funding for early childhood programs, that publicly every member of this House acknowledges the value of investments in this vital early childhood education. So why was this funding not included in the budget negotiations which took place behind closed doors? That is beyond me. It seems that many talk the talk but will not walk the walk. It is even further beyond me how this could have happened when Governor Corbett publicly promised while running for Governor to continue and even increase the State's investment in early childhood education.

At the 2010 Economic Summit on Early Childhood Investment, candidate Corbett pledged, and I quote, "We will continue to invest because that is exactly what we have to do. Right now, we're investing to the point of affecting maybe 200,000 kids, but unfortunately, there are too many children that are still without access who are at risk. That number could and should at least double. So we will increase the funding."

What in the world happened to that campaign promise? He, along with House and Senate Republicans, seems to have found plenty of funding for the wealthiest multinational corporations in the world, like Royal Dutch Shell. You seem to be able to find many millions or even billions in spending for tax breaks for the largest multistate, multinational corporations, but

Governor Corbett and House and Senate Republicans could not find a mere fraction of that amount to fully fund early childhood care and education to help our most vulnerable children succeed, and that is very foolish.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Lancaster County, Representative Denlinger.

Mr. DENLINGER Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak on SB 1466. To borrow something from Lancaster County lore, those who enjoy budgets and/or sausage should not watch either being made. This week certainly bears that out.

We are in the thick of deliberations over this year's budget, but, Mr. Speaker, it is my contention that this budget meets the challenges we face as a Commonwealth. And what are our challenges? What are the challenges that we face? Well, we know we have a continuing period of chronically high unemployment. Some of my colleagues are speaking about the joblessness that many of our fellow citizens face, and it is a very real issue if you are one of those people out there who cannot find that all-important job. We now are at a 7.5-percent unemployment rate in this State, and, Mr. Speaker, that extends back over a 3-year period; significant, chronic, long-term unemployment plagues our State.

Mr. Speaker, we know that we are in a weak business environment. In fact, the national level GDP (gross domestic product) growth for the first quarter was just a 1.9-percent annualized rate – a very sluggish economy. What does it mean when we have chronic unemployment and weak business activity? Well, Mr. Speaker, it means diminished tax revenues to the State. Unfortunately, our tax revenues, Mr. Speaker, are at '08-'09 levels, and that is why we are constrained in this budget. What does it mean when you have diminished revenues? It means tough choices, difficult choices have to be made.

Mr. Speaker, in their wisdom, the leaders of an earlier time put a balanced-budget amendment in our State's Constitution, perhaps one of the best things that they did. But what that forces us to do here on this floor and in this government is make realtime decisions, current year decisions about our spending priorities. We cannot do what they do down in Washington. We cannot print money endlessly. We cannot accumulate mountains of debt. We have to make our tough choices in the current year, and that is what we are doing with this budget.

Every budget, Mr. Speaker, contains things that each member likes and some things that each member does not like. For the record, I would like to share a few concerns that I have with this year's budget. Mr. Speaker, this year's budget projects a revenue growth of 3.1 percent. I just mentioned that 1.9-percent annualized growth rate, and I think we are being a little bit aggressive, quite frankly, with that projected revenue rate, but in the spirit of hopeful optimism, let us do hope that we reach that level of growth and that we can fund that level of spending.

Mr. Speaker, I believe that this budget and the package around it are a bit short on business tax reform initiatives that I would personally like to see. Earlier this year in this chamber, behind the leadership of my good friend from Indiana County, Representative Reed, we put through a package which dealt with the Delaware loophole, and the other side of that equation was that we dealt with some serious business tax reforms, a

reduction in the corporate net income tax rate, which is frankly the second highest rate in the nation. It dealt with many other tax rates, and frankly, it was a very good package. That is not embodied in this. I would like to have seen that as a part of this overall package.

And then on the spending side; yes, Mr. Speaker, there are many of us here that would like to see a few more dollars thrown toward intellectual disability funding, and I join that group who would like to see more done in that area. It is my hope that in the future we can address that issue in a significant way. Ultimately, Mr. Speaker, in the area of reforms, I do believe, though, that growth is what is going to pull us out of the malaise that we are in, the mire that we are in, private-sector growth.

But there are many positives in this year's budget. I see that I am running short on time. I will go through them quickly. This budget will be completed on time. In contradiction to what my colleague across the aisle said, I do believe that this is a no-tax-increase budget. We continue the CSFT – capital stock and franchise tax – phaseout. We have moved to a single sales factor apportionment for multistate businesses. And we have put accountability block grants back in our education funding landscape, and we have dealt with distressed school district funding. But most importantly, Mr. Speaker, this is a balanced budget. We have balanced the budget; perhaps to the extent that all of us can find something to not like in this budget, we have struck the proper balance. That seems to be the mark of good legislation, and I think we have reached that objective.

So, Mr. Speaker, I again assert and I say that this budget meets the challenges that we face as a Commonwealth, and I ask for an affirmative vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, as you would know, and I am hopeful will agree, we are here to do the peoples' business. It does not matter if the letter next to your name is a "D" or an "R." We are here to do what is right for each and every Pennsylvanian.

Mr. Speaker, this is my last budget. This is my 38th, and I am sad to see that once again we have got a budget that fails to properly fund our most important programs. Our priorities must be education, social services, and jobs. Sadly, this budget falls short in every one of those aspects. I remember many years ago when a Republican Governor and a Republican House needed the votes of 41 Democrats to pass a budget. I am proud to say that I was one of those votes. There was a time when we could all come together to do what was right. It was about protecting and helping every Pennsylvanian. It was not about helping out just the big guys. In recent years, Mr. Speaker, our priorities have gone down the wrong path. This budget creates winners and losers, and the losers, unfortunately, are our hardest working people and those who need us the most.

Mr. Speaker, I cannot support a budget that hurts Pennsylvanians. I have supported Republican budgets in my tenure here when people from both sides came together. This is not one of those budgets. This is a bad deal for Pennsylvanians. This is a bad deal for our seniors, our disabled citizens, our students, and for our environment.

Mr. Speaker, I wish this last budget that I will be involved with was something that I could support. Sadly, this is not the

case. I urge a "no" vote on this legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Monroe County, Representative Scavello.

The gentleman may proceed.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise here in support of SB 1466 on final passage. I would like to read, if I may, something that was in a newsletter a few years ago to the constituents: "The budget was not without painful cuts – cuts that made me cast my vote reluctantly. Nearly every line item was cut, including the House of Representatives. Key public health programs, libraries and environmental protection sustained cuts." If that looks familiar, on the other side of the aisle, that was in your mailers. Let me continue: "Next year's budget will bring more difficult choices. The state will likely be facing a multi-billion-dollar deficit because of the loss of federal stimulus money..." and transportation issues that need to be addressed and a pension funding adequately shortfall. Anyway, these were in your mailers.

You know, we sat here for 4 years in the minority. We did not like the Democratic budget. We did not like it, but we did not stand up like Monday morning quarterbacks criticizing a particular line item. What we did on this side of the aisle for those 4 years is put our own budget forward, because let me tell you, there is always a winner and a loser, Mr. Speaker. If you decide to fund one line item, that money must come from somewhere else. We decided in this House, our side of the aisle, that we are going to take the stand and we are going to put a budget forward. All 4 years we did just that. It is a shame that those budgets were not supported from the other side of the aisle, because maybe then we would not have been in the situation that we were put in the last 2 years with the shortfalls that incurred and that you predicted. You predicted them in your newsletters, that those shortfalls were going to be there. You predicted that that stimulus money would not be there. It is in your mailers.

It is a tough budget just like the budget that was passed before that mailer that I just read, and we have a choice here. Do we continue to move in a positive direction living within our means? You cannot spend what you do not have. You can stand up and say this might be short or that project might be short, but you are going to have to find a place to take that money from. And you might agree with that line item, but I can tell you, three-quarters of your side or our side might not. It is so easy to become a Monday morning quarterback, to sit on a Monday and say that quarterback should have had a running play instead of throwing for a touchdown. And that is what it seems I hear here when you criticize SB 1466. It is not a perfect bill, like Chairman Adolph said. It is not a perfect bill, but it keeps Pennsylvania working and moving in the right direction.

I ask the members for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Cambria County, Representative Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise to discuss the budget, SB 1466, and I ask all members to consider these following questions. I would agree with the

last speaker and a lot of the speakers before him that we can spend only what we have. But I think there is a bigger question that goes beyond that, and that is, on what shall we spend the money? Because it is the peoples' money. It is not our money. It is not the Governor's money. It is not the Senate's money. It is not the House's money. Have we have required all people to pay their fair share? And have we shifted the cost of government to others? Those questions are the ones that have to be answered by this budget, and if any of those answers are yes, then we have to answer why.

Now, the problem with this is, this budget does spend what we have, but on what does it spend the money? Is the money spent on jobs? Is it spent on education? Is it spent on the environment? Is it spent on veterans? I would say that it is not, and the reason I would say that is because we failed in this year, just like we failed last year, to put aside our Republican-Democratic differences and say, "All right, what is wrong with our current public education system?" Everybody knows what it is; we are just not willing to do anything about it.

Auditor General Wagner said in two reports – one in 2010 and one that was released last week – we cannot continue spending money for cyber and charter schools if that money does not match the cost that those companies have. The Harrisburg paper said that we are spending, for 6 percent of the students, we are spending 18 percent of the public education dollars. That is ridiculous. The report says we are spending more money than any other State in the nation. There is fraud in charter school funding. There is incredible waste in cyber school funding. We refuse to make those people cut their costs just like we do the 500 real public schools.

When this started, there were 20 special public schools in '94; now we have 120. Yesterday the Governor announced that we will have four more cyber schools. Well, four more cyber schools means four more schools are going to siphon off public funding dollars from our districts and we are going to end up with more bankrupt schools. Hopefully, next year we will get the point and we will do something about it, but this budget does not do that.

We also did not deal with the environment. We passed a severance tax that could have allowed us to keep the amount of inspectors we need to protect the water. We did not do it. Hopefully, we will change that. And this budget, most importantly, does not deal with the veterans, because the veterans appropriation, at a time when we have a million veterans – we do not have county nursing homes anymore; we have waiting lists for veterans to get into veterans homes – we have decided to cut \$6 million from our State appropriation for veterans homes. That does not do anything to answer the question of what we all know in our hearts to be true: "Are we taking care of the veterans?" The answer is no. We know they are coming back from Iraq and Afghanistan with blast-related, combat traumatic brain injury. We are not doing anything about that. We have 20,000 guardsmen that have had multiple deployments, some as many as four. They are coming back with invisible injuries. Penn found a way to see that injury, and they have shown us the way to deal with this problem. We are not listening. Pitt found a way to use an advanced technology to show the broken neural pathways that show how to fix it. We are not listening. We need to listen better next year.

For that reason I will be voting "no" on this budget.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to focus in on some of the environmental aspects of this budget, and I would like to start off by complimenting the majority Appropriations chairman on his good work in restoring Keystone funding, farmland preservation funding, and AFIG (alternative fuels incentive grant) funding. These are all meritorious programs, and the chairman worked hard to restore them. I think the problem with this budget from an environmental perspective is environmental enforcement money. These programs are good, but they are not the funding used to put the boots on the ground to make sure that the environmental laws we pass to protect the health and safety of Pennsylvanians and its scenic environment are protected. This is the fourth year in a row that environmental protection has been slashed by this General Assembly. This year's reduction is \$10 million from last year, and last year was \$10 million from the previous year. In fact, it has been a total of a \$26 million cut since 2006.

Mr. Speaker, it is a complicated document, the budget, as it relates to the Department of Environmental Protection, because a lot of the money, the Federal money that the majority chairman talked about is simply pass-through money, not money for environmental protection. But I have been out in the field. I have talked to DEP personnel. I have talked with ex-staffers. I have talked confidentially with current staffers. And what they tell me is they are being cut, being spread way too thin. They tell me that because they have less and less money and less and less people to do more and more work, that is dispiriting their workers. According to the former southwest regional director, they are hemorrhaging jobs to the gas industry. They cannot keep DEP personnel. DEP nonunion personnel have not had a salary increase in 4 years.

Mr. Speaker, the number of DEP personnel, the number of DEP personnel, the filled positions, has decreased from 2,911 to 2,659 since 2006. That is a 10-percent reduction in personnel. Mr. Speaker, you simply cannot continue to slash and slash DEP personnel and expect them to live up to their responsibility to enforce the environmental laws this chamber passes.

At the same time we are giving them less and less resources, the stresses on Pennsylvania's environment increase. We have put in 4,000 Marcellus drilling wells, and up to 60,000 are projected within the next several, next two decades. So the environmental stresses are increasing, and the resources we are giving the agency to enforce environmental laws are decreasing.

Mr. Speaker, I understand the argument that these are tough budget times, Mr. Speaker, but we are leaving money on the table with regard to environmental enforcement. I do not want to beat a dead horse, but we passed up a severance tax which would have been a tremendous source of revenue to fund environmental protection and other needed funds, but we have chosen not to do that.

Mr. Speaker, again in closing, I commend the maker of this bill, Chairman Adolph, for the work he has done in preserving some of the grant programs, but I think it is indefensible to further cut the personnel, further cut the moneys needed to enforce our environmental laws, and regrettably, I will be a "no" vote on this bill.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Montgomery County, Representative Curry, who will be submitting remarks for the record. For the information of the members, with the prior consent of both leaders and the Speaker, those remarks will be read into the record by Representative Pashinski.

The gentleman, Representative Pashinski, may proceed.

Mr. PASHINSKI. Thank you, Mr. Speaker.

"Mr. Speaker, I rise in opposition to SB 1466. The administration's State plan on aging that was presented to the House Aging Committee last week focuses on helping seniors age at home. Unfortunately, this budget blocks their ability to do so. Our senior population is growing, but PENNCARE sees no increase to provide home- and community-based services to our frail and vulnerable seniors. These services help our seniors avoid admission to expensive long-term facilities, saving all of us millions in health-care costs annually.

"This budget uses \$309 million of the State Lottery Fund to pay for the nursing facility program in the General Fund – \$59 million more than what the Governor requested in his February budget address. This \$59 million represents new lottery revenue that was generated because of robust ticket sales. By law, the Lottery Fund is to benefit older Pennsylvanians. This surplus should be used to enhance the home-based services for seniors. The senior safety net is further eroded by Act 22. Act 22 changes in provider qualifications, reimbursement rates, and service plans are resulting in a loss of \$12 million for senior home-based services, such as oversight by visiting nurses who ensure seniors with complex medical issues and medications are doing okay; adult daily living; personal care for those who need help with hygiene, dressing, and other daily activities.

"Rate cuts are forcing home-care providers to reduce staff and services, leaving some seniors with little choice but to relinquish their independence for institutionalized care. Act 22 changes the focus of area agencies on aging's home-based services from care management to service coordination. This change cuts the amount of time the triple A's can spend with a senior, and it forces seniors to jump from one provider to another to fashion their care plan, leading to confusion and delays."

Mr. Speaker, "aging at home saves millions in health-care costs every year and provides seniors with a better quality of life. Mr. Speaker, Delaware County, which our Appropriations chairman represents, is home to over 100,000 senior citizens. Are you prepared to tell these aged constituents that they cannot have the home-based care they need? I am not.

"This budget flat-funds payments to our nursing homes, meaning nursing homes will continue to receive Medicaid payments that fall short of the true cost of caring for our frailest residents. Inadequate Medicaid reimbursement not only threatens care of poor seniors, but it threatens the financial stability of their children.

"To make up the shortfall, some facilities are turning to Pennsylvania's filial responsibility law, which requires spouses, parents, and children to be responsible for an indigent person's care. Imagine the hardship on a family trying to make ends meet when suddenly receiving a \$90,000 bill for a parent's nursing home stay. Devastating for sure. The huge cuts in education will pave the way for higher school property taxes – another blow to

seniors on fixed incomes. While PENNCARE, nursing homes, and education are flat-funded, this budget gives millions in tax breaks to businesses and sets the stage for a billion-dollar tax break for a multibillion-dollar oil company.

"Mr. Speaker, this budget reminds me of a famous polka." You may join in if you wish. "I don't want it, you can have it, it's too flat for me." It's too flat for me. It's too flat for me.

"Seriously, Mr. Speaker, this budget compromises senior care while coddling out-of-State oil corporations, and I encourage a 'no' vote. Thank you."

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I want to start by thanking the Appropriations staff in the House. I think they did a phenomenal job in trying to put together a very, very difficult budget. Why do I say they did a phenomenal job? Well, number one, the mission was to try to minimize some of the difficulties we are having, and the way that was accomplished was through a lot of conversation with agencies, with Secretaries, and with providers. And while a 10-percent cut is better than a 20-percent cut for sure, we actually are not even looking at a 10-percent cut in this budget when you look at some of the programs that we are looking to fund. And what I am particularly relieved about is that in the final hours, we, Mr. Speaker, were able to find the critical areas that had immediate, necessary issues to be dealt with, and we are directing the money in this budget to those issues. As an example, young adults who have graduated from high school and have intellectual disabilities, we have a tremendously long waiting list. Those issues will be addressed, and they will be addressed immediately, and so I think this budget has been fairly prescriptive in its ability to deliver to the critical needs we currently have.

I am also thankful to particularly the majority chairman of the Appropriations Committee. You know, in a budget, Mr. Speaker, none of us ever gets everything we want, but we all have lists. And each and every one of our members had at least an opportunity to run up the flagpole the issue that they needed to have addressed, and while all of them are not addressed, there are some I would like to talk about.

One that is particularly important to me is the longstanding inequity in the funding formulas, and this budget and some of its accompanying bills will require departments to reevaluate funding formulas for things like aging. And we know that some of – Bucks County as an example – some of our surrounding counties are not being treated fairly as they should be with respect to that funding formula and the distribution of the money. Mental health and retardation, alcoholism, all of those service areas will be addressed, and there is a deadline: January of 2013. So right around the corner, we are finally going to have that addressed, and the legislature will have the ability to look at actual numbers and effect to make sure that our vulnerable citizens are taken care of.

Mr. Speaker, I have already heard from some of my school districts, and while they would always like more, they are, quite frankly, shocked by the amount of money that is available in this budget, because they understand what is taking place. And I have to compliment our school district's partners. My teachers in my local school have agreed to a new contract and have agreed to a 2-year freeze. So this pain that is being experienced throughout our budget is being shared, and people are stepping

up and doing what they believe is right and doing their part to try to make things work, and that is an important thing that we need to do in the next year. We have to work through groups and work with people to make sure that individuals do not fall through the cracks.

Mr. Speaker, I would also like to talk about higher education. I saw an announcement today that Temple is not increasing their tuitions. Let me say that again: Temple, as a result of our efforts, is not going to increase tuitions. That is very welcomed relief to our students who want to go to higher education. Our community colleges are receiving a slight increase, and there is stable funding for our State-relateds and our States.

The other thing I am quite happy about, Mr. Speaker, is the restoration of the CURE (Commonwealth Universal Research Enhancement Program) money. This CURE money goes toward critical research, and I want to compliment the legislature for ensuring that those one-time transfers that had originally been proposed are no longer part of this budget.

Finally, Mr. Speaker, what I would like to indicate to the members is, you know, we have so much money to spend, \$27.6 billion, and it is a lot. But what we have to do is understand that we have to tighten our belts for another year or two, get our house in order, deal with some of the issues that have been longstanding issues in an economic sense, and move forward.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Philadelphia, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, it is only fair that I start out by saying to the Appropriations chair from my side and the Appropriations chair for the other side, they have done as much as they can do. They tried to make a difference, because if you look back at what happened when the Governor proposed his budget, his budget was really off the mark. Many of my colleagues, we came together and we provided a response to the Governor's budget, where we were able to take the money that the Governor had identified and move it around so that it leaned more toward people rather than corporations. That is where the theme of "putting people first" came from. I heard one of my colleagues mention that earlier, but I do not know whether he really knows what that means.

When we put a response together to the Governor's budget, it was one that focused on strengthening people in Pennsylvania, giving taxpayers back a real return on their investment. Well, Mr. Speaker, the Senate came out with their response. I thank them that they moved closer to where we were in our response than where the Governor was, and I know that in some cases the House has moved a little bit farther than the Senate, but not as far as where my colleagues and I came in on the budget, and we did not use any additional money. We only used the money that was already there.

But there were some important things that we pointed out which are missing in the document before us today. Number one, and it was one of my senior colleague members from the other side that said this to me just a little while ago. He said, and I said to him, I said, why can we not do the right thing about education? And he said, Representative Thomas, sometimes you do not understand, the price of education, education is expensive, very expensive, but he also said that the price of ignorance is greater. The price of ignorance is greater.

Unless we begin to provide students, provide education with the kind of support that it needs, then we have missed the mark. Any time we miss, back up on investing in our human services development, we miss the mark. Any time in health care, job training; yes, there are some job-training programs that will be made available, but we missed the mark when we consider how many people are not only unemployed, but structurally unemployed in the Commonwealth of Pennsylvania. And when that unemployment reform law becomes relevant in January of next year, there are people who are unemployed who will be suffering drastically. The 70,000 people from general assistance, they are going to be suffering, because many of them are not only struggling without resources, but they are intellectually and physically disabled in many cases.

Mr. Speaker, one writer said that the conditions of the people will not change until the people change the conditions within themselves. Unless we think that what happens to people is more important to corrections, then we are going to be off the mark. But I feel good about today, because today the United States Supreme Court said that we had gotten it wrong, we went wrong in Pennsylvania when we challenged the Affordable Care Act.

Mr. Speaker, I close by saying that what we have done in this budget takes a few steps, but not enough to make a difference in what is going to happen to people who God has referred to as "those as the least of us."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentelady from Montgomery County, Representative Dean.

Mrs. DEAN. Thank you, Mr. Speaker.

Less than 2 months ago I had the honor to enter this chamber and take the oath of office, swearing to support, obey, and defend the Constitution of the Commonwealth and to discharge my office with fidelity. On that basis and several others, I cannot support this budget. This State was first established and remains a Commonwealth because the Founders explicitly indicated that this State, this government, was established for the common good of all its citizens.

Thus the theme of my little remarks is "Use our common wealth for the maximum common good." The past several years have seen difficult times for Pennsylvania. It is our duty to do the utmost to lessen these difficulties, while at the time seizing on and expanding on the economic growth that is evident here in Pennsylvania. After all, we are ranked third, third most business-friendly State in the combined northeast and mid-Atlantic regions. Thus it may not be our tax policy that needs adjustment, rather it is our spending priorities that need adjustment.

As I see it, this budget fails in two fundamental ways. First, it is a failure to invest in infrastructure. And second, it is a failure to invest in what I call our human structure, our people. Take a look at the IFO numbers released just June 14. According to the Independent Fiscal Office – and I stress independent – the IFO revenue estimate is \$28.1 billion. With this budget at \$27.656 billion, we are leaving millions of dollars on the table. Now let us take a look at the budget. As for infrastructure, we have grossly neglected the upkeep of Pennsylvania's infrastructure: our highways, bridges, secondary roads, railroads, water systems. They are rapidly deteriorating. These systems are critical to binding together the diverse regions of our State so that our current communities and

businesses can thrive and prosper. They must be brought into the 21st century to attract new industries, new residents.

