

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, SEPTEMBER 25, 2013

SESSION OF 2013

197TH OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

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

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

PRAYER

The SPEAKER. Today the prayer will be offered by Rev. Coleen Brandt Painter, Honey Brook United Methodist Church, Honey Brook, Pennsylvania. Reverend Painter is the wife of Representative Mark Painter.

REV. COLEEN BRANDT PAINTER, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Gracious God, amidst another changing season, this legislature has returned to a new season of work. They have returned from their district offices to their offices in this Capitol, where they turn again to the business of drafting, debating, refining, debating, refining again, and finally voting on legislation that intends to encompass the best ideas and highest dreams of the people of this Commonwealth. Bless them as they go about this work. May they receive guidance from You as they listen to one another and articulate for one another the needs and problems that are unique to the people they represent. May the work of this day and this session be effective in making the days and lives of the people of Pennsylvania productive and joyful and peaceful.

In this autumn season, as we watch our Pennsylvania native trees lose their leaves and our Pennsylvania perennial flowers return to the earth, we remember that they are not dying; they are merely returning their energy from the summer sun to their roots, storing up what they have gained over the summer for an even more glorious bloom next year. May the work of this chamber do the same. May the insight from this past summer's time with constituents be transformed into a foundation for prosperous communities, where people work together in generosity and cooperation for the good of the whole, and where no individual is forgotten or oppressed.

We know that all good things come from You, but that You then call on people to attend to the details. We acknowledge the trust that the people of Pennsylvania have given these men and women. As the work of governing continues, may each do their part while following Your lead, trusting in Your goodness, and with faith in Your constant love and presence. 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 Tuesday, September 24, 2013, will be postponed until printed.

ACTUARIAL NOTES

The SPEAKER. The Speaker acknowledges receipt of actuarial notes for HB 1353, PN 2152, amendment Nos. 02775 and 02777.

(Copies of actuarial notes are on file with the Journal clerk.)

HOUSE BILLS INTRODUCED AND REFERRED

No. 1701 By Representatives CAUSER, S. H. SMITH, RAPP, GABLER, SANKEY, ROCK, WATSON, MILLARD, FLECK, MURT, EVERETT, DENLINGER, COHEN and GINGRICH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for rural regional community college pilot program for underserved counties.

Referred to Committee on EDUCATION, September 25, 2013.

No. 1702 By Representatives ROSS, HENNESSEY, DAVIS, WATSON, PASHINSKI, CLYMER, HAGGERTY, ROCK, COHEN, GODSHALL, BROWNEE, FRANKEL, GINGRICH, READSHAW, MURT, QUINN and KULA

An Act authorizing the Department of Aging to license and inspect community respite services programs; and imposing additional powers and duties on the Department of Aging.

Referred to Committee on AGING AND OLDER ADULT SERVICES, September 25, 2013.

No. 1703 By Representatives MIRANDA, COHEN, CALTAGIRONE and MURT

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for child support tax credit.

Referred to Committee on FINANCE, September 25, 2013.

No. 1704 By Representatives MATZIE, MILLARD, KORTZ, PASHINSKI, DONATUCCI, GIBBONS, READSHAW, FLYNN, PAINTER, MAHONEY, DeLUCA, COHEN, CALTAGIRONE, D. COSTA, LUCAS and HENNESSEY

An Act amending the act of July 20, 1974 (P.L.537, No.184), referred to as the Honey Sale and Labeling Act, further providing for a standard of identity for manufactured honey.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 25, 2013.

No. 1706 By Representatives BAKER, DAVIS, D. COSTA, KAUFFMAN, PICKETT, TALLMAN, SWANGER, ROCK, WATSON, MILLARD, CLYMER, COX, MAJOR, HARHART, GOODMAN, CALTAGIRONE, M. K. KELLER, CAUSER, HESS, MURT, DEASY, R. MILLER, QUINN, DENLINGER, CARROLL, GINGRICH, FARRY, KORTZ, LAWRENCE, MICOZZIE, MILNE, BRADFORD, SCHLEGEL CULVER, STEVENSON and EVERETT

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency services, changing implementing authority from the Pennsylvania Emergency Management Agency to the Office of the State Fire Commissioner; further providing for assistance to volunteer fire companies, ambulance service and rescue squads and for powers and duties; and making editorial changes.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 25, 2013.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 25, PN 1551**, with information that the Senate has passed the same without amendment.

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 25, PN 1551

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation.

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. GODSHALL, from Montgomery County for the day. Without objection, the leave will be granted.

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

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Saccione
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causer	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons
Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
Delozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Godshall Kirkland Swanger

LEAVES ADDED—5

Cruz Gabler Harper Kortz
DeLuca

LEAVES CANCELED—1

Swanger

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

The House will be at ease for a minute.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, I would like to introduce some of the guests that are with us today. I would appreciate your holding the conversations down. I would appreciate the members' courtesy. Thank you.