Right now, without increasing taxes, we have the ability to allocate an estimated \$400 million toward rebuilding Pennsylvania's infrastructure. This money would be invested within our State, providing contracts for our businesses, jobs for our citizens, and permanent improvements for our communities. Now is the time to act as the economy improves. The cost of these projects will only become more expensive, thus it just makes good business sense on so many levels.

But to my second point, our failure to invest in our human structure: Not only have we neglected our physical infrastructure; we have also neglected our human infrastructure. This budget codifies neglect as it prioritizes privilege. As for education, without a diverse, talented, well-educated labor supply, business investment will just pass us by, yet this budget continues to embrace a series of talking points and sound bites – gimmicks, really – masquerading as education reform. As you know, we are constitutionally mandated to provide a thorough and efficient system of public education to serve all our children. We are not doing that. This budget continues phantom deep cuts, the shedding of teachers and programs and the shifting of the burden to our local school districts and property owners.

In addition, the budget cuts, this budget cuts county-run social services by \$84 million and eliminates entirely the general assistance benefits for Pennsylvania's neediest. This will have the effect of county executives having to make incredibly difficult choices of who gets the help. Thus, I suggest it is sound economic policy to spend in this slump, as many economists tell us. In fact, let me quote the opening remarks of my good colleague, the majority Appropriations chair, who just moments ago said, "...spend only to the extent of the revenue that you bring in." Spend only to the extent of the revenue that you bring in. Hear, hear. We can agree across the aisle. Thus I argue we must embrace and foster this recovery that the IFO numbers reveal. To hoard, hide, or just plain hold on to the extra dollars available will keep our recovery anemic and continue the harms of both our infrastructure and our human structure.

As I said at the start— With permission, Mr. Speaker, to close? I am new here.

The SPEAKER pro tempore. The gentledady was entitled to 5 minutes as everyone else. We are past that. Please—

Mrs. DEAN. I will wrap it up.

The SPEAKER pro tempore. —one phrase or two.

Mrs. DEAN. I am new. Thank you so much for your indulgence.

As I said at the start, we are a Commonwealth. We must use our common wealth for the maximum common good. I respectfully urge you to vote "no" on this budget. I know that budgets are not perfect, but demand of us that we fix the figures and the focus. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentledady is thanked for her remarks.

For the information of the members, I had intended to allow one foot fault on each side. That will check off that side of the aisle's foot fault.

On the question of final passage, the Chair recognizes the gentledady from Bradford County, Representative Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

Mr. Speaker, the first thing the citizens of Pennsylvania – the working families, the small business owners, the retired folks on

fixed incomes, the young graduates starting up – ask us for is fiscal responsibility. They look to us to fund priorities but take no more money from their pocket. This budget meets their expectations. This budget funds quality education and addresses problems in areas of less-than-quality education. Pennsylvania's universities have earlier-proposed funding cuts restored, and in return, are cooperating with controlled tuition and, in some cases, zero tuition increases. K through 12 will see proposed cuts restored and additional tools to manage their student performances. Preschool programs remain level-funded. We support our hospitals and our research dollars by preserving that funding. We have been able to preserve funding in agricultural research, veterinarian activities, and our State food purchase programs. This all supports Pennsylvania's number one industry: agriculture.

Keystone Works is in the budget to offer assistance to those who need transition to different jobs and to be able to remain successful in supporting their families. Pennsylvania State funding is equal to revenue. The increase is below the CPI (Consumer Price Index). This budget gives Pennsylvania's economy the opportunity to create jobs, a number one concern for many Pennsylvanians.

Mr. Speaker, I will be voting for this budget, and right after I will step forward to continue to work on the remaining issues to strengthen Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentledady for her brisk remarks and recognizes the gentleman from Luzerne County, speaking on his own behalf, Representative Pashinski.

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

Governor Corbett has presented a budget proposal of \$27.1 billion based upon dollars received. Governor Corbett has said time and time again that State government must live within its means, just like regular families. He said that you cannot spend what you do not have. These statements have been around for a long, long time, and they make sense. Many would say that it is good common sense to live within your means. All of these phrases do make sense, and most people again would continue to say that living by these philosophies is a wise decision.

So as we prepare to pass the 2012-2013 budget, let us take a quick look back to help us decide what we should do with this budget. I start by reminding all of you that since the global financial collapse, every single government agency and department, from State level down to county to locals, has been cutting costs, reducing staff, and doing more with far, far less. Every school district has adjusted their budgets by furloughing teachers and staff; reducing employees by attrition; freezing salaries; increasing class size; cutting valuable programs, such as pre-K, all-day kindergarten, music, theater, art, and sports programs have all been cut; and postponing important repairs and updating equipment is rampant throughout the State. Every human service division has cut their programs down to the bone in order to provide care for their patients: the children, the elderly, the disabled. Yes, they are all doing more with far, far less.

For 4 years Pennsylvanians have had to tighten their belts. We all made these changes to our lives, begrudgingly at first, and then with a resolute attitude and a sense of determination to make it through these difficult times. But there comes a time when cuts alone become deleterious and damaging. This austerity-only policy epitomizes the phrase "penny-wise and

pound-foolish." That is exactly where we are headed if we do not use the money that is available in a fiscally prudent manner by saving those successful and productive services so desperately needed by the children, by the disabled, and the elderly.

We must acknowledge that the Independent Fiscal Office is a qualified and respected agency created and promoted by the Republican Party and paid for by the people of Pennsylvania. And given the fact that this Independent Fiscal Office has projected an \$800 million surplus, the fact is the Governor and the legislature have \$800 million more than projected. And given the statement by Governor Corbett that we can only spend what we take in, we can only spend what we take in, then it is clear that the \$800 million is available to reduce to a lesser degree the pain and suffering caused by last year's severe cuts. We have the chance and we have the responsibility to reduce the burden to our local communities, our higher education facilities, our school districts, and human services agencies by utilizing the additional \$300 million that is still available. Anything less is irresponsible and fiscally impotent.

Our economy is improving monthly, for sure; not as fast as we would like, but the fact of the matter is, our economy is improving. The future is looking brighter, and you cannot, you will not keep the American spirit down for long. But what is truly troubling is when Governor Corbett leaves hundreds of millions of dollars on the table and other large amounts of accessible dollars that could have been recovered to help fill the huge cuts in education and human services. There is over \$100 million in savings simply by changing the funding formula for charter cyber schools, honestly addressing the Delaware loophole, the Amazon loophole, vendor discounts, corporate depreciation, inadequate Marcellus gas fees. Mr. Speaker, add them up, and collectively they total to hundreds of millions of dollars available that would have been made to this year's budget for a far more fair, more just, more fiscally prudent, and more humane budget.

The Governor has chosen to ignore these viable sources of new income and he has turned the back on the good people of Pennsylvania. I rise here today and urge all of you to negatively support HB 1466.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Lancaster County, Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I have heard time and time again here today that we cannot spend more than we take in, just like families in Pennsylvania, and I think that is a fairly wise statement. Unfortunately, I think for some it has been confused with the notion that we cannot take in more than we spend. We have seen, since this administration took office, them shovel money out the back door, whether it is bonus depreciation or phasing out of the capital stock and franchise, and they refuse to take money in through the front door. They will not do anything about smokeless tobacco or cigars. Even though they proposed doing something about the vendor discount, Republican members in the House and Senate said, no, we are not going to do anything about that. They have not done anything about the Amazon loophole, and perhaps what most Pennsylvanians understand is that they refuse to do anything about a reasonable Marcellus Shale tax. If we had just adopted the same Marcellus Shale tax levy that our neighboring State of West Virginia did – not Texas or Oklahoma or Alaska or Louisiana; those States tax

at a higher rate than West Virginia – if we had just done West Virginia, we could have generated an additional \$1.1 billion each year for the citizens of Pennsylvania to fill some of the gaps in this year's budget. Instead we are told we have to cut \$80 million here, we have to cut \$100 million there, we have to cut \$50 million over here, because there is just not enough money and we cannot spend more than we take in.

The reason that we do not have the money to spend is by choice. It is the choice of the Governor and the Republican-controlled House and Senate that we do not have money to spend on children with disabilities, on people in wheelchairs, on college students, and students in school. Mr. Speaker, I understand that this budget, as is before us, is a little bit better than what Governor Corbett had proposed initially. Republicans in both the House and Senate rightfully went screaming from that proposal, but that does not make this one a good proposal. It cuts education. It cuts human services. It cuts environmental protection and does nothing for transportation in the State of Pennsylvania.

Mr. Speaker, it cuts programs for men and women and children in Pennsylvania on top of the recurring cuts that occurred for programs of service men and women and children in this State last year. That is compiled and made worse by the fact that there are tax cuts to multistate, multinational corporations on top of the tax cuts to multistate, multinational corporations that occurred in last year's budget. It is a failed policy for the men and women and children in Pennsylvania, and there is no evidence that it is helping our businesses or our hometown institutions. Mr. Speaker, last year there were 14,000 teachers that lost their jobs as a result of that budget. They are not hired back in this budget. Mr. Speaker, we heard that there is \$100 million put into the Accountability Block Grant Program. That is \$150 million less than was there 2 years ago. Mr. Speaker, I heard some members say that they wanted to take credit that there was no tuition increase at Temple this year because of their budgetary actions. If you want to take credit for that, you have to take credit for the fact that last year, as a result of your budgetary actions, Temple increased tuition 10 percent.

Mr. Speaker, last month Pennsylvania was next to the bottom in job loss. That is not good. It was 49th out of 50 States. The top States added 30-plus thousand jobs. Pennsylvania lost nearly 10,000 jobs. Mr. Speaker, human service providers across the State are telling us that they are shutting down or discontinuing services to the people of Pennsylvania. Mr. Speaker, this budget is a reflection of the failed policies of this administration and the Republican majorities in the House and Senate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentledady from Philadelphia, Representative DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

This afternoon I will not be speaking on any specific line item in the budget. Instead I will be speaking about the process with my premise being that if the process were different, then the product or the outcome would be different. I am privileged to represent a very diverse district. My median income ranges from \$29,000 on the low side to \$129,000 on the high side. I represent two very different school districts, both the Lower Merion School District and the Philadelphia School District. The citizens of the 194th, though, have both common and

diverse needs. The common needs are things like public safety, good roads and bridges that are indeed in good repair, and the ability to count on a quality, consistent public education.

The diverse needs range from job training and job opportunities to early childhood care and programs to support those with intellectual disabilities and behavioral health issues. I reference this data because the State budget, paid for by the taxpayer, must serve the needs of its citizens in an equitable way, and I will always advocate for the best interest of my district. The budget is one of if not the most important responsibility of the General Assembly. I have commented consistently over the 18 months that I have been a member of this body about the process in the General Assembly and my frustration with the lack of inclusion of stakeholders in legislative initiatives and in the development of public policy.

Mr. Speaker, I want you to know that 5.7 million citizens, all of them stakeholders, want to know why their voices were not represented in the budget discussions and negotiations. Mr. Speaker, those same 5.7 million citizens also want to know why their Representatives were presented with a draft of the budget less than 48 hours before the budget was to be debated. In late February and early March of this year, I attended 8 days of Appropriations hearings. Students, parents, and faculty from my district also came to Harrisburg to sit in and witness the testimony of the Education Secretary. It was that day that I realized that citizens, organizations, businesses – generally everyone who is a stakeholder in the Commonwealth – have no opportunity to give in-person testimony on the budget. They can, of course, write to their State Representatives or their State Senators and the Governor, too, but no opportunity to testify in person. I decided to offer the opportunity in my district to hear my constituents' in-person testimony on the budget, and we held that hearing this past May. The turnout was great, and I heard from quite a variety of citizens on a myriad of issues. My constituents were articulate and knowledgeable about the budget. Those who took the time and opportunity to testify were business owners and employees, CEOs (chief executive officers), and community activists. They took the time to tell me how this budget would affect their personal and professional lives. They understand how budgets are put together, and furthermore, they understand that budgets are a response to the priorities of those who govern. I have stated on a number of occasions that all revenue opportunities have not been explored or included in this budget. My broken-record recitation of missed revenue opportunities includes the examples of collecting all of our sales tax and taxing things like smokeless tobacco products.

Recently I wrote the Governor to remind him that he is the Governor of all the citizens of Pennsylvania. His leadership and support is essential to ensure a fair budget process and for all citizens to be heard. And given that responsibility, he should have ensured that Representatives of all of the citizens of the Commonwealth were included in the process. So he, too, must answer the question as to why the Representatives of 5.7 million citizens were excluded. Too often I find public policy is driven by politics and not the greater good of the Commonwealth's needs. Too often special interest groups focus on their needs or wants to the detriment of the greater good. The best legislative process includes and consults all stakeholders. If best practices were followed, better public policy would be the outcome.

Mr. Speaker, I will be a "no" vote on the budget. I disagree with the priorities. I disagree with the process that produced this budget, and I certainly disagree with the product that was produced and is before us today. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes, on the question of final passage, the gentleman from Chester County, Representative Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Could I have a 3-minute clock, please? Thank you.

Mr. Speaker, I rise to speak on the budget bill before this chamber today. Over the past few hours we have heard a parade of speakers bemoaning this budget. We have heard about a list of cuts, a list of funding decreases, and even a list of line items that were increased, but not increased enough. Now, it might surprise some on the other side of the aisle who have made these critiques that I agree with them on many of their thoughts. I do not like to see funding decreases. It is no fun dealing with the financial choices facing the Commonwealth today. I do not like that we have to spend one in twenty-seven dollars in this budget just to service the State's current debt burden. I do not like the irresponsible borrowing from years gone by that gave us the debt burden that we have today. I do not like that we have to put over \$1 1/2 billion of this year's budget into SERS (State Employees' Retirement System) and PSERS (Public School Employees' Retirement System). That is almost a half a billion dollar increase over last year, because the State underfunded the pension plan for years. But I refuse to live in a fiscal fantasyland. I may not like the cards that have been dealt, but they are the cards that we must play with.

I believe the people of Pennsylvania deserve better than political pandering. They deserve a legislature that is square with them about the financial challenges facing our Commonwealth. The truth is that anyone can wax eloquently about a deserving cause that merits additional funds, but it takes a leader to look at limited resources and prioritize accordingly.

Look, it takes no courage to vote "no" on this budget today, but I believe that we need to be honest with the people of Pennsylvania. We have real financial challenges. Let us not forget, in the very near future we will have to come to a solution on the tens of billions of additional dollars that are required to bring the State pension funds to solvency, billions more for transportation infrastructure. These are tough issues. They will demand leadership.

Let us start by moving forward with a fiscally responsible budget today. I encourage an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentleman from Allegheny County, Representative DeLuca.

Would you like to match or bid down the 3-minute clock, or would you like the ordinary 5 minutes?

Mr. DeLUCA. I will do it as short as I can, Mr. Speaker. I do not think I will need the 5 minutes, but I will try to keep it under 5 minutes.

The SPEAKER pro tempore. Thank you for your goodwill.

Mr. DeLuca, you may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 1466. I heard a lot of things up here today, and the fact is that we heard about Monday morning quarterbacks; well, I understand we got this budget 2 days ago. And I understand, I want to commend the majority

chairman for reinstating some of the cuts, but it is not enough. I know this is a tough budget. I also know that we need to watch our spending, and we need to try to cut, but we have to be smart on how we cut. We cannot afford to make cuts that affect our citizens later on, 2 to 3 years down the line.

Now, Mr. Speaker, this budget is not just about numbers and dollar signs. It is about real people, Mr. Speaker: our children in the public schools, our elderly family members in the nursing homes, our neighbors with disabilities, and certainly, the chronically ill. When we caused our local school districts to raise property taxes – and they are raising property taxes. Let me just give you this: Across Pennsylvania, school districts are laying off teachers and cutting valuable programs, but despite these cuts, 71 percent of school districts have reported that they still need an increase in property taxes this year. The administration's failure to adequately fund public education is again forcing school districts to raise property taxes. This year alone more than 350 school districts out of 500 said they are going to raise property taxes. Now, what we are doing is shifting the burden, Mr. Speaker; that we cannot do.

We talked about Temple not raising their tuition. Well, I hope next year when we come back here, we find out Temple does not raise the fees that they charge on extracurricular activities that all the colleges are charging. It is fine to say we are not going to raise tuition, but if we raise other areas, they are raising the fees on our children. It is going to cost more money at our colleges.

Let me give you an example, Mr. Speaker, about how our school districts are going to be affected. For the last 2 years we have not funded charter school education 30 percent. Two years ago we used to fund it by 30 percent. This administration cut that out 2 years ago. My school district in Penn Hills alone, the first quarter, they are going to be paying \$9 million, which probably will end up they will have to raise taxes or bankrupt themselves.

Now, let me give you a figure of what that means to our school district even when we fund it at 30 percent: \$379,710,000. That is what the Commonwealth used to give our school districts to help fund charter schools. Now, I am not against charter schools, but we cannot afford to continue to cut public education and keep taking money out, because the future is our children. And yes, when we continue to lay off teachers, lay off other people, lay off the people in the cafeteria; Mr. Speaker, those are jobs. If you do not have disposable money for the middle class to spend, we cannot create jobs. It hurts small businesses. Why in God's name do we always have to go after the middle-class, hardworking person and the most vulnerable citizens out there when we talk about budgets? Why do we always take it on their backs? We talk about we have to pull everybody up by their boot strings, and none of us in this body here have to pull ourselves up, because we are all in good shape. Let us not kid ourselves. We are going to be able to go out there and spend money, but those people there whose jobs have been cut, whose wages have been cut, they cannot afford it anymore.

Mr. Speaker, I rise to oppose this and ask you to vote "no" for it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Montgomery County, Representative Murt.

Mr. MURT. Mr. Speaker, I rise in support of this budget.

Mr. Speaker, there are not too many things we do here in Harrisburg that are completely good or completely bad, and that is certainly true of this budget proposal. Mr. Speaker, while the budget at hand does have shortcomings, it also calls for a \$17.8 million infusion of critically needed funding for programs and services for Pennsylvanians who are on the infamous waiting list. To refresh everyone's collective memory, this waiting list is for adults with various types of intellectual and developmental disabilities. Many of these adults with special needs have been waiting years and years for services to which the Commonwealth says they need to live.

Mr. Speaker, these adults with disabilities include those who recently graduated from high school or have aged out of the public school system at the age of 21. Over 700 young men and women with special needs graduate from high school each year and are added to this waiting list. Most of these young men and young women have no place to go for support. Mr. Speaker, these adults include men and women who are well into their sixties and seventies and are cared for at home by aged parents. Many of these parents are well into their eighties and even into their nineties. In many families, both the parents and their adult children with special needs have various medical and age-related health-care issues. Mr. Speaker, the appropriation in this budget of \$17.8 million for the waiting list will provide care for over 1100 Pennsylvanians who have various types of intellectual and developmental disabilities. Let us not forget this critically important line item that will provide hope and care for many Pennsylvania families.

Mr. Speaker, while the budget is far from perfect, let us not forget that this critically important appropriation for the waiting list for adults with special needs who have been waiting years and years for services is the first good-faith effort to find care and fund care for these men and women in many, many years.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Philadelphia, Representative Williams.

Mr. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the budget bill. This is my first opportunity to vote on a State budget, and I am frankly embarrassed that this is the best we could do. Pennsylvania is a Commonwealth, a word which originally meant "in the common good." There is not any common good in this budget. It seems too many have forgotten a budget is more than just numbers. These numbers which we are voting on today affect the lives of all of our constituents. I am embarrassed to have my name tied to a budget which continues to give millions of dollars in tax breaks to big businesses yet forces schools into choices of raising taxes, firing teachers, and cutting programs, or all of the above just to survive. The budget continues to let the huge gas and oil companies destroy our environment and communities for a pittance. Meanwhile, general assistance, which is the lifeline for almost 70,000 of our poorest people, provides approximately \$50 a week, gets wiped out entirely. I am embarrassed that this budget does nothing to close the Delaware loophole, which allows huge corporations to take their profits to a post office box in Delaware to avoid taxes, while cutting 10 percent from county human services programs. Eighty-four million dollars is being cut from county aid, which pays for

community intellectual disability services, drug and alcohol treatment programs, child welfare, and homeless assistance programs. Where is the common good in that? It is truly embarrassing to claim that this budget does not raise taxes when all it does is pushes the burden down to others who can least afford it.

The funding we cut here today will be made up somewhere. Look for the counties and school districts to continue raising property taxes to survive. Look for more community programs to be eliminated, and look for more teachers, firefighters, and police officers to be laid off. I hope you are proud of this budget, because I consider it a huge embarrassment for every one of us here today.

Obviously, I will be voting "no," and I encourage all of you who are truly in the best interest of the Commonwealth to join me in voting "no" on this budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

This is our fourth bad budget year – fourth – caused by the terrible economy that our country is mired in. In my lifetime – and I am not a spring chicken – this is the worst economy that has existed longer, the worst I have ever seen. And as a result of that, which is really not under the control of anybody in this chamber, Pennsylvania faces the same challenge that every State in America faces and every city and every township and every borough and every family: how to make do with less; how to do the things we have to do with less money to do them.

In the 4 years that we have had this terrible economic slowdown, we used up the Rainy Day Fund. It is still raining. We used up 2 years of Federal stimulus money, which was actually borrowed. We cut waste, fraud, and abuse. We cut programs we did not think were necessary, and we are still in this economy, and we still have to balance a budget. Pennsylvania is a balanced-budget State. We do not print money, and we do not deficit spend. In a recession like this, we cannot raise taxes on people trying to balance the budget at the kitchen table. It just is not right. It is not fair, and we cannot do it. And when the economy goes south for our people, the revenues our State depends on go south as well.

Usually, sales and income taxes are the backbone of our economy. When our economy is doing well, they rise every year because people get increased salaries or overtime or bonuses that they are not seeing this year. And when they have more money to spend, they spend it. They go to the mall and we reap sales taxes from that. They do not have the money. They have lost their jobs or did not get raises or did not get bonuses or have no overtime or are living paycheck to paycheck, hoping that they do not lose their jobs. And they do not go to the mall, and we do not have the sales and income taxes that we depend on to pay for all the important things we want to pay for.

But with all of that, we managed to come up with a budget that balances with no new taxes. Our schools were not cut. Our schools were not cut. Most of our schools in fact received increases this year. Our environmental programs were not cut. They were not cut. The keystone conservation fund is intact. The farmland preservation fund is intact. And any gaps that DEP might experience will be filled in by the new Marcellus Shale impact fee, which will provide millions of dollars for DEP as well as Growing Greener, the Environmental Stewardship Fund, and farmland preservation. Pitt, Penn State,

and Temple are level-funded, and Temple has already agreed that they will not raise tuition this year. By the way, the money that we give to Temple is worth about \$9,000 per student in tuition that they are not paying this year. That is not a small thing. And somehow we found the money to pay for the waiting list, to find homes for disabled people who have languished without that funding.

This is our fourth bad budget year, Mr. Speaker, but we managed to make it balance without raising taxes, and it takes care of what we have to do. I will be supporting this budget because it is our job to pass a balanced budget, and I hope you will, too. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and on the question of final passage, recognizes the gentleman from Philadelphia, Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, as the lady just said, it is our job to pass a balanced budget, and this is a balanced budget. But it is also our job to decide what revenues there ought to be, and in the department of revenues, we have fallen far short of what we ought to have done. We have not sought to tax the Marcellus Shale development. We have not sought to plug the Delaware loophole. We have not sought to plug the Amazon.com loophole. We have not sought to create the greatest possible good for Pennsylvania. We have sought to finesse our goals and scale them down in order that the affluent can be spared higher taxes at the expense of the vast majority of the population of Pennsylvania.

Pennsylvania is in a recession, or more technically, the aftermath of a recession, but this is not the first time we have had difficult times. In the Great Depression, nationally, we had the Little New Deal in Pennsylvania, from 1935 through 1938, and began extensive programs of construction and building of highways, of schools, and many of those highways and schools are with us still. In the early 1980s, when we had a Republican Governor and a Democratic majority in the State House, we embarked on a substantial amount of public spending, setting up the PENNVEST (Pennsylvania Infrastructure Investment Authority) program, getting the State in the business of running convention centers, expanding aid to education at both the K-12 level and at the college level. We did not sit on our hands and say that nothing could be done. We actively went about doing things to create long-term benefits to the people of Pennsylvania and created immediate jobs and services for the people of Pennsylvania.

There are 70,000 people who are shut out in this budget from general assistance, the poorest and most destitute people in our society. There are people who desperately need mental health services. There are people who are intellectually disabled and need those services, and those people are told by this budget that maybe they can get it, but they just have to tighten their belts and hope that in the future, perhaps, they will be better off.

We are told that the Temple budget is really good because Temple is not raising tuition this year after raising tuition last year by 10 percent. But the fact is that a flatline budget for Temple, which is what we are promised, is really a cut of roughly 2 percent, because we have had a 2-percent increase in inflation since last year. We cannot afford to leave the budgets for Temple and Penn State and Lincoln and the University of Pittsburgh flat and subject them to a 2-percent cut in real dollars, meaning that a faculty member here and a faculty member there will not be hired, meaning that a fee here and a

fee there will be raised, meaning that a person here and a person there will not be given a scholarship that is needed to make it economically feasible to attend the school. Pennsylvania has a lot of potential for greatness. Pennsylvania has a lot of people who urgently need help. This is a budget that surrenders Pennsylvania's potential for greatness, and this is a budget that refuses to help many Pennsylvanians who urgently need help. I am among the many people today who will be voting against this budget and hoping to send a message to the Governor and to the Senate that we have to do better in the future.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Westmoreland County, Representative Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

One of our previous speakers decried the new normal. He talked about all the alleged problems with this budget and again called it the new normal. I thought it would be helpful as we consider this budget to remember the old normal under the prior administration. Remember those days? Spending increases at more than double the rate of inflation. Increased borrowing. In fact, debt service in those 8 years went from \$300 million per year to \$1.1 billion. And of course, higher taxes.

It is certainly easy to criticize a budget, just like it is easy to spend other peoples' money. People of Pennsylvania have a choice. We can live within our means, or we can condemn our children and our grandchildren to servitude, to pay our bills for our lack of discipline. We can create incentives for able-bodied people to work and be productive, or we can continue to incentivize destructive behavior and to erode the character of many of our people. Now, this budget is certainly not perfect – none are. But one thing I do know, unlike many of my colleagues on the other side of the aisle: The answer to every problem is not to demand more and more money from our productive taxpaying citizens.

We do have a choice today. We have a choice of fiscal responsibility or a return to the old normal of the Rendell years. I choose fiscal responsibility. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, on the question of final passage, the new member from Allegheny County, Representative Schmotzer.

Mr. SCHMOTZER. Thank you, Mr. Speaker.

I stand before you today not to really vilify the Governor or the members on the left side of the aisle or the right side. I stand here very appreciative and humbled by the fact that I stand in one of the most beautiful rooms in the world, where 248 years ago Benjamin Franklin was the Speaker of our House.

We have SB 1466 here. It is 375 pages long. In my legislative district, two State Senators represent my legislative district. One is a Republican and one is a Democrat, and they both voted for this budget. I think they are wrong, and I will tell you why. My district is a middle-class district in the southern suburbs of Pittsburgh. We want to educate our children. We want to provide services to our seniors. We want to give human services to the least fortunate among us. The whole idea of a waiting list for intellectual disability people or health disabilities is appalling. We want to provide jobs for men and women who want to work, and we want to give transportation what it needs. The mass transit in Pittsburgh is horrible right now. It needs funding. Our roads and bridges have been talked about in this chamber. Three hundred and seventy-five pages, and I do not think they address the needs. I do not want to raise taxes, but

I would like to reprioritize the spending. One member on the other side talked about how school districts got more money; out of the 500 school districts, 16 of them received more money. That is 3 percent; 16 out of 500.

Last year, in 2011, the rate of inflation was 3.16 percent. Based on this new word level-funding – which I never heard of until I got to Harrisburg – that means my school district, Baldwin-Whitehall, which receives about \$9 million in State subsidies, is going to, because of inflation, receive about \$300,000 in real money less. You have your municipalities all throughout the State. They get a couple thousand more, a couple thousand less, but not to the degree that they need the moneys.

It would do no good to say who is right and who is wrong, but if you look at the needs of your constituents, if you look at the seniors and the children, if you look at the jobs and the transportation and the human services that were cut in every county throughout Pennsylvania, I think you have to agree that the budget does not address the most important priorities that we have as legislators.

I am not going to be as fortunate as a lot of members here like Mr. George, who has voted on 38 budgets. This is my first and only budget I will be able to vote on, and I will vote "no." I would ask the members to reconsider and not to rush to judgment in the next day or two just to pass a budget by June 30, but to go back with SB 1466 and reprioritize.

You know, this is \$27 billion of spending, but what a lot of people do not understand is we spend \$65 billion, and there are a lot of appropriation bills that will be coming up before us in the next 2 to 3 days. I am going to vote "no" on most of those also because they do not address the whole picture. This is just part of the spending picture of Pennsylvania, and I just do not think SB 1466 got it right.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the minority whip, the gentleman, Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to SB 1466. Mr. Speaker, while many have already enumerated the many, many reasons why we should oppose this budget, I am not going to repeat those reasons. I will not repeat those reasons, and rather, I will be submitting my reasons as remarks for the record.

What I do want to do, Mr. Speaker, is I want to pledge to the people of Pennsylvania that House Democrats will keep fighting to provide better choices, better spending, and better programs than the false choices offered in Governor Corbett's budget.

Mr. Speaker, I encourage a "no" vote on this budget. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

Mr. Speaker, let us be honest with the people of Pennsylvania about what is going on with the budget for fiscal year 2012-2013.

This year's budget should be called Corbett CorporateCare, as there is \$340 million in corporate giveaways.

When our constituents look at the tax breaks and the number affected by the cuts to social services, they will once again see the Governor is taking care of big business and forgetting about the

hardworking taxpayers – misplaced priorities.

This is not just about numbers and dollar signs; it is about real people – our children in public schools, our elderly family members in nursing homes, our neighbors with disabilities and chronic illnesses.

Governor Corbett and the Republicans have closed their doors to the millions of people who are being needlessly hurt by these cruel budget cuts and will not get the vital services they need.

Mr. Speaker, the budget being discussed today would cut valuable human services programs that benefit thousands of people living across the Commonwealth. It might not be the original 20 percent cut to these programs, but it is still a 10-percent cut.

In my district in Clinton County, funding for mental health services has remained flat and/or been reduced for the past 9 years. This will result in many individuals losing the services they need to live productive lives.

I would be doing a disservice to the good people of the 76th District if I were to sit quietly and allow Governor Corbett and the Republican majority to deny my most vulnerable constituents the vital services they need to live productive lives.

Services for individuals diagnosed with an intellectual disability and their families will also see a significant impact and reduction. These funds are the only help many of these individuals and their families receive to function.

Mr. Speaker, protecting our citizens is a core function of government and we should not support a budget that fails to hold the public's best interests paramount.

These vital services are the economic engine for many communities. When you squeeze them you also jeopardize jobs.

This budget shows a lack of vision and leadership. It is more than short-sighted. It is reckless, irresponsible, and shortchanges Pennsylvanians.

The Governor has chosen to focus on an extreme, right-wing agenda that protects big-moneyed special interests at the expense of working middle-class families.

This budget is just a continuation of what we have seen from this Governor for more than a year – an all-out attack on working middle-class families, seniors, and our most vulnerable citizens.

Mr. Speaker, the hardworking taxpayers I represent in Clinton and Centre Counties – and indeed all Pennsylvanians – deserve better than what is in this budget.

Governor Corbett and the Republicans have closed their doors to the millions of faces behind this budget, but we will not allow their voices to go unheard.

House Democrats will keep fighting to provide better choices for Pennsylvania than the false choices offered by Governor Corbett and the Republicans.

Mr. Speaker, I encourage a "no" vote on SB 1466.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Philadelphia, Representative Waters.

The gentleman may proceed.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I stand, as many of my colleagues have, in opposition to SB 1466. The reasons why I stand, many of those reasons have already been addressed by colleagues on this side of the aisle. I would be hard-pressed to believe that many of our colleagues on the other side of the aisle do not deep down inside want to see a budget that does more than the budget that we do have here today. I am quite sure that they would rather go back to their districts or go back home and tell their constituents and their family that they did all that they could do. I am quite sure that they would much rather take that message back home and be able to say that.

I kind of liken it to a football player who is in a great game who has a chance to score the winning touchdown for his team, but he takes the ball, and he is wide open, and he runs to the 80-yard line and decides to just stop when he could score the points necessary for a victory. This budget right here, even though I hear many people talking about it like it is something that is a victory, this budget is no victory. It is no victory. We have too many of the people who we should go back and they will ask us the question, did you really do all that you could do to close the revenue gaps that are causing these draconian cuts to the programs that are necessary for any society to be productive, safe, and able to complete in the future? Did you do everything that you could do to make sure that we have small classroom sizes, because smaller classroom sizes are better not only for teachers, but are better for students, too? Did you do all that you could do to make sure that instead of you being responsible for a tax increase – and none of us on either side of the aisle, I know in this budget, has talked about raising taxes on our residents. I keep hearing that being mentioned, but we have not proposed on this side of the aisle a tax increase on residents, but this budget will propose a tax increase on budgets on the local levels. That is why we wanted to score the touchdown. That is why we wanted to say that not only did we do all that we could do, but we really did all that we could do. We addressed the issue of the Marcellus Shale extraction tax, and we made sure that we got it right. We made it fair, but we got it right. We want to be able to say that we addressed a realistic Delaware loophole closure, not the one that we passed in this General Assembly. We want to be able to say that we addressed the issue of rolling back the capital stock and franchise tax that could help close the budget. We also said, we stepped up to the plate and joined the other 49 States, and we have decided that smokeless tobacco, the money that could be made off of taxing that, could help close this loophole.

So rather than saying we did not raise your taxes, and the people know that at the end of the day, when they feel the pain, the people know when they see schools closing and they feel that pain, people will know when they see programs in the schools closing and they feel that pain, that we can now look at them and say we did all that we can do. No, we cannot go back and say that, but I can tell you what I can go back and say: That is why I did not vote for this budget, because it was not all that we could do. That is why I could easily explain why I decided that voting for this budget was the confirmation that I support an agenda that does not address the needs of the residents of this Commonwealth.

I would rather go back and explain to the people why I voted against it than try to explain why I voted for a corporate-friendly budget that benefits corporate America but does not benefit the students; does not benefit the elderly; cuts programs of people whom you tell all the time, get up by your bootstraps and take charge of your life, when people who are down and out. It is time for people who are in places where they can help those people like government is supposed to do to do exactly that, protect the health and welfare and the safety of the people who you have been elected to represent.

Thank you, Mr. Speaker. But I do want to thank the leaders for the work that they have done, but I know that we could have done more. Thank you so much.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentlelady from Philadelphia, Representative Donatucci.

Ms. DONATUCCI. Thank you, Mr. Speaker.

It has been 2 years since Governor Corbett and Republican leaders took over the helm of Pennsylvania, and I think it is time we did a midterm report on some of the bigger issues before our Commonwealth today.

Education. The Governor and Republican leaders can take ownership of the slow gutting of our public school system. Last year's \$1 billion cut produced just what I expected: School districts around the State are in financial crisis and up to their ears in budget shortfalls, program cuts, and teacher layoffs. Pre-K Counts and Head Start, valuable programming for early education, will be flatlined. But I am most concerned about the accountability block grants. Without increased funding, we are greatly jeopardizing full-day kindergarten, tutoring, and other programs funded through these grants. Since Governor Corbett has been in office, accountability block grants have been cut \$154 million, 60 percent, when compared to funding available to school districts before he was in office.

In addition, child-care programs under DPW have been cut \$20.6 million from last year. These are the programs that make it possible for parents to go to their jobs and still provide safe day care for their children. Sadly, it is going to be the children who pay most dearly, and that will shadow them the rest of their lives.

One of the best examples is my legislative district. The Philadelphia School District is on the verge of financial insolvency. Thanks in part to a crippling \$276 million cut in State funding last year, the school district needs \$90 million in order to open, and there is no knight in shining armor to save the day. The Governor has clearly indicated he will not support an increase in public education funding in this year's budget. Most likely, Philadelphia taxpayers will pay through Mayor Nutter's plan to reassess Philadelphia properties, and in some cases, triple homeowner's property tax bills. And speaking of property taxes, despite the Governor's no-tax pledge, 200 school districts have already received permission from the Department of Education to raise property taxes because of the decreased State funding.

Transportation. Despite years of research, reports, and warnings, our 5,000 miles of bridges and roads still have the infamous distinction of being the most choppy and unsafe ride in the northeast region. The Governor and Republican leaders sat on their hands and did nothing to address our real transportation crisis. Let me tell you what has been the Governor's and Republican leaders' priorities. As families were asked to do more with less, the majority party responded by handing out multimillion-dollar tax breaks to the Walmarts of the world. Instead of protecting local taxpayers and the environment from damage incurred by natural gas drilling, they gave billion-dollar oil companies our Commonwealth's most precious natural resources, with Act 13.

The State's new Marcellus Shale law implements a ridiculously low and optional impact fee, while giving the State authority to strip away the rights of local governments to regulate drilling. Can you imagine how much more revenue we would have to work with this year if we had only passed a severance tax like every other State in the nation with drilling? After hearing all that, it sounds to me like the Governor is just closing his eyes and looking away from the economy and the people of this Commonwealth. When will we do something to help the millions of people in the Commonwealth that do not happen to own an oil company or major corporation because

this budget, like the one before it, seems to be like a game of Whac-A-Mole, and the working families, children, seniors, and poor folks are taking hit after hit?

I ask my colleagues to vote for the people that elected them and to vote "no" on this budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentelady and, on the question of final passage, recognizes the gentelady from Philadelphia, Representative Brownlee.

Ms. BROWNLEE. Thank you, Mr. Speaker.

I do not know where to focus my remarks today, because there is not a single aspect of this budget I like. This budget fails every person that I took office to protect: children, seniors, the disabled, the poor, working families, all are under this budget ax. I think the only groups that make out in this budget are millionaires and billionaires. The millionaires do not need our help right now; the average person needs our help now. But bill after bill has passed this chamber with some new angle to stick it to most of the people who elected us.

Basic education has been cut by \$1 billion in the past 2 years. School districts across the State are making headlines because they do not know how they are going to continue operating. Harrisburg is considering eliminating full-day kindergarten. Reading has just laid off 110 teachers. And the cash-strapped Philadelphia School District is weighing a plan to dramatically close 64 schools over a period of years. To the supporters of this plan, I want to know how you can find millions of dollars for a voter fraud problem that does not exist but shortchange basic education by a billion dollars? These are our children, your children, our grandchildren. You gave out nearly \$3 million in tax breaks for big businesses and essentially told the kids to empty their piggy banks to pay for them. How will you explain that to senior citizens on a fixed income and working families who are being dispossessed from their homes when we raise their property taxes?

For Philadelphia, a city full of first-class universities like Penn, Drexel, and Temple, this is disastrous. This is also disastrous for jobs, economic development, and research. But people who pay most dearly in this budget are the most vulnerable in this Commonwealth, and many of them in Philadelphia. These are the people who do not have lobbyists and special interest groups to go to bat for them: seniors who require nursing-home care, children who are neglected and need protection, adults with developmental disabilities seeking independence. These are hardly the images conjured up when opponents preach intolerance for alleged wasteful welfare spending. It also eliminates general assistance payments for children who would otherwise be in foster care, people with disabilities, domestic violence victims, and people recovering from drug and alcohol abuse. That is 70,000 participants, half of them Philadelphians. Cutting general assistance will force people into homeless shelters or to commit crimes for cash and end up in prison and cost the Commonwealth far more in the long run.

I am worried for these people. Times are tough. Every cost across the board is rising. Jobs are hard to find, and good-paying jobs are even scarcer. And how is this chamber responding? It is sinking every lifeboat that the truly needy people in this Commonwealth have to stay afloat. Yet worse, at the same time, it is giving rich corporations every advantage at the expense of the poorest citizens. The divide between the wealthy and the poor is widening. The middle class is disappearing, and budgets like this one are the reason why. This

budget proposal is not about how we should operate as a Commonwealth, and I will vehemently oppose it and implore my colleagues to oppose it as well.

Mr. Speaker, I will end with a quote from Oscar Wilde: "There is only one class in the community that thinks more about money than the rich, and that is the poor." That is the only thing the poor can think about.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Bucks County, Representative Clymer, on the question of final passage.

Mr. CLYMER. Thank you, Mr. Speaker. Mr. Speaker, I will be very brief.

I rise in support of SB 1466, the 2012-13 General Fund appropriations bill. This is a balanced, no-frills, no-new-taxes proposal, certainly fiscally responsible. The one issue I have heard from the citizens in my district is, please, no new taxes. Let me repeat that again: Please, no new taxes.

Mr. Speaker, after the Revolutionary War, during the 1790s, the German farmers in Upper Bucks rebelled against the increase in Federal taxes that were placed upon them. The rebellion was commonly referred to as Fries's Rebellion, and today Route 663 in Upper Bucks is named the John Fries Highway.

Today I continue to hear from my constituents about no tax increases. These hardworking middle-class citizens are seeking tax relief across the board. So is there an alternative to taxes, to tax increases? There is, Mr. Speaker, and it is making Pennsylvania a bastion of employment opportunity. And how do we do this? How do we make Pennsylvania a bastion of employment opportunity? We do this by making Pennsylvania business-friendly. Business-friendly means more businesses, more jobs, more revenue. More revenue for the State, allowing this revenue to provide funding for the services that are needed by the State in order to provide for many of our citizens and many of our organizations that depend upon us.

So, Mr. Speaker, this bill is a good bill, fiscally responsible, and I ask for a "yes" vote for SB 1466. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes our once again member from Philadelphia, Representative James, and thanks the gentleman for being prepared to speak when recognized.

You may proceed on final passage.

Mr. JAMES. Well, thank you, Mr. Speaker. I enjoy your remarks.

Mr. Speaker, I rise in opposition to SB 1466, the so-called budget bill. I find it interesting that on the same day that the United States Supreme Court issued its decision upholding the Patient Protection and Affordable Care Act, which will help millions of people across this Commonwealth receive quality health insurance, Governor Corbett and the Republican majority are pushing through a State budget that will remove thousands of vulnerable Pennsylvanians from worthwhile programs that they rely on for basic necessities.

Mr. Speaker, what makes these cuts even more devastating and hard to understand is that they did not even have to be made. Governor Corbett and the Republican majority are leaving millions of taxpayer dollars on the table, millions of dollars that could have been used to allow those individuals to keep these benefits. Who are the people we are talking about, and who will be needlessly hurt by these cruel budget cuts?

Mr. Speaker, we are talking about nearly 70,000 of our most vulnerable residents, including children under the care of unrelated adults, individuals with disabilities, victims of domestic violence, and individuals who are in drug and alcohol recovery programs. These residents often rely on general assistance as their only source of income, and the Corbett Republican budget would eliminate that line item. That is sad, Mr. Speaker. That is very sad.

Mr. Speaker, this budget also will slash Medicaid services for 35,000 people by cutting \$170 million from critical health-care programs. Again, we did not have to make these cuts, because we could be using the millions of taxpayer dollars that are being left on the table. That is money that hardworking men and women across Pennsylvania sent to Harrisburg, and we are leaving it on the table instead of providing it to our most needy citizens. This budget also cuts \$84 million, or 10 percent, from county human services programs that serve hundreds of thousands of people seeking mental health services, community intellectual disability programs, services for drug and alcohol treatment services, homeless assistance, and child welfare services.

Mr. Speaker, we continue to hurt the poor. Those cuts are on top of the \$1 billion cut that Governor Corbett made to Medicare, Medicaid, and other critical health and safety programs last year. So, Mr. Speaker, let us not try to fool anyone by saying we are restoring anything, because we certainly are not. We are continuing to tax, tax, and tax. This budget merely continues the cuts that were made last year. And, Mr. Speaker, I cannot support a spending plan that continues this cruel treatment to our most needy people when we should be lifting them up.

So, Mr. Speaker, I am voting against this budget, and I urge my colleagues to join me in casting a negative vote against this budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair intervenes to recognize guests of Representative Dermody. Seated in the gallery, former House staff member, Amy Leader, and her husband, Peter Munguti, are visiting from Nairobi, Kenya. Welcome to the hall of the House.

CONSIDERATION OF SB 1466 CONTINUED

The SPEAKER pro tempore. On the question of final passage, the Chair recognizes the gentleman from Philadelphia, Mr. Brendan Boyle.

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

Mr. Speaker, with respect to this budget and a couple points that have been made previously, this is not a level budget when it comes to education. Anyone knows the difference between today's dollars versus yesterday's dollars. It is true in nominal dollars that it is the same exact amount as the previous year, but as the previous speaker mentioned, from Philadelphia, Mr. Cohen, it is not true in real dollars. It does not take into effect that inflation has been at least 2 percent in the previous year, so this is not in fact a level funding budget. It is a 2-percent cut from the previous year, and that is also unnecessary. This same

budget continues corporate tax cuts to the tune of almost \$300 million.

So, Mr. Speaker, there is a saying that if you want to see what someone's priorities are, take a look at their budget. Well, we can see what Governor Corbett's priorities are through this budget: more money for big corporations; soon to be an extra billion dollars for a foreign corporation; no money at all for our schools that are struggling right now, from Philadelphia to Dauphin County to western PA, all the school districts experiencing cuts that they have been grappling with, no extra help for them; no extra help for transportation; and most importantly, no new spending on infrastructure, and that is a real tragedy, because if there was ever a time to invest in our infrastructure, it would be now. Materials are cheaper today than at any point in the last decade. Labor costs are lower today than at any point in the last 15 years. If we really were running Pennsylvania like a business, this would be the smart time to invest. You do not want to make those investments when the economy is booming, because we then have to compete with the private sector on labor costs and on construction costs. But instead, we have no spending for infrastructure, no spending for transportation. Pennsylvania has more bridges that are in need of repair than any other State in the union, and yet we see no new money for that important priority as well.

So, Mr. Speaker, we can do better. We must reject this budget. We must reject these giveaways to corporations at the expense of our schools, and instead let us focus on rebuilding Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Lycoming County, Representative Mirabito.