Located to the left of the rostrum, I would like to welcome Mark Jorgensen, a senior at York College studying political science. He is shadowing Representative Ron Miller for the day. Will our guest please rise. Welcome to the hall of the House.

Also to the left of the rostrum, we would like to welcome Steve Luongo. He is here today as a guest of Representative Barrar. Will our guest please rise. Welcome to the hall of the House.

And also over to the left of the rostrum, we would like to welcome Miranda Miller. She is shadowing Representative Cutler for the day. Will our guest please rise. Welcome to the hall of the House.

Located in the well of the House, we would like to welcome guest page Marc Anthony Minichello. His father, Marc, is sitting in the rear of the House, and they are here today as guests of Representative Toohil. Will our guests please rise. Marc; he is back along the aisle. Welcome to the hall of the House.

And additional guests of Representative Painter, we have located in the rear of the House and we would like to welcome members of the Honey Brook United Methodist Church in Chester County. They are here in celebration of the church's 190th anniversary. Will our guests please rise. Welcome to the hall of the House.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. HARHAI called up **HR 401, PN 2180**, entitled:

A Resolution congratulating the Philomathean Society of the University of Pennsylvania, the nation's oldest continuous collegiate

literary society, on its 200th anniversary on October 2, 2013, and extending best wishes to the society for a successful and productive future.

* * *

Mr. CLYMER called up **HR 417, PN 2252**, entitled:

A Resolution recognizing the 50th anniversary of the Alliance of Approved Private Schools.

* * *

Mr. PAINTER called up **HR 419, PN 2261**, entitled:

A Resolution honoring the Honey Brook United Methodist Church during the 190th anniversary celebration of its founding.

* * *

Mr. ELLIS called up **HR 457, PN 2361**, entitled:

A Resolution designating the month of September 2013 as "Ovarian Cancer Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Sacccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons
Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil

Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
Delozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

Godshall Kirkland Swanger

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

STATEMENT BY MR. PAINTER

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Painter, under unanimous consent relative to one of the resolutions just adopted.

Mr. PAINTER. Thank you, Mr. Speaker.

Mr. Speaker, on behalf of the members of Honey Brook United Methodist Church, I would like to thank the members of this House for their unanimous vote on the resolution celebrating Honey Brook Church's 190th anniversary.

Mr. Speaker, this church is part of the First Great Awakening movement of the early 19th century. It began with folks meeting in each other's houses, starting a Sunday school with the help of Methodist circuit rider preachers, and eventually building their own building. Back in those days the town was known as Waynesburg. The church is the oldest organization in Honey Brook – it is much older than the borough – and as it celebrates its 190th anniversary and moves into the 21st century, the church is changing and growing with the times. Today it supports AA (Alcoholics Anonymous) and NA (Narcotics Anonymous) chapters, and ministers to the needy and homeless in the Borough of Honey Brook and the area beyond through the Steeple to People program.

So again, on behalf of the church, thank you for your unanimous support of this resolution.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. HENNESSEY

The SPEAKER. The Speaker recognizes the gentleman from Chester County, Mr. Hennessey, under unanimous consent relative to the resolution just adopted.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Let me just join with Representative Painter in welcoming the members of the Honey Brook United Methodist Church here to Harrisburg to celebrate their 190th anniversary of the church.

Honey Brook United Methodist I would like to say was a member of my district, but it seems to me, since they are 190 years old and my district was not created until 1992 or 1991, I think I am probably a member of their district rather

than them being a member of the 26th. Nonetheless, I wanted to just add my voice to say congratulations. We will see you at lunch, and enjoy the day up here in Harrisburg.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks gentleman.

STATEMENT BY MR. CLYMER

The SPEAKER. The Speaker recognizes the gentleman from Bucks County, Mr. Clymer, under unanimous consent relative to one of the resolutions just adopted.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I, too, want to thank the members for unanimous support of HR 417. Mr. Speaker, this was the approved private schools who serve students with the most severe disabilities who, due to the nature of the severity and complexity of their disabilities, cannot be appropriately served in public school special education programs. Approved private schools commit a substantial amount of private funds, resources, and technical assistance in support of children with special needs within this Commonwealth.

Approved private schools have been outstanding in nurturing and educating these students with these severe disabilities, and we congratulate them as they celebrate their 50th anniversary.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. WATERS called up **HR 467, PN 2372**, entitled:

A Resolution recognizing the week of September 22 through 28, 2013, as "Historically Black Colleges and Universities Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The SPEAKER. Is the gentleman, Mr. Waters, from Philadelphia seeking recognition on the resolution?