Mr. MIRABITO. Mr. Speaker, when we debated the budget a year ago, I emphasized how State budget cuts hurt education in rural communities and shifted the tax burden to property owners. I am disheartened to tell you that we have the same problems before us as we address the 2012-2013 budget. Mr. Speaker, this budget fails for three reasons. First, it fails to invest in economic infrastructure, especially in the area of transportation. Second, it fails to invest in human capital. And third, it fails to raise revenue equitably.

Mr. Speaker, my constituents continue to tell me that education is a fundamental tool to foster economic development. My constituents tell me that a skilled workforce is essential to bring existing businesses and new businesses to Pennsylvania. My constituents tell me that the proposed budget does not adequately invest in Pennsylvania's future in the area of education.

While we all know that simply throwing money at education will not improve it, we should also know that stripping resources from schools will not advance the quality of education either. Failure to invest in schools is a failure to invest in human capital. But now, Mr. Speaker, we have seen massive cuts in the human services budget, and while some among us may call reducing the proposed cuts from 20 percent to 10 percent a victory, for those in need, it is a failure. For people with intellectual and mental disabilities, less money may mean less life, not just a poorer quality of life, but the quantity, the length of that life.

Mr. Speaker, this budget fails to end the tax inequities in our system. This budget fails to impose a severance tax on our natural gas industry. This budget fails to completely close the Delaware loophole. This budget fails to end the inequities of

sales made over the Internet versus our brick-and-mortar stores. Mr. Speaker, this failure to raise revenue equitably hurts our rural and urban communities the most. When we analyze the situation facing many of our rural and urban communities, we see that they are fundamentally different from the more affluent parts of our State. In fact, rural and urban communities share many of the same problems and economic struggles. This budget perpetuates and exacerbates the inequities of our rural and urban communities as opposed to our more affluent communities. Put simply, our rural and urban communities are poorer and less able to sustain massive cuts in State funding.

Let me give you an example from the Medicaid births by county in Pennsylvania. Our Statewide average is 29.6 percent, but in Delaware County it is only 7 percent; in Chester County, 9 percent; and in Butler County, 13 percent. But in Lycoming County, where my constituents live, it is 43 percent. Forty-three percent of the newborn births are on Medicaid. In Philadelphia County it is 43 percent. In Bradford County it is 42 percent of newborn births are on Medicaid; in Tioga and Sullivan Counties, 44 percent; in Potter County, 45 percent; in McKean County, 51 percent; and in Fayette County, 53 percent of the newborn births are on Medicaid.

In our rural and urban communities, more children are born into poverty. They do not choose to be born on Medicaid. No matter how many labels you put on it, Mr. Speaker, less money means fewer services for the people who most desperately need those services, and as a colleague stated, it is a failure to invest in human capital. Less money for early childhood education is a failure to invest in human capital. Mr. Speaker, early education is not an option for us in rural and urban communities; it is an imperative. Early childhood programs do not only help poor children, they help children from all socioeconomic classes. Our children in rural and urban communities need the benefits of preschool and kindergarten in order to grow into contributing citizens and be able to compete. Whether it is adults and children with disabilities or babies born on Medicaid, this budget perpetuates inequities and fails to invest in human capital.

Mr. Speaker, we can do better. Indeed we must do better if we expect to attract businesses to Pennsylvania. We must invest in infrastructure. We must invest in human capital. I urge a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Allegheny County, Representative Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of this budget. We have heard the voices of a variety of special interests today, but now I think it is time to hear the voice of the taxpayer. At the bottom of the heap is the taxpayer struggling to make ends meet while paying for all these programs and all those who insist that they have the right to the working man's money. Mr. Speaker, no man has the right to the fruits of another man's labor. It belongs in the pocket of the taxpayers, but we are a generous, generous people, Mr. Speaker.

But the taxpayer does not get a step increase. In fact, the taxpayer in the last few years has lost income, and yet, for example, our State universities have enjoyed a 7-percent pay increase. You see, Mr. Speaker, their inability to control costs is at the root of their problem; it is not how much money that we continue to feed them. But when you try to point this out, you are demonized. It reminds me of when the fat man goes to the

doctor – I am not saying I am speaking from personal experience or anything – but when you go to the doctor and the doctor says, "Sir, you are overweight and you need to trim down and you need to consume less, and we are going to make you exercise and compete to help you trim down," and I say, "Doctor, you are against me. You hate me. You want to destroy me." The doctor says, "No, I am trying to make you healthy. I am trying to make you better." I say, "No, you are not. You are trying to hurt me." That is what it feels like when you are trying to fix these problems that are inherent in our State system.

Mr. Speaker, our opponents are in denial about the oppressive property taxes that the taxpayers suffer under, about the automatic public employee pay increases. They are in denial about a pension system that is \$48 billion underfunded. I have heard it said here by my good colleague from Allegheny County that adding money to the State pension system – and we added \$300 million to that system this time; that is a lot of money – but he said that somehow is not an education expense. Well, my good colleagues, I want to tell you that pension is part of the total cost to put a teacher in the classroom. It is the cost some of our predecessors failed to fund properly and left us with this legacy, so that has put our pension fund in jeopardy today. We are working to restore that funding and preserve those peoples' pensions that they are going to depend on 5 years from now or they are depending on right now or they are going to depend on 5 years from now or 10 years from now. We are trying to fix that problem.

In the past this legislature played a shell game of manipulating money, spending money we did not have to reward special interests at the expense of the taxpayer. Well, the taxpayer is tapped out. They demand we spend within our means. This is a fiscally responsible budget, and I encourage you all to support it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Allegheny County, Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in opposition to SB 1466. While I am grateful to the other chamber for adding \$500 million back into this budget – it was a step in the right direction, but we could have gone much further, Mr. Speaker. Mr. Speaker, the pain continues this year, and I want to start with education. The education cuts in my district I want to go over: \$798,000 to West Mifflin; McKeesport, \$2.8 million; South Allegheny, \$977,000; Baldwin-Whitehall, \$1.28 million; Thomas Jefferson, \$700,000. Mr. Speaker, these cuts are real. They continue this year. Let us talk about the collateral damage to the kids and how this helps the kids. Really? Let us talk about the program cuts that were inflicted on these students. First, West Mifflin: tutoring, gone; freshman academy, gone; French language, gone; teaming in middle school, gone; several high school business classes cut; lost two kindergarten classes; pre-K, gone; revamped elementary and Title I reading program.

And before I go on, I also want to mention that across the State the Governor made sure he cut out Science: It's Elementary, Classrooms for the Future, and dual enrollment. The other thing that happened at West Mifflin last year, we had 24 position layoffs, teachers. McKeesport: summer school, gone; tutoring, gone; art class, music class, library class, gone. Yeah, that helps kids.

South Allegheny: We were fortunate there, we only lost tutoring. Thomas Jefferson did really good; we did not have any cuts there. Baldwin-Whitehall: We also did pretty good there as far as cuts to classrooms, to the kids. But I would like to point out what has happened as far as the discrimination in this budget from last year and this year, Mr. Speaker. I would like to point out the Duquesne School District lost \$1521 per student, \$1500 per student, where the richest school district in Allegheny County, Upper St. Clair, lost \$79 per student. That is a difference of \$1400 per student, Mr. Speaker. When you look at it by a classroom of 25, you had Duquesne losing \$38,000 per classroom, Upper St. Clair lost – I am sorry; what is it? – about \$1500. Mr. Speaker, that is not very fair.

So what is happening today with the schools? Well, McKeesport School has another tax increase this year of .44 mills; West Mifflin is going up .55 mills. Layoffs: 13 at McKeesport, 10 at West Mifflin, 8 at South Allegheny, zero at Thomas Jefferson, and between 5 and 10 at Baldwin. Mr. Speaker, it goes on and on and on. And in today's paper, if you have not seen it online, in Reading School, the board is closing 5 schools, laying off 231 employees, and raising taxes. Yes, the pain goes on, Mr. Speaker. The pain goes on.

Health care. We are cutting health care by \$84 million that helps the most needy in our State. In the county of Allegheny, where I am from, we are going to lose \$12.3 million, and this is going to impact our most needy citizens, Mr. Speaker. Transportation. We have not even addressed transportation. We have had three bridges fall down in this State in the last 5 years. We have 5,380 structurally deficient, we have 50 shut down, and we have not addressed this. The TFAC (Transportation Funding Advisory Commission) report came out 9 months ago, and yet nothing has been done. Do we have to wait to see another bridge fall down before we are going to do something? I think this is wrong, Mr. Speaker. We could have done better. How could we have done better? Well, we left some surplus on the table, about \$300 million we left behind. Let us talk about what other revenue streams there were that we are not addressing. Delaware loophole, \$500 million. The Amazon retail sales, another \$300 million. And there is the 89-11 real estate loophole.

Mr. Speaker, last year they sold the U.S. Steel Building for \$290 million to a Wall Street firm, zero in taxes. Last but not least, the Marcellus Shale: We gave this away, Mr. Speaker. This was a free pass to big gas. That is the way I see it, sir.

Mr. Speaker, we could have done better, and I would encourage all my colleagues to put up a "no" vote, because this is the wrong thing to do for the people of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh County, Representative Simmons, on the question of final passage.

Mr. SIMMONS. Thank you, Mr. Speaker.

I stand here today in support of SB 1466. Here is a little history lesson for everyone that could tell us a lot about why we face the situation that we inherited today. In the 2008-2009 budget year, the previous Governor and legislature made a monumental decision. At that time, at the bottom of the worst recession since the Great Depression, they decided to continue their reckless spending policies even though revenue was way

down. Keep in mind that it took over 200 years to get to a \$20 billion budget in Pennsylvania, and only 8 years of the previous Governor to get to a \$28 billion budget. Obviously, this was unsustainable. So rather than doing the responsible thing, which was either raise taxes or cut spending, they appropriated over \$2 billion in Federal stimulus money to cover the loss. They took a bet. Their bet was that this would hold the Commonwealth over until the economy would recover. Unfortunately, that never happened.

Let us fast-forward to 2010. The people of Pennsylvania were watching, and they had decided that they had had enough with these reckless spending policies. So what happened? Despite Pennsylvania having over 1.2 million more Democrats than Republicans, they elected a Republican Governor by over 10 points and gave the House and the Senate massive Republican majorities. None of us made it a secret in our campaigns that we were going to hold the line on taxes and live within our means.

Mr. Speaker, I believe we have answered the call of the people. We are governing in a fiscally responsible manner while funding our most important priorities. Let us look at public education in my district, the 131st. The Allentown School District is getting over a \$7,600,000 increase in State funding over last year, including \$4 million in distressed funding that Senator Browne and myself had fought for. East Penn School District is getting over a \$1,400,000 increase. Salisbury School District, \$375,000; Southern Lehigh, \$680,000; and Saucon Valley, over \$565,000. With regard to human services, we took a proposed 20-percent cut and added over \$84 million. We also added over \$17.8 million to reduce the MR (mental retardation) waiting list by 700 special education graduates and 430 individuals on the waiting list with elderly caregivers. We are doing other things, too. We are funding our pension liabilities. We are funding our environmental programs, and we have level-funded hospitals and nursing homes. Mr. Speaker, I believe we are answering the peoples' call.

I will conclude with this: In 1988 a former President said this, "Read my lips: no new taxes." In 2010 House Republicans said the same thing, but there is a difference between the two: We are actually delivering on our promise while funding our most important priorities. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the information of the members, the practice of the House is that on the budget bill, final consideration, the last four speakers are the leaders and the Appropriations chairs.

I am about to recognize the gentleman, Mr. Freeman, who will be our 38th speaker and is the last on the list otherwise.

If anyone else should desire recognition, I would suggest that you check in with your corresponding leader's desk during the course of Mr. Freeman's remarks.

Mr. Freeman, on the question of final passage, you are recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 1466. There is much wanting in this budget, and its impacts, its negative impacts will be felt in a variety of areas: in the areas of education, child care, and the cuts that are being made in human services. But among the most egregious aspects of this legislation, of this budget, is the elimination of the general assistance grants. Now, I know that this segment of the population does not have some powerful lobby to look out for their concerns and interests here in

Harrisburg. They are the poorest of the poor, the most needy of the needy, but with the elimination of the general assistance grants, we are cutting loose 61,000 Pennsylvanians.

Who are these people? Ninety-seven percent are those who are either temporarily or permanently disabled, who are seeking some measure of a lifeline to hold on until they can either get back on their feet or become eligible for SSI (supplemental security income). Many of those who fall into this category are also the victims of domestic violence or are going through drug rehab to put their lives back together, to get on their feet and be productive citizens once again. These are the kinds of people that government is meant to look out for and to help and to get back into some measure of productive life or to understand that they need the benefit of government in order to make them whole.

We are cutting these people loose in a time of high unemployment, of an overstrained social service system, where charities are constantly trying to provide services and benefits to those in need with very limited resources. That is wrong. What makes this cut, this elimination of this program all the more egregious is that we have left money on the table in this budget. There are resources we are not using to help those in their hour of need. And what is even more egregious is the fact that this legislature is poised to provide \$1.7 billion in resources to Royal Dutch Shell and other business interests, those that are wealthy, those that are showing a profit, while those most in need will go wanting.

These 61,000 citizens of ours will not disappear. They will still be in our communities. They will struggle to survive. They will go from soup kitchen to shelter to soup kitchen, and will probably fall further behind because they are losing a \$200-a-month grant that was their lifeline that made it possible for them to hold on until they could get back on their feet. That is simply wrong.

During the height of the Great Depression, our last big economic crisis before the one that we are in now, President Franklin Roosevelt observed that "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." This budget fails that test. This budget cuts loose fellow citizens in their hour of need. We should be ashamed of that. We should vote this budget down.

The SPEAKER pro tempore. Is there anyone seeking recognition?

You may proceed.

Mr. KAVULICH. Thank you, Mr. Speaker. It has been a long day. I will keep my remarks short.

The \$84.2 million in cuts to county funding of human services does not just affect those with physical and intellectual disabilities. In addition to asking our counties to do more with less for these groups, we may be hurting the most caring Pennsylvanians who have dedicated their careers and their lives to providing services to those with disabilities.

In my area in northeastern Pennsylvania, the Arc of Northeastern PA is an organization serving constituents that has been doing everything they can to stay afloat despite budget cuts. Their frontline workers are only paid an average wage of \$9.50 an hour. They have made many efforts to cut costs to stay afloat, including cutting phone usage. The dedicated workers have gone without a raise for 3 and 4 years. They have joined a statewide health-care trust and changed life insurance and long-term disability providers to save the organization money so

they can survive to continue to provide services to those who need those services the most.

While no one has yet been laid off, that is on the horizon. And if that happens, once again services to those people will be cut. That will happen if we do not give counties adequate funding for human services programs that allow those with disabilities to work and make positive contributions to our communities. The Arc of Northeastern Pennsylvania was one of many in my district that does a great service for seniors and those with disabilities. We are putting these organizations in a position where they have to cut services to the disabled, and in some cases, cut jobs and even ask those who are left working to do more with less.

I cannot support this budget, because it fails to support our most vulnerable, puts human services and education and jobs, just to name a few, in jeopardy, while leaving hundreds of millions of dollars on the table. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

We will now proceed with the gentleman, Mr. Samuelson. You are recognized on final passage.

Mr. SAMUELSON. Thank you, Mr. Speaker.

With apologies to Charles Dickens, let us compare the first two budgets of the Corbett era. Let us call it "a tale of two budgets." This story would start as follows: "It was the worst of times, it was the worst of times."

Last year you cut \$900 million to public education. This year you are choosing to continue those devastating cuts for another year. Yes, there is \$39 million to provide some relief to 16 distressed school districts, but for the other 484 school districts, there is no money to start restoring the education funds that were lost last year and to start rebuilding our commitment to our students. Level funding means that last year's cut lives on. Last year you cut \$300 million from higher education: a 19-percent cut to State-related universities, an 18-percent cut to State System schools. Sure, you fought off a Governor who wanted to cut even more, but this year you did nothing to restore the loss of funding from last year's cut. Level funding means last year's cut lives on.

Bragging about level funding for education after a year of historic education cuts is kind of like your child bringing home a D one quarter and then bragging about bringing home another D the following quarter. Hey, I did not do any worse. And when you consider the proposed human services budget, the citizens of Pennsylvania have great expectations for our stewardship of State dollars, but this budget treats them like Oliver Twist. When you cut 10 percent from county human services programs, you are causing great hardship to thousands of citizens in every corner of the State.

Some of my Republican colleagues are trying to say there are some increases in human services funding, but these 10-percent cuts are in black and white in the budgets before us. Look at the spreadsheets on your desk; the people that we represent will. When you cut 10 percent from mental health, counties will be forced to cut services. When you cut 10 percent from services to people with intellectual disabilities, you are limiting opportunities for some of the most vulnerable citizens of our State. When you cut 10 percent from children and youth programs, you are impacting our future. When you cut 10 percent from homeless assistance, you are telling people who have nowhere to turn to get lost. And when you cut 10 percent from a line item that funds Meals on Wheels, you are

threatening a vital link to many of our seniors who live alone and depend on this valuable program.

And in the cruelest twist of all, we learned this afternoon that before this budget is even voted, DPW has already sent letters out informing people that their general assistance benefits will be discontinued. Check the Morning Call Web site from just a half an hour ago. A woman sitting in a facility in Easton is holding a letter from DPW saying, you no longer qualify for general assistance cash assistance because general assistance cash assistance will be discontinued effective July 1. We know that this is a program that provides a minimal \$205 cash grant to people who are disabled, to unemployed Pennsylvanians without children, to people fleeing domestic violence, adults caring for sick and disabled. And these letters have already gone out.

Did the Governor take your vote for granted? Is this decision a done deal? Or in the rush to eliminate benefits, did the administration overlook the actual budget process? This budget is about missed opportunities. We had the opportunity to fully restore funding to the human services budget, but the House majority is happy with signing off on a 10-percent cut. We had the opportunity to start undoing the damage from last year's education cuts, but this budget continues that damage for another year.

We should reject this budget proposal. We can do better. We owe it to the people we represent. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of final passage, are there any other members seeking recognition before the leaders proceed?

The gentleman from Allegheny County, the minority leader, Representative Dermody, is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this budget is not a restoration of Governor Corbett's cuts. It does nothing to repair the damage from the devastating cuts Corbett signed into law last year.

This budget does nothing to relieve the fiscal pressure the last Corbett budget is putting on hospitals, schools, nursing homes, our counties, and most importantly, our families. Mr. Speaker, it is not reckless spending to look out for our children in public schools. It is not reckless spending to look out for our elderly citizens who are in nursing homes, to look out for our neighbors with disabilities and chronic illnesses. Mr. Speaker, it is the right thing to do. This budget cuts 35,000 people off of Medicaid. It cuts \$84 million, or 10 percent, from county human services programs that serve hundreds of thousands of people needing mental health services, community intellectual disability program services, drug and alcohol treatment services, homeless assistance, and child welfare services.

This budget also retains much of the Act 22 that we implemented last year. And as a result of the unprecedented authority given to the DPW Secretary, our counties are having incredible difficulty serving the seniors, implementing the programs that they need to do, that they need to implement to take care of children in need, children with welfare, and people with disabilities. Governor Corbett's cuts to these necessary and crucial programs are depriving people without the lifelines, the crucial lifelines they need to live on.

Mr. Speaker, this budget raises local property taxes. What this budget is is the second year, it is the second installment of the corporate property tax agenda. It sustains the \$900 million, almost \$1 billion cut to public schools. These cuts have caused

widespread devastation in public schools, including larger class sizes, activity fees, and elimination of very important crucial programs, academic programs. These budget cuts have resulted in the loss of more than 15,000 jobs in our public schools, and these, Governor Corbett's cuts have caused property taxes to be raised in hundreds of school districts throughout the Commonwealth. Property owners are paying more because the wealthiest corporations in the world do not pay their fair share.

This budget ensures that the burden of public education will rely solely and damagingly on homeowners, all the while, Mr. Speaker, this budget is built on a mountain of corporate welfare; hundreds of millions of dollars in tax cuts for multibillion-dollar corporations and no tax cuts for the working middle class. Millions of middle-class working families are paying the burden. They are carrying the load while the richest corporations in the world get away with a free ride. Here are just a handful of those corporate welfare payments in this budget: \$295 million by not phasing out or by continuing to phase out the capital stock and franchise tax; \$41 million for big businesses by continuing the vendor sales discount.

Last year Governor Corbett gave a huge tax break to businesses for equipment depreciation, costing Pennsylvania taxpayers, according to our new Independent Fiscal Office, \$350 million, and the list goes on and on and on. Every dollar Governor Corbett gives out in tax credits means a dollar less, means a dollar taken away from vital programs for our children, for our elderly, for the people who need it the most – for all of our Pennsylvania residents. Mr. Speaker, that is why I will be voting "no."

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of final passage, recognizes the gentleman from Allegheny County, the majority leader, Representative Turzai.

Mr. TURZAI. Mr. Speaker, I rise in support of SB 1466, the budget for the Commonwealth of Pennsylvania and its citizens. Twenty-seven point six hundred and fifty-six billion dollars of State money will be spent under this budget. We will be appropriating over \$60 billion in spending when we take into account the Federal dollars that the State of Pennsylvania spends as well.

You are the fiscal stewards of the taxpayers' hard-earned dollars. That \$27.656 billion is not free. Taxpayers from across this State, individuals pay that money out of their hard-earned dollars. They pay it through the personal income tax of 3.07 percent off of their salaries and wages. They pay it in their purchases of 6 percent on items throughout this State. It is paid by employers in this State. It is paid by small businesses in this State. They are taking money from their pockets and giving it to this legislature to spend in an appropriate and responsible manner. They could argue that they would like to keep those hard-earned dollars, but they are recognizing that if we are fiscal stewards and prioritize their tax dollars, they understand that government has an appropriate role to play. They just want to make sure that when they see the money going out of their paycheck or the money that they are paying on their purchase, that the folks in Harrisburg recognize that that money is not free and that we have a fiduciary responsibility to make sure that each and every dollar that we spend is done so in a responsible manner.

This is a fiscally responsible but caring prioritized budget. In fact, on public welfare alone, of the taxpayers' dollars, we are spending, in State money alone, \$10.585 billion – billion. And on top of that, almost 14 billion Federal dollars are being spent in our budget as well, some \$24-plus billion on the Department of Public Welfare to meet the needs of our most vulnerable.

On public education – true, a constitutional obligation – we are spending \$9.7 billion, almost \$10 billion on public education, K through 12, including a significant contribution to the pension system for the employees of that system. And as part of that caring approach, but responsible approach, we have even included \$50 million for those distressed school districts so that no child fails, that no child fails.

The SPEAKER pro tempore. Would the gentleman suspend.

I am receiving signals from a number of members that they are having difficulty hearing. Would the conferences beyond the rail and along the wall please break up. Thank you.

I am sorry for the interruption. Please proceed.

Mr. TURZAI. Thank you.

The fact of the matter is, this budget is responsible. It prioritizes hard-earned tax dollars; it takes care of the most vulnerable; it provides for public education, quality public education; and it is targeted and lives within its means. It is part of a theme that has developed over the past 2 years: fiscal responsibility – remembering you are fiscal stewards – accompanied by private-sector job creation, holding the line on taxes, making sure that we make a fair playing field for our employers who hire and provide family-sustaining jobs for those individuals to take care of their families and to have personal integrity and to give back to their communities, integrity in government and making sure that every expenditure in this budget for every branch is available on the Internet so that everybody can see exactly what we are doing here in Harrisburg. It is part of a theme that says, "We are the people's Representatives." We have to balance the needs of the citizens along with the burdens of taking money from the taxpayers to meet those needs. Fiscal responsibility, private-sector job creation, integrity in government; over and over again over the past 2 years in our work on this budget and in the work on legislation, we have been meeting those objectives.

In this budget, as in last year's, we have brought spending under control, we have held the line on taxes, and we have curtailed borrowing – exactly what the taxpayers have demanded. We have also made sure that the most vulnerable are taken care of and to make sure that public education is getting its fair share. We have in fact restored higher ed and restored public education to last year's levels, and yes, we have held the line on college education tuition in the State of Pennsylvania, given the example of Temple University today.

Now, we are also being visionaries. You will see reduced debt limits and you will see pilot block grant programs, and you will see the opportunity to bring education reform to help those in districts that are failing. These are all part of a new, responsible, caring, innovative approach to governing that always takes into account that we represent the citizens and we are their fiscal stewards and watchdogs.

I must say, I have been proud over the last 2 years to work with members on our side of the aisle and the other side of the aisle to usher in an era of change to government in the

Commonwealth of Pennsylvania. By voting "yes" on this particular budget, you are part of that positive change. You are part of the reforms that have been brought to this Capitol. You are part of the new way of governing. You are part of the solution. And in addition, we will be doing it on time again, because everybody who does rely on the moneys that we are spending in fact can maintain their budgets and can go about their orderly business and provide the services that they do so well in a responsible, organized, disciplined fashion.

This is the opportunity to govern appropriately. Please vote "yes."

The SPEAKER pro tempore. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes to the hall of the House a guest page today, Mr. Stephen Turzai. Stephen, welcome to the hall of the House.

CONSIDERATION OF SB 1466 CONTINUED

The SPEAKER pro tempore. I am about to recognize the minority Appropriations chair, but I would reiterate: Please, please be considerate in the conversations in the aisles behind the rail. If it is urgent that you have that conversation just now, perhaps you should take it outside.

The gentleman from Allegheny County, the Appropriations chairman, Mr. Markosek, you are in order on final passage.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, first of all, let me commend the members of this chamber of both sides of the aisle for the many, many interesting and eloquent things that they have said here representing both sides of the equation. You did a very good job, and it was something that I think shows that, yes, our democracy does work and that we all share the common goal here of making life better for Pennsylvania.

I would also like to thank the staff of the Appropriations Committee, not only the minority staff, but also the majority staff, and as well, my great colleague and good friend, the majority chair from Delaware County, who has made life just a little bit easier for those of us, particularly in the minority, under some interesting and sometimes difficult times. He is to be commended. He is a good friend for a long time, and we will remain that way.

I do want to say, though, first of all, relative to the budget, this is not, again, a no-tax budget. This is a budget that has caused a great deal of property tax increases, a lot of tuition increases, and certainly, caregiver taxes, caregiver situations where folks are losing opportunity costs because of having to remain home, for example, to take care of a loved one.

This is a painful budget. This is a big-business giveaway budget. Children, disabled, and the chronically ill will suffer. Hospitals will suffer with this budget. This budget locks in over a billion dollars of education cuts, and thus, our children will suffer because of this. This budget leaves money on the table, a significant amount of money that could be used to relieve some of these painful cuts and some of this suffering.

This budget does not create jobs. This budget causes layoffs. We have seen over 14,000 layoffs just in our school districts alone over the last year since the current budget has been in

place, with no end to those in sight. This budget does nothing, nothing for transportation.

My advice to Pennsylvanians who might be listening or watching today, my advice to you if this budget passes is: Do not get old; do not get sick; do not try to educate kids; do not be unlucky enough to be disabled; do not try to find a job; do not try to catch a bus; and do not try to find a nondeficient bridge.

Mr. Speaker, I end my remarks by saying to all the members here, do not vote for this budget. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority Appropriations chairman, the gentleman from Delaware County, Representative Adolph.

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

Mr. Speaker, I certainly commend the minority chair for the work that his staff and his committee members have been part of the process to get to where we are this evening, and it was a pleasure working with him. But I have to really thank our Appropriations staff, headed by Dr. Ed Nolan, who has put in an unbelievable amount of time and energy. And a lot them, like us, do this with all types of personal things going on in their lives.

But this is probably the most important vote that you are going to make in this session, and by no means can I look out at everybody here and say, you know, it solves all the problems of the world. No, it does not, but it certainly puts together a budget that is going to be sustainable for many years to come so when our children and grandchildren are the taxpayers of Pennsylvania, they are going to be able to enjoy going to college and going to better schools throughout the Commonwealth of Pennsylvania.

I am going to leave you with one little quote, and that is, this is the only budget that you have been presented with. This is the best budget that you have been presented with, and before you hear— And I heard a lot of the criticism and I took that and I tried to work with it. However, you have to put it down, put it together, work it out, present your own budget, and then we will have an alternative. However, this is the only budget that is before you. This is the budget that works for Pennsylvania. This is the budget that does not raise taxes, and this is the budget that will be, for the second year in a row, on time.

Thank you very much, and please support this budget.

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—120

| | | | |
|-------------|-----------|------------|-----------|
| Adolph | Farry | Maher | Rapp |
| Aument | Fleck | Major | Reed |
| Baker | Gabler | Maloney | Reese |
| Barrar | Galloway | Mann | Roae |
| Bear | Geist | Marshall | Rock |
| Benninghoff | Gergely | Marsico | Ross |
| Bloom | Gillen | Masser | Saccone |
| Boback | Gillespie | Metcalfe | Saylor |
| Boyd | Gingrich | Metzgar | Scavello |
| Brooks | Godshall | Miccarelli | Simmons |
| Brown, R. | Grell | Micozzie | Smith, K. |
| Buxton | Grove | Millard | Sonney |

| | | | |
|-------------|--------------|------------|------------|
| Caltagirone | Hackett | Miller | Staback |
| Causar | Hahn | Milne | Stephens |
| Christiana | Harhart | Moul | Stern |
| Clymer | Harper | Murphy | Stevenson |
| Cox | Harris | Murt | Swanger |
| Creighton | Helm | Mustio | Tallman |
| Culver | Hennessey | Neilson | Taylor |
| Cutler | Hess | O'Neill | Tobash |
| Davidson | Hickernell | Oberlander | Toepel |
| Day | Hutchinson | Payne | Toohil |
| Delozier | Kampf | Peifer | Truitt |
| Denlinger | Kauffman | Perry | Turzai |
| DiGirolamo | Keller, F. | Petri | Vereb |
| Dunbar | Keller, M.K. | Pickett | Vulakovich |
| Ellis | Killion | Preston | Watson |
| Emrick | Knowles | Pyle | |
| Evankovich | Krieger | Quigley | Smith, S., |
| Evans, J. | Lawrence | Quinn | Speaker |
| Everett | Mackenzie | | |

NAYS—81

| | | | |
|-----------|------------|-------------|-------------|
| Barbin | DeLissio | Josephs | Payton |
| Bishop | DeLuca | Kavulich | Petrarca |
| Boyle, B. | DePasquale | Keller, W. | Ravenstahl |
| Boyle, K. | Dermoddy | Kirkland | Readshaw |
| Bradford | Donatucci | Kortz | Roebuck |
| Brennan | Evans, D. | Kotik | Sabatina |
| Briggs | Fabrizio | Kula | Sainato |
| Brown, V. | Frankel | Longietti | Samuelson |
| Brownlee | Freeman | Mahoney | Santarsiero |
| Burns | George | Markosek | Santoni |
| Carroll | Gerber | Matzie | Schmotzer |
| Cohen | Gibbons | McGeehan | Smith, M. |
| Conklin | Goodman | Mirabito | Sturla |
| Costa, D. | Haluska | Mullery | Thomas |
| Costa, P. | Hanna | Mundy | Vitali |
| Cruz | Harhai | Myers | Waters |
| Curry | Harkins | Neuman | Wheatley |
| Daley | Heffley | O'Brien, M. | White |
| Davis | Hornaman | Parker | Williams |
| Dean | James | Pashinski | Youngblood |

NOT VOTING—0

EXCUSED—0

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.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 637, PN 1745**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility; and prescribing penalties.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Representative Galloway, who asks for a suspension of the rules for the immediate consideration of amendment 12794.

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

The following roll call was recorded:

YEAS—187

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

NAYS—14

| | | | |
|-----------|--------|-----------|-----------|
| Bradford | Cruz | Lawrence | Pashinski |
| Brown, V. | Cutler | Mackenzie | Payton |
| Brownlee | Grell | Mullery | Truitt |
| Costa, D. | Kotik | | |

NOT VOTING—0

EXCUSED—0

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

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

Mr. **GALLOWAY** offered the following amendment No. **A12794**:

Amend Bill, page 1, lines 1 through 6, by striking out all of said lines and inserting

Requiring public works contractors and subcontractors to verify employment eligibility; providing for the powers and duties of the Department of General Services; prescribing sanctions; and establishing good faith immunity under certain circumstances.

Amend Bill, page 1, lines 9 through 18; pages 2 through 7, lines 1 through 30; page 8, lines 1 through 13, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Public Works Employment Verification Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly states otherwise:

"Department." The Department of General Services of the Commonwealth.

"Employee." An individual hired by a public works contractor or subcontractor for whom a public works contractor or subcontractor is required by law to file a Form W-2 with the Internal Revenue Service.

"EVP." The E-Verify Program operated by the Department of Homeland Security that electronically verifies employment eligibility for employees.

"Public body." The Commonwealth of Pennsylvania, any of its political subdivisions, any authority created by the General Assembly of the Commonwealth and any instrumentality or agency of the Commonwealth.

"Public work." As defined under section 2 of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act.

"Public works contractor." A contractor that provides work under a contract involving a public work.

"Secretary." The Secretary of General Services of the Commonwealth.

"Subcontractor." A person, other than a natural person, regardless of its tier, including, but not limited to, a staffing agency that performs work for a public works contractor under a contract for a public work. The term shall not include persons that are material suppliers for a project.

"Willful." Action or conduct undertaken intentionally or with reckless disregard for or deliberate ignorance of the requirements and obligations established under this act.

Section 3. Duty of public works contractors and subcontractors.

(a) General rule.—A public works contractor or subcontractor shall participate in EVP and shall, subject to the requirements of Federal law governing the use of EVP, use EVP to verify employment eligibility of each new employee. The department shall post on its publicly accessible Internet website information regarding the requirements of Federal law governing the use of EVP.

(b) Discrimination prohibited.—In conducting the verification required by this section, a public works contractor or subcontractor shall not discriminate against an employee on the basis of race, ethnicity, color or national origin.

Section 4. Verification form.

(a) General rule for public works contractors.—As a precondition of being awarded a contract for a public work, or with respect to a

contract that was awarded prior to the effective date of this subsection but has not yet been executed, prior to the execution of the contract, a public works contractor shall provide the public body with a verification form described in subsection (c), acknowledging its responsibilities under and its compliance with section 3. Contracts between a public works contractor and its subcontractors shall contain information about the requirements of this act.

(b) General rule for subcontractors.—Prior to commencing work on a public works project, a subcontractor shall provide the public body with a verification form described in subsection (c) acknowledging its responsibilities and its compliance with section 3. Contracts between a subcontractor and its subcontractors shall contain information about the requirements of this act.

(c) Form.—The verification form required by this section shall be on a form prescribed by the secretary, and posted on the Internet, and shall comply with the following additional requirements:

(1) The statement shall include a certification that the information in the statement is true and correct and that the individual signing the statement understands that the submission of false or misleading information in connection with the verification shall subject the individual and the public works contractor or subcontractor, as the case may be, to sanctions provided by law.

(2) The statement shall be signed by a representative of the public works contractor or subcontractor, as applicable, who has sufficient knowledge and authority to make the representations and certifications contained in the statement.

Section 5. Violations.

It is a violation of this act for a public works contractor or subcontractor on a public work to:

(1) Fail to verify the employment eligibility of a new employee through EVP in accordance with Federal law.

(2) Not provide the verification form as required under section 4, or to make a false statement or misrepresentation with respect to completing the form.

Section 6. Enforcement and sanctions.

(a) General rule.—The department shall enforce this act.

(b) Investigation of complaints.—The department shall accept, review and investigate in a timely manner any credible complaint that a public works contractor or subcontractor has violated a provision of this act.

(c) Audits.—To ensure compliance with the requirements of this act, the department shall conduct complaint-based and random audits of public works contractors and subcontractors in this Commonwealth.

(d) Sanctions.—The following sanctions shall apply only to a violation under section 5(1):

(1) For a first violation, a public works contractor or subcontractor shall receive a warning letter from the department detailing the violation. The letter shall be posted on the department's Internet website.

(2) For a second violation, a public works contractor or subcontractor shall be debarred from public work for 30 days.

(3) For a third violation and subsequent violations, a public works contractor or subcontractor shall be debarred from public work for not less than 180 days and not more than one year.

(4) In the case of an alleged willful violation, the secretary shall file a petition in Commonwealth Court seeking to have the court issue a rule to show cause why a public works contractor or subcontractor did not engage in the willful violation. If the court finds that the public works contractor or subcontractor engaged in a willful violation, the court shall order that the public works contractor or subcontractor be debarred from public work for a period of three years.

(5) Notwithstanding the provisions of paragraph (1), (2) or (3), a violation by a public works contractor or subcontractor that occurs ten years or more after a prior violation shall be deemed to be a first violation.

(6) For the purposes of assessing sanctions, violations committed by a contractor or subcontractor subject to this act involving a single public works contract shall be considered a single violation despite the number of employees that are the subject of the violations.

(e) Civil penalty.—A public works contractor or subcontractor that violates section 5(2) shall be subject to a civil penalty of not less than \$250 and not more than \$1,000 for each violation, to be imposed by the department.

(f) Notice and appeal.—Actions taken by the department under subsections (d)(1), (2) and (3) and (e) shall be subject to the notice, appeal and other provisions of 2 Pa.C.S. (relating to administrative law and procedure).

Section 7. Protection from retaliation.

(a) General rule.—It shall be unlawful for a public works contractor or subcontractor to discharge, threaten or otherwise retaliate or discriminate against an employee regarding compensation or other terms or conditions of employment because the employee:

(1) participates in an investigation, hearing or inquiry held by the secretary or any other governmental authority under this act; or

(2) reports or makes a complaint regarding the violation of this act to a public works contractor or subcontractor or to any governmental authority.

(b) Actions.—

(1) An employee who suffers retaliation or discrimination in violation of this section may bring an action in a court of common pleas in accordance with established civil procedures of this Commonwealth.

(2) The action must be brought within 180 days from the date the employee knew of the retaliation or discrimination.

(c) Relief.—If an employee prevails in an action commenced under this section, the employee shall be entitled to the following relief:

(1) Reinstatement of the employee, if applicable.

(2) Restitution equal to three times the amount of the employee's wages and fringe benefits calculated from the date of the retaliation or discrimination.

(3) Reasonable attorney fees and costs of the action.

(4) Any other legal and equitable relief as the court deems appropriate.

Section 8. Good faith immunity.

A public works contractor or subcontractor that relies in good faith on EVP procedures to verify employment eligibility of new employees under this act shall be immune from the sanctions authorized under section 6 and shall have no liability to an individual who is not hired or who is discharged from employment in the event that incorrect information has been provided to the public works contractor or subcontractor. A public works employer or subcontractor that can produce written acknowledgment provided by an applicable Federal agency of use of EVP is considered to have acted in good faith.

Section 9. Public works contractor and subcontractor liability.

Nothing in this act may be construed to render a public works contractor liable for the action of a subcontractor or a subcontractor liable for an action of another subcontractor.

Section 10. Rules and regulations.

The department may promulgate rules and regulations necessary to administer and enforce this act.

Section 11. Cooperation among departments.

The department may enter into agreements with the Department of Labor and Industry or any other Commonwealth agency to provide for the cooperative enforcement of the provisions of this act.

Section 20. Effective date.

This act shall take effect January 1, 2013.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Bucks County, Representative Galloway, for a brief explanation of his amendment.

Mr. GALLOWAY. Thank you, Mr. Speaker.

First, let me start by thanking the Labor chairmen, Ron Miller and Bill Keller, and their staffs. They did a tremendous amount of work, not only in the last couple weeks, but over the past 6 years. It has been quite a ride.

Mr. Speaker, this amendment, a gut and replace for SB 637, is one of the most well-vetted pieces of legislation you will ever vote on. This amendment represents a bipartisan effort, a compromise, consensus, a consensus agreement on one of the most divisive issues of our time – illegal immigration.

This legislation targets contractors who cheat, who use and abuse illegal workers for profit. This legislation ensures that not one dime, not one penny of taxpayer dollars goes to those people who engage in this un-American practice.

This legislation answers a simple question: How can we as a government expect people to play by the rules when we do not expect it of ourselves?

Mr. Speaker, could I get a little order, please?

The SPEAKER pro tempore. The gentleman is quite right. Would the conversations in the aisles, along the walls, within the seating area please respect the gentleman, Mr. Galloway's effort to be heard.

You may proceed.

Mr. GALLOWAY. Thank you, Mr. Speaker.

Pennsylvania absolutely has an immigration problem. It is a jobs problem, and this is a jobs bill. The Center for Immigration Studies estimated in April of 2009 that in Pennsylvania there were as many as 35,000 illegal workers in the construction industry alone, and the unemployment rate in that sector has reached 38 percent. This amendment would make changes to SB 637 to remove the bill from the Procurement Code, and creates a freestanding act, entitled the Public Works Employment Verification Act. It would require contractors and subcontractors who perform work on public projects to use the Federal E-Verify program to verify employment eligibility.

The changes contained in this amendment include broadening its scope from just State projects in SB 637 to every project defined as "public works" under the current prevailing wage law; that is every State project, every county project, every municipal project, and every school project. We are losing millions of dollars in an underground economy – contractors that do not pay taxes, employees that do not pay taxes – putting a tremendous strain on our education system, judicial system, and our health-care system. These contractors are guilty of a litany of violations – human rights violations, tax violations, and safety violations. We have reports of employees being bought and sold, indentured servants never able to pay off their debt. Just because someone is here illegally does not give us the right to treat them this way.

When I first introduced this legislation 6 years ago, we would have been one of the first States to implement E-Verify. Today, 6 years later, 17 States in the Union use E-Verify, and as of 2009 it became the law of the land for all Federal projects.

Mr. Speaker, the E-Verify system is free, it is fast, it is effective, and it is extremely accurate. It is a government program that actually works. This legislation puts Pennsylvanians back to work with good-paying jobs – steam fitters, pipe fitters, carpenters, roofers, plumbers, cement masons, and bricklayers – good family-sustaining jobs.

There are many contractors in this State who play by the rules, but they see others who do not and they are begging us for help. To compete they were left with two choices: either break the law themselves, or go out of business. This legislation levels the playing field. It is about fairness; it is about jobs. Mr. Speaker, for a decade the Federal government has let us down. Even the Supreme Court cannot give us a straight answer.

As Pennsylvanians, we have the responsibility to take matters into our own hands. For me it has been 6 long years since I started down this path. A wise man once gave me some good advice. He said, you can get a lot done in this town if you are willing to let somebody else take the credit. I am going to take his advice.

This is a very good bill. It is a tight bill. It is well-worded, well-defined. It is good law. It answers that simple question: How can we as a government expect people to play by the rules when we do not expect it of ourselves?

Thank you, Mr. Speaker, and I urge the members to vote "yes."

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from York County, Representative Miller.

Mr. MILLER. Thank you, Mr. Speaker.

As the gentleman, the Representative that is offering this amendment, the gentleman from Bucks County, noted, this has been a long journey with a lot of people putting a lot of effort in. I would also note that the majority chairman of the State Government Committee and his staff have worked on this bill for a long time. There have been a lot of negotiations between various members in the House of Representatives, the Senate, and it is time that we pass this bill, E-Verify, for the people of Pennsylvania, and I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment to SB 637. This legislation that came over to us last year from the Senate, we held hearings on the very broad issue of the illegal alien invasion that is occurring here in our nation and in our State and received testimony from a number of individuals related to what can be done to protect American lives, liberty, property, and jobs from the illegal alien impact that we are seeing in the State, a problem that we are seeing that has a cost associated with it of \$1.4 billion per year in the way of costs that are passed on to the taxpayers because the illegal aliens are here.

Well, Mr. Speaker, this amendment to SB 637, and as this goes back to the Senate if passed here by this body, will ultimately, will ultimately save Pennsylvania jobs and ensure that more Pennsylvanians are working, Mr. Speaker. Mr. Speaker, with hundreds of thousands of Pennsylvanians out of work, we need to ensure that jobs are being offered and being offered to Pennsylvania citizens.

And, Mr. Speaker, this legislation, this amendment to SB 637, was something that I have been working on most recently with the gentleman from Bucks and the Labor Committee majority chairman and his staff and my staff, and I think that we have reached a very good compromise as outlined in this amendment between the gentleman from Bucks' initiatives that he has been looking at over the years and SB 637, as it left the committee from the State Government

Committee, as we amended it having received it from the Senate, Mr. Speaker.

So, Mr. Speaker, I would ask for an affirmative vote on this legislation, on this amendment to SB 637, because, ultimately, this will move us in that direction of protecting Pennsylvania jobs for Pennsylvanians, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the amendment, recognizes the gentleman from Philadelphia, Representative Keller.

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

I also rise in support of this amendment. The gentleman from Bucks has done years worth of work; congratulations to Mr. Galloway. And the gentleman from Butler, Mr. Metcalfe, has also spent years working on this bill. So this is a good beginning.

Again I want to thank the chairman of the Labor Committee, Chairman Miller, for all his hard work. This is another step in the right direction. I ask for a positive vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes the gentleman from Philadelphia, Representative Boyle.

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

Mr. Speaker, I rise to support this bipartisan amendment. We voted it in the Labor Committee unanimously each of the last two sessions.

I also rise to just really credit the persistence of the gentleman from Bucks, Mr. Galloway, who has been fighting for this bill for 5 years. I really believe that his language, this amendment, is the right approach to this problem.

For too long as a society, when it comes to the issue of illegal immigration, we focus on the illegal immigrants. Well, that is really the supply side of the equation. We should be focusing on the demand side; namely, those companies, the very few that knowingly hire illegal immigrants. Those companies use them and abuse them. Now, let us just be clear: More than 95 percent of companies in Pennsylvania do it the right way. But for those few companies that have been knowingly hiring illegal immigrants, they use them, work them to the grind, pay them very low wages, and undercut the competition. They undercut those businesses that are doing it the right way. This legislation would stop that practice. It would crack down on them for really the first time. It would require them to use this E-Verify system like that is used in 21 other States. There is no added fiscal impact to them. This program is provided by the national government for free.

So, Mr. Speaker, I think that this is the right approach to this issue of illegal immigration. Again, I applaud the maker of the amendment for his persistence, and now we are very close to finally, after the last 5 years, seeing this become law. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and, on the question of the amendment, recognizes the gentleman from Bucks County, Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I would like to commend my colleague from Bucks County.

You know, many members may not realize that the Representative has been so committed to this, he actually went to a site to videograph an incident and investigate it.

In all seriousness, Mr. Speaker, we have to commend anyone who has a commitment to American workers and protecting their rights to fair wages and fair labor rates and creating an

even playing field. My hat is off to the gentleman, and congratulations in advance of the vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—193

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

NAYS—8

| | | | |
|----------|-------------|--------|------------|
| Brownlee | O'Brien, M. | Thomas | Williams |
| Cruz | Payton | Vitali | Youngblood |

NOT VOTING—0

EXCUSED—0

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

On the question,
Will the House agree to the bill on second consideration as amended?

The SPEAKER pro tempore. It is the understanding of the Chair the other amendments filed to this bill have been withdrawn.

On the question recurring,
Will the House agree to the bill on second consideration as amended?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

The SPEAKER pro tempore. The House will be at ease momentarily.

The House will come to order.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader for the purpose of an announcement.

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

We are calling for an immediate Rules Committee meeting in the Appropriations conference room; an immediate Rules Committee meeting in the Appropriations conference room. We would ask that all members please attend. Thank you.

The SPEAKER pro tempore. There will be an immediate Rules Committee meeting in the Appropriations conference room.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the majority caucus chairwoman, Representative Major, for the purpose of an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 6:30. I would ask our Republican members to please report to our caucus room at 6:30. We would be prepared to come back on the floor at 7:30. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the Democratic Caucus chairman, Representative Frankel, for the purpose of an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 6:30; Democrats will caucus at 6:30. Thank you.

The SPEAKER pro tempore. Any further announcements, corrections of the record?

The House will be at ease for just a moment.

The House will come to order.

VOTE CORRECTION

The SPEAKER pro tempore. The gentleman, Representative Neilson, from Philadelphia is recognized for the purpose of a correction of the record.

Mr. NEILSON. Mr. Speaker, I would like to correct my record. My button malfunctioned on SB 1466. I should be a negative vote.

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

Any further corrections of the record? Announcements?

RECESS

The SPEAKER pro tempore. The House stands in recess until 7:30, unless sooner recalled by the Chair.

AFTER RECESS

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING****BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1307, PN 3771**

By Rep. TURZAI

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, further providing for elementary schools; in school finances, further providing for when district distressed; repealing provisions relating to special board of control, petition and appointments, when no appointment is made and compensation of special board of control; further providing for powers of special board of control and for distress in school districts of the first class; repealing provisions relating to additional tax and to school directors to remain in office and elections; adding provisions relating to school district financial recovery; establishing the Financial Recovery School District Transitional Loan Account; further providing for distress in school districts of the first class; in intermediate units, further providing for subsidies for services and for financial reports; further providing for manner of election or approval; providing for performance review; further providing for election of assistant district superintendents, for term and salary of assistants, for commissions and for removal; in high schools, further providing for attendance in other districts; and providing for wearing of military uniform at graduation ceremony and for superintendents of schools or buildings and of supplies.

RULES.**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 1055, PN 3577

An Act providing for professional employer organizations.

HB 1525, PN 3714

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.

HB 1934, PN 3589

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, in recycling and waste reduction, further providing for municipal implementation of recycling programs.

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

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

The House proceeded to consideration of concurrence in Senate amendments to **HB 1307, PN 3771**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, further providing for elementary schools; in school finances, further providing for when district distressed; repealing provisions relating to special board of control, petition and appointments, when no appointment is made and compensation of special board of control; further providing for powers of special board of control and for distress in school districts of the first class; repealing provisions relating to additional tax and to school directors to remain in office and elections; adding provisions relating to school district financial recovery; establishing the Financial Recovery School District Transitional Loan Account; further providing for distress in school districts of the first class; in intermediate units, further providing for subsidies for services and for financial reports; further providing for manner of election or approval; providing for performance review; further providing for election of assistant district superintendents, for term and salary of assistants, for commissions and for removal; in high schools, further providing for attendance in other districts; and providing for wearing of military uniform at graduation ceremony and for superintendents of schools or buildings and of supplies.

On the question,

Will the House concur in Senate amendments?

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

The Speaker recognizes the gentleman, Mr. Clymer, for a brief description of the Senate amendments.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, HB 1307, as you just mentioned, was amended in the Senate with the distressed school plan. This is a plan to stabilize financially failing schools. These schools, in some cases, have financial records in house that need just professional oversight to get them on the right path.

They have created two categories – a moderate financial recovery plan that would involve Harrisburg and York, and a severe financial recovery plan that would involve Duquesne and Chester Upland.

This legislation provides for a chief recovery officer who is appointed by the Secretary of Education. This chief recovery officer has to have a solid background in business, and he has to make those changes that are outlined in the bill, obviously that will benefit the school and the community.

While collective bargaining is taken off the table, the CRO, working with the Secretary of Education and at times with the local school board and a 12-member advisory committee, will be tasked to find solutions to these financially distressed schools. The chief recovery officer is to administer and develop a financial recovery plan. With that financial recovery plan, he is to conduct public forums. He has the opportunity to review school leases, to review the purchasing procedures of the school district. He can conduct and negotiate with school district creditors, attend regular and executive sessions of the local school district, and so the list continues.

Mr. Speaker, the purpose of this legislation is to raise a red flag early on so that when it is apparent that school districts are slipping into a serious financial problem, the problem is not so severe under this bill that assistance cannot be brought to it, and that is the bottom line. This is not a partisan piece of legislation, but it is here to help not only the students who are in these school districts but the teachers, the administrators, and support personnel. We want to keep the learning process intact.

Mr. Speaker, those are a few of the things that are in this legislation, and I respectfully ask for your support. 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 Dauphin County, Mr. Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

Mr. Speaker, Act 91 of 2000, known as the Education Empowerment Act, established a pilot program that was the first of its kind in the Commonwealth of Pennsylvania. It was modeled after the authority granted to the mayor of the city of Philadelphia to appoint all members of the Board of Education of the School District of Philadelphia to serve at his pleasure.

May we get some quiet, Mr. Speaker?

The SPEAKER. The House will please come to order. I would appreciate it if members would hold the conversations down.

Mr. BUXTON. Thank you, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. BUXTON. This pilot program was designed in part to enable the legislature to assess whether some form of mayoral-controlled school governance should be implemented beyond the city and the school district of Philadelphia.

Harrisburg School District immediately qualified for this program. Once enacted, then Mayor Stephen Reed assumed control over the district and appointed five members of a board of control. This pilot program was originally slated to run for 5 years; however, the act was not dissolved until June 30, 2010. At this time the elected board of the Harrisburg School District took back control of the district from the current mayor.

Today the Harrisburg School District is in crisis mode, I believe brought on in large part by the failed policies and oversight of the Education Empowerment Act. It has already dropped its prekindergarten program, laid off close to 300 teachers, closed 5 school buildings, and laid off scores of administrators over the last 2 years. The district is facing a \$6.6 million budget deficit for next year. To help close next year's budget gap, school officials are looking to cut Harrisburg's kindergarten program, all sports activities, and other programs the district is not lawfully required to provide.

Under this bill, the power of the chief recovery officer in the Harrisburg School District would far outreach any takeover

initiative by this legislature. Ultimately, a school district that is declared financially distressed under this proposal will be subject to the authority of one individual appointed by the Secretary of Education to take on the onerous task of restructuring the district by implementing a far-reaching recovery plan. If the school board disagrees with the recommendations of the chief recovery officer, the Secretary of Education, with the approval of Commonwealth Court, shall appoint a receiver to implement a plan with unprecedented authority. The school board, citizens, parents, teachers, nor students would have a voice or input in the transformation of their district. There would be no local control anywhere in this process under this proposed legislation.

Under the original empowerment act, the mayor had five members of the board of control to provide checks and balances as they worked to reform the district. These members were local representatives who at least had some vested interest in the outcome of their school district. Under the proposed financially distressed bill, a single chief recovery officer would be appointed immediately to serve at the pleasure of the Secretary of Education. This State-paid officer, unlike the board of control or school board, would not be held to any local accountability and would be tasked with implementing a financial recovery plan from the district with limited input from its superintendent. The oversight of the chief recovery officer, as currently laid out in this bill, would last indefinitely, with no sunset date or real transition period to allow the elected school board to retake governance over the district, even once the district becomes financially stable.

I believe any legislation providing such corrective measures should be supportive of local governance to the maximum extent possible, and that if any suspension of normal governing authority of school boards is necessary in this instance, it shall come with time constraints. We need a bill with provisions similar to those found in Act 47, expressing the intent that school boards are to continue to govern and then deal with the day-to-day activities of their school district during the period of financial distress. This helps to ensure that the members are not denied the experience and knowledge necessary to resume full control upon successful emergence from recovery status.

Finally, Mr. Speaker, once a district has satisfied criteria for exit from the recovery or receivership status, it shall be clear when a school district is entitled to that declaration and not left up to the discretion of the Secretary of Education to continue the status indefinitely.

I would respectfully ask my colleagues tonight to nonconcur in HB 1307. 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 Dauphin County, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise to support concurrence of HB 1307. I just want to make a few key points regarding distressed school districts and why we should support this bill.

The deterioration of urban schools creates increased crime and juvenile problems, putting the burden on county taxpayers. The fear is also we will continue to pour in State and local dollars unless these districts are forced to put their fiscal houses in order. Continued failed schools could lead to Federal litigation – there is already a case in Chester County, the Upland

School District – which could lead to those districts being disbanded and the kids and costs spread out among the region and to other school districts.

This is a good plan and it is the right path for getting these school districts in fiscal recovery. I ask for your support.

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. Cohen.

Mr. COHEN. Mr. Speaker, this bill does not directly affect Philadelphia, but what it does do is it takes a model that has been used in Philadelphia in recent months and says that the model is so good that we ought to expand it statewide.

My problem in supporting this is that I know how the model has worked in Philadelphia, and it really has not worked very well. We have a chief recovery officer in Philadelphia who has no knowledge of education. He is not a professional educator. He has not had any prior experience in education, and he is attempting to try to figure out how you run a school district without any knowledge of education, and the answer is, it is not easy. What he does is he looks at programs and says, well, do we absolutely need this program? Maybe we can cut this program in half; maybe we could abolish that program. Maybe we can lay off thousands of people here or thousands of people there. And what his leadership has done is to create a total crisis within the school district. There is massive panic. Teachers and other employees are desperately looking to go elsewhere. Some parents are also desperate in looking to go elsewhere.

The operation of the chief recovery officer in and of itself is creating a major additional crisis in the city of Philadelphia, which has a major crisis to begin with. My belief is, what the city of Philadelphia needs, what Harrisburg needs, what other cities with school districts in crisis such as Chester need is they need more money, and we in the General Assembly have to be willing to either appropriate more money or we have to be willing to allow them to levy taxes. Personally, as a part-time resident of Harrisburg for nearly 40 years now and one who is well aware that there may be other people coming through Harrisburg every day, I think Harrisburg needs the ability to tax people like us, and it needs the ability to tax existing residents based on wages or income, and the city of Philadelphia needs greater taxing authority or greater money also.

The idea that we are going to have chief recovery officers come out and just make magical reforms that seem to be so obvious to people who have no responsibility to running school districts is just irresponsible. School districts are not businesses. Businesses decide what lines of services they want to offer. If a business says we cannot make money selling food, they do not sell food anymore. If they decide they cannot make money in a given location, they move out of that location. If they decide it is not economically feasible to offer services at specific times, they do not offer services at those times.

All school districts have a duty to make kids have educational opportunities. We do not have an option in this Commonwealth of saying, it costs more money to educate low-income kids and therefore we ought to get out of the business of educating low-income kids. We do not have that option. We are not a business. There are many businesses in this Commonwealth that by their location have determined it is not in their financial interest as a business to serve low-income populations. That is their right. Every business has a right not to serve low-income populations if that is their choice, but school

districts do not have that right. School districts have to serve low-income populations.

The attempt to use a business model and to just take away this service and that service and throw all sorts of possibilities up in the air and scare employees and scare parents, that is not responsible government and that is not something that ought to be emulated. I think the Philadelphia model, which this legislation seeks to enshrine in State law, is working in a terrible fashion. It is a model that ought to be ended as quickly as possible. It is not a model that ought to be enshrined in State law.

I join the gentleman who represents the city of Harrisburg in urging a "no" vote on concurrence.

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 very much, Mr. Speaker.

Would the majority chairman of the Education Committee stand for brief interrogation?

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

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, 5 years ago, approximately, we had an issue with the Duquesne School District where we had basically shut down the high school and sent the children, the students, to two different schools. West Mifflin took about 165 students and East Allegheny took about 75 students, and at that time there was a setup put in there that it was within a 3-mile radius.

Is there a radius set up in this legislation? I did not see that. Or is that going to be in the School Code?

Mr. CLYMER. Mr. Speaker, there is no radius set up, but it does remove the 165-student limit, so I think that would solve the problem.

Mr. KORTZ. Yeah, but there is no radius in there. Right now the radius limit is 3 miles. Will that be covered in the School Code that is coming down the road?

Mr. CLYMER. I have not seen the School Code, so I cannot answer that.

Mr. KORTZ. Okay. Next question, sir. The other part of that that we addressed back then was that the schools that were receiving the students had to meet AYP (adequate yearly progress). Is that in here anywhere, that the receiving schools taking these children must meet AYP?

Mr. CLYMER. That is not in this legislation, but they would fall in current law that would have that provision.

Mr. KORTZ. Okay, Mr. Speaker. Thank you.

The next question I have is, I understand this legislation limits to nine the number of school districts that may be in the financial recovery status at any one time. Why number nine? Why cannot we have 10, 12, 20? Why are we limited to nine, the number of school districts that can be in there?

Mr. CLYMER. The gentleman asked a very good question, and the reason is because that is the maximum number that they feel that can be covered in this bill. If you go beyond the number of nine, it may be more administration, more funding that would come from the Commonwealth than is available. So they feel that nine is a workable number. As school districts would get back to economic solvency, of course then the next school district that would be financially distressed would be available for the Commonwealth to provide assistance, but that is the reason.

Mr. KORTZ. But hypothetically speaking, Mr. Speaker, if, say, the economy would really tank even further, if we had 10 school districts or 12, what do we say to numbers 10, 11, and 12? Sorry; you are out of it?

Mr. CLYMER. I am not sure I got the entire question, but the reason that we do not go beyond nine is that is the number that we feel— The financial recovery, the plans that would be available, it would be overburdened, too stressing to go beyond that nine number. And it is very possible that if this bill is approved by this General Assembly, that those numbers could change, but at the present time the vision is, do what is doable and do not do more than what you can do without creating more problems for yourself.

So I just tell the gentleman that it is very possible that they could go beyond nine, but that nine was not just arbitrarily picked out. The number was secured because they felt this is the best they could do with the resources, the resources that the Commonwealth had.

Mr. KORTZ. Mr. Speaker, I will move on to the next question.

In this legislation it gives the chief financial recovery officer very, very broad powers, and part of those broad powers is to convert school buildings to charter schools; enter into contracts with other person or organizations; operate the schools – contracting out, basically; oversee school operations; provide education; or other services.

My question is, what happens if he wants to do this? The CRO says, okay; we are going to go ahead and convert this to a charter, but nobody wants to take this on. What happens?

Mr. CLYMER. If you go to a charter school, that has to be approved. It has to be, first of all, in the financial recovery plan, and it has to be approved by both the Secretary of Education and the Board of Education, and the school board, the local school board. So those two entities would have to approve it before that would become a charter school, before that public school would become a charter school.

And also the charter school, that organization that would take it over, has to have a record of financial stability, a record of academic achievement. It would have to be made public to the citizens of that district that this was a possibility of going from a public school to a charter school, and it would also have to demonstrate that there is a savings cost. They just could not make this into a charter school and say, here we are. You would have to prove that there were savings. So I think that is my answer.

Mr. KORTZ. Sir, if I could revisit that real briefly. My question is, if the CRO wants to do a charter—

Mr. CLYMER. Yes.

Mr. KORTZ. —he wants to do this, but if there are no takers – there are no charters that want to do this; nobody wants to do this – what is the fallback? What is plan B?

Mr. CLYMER. If it is not in the plan, they cannot do it. Remember I said there has to be a financial recovery plan, so if it is not in the plan, they just cannot do it.

Mr. KORTZ. Yes, but again, sir, my question is, Mr. Speaker, if they want to do it, if the CRO determines that the only way to go is to convert this to a charter school but there are no takers, what is the backup plan?

Mr. CLYMER. Mr. Speaker, I have answered the question, and I rest my case.

Mr. KORTZ. Okay. Thank you, Mr. Speaker.

If I could comment on the bill, sir.

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

Mr. KORTZ. Thank you, Mr. Speaker.

In reviewing this bill, there are obviously some deep, deep questions that we have about it and very deep concerns. Putting a CRO in charge of a school district that can tell school board members that you cannot resign, that you have to raise taxes, a good question is, "What happens if they say no, we are not going to raise taxes?" But that is another question for another speaker.

There are a lot of issues concerning this bill, how it is going to address the Duquesne School District, West Mifflin, East Allegheny, the schools all around it, and the other schools that are going to be impacted, because the CRO could just shut down the school and he can send these kids to other school districts, other school districts within a radius of we think it is 3 miles. I do not know if it is going to stay 3 miles or go 10 miles, but these kids from these distressed schools can be sent out to these other school districts, as is happening right now with West Mifflin and East Allegheny.

The other concern is the funding, how much funding these receiving schools are going to get. Right now we are not being funded at the appropriate level in West Mifflin or East Allegheny. They are not being funded where they should be, especially when it comes to the special education kids. West Mifflin and East Allegheny are taking a hit to their own taxpayers to the tune of about twelve to fifteen thousand dollars per child extra that are in the special education category, sir.

So all of this gives very broad powers, in my opinion, to a CRO just to do what he wants – come in there, make wholesale changes, tell the school board you will do this, this, and this – and if they do not do it and they do not comply— They cannot resign; they are not allowed to resign, if you look at page 22. I find that shocking to begin with that you cannot resign from something. I guess if something would happen, they would pass away, they are not allowed to do that either.

Anyway, Mr. Speaker, I would urge a "no" 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 Bucks County, Mr. Petri.

Mr. PETRI. Mr. Speaker, not too long ago the House Appropriations Committee had the opportunity – probably I should say the duty, Mr. Speaker – to attend a hearing at Chester Upland School District in the city of Chester to deal with circumstances. Mr. Speaker, during that hearing what we learned, and in advance of that hearing in preparing for it what we learned was, number one, that the Chester Upland School District's problems have continued for a long time, that no matter who was in charge, it seemed like those problems continued. The initial board that was in charge, Mr. Speaker, was a locally appointed board, which had the interest of the students in mind, but, Mr. Speaker, they had no power to require the school board to do what they recommended. So the problem, Mr. Speaker, that they had is they would make recommendations which the school board would promptly disregard. And so that system failed and a Commonwealth judge replaced them, Mr. Speaker. Then the Department of Education ran the Chester Upland School District with oversight for a number of years and remarkably found, Mr. Speaker, that they were financially okay, even though they clearly were not. What we learned at the hearing, Mr. Speaker, was – and again, this hearing was only recently, during the springtime – we

learned that in the Chester Upland School District, unfortunately, there are no records and no accountability. There is no accountability for charter school reimbursements and attendance. There is no accountability for bus transportation. There is no accountability for food purchases, vendors, salaries, numbers of teachers.

Mr. Speaker, I left that hearing feeling very frustrated and wondering what it is that the Commonwealth could do to ensure that students receive a fair education. Mr. Speaker, when I left that building, I was greeted by a mother of a student with tears in her eyes, who said to me, "Thank you for coming. Thank you for asking questions. They," meaning the school board, "will not tell us anything. They lied to us."

Mr. Speaker, sometimes extreme circumstances require extraordinary actions. Mr. Speaker, I suggest that because of circumstances like this, we owe a duty to students to take those actions, to implement a program which can work both as an operating agreement with a cooperative school district and also a hammer with those school districts that wish to ignore the right thing to do.

Mr. Speaker, I would encourage members to support this measure so that the circumstances that exist in schools like Chester Upland end immediately. 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. Gergely.

Mr. GERGELY. Thank you, Mr. Speaker.

Will the majority chairman of the Education Committee stand for questioning?

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

Mr. GERGELY. Thank you.

And almost 6 years ago it seems we went through this process when we dealt with the Duquesne Schools and the closure of the high school now, and I guess in this language the imminent closure of the seventh and eighth grades, the increasing of the cap.

And I want to kind of frame one of the questions my colleague from Allegheny County asked, but I do not think was really – I think I can ask it better. The CRO – I want to ask it so it gets answered; I apologize to my colleague. Hey, at least everyone is paying attention now. Okay. So let us listen. The CRO has a broad power. He could send his kids to a charter school. He could close down schools. He can also recommend that the schools close and be sent to other school districts. Am I correct?

Mr. CLYMER. Could you just repeat the last part of your question—

Mr. GERGELY. Yes, Mr. Speaker; no problem.

Mr. CLYMER. —about the CRO and the broad powers?

Mr. GERGELY. The CRO has been given broad powers in 1307. Those powers include the ability to contract with a charter school to educate the children, renegotiate contracts, and do a wide variety of things. Under that power, he also has the ability to recommend to the Secretary of Education to shut the school down and send the school students to another school district. Am I correct?

Mr. CLYMER. No, you are not correct.

Mr. GERGELY. Why am I not correct?

Mr. CLYMER. Because the CRO cannot do anything without the approval of the local school board and the Secretary of Education—

Mr. GERGELY. He could recommend—

Mr. CLYMER. —but it has to be in the financial recovery plan.

Mr. GERGELY. Right.

Mr. CLYMER. That is the key and that is what I shared with the other legislator, that regarding the charter school transfer, that again has to all be in the financial recovery plan. That is designed prior to these other activities taking place.

Mr. GERGELY. So picking up on where you let off, the CRO in the financial recovery plan deems the best and most effective economic measure is to recommend to the school board, is to recommend to the Secretary of Education that the closure of the school, maybe just 7th through 12th grade, would be the most economical way to send them to, say, a more affluent school district neighboring the distressed school. Would that be correct?

Mr. CLYMER. Again, that would be with the approval of the school board, the local school board, and the Secretary of Education.

Mr. GERGELY. So the answer is yes. With the approval of the school board and the Secretary of Education, you could shut down a school and send it to a neighboring school district through the financial recovery plan and the recommendation of the CRO?

Mr. CLYMER. Well, that is local control to some degree. I mean, it is up to the school board, it is up to the professionals in education to make that decision, and the decision may be approved by the local taxpayers, by the administrators, or it could find opposition as well. But I think I have answered the question.

Mr. GERGELY. Okay. Just if I am wrong, maybe someone could correct me. So broadly again, voting for this bill creates the ability to shut down a financially distressed school at the recommendation of any future administration and send those students to a neighboring school district because the financial recovery plan provides for economics and the ability to get a better education.

Mr. CLYMER. The bill does not provide that students be sent to other school districts.

Mr. GERGELY. I did not say that. I said that the CRO could recommend to the school board to make that happen, correct?

Mr. CLYMER. Yes, he could recommend, but again, as I mentioned, it would have to be approved by the local school board and by the Secretary of Education.

Mr. GERGELY. Yes. Thank you, Mr. Speaker.

Following up on that, the CRO can make a recommendation in the financial recovery plan that requires, requires that the school board members vote for a tax increase. Am I incorrect?

Mr. CLYMER. Yes. They can ask for a tax, for an increase in taxes.

Mr. GERGELY. So those school board members could not vote no.

Mr. CLYMER. That is correct.

Mr. GERGELY. We are requiring an elected official to follow a mandate?

Mr. CLYMER. I am sorry; I did not hear the last—

Mr. GERGELY. We are requiring an elected official to follow a mandate?

Mr. CLYMER. Mr. Speaker, if the financial recovery plan was approved by them, then they are following their own plan. They are doing what they have put in place to bring about economic recovery for that particular school or schools, as the case may be.

Mr. GERGELY. Thank you.

I think we understand then that a school board member would be mandated to raise taxes under this bill if it is approved.

Mr. Speaker, on page 22, line 24, "SCHOOL DIRECTORS TO REMAIN IN OFFICE AND ELECTIONS." Line 26 is what queries me, and here is the further definition, and I know you have your assistants behind you. Maybe we can explain to the members that are going to vote for this that a resignation is prohibited of a school board member. Can we go further and understand what that means?

Mr. CLYMER. Mr. Speaker, the school board member can leave if he has the permission of the CRO. Now, the reason that we need this school board member there is because they are still conducting business for the local school district. Even though the school district is in financial duress, it does not mean that everything closes down. The school board has to be there to do the work of a school board, so you cannot have people leaving, you cannot have people leaving the school board. How can they function? So that is the reason why they cannot leave unless the permission is given by the CRO.

The SPEAKER. Will the gentleman suspend.

If we could just kindly hold the conversations down. I know a few members are having trouble hearing. We would appreciate it. Just hold the conversations down and take them to the rear of the House, if necessary, please.

Mr. GERGELY. Thank you, Mr. Speaker.

If you could repeat that one more time. I apologize, Mr. Speaker.

Mr. CLYMER. The school board member can be relieved from his or her position if the permission is given by the CRO. Now, the reason that you need members, why they cannot resign is because the school board continues to function. Just because the school district is in financial duress does not mean that everything closes down. You need to have a school board there to make decisions, and we discussed some of the decisions that they have to make just a few minutes ago. So that is important.

Mr. GERGELY. Thank you, Mr. Speaker.

In Duquesne School District, which is one of the four schools identified, there are not currently even nine members elected to the board. It is financially distressed, and it is very hard to get members to run for this board, because also not only is there an elected board, but we currently have a board of control. So the board of control I guess will be replaced, and then we will go to an elected board of control from that community. If you do not have nine members, what is the process to appoint? I guess we would have to by law to get up to nine members. How would that work?

Mr. CLYMER. Mr. Speaker, could the gentleman repeat his question. I did not get that.

Mr. GERGELY. Sure; no problem. In Duquesne School District right now, we will be replacing the board of control, three members appointed by the Secretary of Education and the Governor. Once this becomes law, the board of control ceases to exist. We appoint a CRO and, if this is correct, then there would be an elected board that would have to make those decisions.

Mr. CLYMER. Mr. Speaker, the School Reform Commission that you are referring to refers only to the city of Philadelphia. So the appointments of a school board, I think that is what you are referring to, or the five member commission? So it is not applicable to this situation.

Mr. GERGELY. Mr. Speaker, currently on the Duquesne School Board there is a State-appointed board of control, which consists of three members that the Governor appoints. That is an absolute.

Mr. CLYMER. Okay.

Mr. GERGELY. If this law passes, according to the information I think I know now, that board ceases to exist, and then that decisionmaking process related to the CRO then falls upon an elected board from the district. There are only five members of nine that even ran for election. How do we appoint the four more members that would even want to stand for election if they cannot resign and they have to raise taxes? How do we do this?

Mr. CLYMER. I just want to make a point on another question you had made. Another point that you were referring to is that in no way shall the CRO interfere with the regular election or reelection of school board directors for the school district. I do not know if that was a concern that you had shared earlier on, but I just wanted to clarify that there is no interference by the CRO with the receiver, with any local school board election, that they can continue as they normally would.

Now, if you will be patient for a moment, we will see what we can do here.

Mr. Speaker, when the CRO is appointed, the board of control, the board of control no longer exists, so that is the answer to your question.

Mr. GERGELY. Well, it was an answer to part one of two parts. So then a publicly elected board from that district has to serve to make those taxation decisions, and I am stating a point that there are only five members on the Duquesne School District board of directors. We should have nine. How do we replace them? Does this law provide for that? Does the CRO need that? Does this law not provide for any relief to that?

Mr. CLYMER. Mr. Speaker, I will read from the bill, "WHERE A SCHOOL DISTRICT IS GOVERNED BY A SPECIAL BOARD OF CONTROL UNDER SECTION 692 AS OF THE EFFECTIVE DATE OF THIS SECTION, THE SPECIAL BOARD OF CONTROL SHALL TERMINATE IMMEDIATELY UPON THE APPOINTMENT OF A CHIEF RECOVERY OFFICER FOR THE SCHOOL DISTRICT...."

Mr. GERGELY. I apologize, Mr. Speaker. I do want to move forward; trust me. You have addressed that part of the question. Therefore, because that happens, an elected school board from the public of the district has to serve. Currently there are only five members that even ran in Duquesne to serve on that public school board. That means there are four vacancies. Is there anything that provides for the appointment to make it nine, which most school boards are? And I know the prohibition against the resigning exists. If one resigned, it would be a four-four. So I am just trying to get what other relief is provided for in the bill when you do not even have a full school board.

Mr. CLYMER. Mr. Speaker, the legislation that we are looking at does not provide for that type of situation. The School Code as it deals with the election of school boards, that is what we are looking at. That is the best answer I can give you right now.

Mr. GERGELY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a motion.

Mr. CLYMER. So I hope it satisfies your inquiry on that issue.

CONSTITUTIONAL POINT OF ORDER

Mr. GERGELY. Mr. Speaker, I rise to make a motion. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order and may make his motion.

Mr. GERGELY. Thank you, Mr. Speaker.

Mr. Speaker, I move that HB 1307 violates the 13th and 14th Amendments of the U.S. Constitution.

The SPEAKER. The gentleman, Mr. Gergely, raises a point of order that HB 1307, PN 3771, 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. The Speaker recognizes the gentleman, Mr. Gergely.

Mr. GERGELY. Thank you, Mr. Speaker.

Mr. Speaker, the 13th Amendment of the United States Constitution prohibits involuntary servitude except for as a punishment to a crime that a person is duly convicted.

Furthermore, Mr. Speaker, the 14th Amendment of the U.S. Constitution prohibits States from depriving persons of life, liberty, or property without the due process of law.

Mr. Speaker, I have already cited the section, which is a prohibition from resigning from an elective office, and I think that is in violation of our U.S. Constitution.

The SPEAKER. On the question of constitutionality, the Chair recognizes the gentleman from Lancaster County, Mr. Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I rise to oppose this motion because, very simply, the gentleman offered the very reason that it is incorrect in his own words: Involuntary servitude is just that, it is involuntary. What we are discussing here, Mr. Speaker, are individuals who would have circulated petitions and been involved in an electoral process and a race to put themselves in a position where they can oversee a school board and act in the best interests of their community.

Furthermore, Mr. Speaker, I think it is important to point out that this is already existing law. Mr. Speaker, this has never been raised despite other portions of the act being challenged. This piece was recently amended regarding the Education Empowerment Act, and it has been upheld in our courts, and I would respectfully urge an opposition to the gentleman's motion. Thank you.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Washington County, Mr. Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I think it is important for everyone to know that just because we are elected to this body does not mean we cannot resign at any time. Yes, it is true that we fill out petitions and we

voluntarily submit ourselves to this chamber; however, as soon as we want to resign and we are held here, that is involuntary, and we need to make sure that we uphold our Constitution, the 13th Amendment.

If a school board member does not want to be on the school board anymore, they have every right under our Constitution, the 13th Amendment, to not be on the school board anymore. As soon as they do not want to be on it and they are forced to be on it, that is involuntary servitude and is against the United States Constitution.

And I urge you to support this motion, because this bill is clearly unconstitutional. Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from York County, Mr. Grove.

Mr. GROVE. Thank you, Mr. Speaker.

As my astute colleague from Lancaster again emphasized, this same language is found in a bill that has been on the books since 2000, the Education Empowerment Act. It has not been challenged at all.

Mr. Speaker, I ask and urge my colleagues to vote against the motion that it is unconstitutional.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Allegheny County, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill says that if you are on the school board, you cannot quit. The gentleman from Allegheny County is correct. It violates the United States Constitution. The Pennsylvania Constitution in Article I, section 1, says, "All men are born equally free and independent,..." but not if you serve on a school board. And Article I, section 8, in the Pennsylvania Constitution says that people are secure in their persons from unreasonable seizures. Well, you have been seized, because you cannot quit the school board. It violates the Constitution. I have never seen anything clearer than this, Mr. Speaker.

The 13th Amendment, the 14th Amendment, two articles in our Pennsylvania Constitution say you cannot do this. If you do not want to serve on the school board, you can resign. You ought to be able to resign, only this law says you cannot and you have been seized and you are no longer a free and independent Pennsylvanian.

This bill is unconstitutional. Thank you, Mr. Speaker.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, the fact of the matter is, school districts, school districts and municipalities are creations of statute. They come from the power of the Commonwealth. You can set by statute changes to how those particular legal entities are governed and constructed. Let us face it, we are the ones who establish the parameters and the governance for all school districts. We are the ones who set the parameters for the governance and structure of all municipalities.

There is no endemic or set role with respect to these particular entities of school districts, these legal constructs. They can be changed in fact by law given particular circumstances. This is absolutely constitutional. It is absolutely within the power of the Commonwealth to do this. The fact of the matter is, the way it has been set up not only in Pennsylvania but throughout the United States, State by State by State, the power begins with the State and it flows down by

virtue of the State seeding it to the counties, the municipalities, and to school districts.

School districts are governed by geographical lines and by lines of governance and by lines of representative democracy. You can make changes to it. It is not unconstitutional. It is clearly constitutional.

The SPEAKER. On the question of constitutionality, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I know this is late and I know a lot of us are a little punchy, but the idea that we are even discussing this is craziness.

The bottom line is, people in Pennsylvania that are elected to school boards are doing it as a voluntary public service. Now, you have heard four good reasons why somebody who is a voluntary public servant should be able to say, you know, I do not care what you guys in Harrisburg are thinking at, like, 8:40 in the evening, but you guys are nuts, because if there is any voluntary public servant who is on a school board and you pass this law for whatever reason, these people are still resigning, and they are going to resign and they are going to say, I am resigning because of the United States Constitution, the 13th Amendment, the 14th Amendment, and the Pennsylvania Constitution. So all this stuff is really stupid.

The bottom line is, a voluntary public servant should not be forced to listen to a rule that does not make any sense at all. So I rise in support. This is an unconstitutional abrogation of the rights of a free Pennsylvania citizen to exist and provide service, but if they decide that they do not want to provide it anymore, they do not have to. If I decide tomorrow that I have had enough, I can resign. Why we are putting a higher burden on somebody else is ridiculous.

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 unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—110

| | | | |
|-------------|------------|------------|------------|
| Adolph | Farry | Lawrence | Rapp |
| Aument | Fleck | Mackenzie | Reed |
| Baker | Gabler | Maher | Reese |
| Barrar | Geist | Major | Roae |
| Bear | Gillen | Maloney | Rock |
| Benninghoff | Gillespie | Marshall | Ross |
| Bloom | Gingrich | Marsico | Saccone |
| Boback | Godshall | Masser | Saylor |
| Boyd | Grell | Metcalfe | Scavello |
| Brooks | Grove | Metzgar | Simmons |
| Brown, R. | Hackett | Miccarelli | Sonney |
| Causar | Hahn | Micozzie | Stephens |
| Christiana | Harhart | Millard | Stern |
| Clymer | Harper | Miller | Stevenson |
| Cox | Harris | Milne | Swanger |
| Creighton | Heffley | Moul | Tallman |
| Culver | Helm | Murt | Taylor |
| Cutler | Hennessey | Mustio | Tobash |
| Day | Hess | O'Neill | Toepel |
| Delozier | Hickernell | Oberlander | Toohil |
| Denlinger | Hutchinson | Payne | Truitt |
| DiGirolamo | Kampf | Peifer | Turzai |
| Dunbar | Kauffman | Perry | Verab |
| Ellis | Keller, F. | Petri | Vulakovich |

| | | | |
|------------|--------------|---------|------------|
| Emrick | Keller, M.K. | Pickett | Watson |
| Evankovich | Killion | Pyle | |
| Evans, J. | Knowles | Quigley | Smith, S., |
| Everett | Krieger | Quinn | Speaker |

NAYS—91

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

NOT VOTING—0

EXCUSED—0

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, Mr. Gergely, seeking further debate on the bill?

Mr. GERGELY. No debate, Mr. Speaker, just a few comments. Comments, Mr. Speaker.

The SPEAKER. The gentleman still had the floor—

Mr. GERGELY. Okay.

The SPEAKER. —from his comments. If you want to conclude on your first run of this—

Mr. GERGELY. Yes.

The SPEAKER. —you are entitled to make another comment.

Mr. GERGELY. Thank you, Mr. Speaker.

I will conclude. No more debate.

Mr. Speaker, we have established a lot of things this evening in debate of this bill. I think it was a good debate. Number one, we have established that for the first time we have now let any distressed school district CRO shut down a school and now send those students to other school districts with any future administration working with the Secretary of Education. Mr. Speaker, that is a very good process. If this bill works and my colleagues from the other side of the aisle do vote for this, I know that school districts in Westmoreland County, many distressed school districts in Allegheny County, may not exist in 5 to 10 years because of their financial status. And maybe there are not charter schools that want them, but there are fluent

school districts lying in wait to accept them, I suppose, because this is what we are creating while we pass this bill.

Mr. Speaker, I think there were better ways of doing this distressed school district bill. The board of control, although it was not perfect in Duquesne School District, we were moving forward. We were transferring our kids. We were getting them a great education, and public schools gave those other children a great education. I believe probably the Penn Township School District, Penn-Trafford School District, someday may be able to help the Jeannette School District, or the Thomas Jefferson School District may someday be able to help the Clairton School District if they become financially distressed.

This is a means to an end. The chairman of the Judiciary Committee, the majority chairman from Dauphin County, was right: We do not want to set up Federal lawsuits. Federal lawsuits could create massive school districts like it did in Woodland Hills. I am not sure; with some of these prohibitions, that still might not happen, but it may stop that and just let school districts close and let them go to better schools so that they can get educated and not just charter schools. I do not know if anyone realizes that intent was there, but it is.

Additionally, not only are we going to be paying superintendents to administer these schools, now we do not know what the CROs are going to get paid. So we are going to double-dip on the higher end of education, which I am opposed to, and I think many of you are also.

And, Mr. Speaker, this whole issue of prohibiting school board members from resigning – what if I want to move? What if I do not want to live there anymore? Do I still have to serve on your school board? This just does not make sense.

Mr. Speaker, in these distressed schools, nobody is going to run for a school board. You have created an animal that you do not know. Watch out for the intentions that you want to achieve versus the ill-fated intentions that may happen.

Thank you, Mr. Speaker. I urge 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 York County, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I have one brief question of interrogation to the gentleman from Bucks, if he will stand.

The SPEAKER. The gentleman indicates he will stand for interrogation, and you may proceed.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Mr. Speaker, is there a residency requirement – because I have gone through for the recovery officer – is there a residency requirement in there?

Mr. CLYMER. No; there is no residency requirement.

Mr. DePASQUALE. Okay. Thank you, Mr. Speaker.

That ends my interrogation. On the bill; on the bill, Mr. Speaker.

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

Mr. DePASQUALE. Thank you, Mr. Speaker.

Mr. Speaker, I am going to be voting "no" on HB 1307, but I want to speak to something larger than this bill before us, if I may. And for some of us that represent districts that have these significant challenges, and regardless of whether you vote "yes" or "no" on this, I just want to outline it so we can begin to come to grips with the enormous challenges that are happening in some of our school districts in Pennsylvania. In the York City School District, close to 10 percent of the children are

functionally homeless. And I want people to hear that: Close to 10 percent of the children in the York City School District are functionally homeless. Close to 90 percent are on either a free or assisted school lunch program. The wealthiest elementary school in York City is at 89 percent free or assisted lunch.

The scope of the problem financially is enormous; I understand that, but the problem is much deeper. My biggest concern with HB 1307 is not even with 1307; it is that we have no plan. And when I say no plan: a comprehensive plan that not only deals with the classroom but also what happens outside the classroom – utilizing our faith-based communities, our nonprofit communities, our county human services, and yes, the school district – to put together a plan where every single child can have a chance.

I recognize that to many of the districts in Pennsylvania, this is a newspaper article describing the problems and that they do not live it, and I understand that. I know what it is like to have a spouse come home one day after a near riot at one of the middle schools and say, "Are we really going to have our kids go to that school?"

Mr. Speaker, we have in many of our low-income urban areas a human crisis and our kids need help, and I hope and pray that what happens as a result of HB 1307 can help get us there. However, we do not know who the receiver will be. We do not have a comprehensive plan. I wish that stuff was before us. I wish I knew who the chief recovery officer would be. It might be someone that I would actually lead the parade to help them along the way, but we do not know who any of these people are. We do not know who this person is that could actually compel a school board to raise taxes and they would have no say in the matter.

But while so many of our discussions get into finances, and I recognize that, I just wanted to take a moment to let the members know that are focused on this debate here that the scope of the problem is enormous. We must have a comprehensive plan that helps all of our children, and it cannot be just the government. It has got to try to help parents be parents, empower the faith-based community to help impact the lives of the children, to work with our nonprofit community and county human services.

Mr. Speaker, I am a "no" on HB 1307, because I do not know if the person who would be the chief recovery officer has any clue of what the scope of the problem would be. So we may be bringing someone in that may not even be from Pennsylvania and saying, "Here; here is a problem in the city of 43,000 where you have 10 percent functionally homeless. Good luck."

Mr. Speaker, I wish we had an actual plan before us that would help each of these school districts. We do not. I am a "no" because of that. I hope that this works. I do hope that it works, but, Mr. Speaker, it is going to take more than a chief recovery officer. It is going to take an entire community – faith-based, business, government, nonprofit – to put this back together. It will take time, focus, diligence, and years.

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, Mr. Kirkland, from Delaware County.

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I rise in nonconcurrency of HB 1307.

Mr. Speaker, this reminds me of two things. Number one, when it comes to the Chester Upland School District, it reminds me of the saying that the hits just keep on coming, the hits just keep on coming. Also, it reminds me of an old show, "Father Knows Best," but rather this time it is the State knows best or the State Board of Education knows best.

Mr. Speaker, I have been here for 20 years, going on 20 years now, and when I got here there was a conversation about the Chester Upland School District, that was actually doing better. And the conversation was, we are going to help that district and we are going to make that district better and we are going to get them back on sound educational ground and financial ground, and we are going to do it by any means necessary. And so, Mr. Speaker, we tried private management organizations coming in, and, Mr. Speaker, we had empowerment boards coming in, and every time from that side of the aisle, Mr. Speaker, and from the Republican Senate, they kept sending all these great entities into the Chester Upland School District to get it right, and they have been doing that for some 15 years-plus, and here we go again.

Mr. Speaker, the gentleman on the other side of the aisle had made a comment. He said that there is no accountability in the district, and guess what? He is right. There is no financial accountability, educational accountability; there is no accountability. But guess what, Mr. Speaker? The State Board of Education, the empowerment boards who were put in place were there to manage the fiscal matters and the educational matters, and because they were there to be the overseers of the district, Mr. Speaker, now some 20 years or 15 years later, the Chester Upland School District has a \$75 million deficit. And guess what, Mr. Speaker? The State was there; the State was managing the school district. The Board of Education was there. They were overseeing the financial matters of Chester Upland School District, and right now we are \$30 million in debt – but do not forget, the State knows best. They sent in their best people to come and manage the district and make the district solid again. Well, Mr. Speaker, it speaks for itself. It has not worked in some 15 years. We are deeper in debt, we are hurting, and now by passing this bill, you will simply destroy the Chester Upland School District and districts like it.

Mr. Speaker, we have people in our community, not just one parent that we walk across during a hearing, but parents that we talk with each and every day, parents who elect school board members and persons they believe in to run our school district, and we think we know a little bit about the young people and the environment that they live in within the Chester Upland School District. We think we know a little more than some chief financial officer or the State Board of Education. We think we really do, because we live the life with them.

Mr. Speaker, this is a bad bill. This is another hit on a district that has not been helped by the State in a way that will allow it to pull itself up by its own bootstraps. As a matter of fact, it has been hurt by a State that has taken away its bootstraps.

Mr. Speaker, this bill is wrong, and I am hoping that we will stop the hurting of the children of Chester Upland School District and districts like it by not supporting this bill. Remember, Mr. Speaker, the State empowerment board, private management companies all in place because the State said, do you know what? This is what the children and the people of Chester Upland need, and look where we are today.

Mr. Speaker, I rise to say nonconcur on HB 1307. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Sturla, on concurrence in amendments inserted by the Senate.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, will the chairman of the Education Committee rise for brief interrogation?

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

Mr. STURLA. Mr. Speaker, in the history of Pennsylvania, can you cite any school district that the State has taken over that has become successful as a result of the State takeover?

Mr. CLYMER. Mr. Speaker, I do not believe that is a fair question. It is not related to the bill. What we are doing is trying to present to the members how certain distressed school districts can be helped if this legislation were to become law.

Mr. STURLA. Well, Mr. Speaker, since this bill deals with schools that have been taken over or could be taken over by the State, I will take that as a no; there have not been any examples.

Mr. Speaker, could the chief recovery officer, under this legislation, that is appointed be affiliated with a charter or cyber charter school?

Mr. CLYMER. If you wait for a moment, we will have an answer.

So you are asking if the chief recovery officer can be related to a charter school?

Mr. STURLA. Can be affiliated in any way with a charter or cyber charter school?

Mr. CLYMER. Mr. Speaker, there is nothing that prohibits a chief recovery officer from being a member affiliated with a charter school.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, since there is nothing that prohibits the chief recovery officer from being affiliated with a charter or cyber charter school, is there anything in the legislation that prohibits a chief recovery officer that might be affiliated with a charter or cyber charter school from then recommending that students be sent to the charter or cyber charter school that the chief recovery officer is affiliated with?

Mr. CLYMER. Mr. Speaker, as I have said in other interrogations a few moments ago, that cannot take place unless the Secretary of Education and the local school board approve it, and it has to be in the financial recovery plan.

Mr. STURLA. Mr. Speaker, correct me if I am wrong, but if the Secretary of Education is the person that appoints the chief recovery officer, chances are he would go along with what the chief recovery officer wanted. And since the school board is required to go along with what the chief recovery officer wants or it goes into receivership and then they do what the chief recovery officer wants anyway, is it not really sort of de facto that if the chief recovery officer is affiliated with a charter or cyber charter school and says the kids should go to my charter or cyber charter school, that they would in fact end up there?

Mr. CLYMER. Mr. Speaker, the local school board has to approve it, and as I mentioned previously in interrogation, there are a number of litmus tests that that has to follow. The organization that would take a charter school has to prove that they are financially stable, that there has to be cost savings, that the plan has to be transparent and made public. There are other tests that have to be done before that would take place. So what

I am saying to you is it is not simplistic. It is not as easy as you are presenting in your question.

Mr. STURLA. Mr. Speaker, if the chief recovery officer recommends something and the school board says no, what is the next process under this legislation?

Mr. CLYMER. Mr. Speaker, in the legislation, they have an entire year to come to a recovery plan, so there is that time element in there.

Mr. STURLA. Okay. As I understand it though, they—

Mr. Speaker, could we get some order? I am having a hard time hearing, and I believe so is the gentleman.

The SPEAKER pro tempore. Will the gentlemen please suspend.

Members, could you please take your conversations to the rear of the House, clear the aisles. Interrogation is under way and the gentlemen are having a hard time hearing each other.

The gentleman may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I understood or heard the gentleman correctly, he said that it would be possible, but it just would probably take a longer period of time than I may be envisioning. Is that correct?

Mr. CLYMER. Mr. Speaker, they can put this financial recovery plan – they have 120 days to put it into place, to get all the parts of it in sync, and then if that does not occur, they still have 365 days, and that is what I had mentioned to you in my last comment. They have that 365 days planned, and then it would probably go to a receivership.

Mr. STURLA. Mr. Speaker, as I read this legislation, it says that any school district that is located in a political subdivision that is in distress under Act 47 would then be put on the warning list. Is that correct?

Mr. CLYMER. Mr. Speaker, in response to the gentleman's question, there is nothing in the legislation that points to that specifically, but the Secretary of Education, chief recovery officer, and the State Board of Education would develop regulations and put all the variables in place, so if that is helpful to you. The Department of Education would develop it for the early warning, and I think that is what you are indicating, if the local municipality is under Act 47.

Mr. STURLA. Well, Mr. Speaker, I will come back to that when we find the exact citation on which page in the bill.

But moving on, I believe the legislation says this is limited to nine school districts. Does that change at all depending upon the size? I mean, if you have 9 school districts that have 500 kids apiece in each one of the school districts, is that the limit? And then if you have, for instance, the School District of Philadelphia and the School District of Pittsburgh and seven other large ones, is that the limit there? I mean, does it range from the potential of it being 4500 kids involved in this to hundreds of thousands of kids being involved in this?

Mr. CLYMER. Mr. Speaker, as I had indicated to a prior interrogator, the number is nine. That is the limit. The nine would fall under one of the plans of moderate and one under severe, but it would not go beyond nine.

Now, if one of the school districts was able to stabilize itself and they would be taken off the distressed list, then of course another school that is not on the distressed list could be placed on that list, but it stabilizes at the figure of nine.

Mr. STURLA. Mr. Speaker, returning to my question about school districts that are located in municipalities that are under Act 47, if you look at page 16 of the legislation, line 4, section

(II), says, "THE VARIABLES DEVELOPED BY THE DEPARTMENT UNDER THIS PARAGRAPH SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WHETHER ANY POLITICAL SUBDIVISION LOCATED WITHIN THE SCHOOL DISTRICT IS A FINANCIALLY DISTRESSED MUNICIPALITY UNDER THE ACT OF JULY 10...KNOWN AS THE MUNICIPALITIES FINANCIAL RECOVERY ACT." I read that that if a school district serves a financially distressed municipality under Act 47, that they are included in the watch list. Is your interpretation of that different?

Mr. CLYMER. Mr. Speaker, as I mentioned before, the Department of Education would present the agenda, would present the formula for a recovery status. That is my response to your question.

Mr. STURLA. Mr. Speaker, maybe I am not stating this correctly. The criteria for whether a school district is on a watch list – not part of the nine; not part of anything else – the criteria for which a school district ends up on a watch list, by the way this is written here, says that shall include any school district that is located in a municipality that is deemed financially distressed under Act 47.

Mr. CLYMER. Mr. Speaker, I have responded to that question twice, and if the gentleman is not happy with my response, then so be it, but I have answered the question.

The SPEAKER pro tempore. The gentleman is urged not to repeat the same question or repeat the question in a different manner over and over again. The gentleman has agreed to your interrogation. He has given you the courtesy of an answer, and he believes he has answered those questions.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. On the bill.

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the last point that I just made with regard to interrogation, if members want to look at the legislation on page 16, line 4, it says, "THE VARIABLES DEVELOPED BY THE DEPARTMENT UNDER THIS PARAGRAPH SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, WHETHER ANY POLITICAL SUBDIVISION LOCATED WITHIN THE SCHOOL DISTRICT IS A FINANCIALLY DISTRESSED MUNICIPALITY...KNOWN AS THE MUNICIPALITIES FINANCIAL RECOVERY ACT." It is pretty clear that if your school district serves children in a financially distressed municipality, that your school district is on a watch list.

Now, the reason I raise this is, because if I use my own school district as an example – and it has the potential to possibly someday be financially distressed, but it might not be – but the municipality that I live in also has the potential to be financially distressed. And so if that municipality becomes financially distressed, there are actually three school districts that serve that municipality – the School District of Lancaster, the Conestoga Valley School District, and the Lampeter-Strasburg School District. There are students that live in the city of Lancaster that are served by all three of those school districts. The way this legislation is written, if the city of Lancaster becomes financially distressed, even though a tiny portion of Lampeter-Strasburg's students live in the city, and even though a tiny portion of Conestoga Valley School District's students live in the city, they would be on the financial watch list and be monitored by the State, have to provide information to the State,

even though if you know those school districts, you know that their chance of being financially distressed is slim to none in the next 100 years. They are some of the wealthiest school districts in the county.

Mr. Speaker, what is evident and perhaps what is the elephant in the room that no one wants to talk about, although my colleague from York touched on it: These financially distressed school districts are all distressed due to a lack of tax base. It is not mismanagement. When the State comes in, they cannot manage it any better. There simply is no money. Earlier today when we were working on a budget, I heard people say again and again, you cannot spend what you do not take in. These school districts, unlike the State which could take in more revenue, have no means of taking in more revenue.

There is a concept in government financing that is called municipal overburden. There is a point of diminishing returns, where even if you raise the taxes higher, the amount of money you get back decreases because it devalues the properties so much that you get less back. That is the case with many of these financially distressed school districts. Mr. Speaker, simply saying that we are not going to recognize that and we are going to let the State take them over and fail like they have in every other attempt they have made when they have taken over financially distressed school districts so that we can kick the can down the road another 10 years just does not make sense.

What we have in the State of Pennsylvania, because of the way our school districts are structured, is essentially economic apartheid. If these school districts were in almost any other State in the nation, they would be part of a countywide school district. If any of these schools that we are talking about were part of a countywide school district, they would not be financially distressed. They would actually have a share of a tax base. Mr. Speaker, in order to ensure that the economic apartheid that goes on by isolating these school districts, we are going to spend \$6 million in implementing just the plan to send in a recovery team, and we are going to spend another \$30 to \$50 million just this year trying to prop up those school districts, but it still does not solve the problem. And no high-financial guru is going to do it by walking in and saying, "I have got the white horse. The State sent me in. I am here to save you." It has not happened; it is not going to happen, and it is a waste of money to think that you can do it simply by declaring the school distressed and saying the State is going to take it over.

Mr. Speaker, this is an example of not learning from history. History will repeat itself here again and again and again, and as was pointed out in the interrogation, in the meantime we will be shoveling a whole lot of State taxpayer dollars into the pockets of some people that are not going to solve the problem anyway.

Mr. Speaker, I would encourage a negative vote.

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

Mr. BARBIN. Thank you, Mr. Speaker.

I am going to take some advice from my good friend from Allegheny County, who indicates that when you do not have the votes, you do not have the votes, but I would like this to be on the record because we may have to deal with this same issue next year.

There are five quick reasons why this is a really bad bill. The first reason is, this bill is just like Act 47, and just like Act 47,

this bill does not have any chance of doing anything positive because we are not putting any money in it.

Number two. Number two is, the reason that we are here to discuss distressed school districts is because we did not have the guts to say we made a mistake in 1994 when we started the privatizing of public education. In '94 we had 20 school districts that were special public schools; now we have got 124. Six percent of the students are getting 18 percent of the money. We refuse to take the school budget line item of \$5.4 billion and to carve out of it that amount of money that we are handing over to the privatized schools. They are not really public schools, but we are pretending they are.

Number three. In 2001 Tom Ridge passed a pension bill that said we will retroactively decide that we will give every schoolteacher and every State employee a 2.5 multiplier for all the past years of services. That cost \$40 billion. We have never been able to catch up. The reason Mr. Kirkland has indicated they have got a \$75 million deficit is because of those two problems.

Number four. Nine districts are what you say you are doing today, but yesterday the Secretary of Education decided to add four more cyber schools to the 120 that already existed, so now we are up to 124 privatized public schools.

This is a bad idea. If we vote for it, we will be in the same position we are in on Act 47.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. I want to thank you, Mr. Speaker.

You know, Mr. Speaker, I have been sitting here listening, and if it was not for this was serious, I would believe we are trying to get on the Colbert Report by saying something really silly.

But, you know, when I sit here and I think about this bill, think about this: You get elected on school board, and if this is put into motion, you cannot leave school board. Now, Mr. Speaker, what happens if, for instance, you signed the Grover Norquist tax pledge and you are a school board member? Now you are not allowed to step down from school board, but you are mandated to raise taxes. You have got to go against your tax pledge, Mr. Speaker. Think about this. You are going to be mandated to go against your tax pledge, Mr. Speaker.

But do you know what? I know I am trying to make light of a serious situation I think because it is comical, but the comical part is that the joke is going to be on the school district.

Mr. Speaker, as much as I love this humble body and the folks that try to do good, is not Chester Upland an experiment and a train wreck gone bad? Is not Chester Upland the template for what we are setting these school districts up for, Mr. Speaker?

Mr. Speaker, if we really want to do something for these children, how about if we just start a little experimental program and we send the Chester Upland school kids to the school district next to it a little bit? Maybe if we take a few of those kids, we do not need to shut down the school. We do not need to make a school system so bad that we send half the kids to a charter school for charter schools to do it and still leave the other kids there. Let us do something good. Let us send them to the next school district or Springfield. Send them to Springfield; that would be perfect. Give them a chance, Mr. Speaker.

But, Mr. Speaker, this bill, I know the folks mean well and I apologize for trying to make light of a serious situation, but the bottom line is, when you read some of the details in this bill, Mr. Speaker, you cannot do this. Let us get serious about education, Mr. Speaker.

Do you know what? I sit and I see bills go through education where the idea is to take these resources and take them out, but nothing is done for the kids. We want to punish school boards. We want to punish communities.

Mr. Speaker, it is time to get serious about education. Let us get serious about it. Let us quit playing our political games. Let us get serious. Let us not do comedy skits that can end up someplace they should not. Let us help educate these children. Let us vote this bill down, get serious about it, get in and help these neighborhoods, help these kids out, help them get a good education, and not keep trying to put Band-Aids on it, Mr. Speaker, because do you know what you are going to end up with? Nine more Chester Uplands. That is what you are going to end up with, and that is not the way you do business in Pennsylvania.

Let us be leaders and let us show that we have a great school system and let us give these kids the same chance that we are giving those surrounding school districts. Let us give these kids the same chance that my kids have. My kids go to good public schools, above average public schools. Parents move to my school districts because of what good jobs my public schools do. Let us work on that. Let us take what is good and work on it, and let us not do this ridiculousness anymore, Mr. Speaker.

Please, vote this thing down. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and seeing no further members, the Chair recognizes the gentleman— Correction. The Chair recognizes the gentleman from Allegheny County, Mr. Schmotzer.

Mr. SCHMOTZER. Thank you, Mr. Speaker.

I am reading a brief summary of the bill, the Public School Code, and in it it says that it "...establishes a new Article..." for "School District Financial Recovery and makes...changes to the Public School Code related to requirements to maintain elementary schools, superintendent contracts, intermediate unit reporting, employee pools and wearing military uniforms at graduation." I am really not quite sure, and I only spent 10 years on the school board, what a lot of this has to do with each other. I think if you want to amend the Public School Code, it has to be done carefully, incrementally, thoughtfully, and intelligently.

Sir, I need to ask a couple questions of Representative Clymer. Is that okay? Mr. Speaker?

The SPEAKER pro tempore. Is the gentleman seeking interrogation of the gentleman from Bucks County?

Mr. SCHMOTZER. It is kind of a harsh word, but yes, sir.

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

Mr. SCHMOTZER. Mr. Speaker, I would like to first ask the question, did anybody who was instrumental in writing this bill, do any of them have any school board experience?

Mr. CLYMER. Mr. Speaker—

POINT OF ORDER

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

The SPEAKER pro tempore. The majority leader raises a point of order and is recognized and may proceed.

Mr. TURZAI. With respect to interrogation, sir, many of the questions have clearly been answered by the good gentleman from Bucks County. And the fact of the matter is, you are only to use interrogation if you do not have an understanding with respect to a particular aspect of legislation. It is not to be directed in any personal way to the chair of the committee or a maker of a bill or a maker of an amendment. I would ask that the question be withdrawn, and let us get to the final debate and the vote on this legislation.

Mr. SCHMOTZER. All right. I will ask a different question then.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. SCHMOTZER. Mr. Speaker, I will ask another question. I do not know if you will like this one either.

The chief recovery officer, what would his or her qualifications be that are different from a superintendent of schools that previously ran the school district?

Mr. CLYMER. The chief recovery officer, if you see the bill, has to have 5 years of experience in business. He has to have that very important business background, because as I said earlier in my opening remarks, some of the problems we have with the distressed schools is the fact that it is an in-house problem, that they did not do their financial reports as accurately as they should; they had misuse of money. So the chief recovery officer comes in with this solid background experience and immediately they begin to solve some of these problems.

Mr. SCHMOTZER. Mr. Speaker, each and every school district has a business manager. Each and every school district gets audited by the Auditor General's Office—

POINT OF ORDER

Mr. TURZAI. Point of order.

The SPEAKER pro tempore. Will the gentleman please suspend.

The majority leader is recognized on his point of order.

Mr. TURZAI. It is not a debate, Mr. Speaker.

Mr. SCHMOTZER. I have a question coming.

Mr. TURZAI. Point of order.

It is not a debate.

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. TURZAI. If he has a speech he wants to give, he may certainly give it.

Mr. SCHMOTZER. All right. Here is my question.

The SPEAKER pro tempore. The gentleman may proceed with his question—

Mr. SCHMOTZER. All right. Mr. Speaker—

The SPEAKER pro tempore. —on the salient issue of the matter currently before us.

The gentleman does reserve the right to refuse interrogation.

The gentleman may proceed.

Mr. SCHMOTZER. Mr. Speaker, these are very simple questions. I am not as smart as most of you people in this room. These are simple questions.

Now, the question is—

The SPEAKER pro tempore. Will the gentleman please suspend.

Mr. SCHMOTZER. Wait a second.

The SPEAKER pro tempore. Please ask your question. You are recognized on interrogation.

Mr. SCHMOTZER. Mr. Speaker, the question is, does each school district have a qualified business manager?

Mr. TURZAI. Wait. Point of order.

Mr. CLYMER. I do not know. They have a business manager, but I do not know if they are qualified. You would have to contact each of the school districts and talk to the superintendent and the school board and ask them if their business manager is qualified.

Mr. SCHMOTZER. Mr. Speaker, every school—

The SPEAKER pro tempore. Will the gentleman please suspend.

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

Mr. SCAVELLO. Mr. Speaker, we have been here quite a while. We have answered every question. I rise to call the previous question.

The SPEAKER pro tempore. The gentleman, Mr. Scavello, is recognized. You may proceed, Mr. Scavello.

Mr. SCAVELLO. I will withdraw my motion and have the gentleman finish off.

The SPEAKER pro tempore. The gentleman, Mr. Scavello, withdraws his motion.

The gentleman, Mr. Schmotzer, is recognized. Are you still on interrogation or on concurrence?

Mr. SCHMOTZER. All right, Mr. Speaker.

The SPEAKER pro tempore. Final debate?

Mr. SCHMOTZER. Yes, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The gentleman is recognized and may proceed.

Mr. SCHMOTZER. Thank you.

Let me just say a couple things. There are 500 school districts in the Commonwealth of Pennsylvania.

May I have order, Mr. Speaker?

The SPEAKER pro tempore. Members, please take your seats. We need some order in the House. The gentleman is entitled to be heard.

Mr. SCHMOTZER. There are 500 school districts, Mr. Speaker, in the Commonwealth of Pennsylvania. Each of them has a superintendent; each of them has a business manager; each of them gets audited by the Auditor General's Office; each of them gets audited every year by an independent auditor in their county. No school district sets out to become a distressed school district. Many circumstances bring it about. One is the municipalities, they catch hard times – a steel mill closes, a plant closes, the property values are not as high, they are not getting in the revenue to support their school district, State funding is not there, the people are not paying their taxes.

The bottom line is, I do not understand how a CRO would be any different in structure than the current system of a superintendent and a business manager. And I also do not understand how, if we talk about local control for school boards and school districts, how handing this over, like in Act 47, like the city of Pittsburgh, how that would ever help these children get educated.

And, Mr. Speaker, I thank you for your patience and your time.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Thomas, are you seeking recognition? The gentleman from Philadelphia, Mr. Thomas, waives off. Thank you, Mr. Thomas.

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—106

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

NAYS—95

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

NOT VOTING—0

EXCUSED—0

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 SPEAKER pro tempore. Members will be delighted to know, no further votes this evening.

COMMITTEE APPOINTMENT

The SPEAKER pro tempore. Pursuant to rule 43, the minority leader has appointed Representative John Sabatina as Democrat subcommittee chairman on Courts of the House Judiciary Committee.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. Major, for an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus tomorrow morning at 9:30. I would ask our Republican members to please report to our caucus room at 9:30 Friday morning. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. For the information of the members, session will begin at 11 tomorrow morning.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the lady, Mrs. Davidson, rise from Delaware County?

Mrs. DAVIDSON. To correct the record.

The SPEAKER pro tempore. The gentlelady may proceed.

Mrs. DAVIDSON. I would like to submit my remarks for the record.

The SPEAKER pro tempore. The gentlelady is in order and may submit those to the clerk. Thank you. The Chair thanks the lady.

Mrs. DAVIDSON submitted the following remarks for the Legislative Journal:

I rise today, Mr. Speaker, as a woman torn in two. I am torn between a specific assignment and a larger dynamic. My specific assignment and my greatest joy is to work on behalf of my constituents, to serve their interests to support policies that enhance their lives. On assignment recently I offered an amendment to restore \$50 million to the education budget. Working with my colleagues from Delaware County on the other side of the aisle, we were able to get \$100 million more in the budget for schools. My school district will also share in resources from the distressed schools budget with other districts that need an additional boost.

In the Upper Darby School District, where most of my constituents live, the Corbett cuts have caused the school board to propose \$4 million in cuts to vital education programs. These cuts include slashing the national renowned and award-winning arts and music programs. Parents and community residents have been outraged, and with good reason: This was preventable. Twelve thousand people took to a Facebook page to express their horror. Local and national media have covered the outcry. We have become the retweet capital of the

world, as celebrities such as Tina Fey, an Upper Darby native and school district alum, have joined the chorus of voices: No, this cannot be.

So my first priority today is to save those programs and restore the trust people have. The middle-class, hardworking community has seen their local taxes rise year after year, even under an all-Republican school board, and yet there was no outcry, no change in leadership, because the covenant was, "You can raise our taxes, but do not cut our programs." Now, this budget will still cause local property taxes to rise, but it could restore the programs that my constituents hold so dear.

This legislative process only gives me two options – yes or no. I do not have the option to say yes, but we can do better. Yes, but why can we not add the \$300 million back into the budget? Yes, but if we pay \$1.9 million for an Independent Fiscal Office, do we not listen to them or add the \$1.9 million back into the budget? Yes, but why does the cap have to be \$27.6 billion as Corbett demands? It is arbitrary. It is a projection. The \$300 million is more real than the \$27.6 billion. Yes, but why can we not really do a reasonable tax on Marcellus Shale? Why do we not really close the Delaware loophole? Yes, but why cannot we cut the prison budget to educate our children? Yes, but let us dole out \$26 million in corporate tax cuts right now. Why did we restore stimulus dollars with State money in the prison budget but refused to do the same for the education budget?

This budget does little for most of my colleagues on this side of the aisle for their specific assignment to their district or the greater Commonwealth.

So while this budget serves my specific assignment and my commitment and vision statement to serve the people of my district exceptionally well, I will vote "yes." But the larger dynamic, the broader dynamic of the Commonwealth leaves too many unanswered questions, too much money on the table. The creation of this budget is not a question of resources but a question of priorities. Many people in this great chamber represent districts and people who will get little or nothing out of this budget. So while I have to vote "yes" for my specific district for this specific assignment, I vote "yes," but I applaud my colleagues who have the liberty to vote "no."

DEMOCRATIC CAUCUS

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus at 9:30; at 9:30, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

VOTE CORRECTIONS

The SPEAKER pro tempore. The gentleman, Mr. Thomas, is recognized.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, my button malfunctioned on SB 637. Would you record me in the affirmative?

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

The gentlelady, Ms. Brownlee, is recognized.

Ms. BROWNLEE. Mr. Speaker, I was inadvertently recorded as a "no" on SB 637. I would like that corrected, sir, to reflect me as a "yea," Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady, and her remarks will be spread upon the record.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 2354;
HB 2485;
SB 637;
SB 1465;
SB 1535;
SB 1546; and
SB 1551.

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

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman from Philadelphia, Mr. Williams, rise?

Mr. WILLIAMS. Mr. Speaker, I also would like to change my vote on SB 637. It was recorded as a "nay," and I would like to be a "yea."

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 161 be removed from the tabled calendar and placed on the active calendar.

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

BILL RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that SB 1263 be removed from the active calendar and recommitted to the Appropriations Committee.

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING****SENATE MESSAGE****HOUSE BILL
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 2345, PN 3473**, with information that the Senate has passed the same without amendment.

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

The clerk of the Senate, being introduced, returned **HB 208, PN 3491; HB 973, PN 3835; HB 1539, PN 3790; and HB 1908, PN 3842**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

HB 1307, PN 3771

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in duties and powers of boards of school directors, further providing for elementary schools; in school finances, further providing for when district distressed; repealing provisions relating to special board of control, petition and appointments, when no appointment is made and compensation of special board of control; further providing for powers of special board of control and for distress in school districts of the first class; repealing provisions relating to additional tax and to school directors to remain in office and elections; adding provisions relating to school district financial recovery; establishing the Financial Recovery School District Transitional Loan Account; further providing for distress in school districts of the first class; in intermediate units, further providing for subsidies for services and for financial reports; further providing for manner of election or approval; providing for performance review; further providing for election of assistant district superintendents, for term and salary of assistants, for commissions and for removal; in high schools, further providing for attendance in other districts; and providing for wearing of military uniform at graduation ceremony and for superintendents of schools or buildings and of supplies.

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, the Chair recognizes the gentleman, Mr. Evankovich, from Westmoreland County, who moves that this House do adjourn until Friday, June 29, 2012, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 9:39 p.m., e.d.t., the House adjourned.