The gentleman is in order on the resolution.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I stand here, as many people across the nation, celebrating National Historically Black Colleges and Universities Week to coincide with the annual education conference on HBCUs (historically Black colleges and universities).

The first HBCUs were established in the north and were products of independent religious institutions and Christian missionaries. The very first HBCU was Cheyney University, right here in Pennsylvania, founded in 1837. In addition to Cheyney, Lincoln University was also established here as an HBCU in our Commonwealth.

During the years of racial segregation, HBCUs served as "islands of hope" where Blacks could learn to read and write without fear of retribution. Historically Black colleges and universities increased from 1 in 1837 to more than 100 in 1973.

For a large part of American history, HBCUs were solely responsible for educating and preparing Blacks to live as free people. HBCUs accepted this responsibility and educated many

Black Americans with very little in the way of financial resources.

In 1981 President Ronald Reagan created the White House Initiative on Historically Black Colleges and Universities, which encourages Federal support for HBCUs. According to the White House Initiative on HBCUs, 14 percent of all African-American students in higher education attend a historically Black institution.

HBCUs have trained some very well-known and great people here in America. Just to name a few, we have the Reverend Dr. Martin Luther King, Spike Lee, and Thurgood Marshall.

I recently had an opportunity to speak at a press conference, to give some words of encouragement to Cheyney University and express gratitude for the impact the university has had in the Philadelphia region. When the Pennsylvania Quakers endowed the Institute for Colored Youth, now known as Cheyney University, the goals were clear: create a space, a first-of-its-kind space, where brown faces could learn, grow, and cultivate into leaders. Needless to say, both Cheyney and Lincoln Universities have been successful in doing that and more here in Pennsylvania.

As our nation continues to press towards a postracial future, I believe that historically Black colleges and universities will still have a place in our society, if only to remind us of our history and ensure that justice in education is being served.

Thank you, Mr. Speaker, and thank you to the members of this House for your support of the resolution.

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

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Saccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causser	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons
Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern

Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
Delozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

Godshall Kirkland Swanger

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

BOB HORLACHER GIRLS ALL-STAR SOFTBALL TEAM PRESENTED

The SPEAKER. I would like to invite Representative Boback to the rostrum for the purpose of presenting a citation to the Bob Horlacher Girls All-Star Softball Team.

The lady, Ms. Boback, may proceed.

Ms. BOBACK. Thank you, Mr. Speaker.

I am honored today to welcome an awesome group of young ladies to the House. These 10- and 11-year-old girls are members of the Bob Horlacher All-Star Softball Team, which captured this year's Pennsylvania State Little League Championship. Even more impressive is the fact that many of these same girls won the State championship last year as 9- and 10-year-olds. I look forward to seeing what these young ladies will accomplish in their remaining years of competition.

I have prepared a citation to honor their accomplishments and will just briefly read a part that recognizes each member.

"Whereas, The Bob Horlacher All-Star Softball Team earned the prestigious title by defeating Exton with a score of 8 to 2 in the championship game. The team defended the title it captured in the 2012 Pennsylvania State Little League 9- and 10-Year-Old Softball Championship. Under the expert guidance of Coaches Doug Jones, Pete Romanchick, Jim Dunn and John Kuderka, the team was comprised of Kaci Rose Coole, Erin Janine Dunn, Faith Lorraine Jones, Sarah Elizabeth Kuderka, Hope Jessica Jones, Delaney Ann Romanchick, Mackayla Louise Quick, Kassidy Lynn Shirtz, Jena Nicole Simmons and Megan Nicole Straley."

As their proud State Representative, I present to you the champions for this year, the Bob Horlacher Team. Thank you.

The SPEAKER. Will the other guests that are with the team please rise, in the rear of the House.

If the lady, Ms. Boback, wants to bring these girls back to town next Monday night, I hear the East Team could probably use a little help.

The House will be at ease for a moment.

The House will come to order.

GUESTS INTRODUCED

The SPEAKER. I would like to welcome a couple of other guests that are with us up in the gallery, as guests of Representative Readshaw: Pittsburgh councilwoman Kathy DePuy, daughter Jane, grandsons Scott and Zach, and they are here today to visit with the Governor for a bill signing. Will our guests please rise. Give us a wave, up in the gallery. Welcome to the hall of the House.

Also, a couple additional guests to the left of the rostrum. I would like to welcome Vince Gastgeb, who is here today as the guest of Representative Maher and Representative Dan Miller, a former member of the Allegheny County Council. Will our guest please rise. Welcome to the hall of the House.

Will the members kindly take their seats. Will the members please take their seats. The next two resolutions are condolence resolutions.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MAHER called up **HR 422, PN 2280**, entitled:

A Resolution honoring the life of Magisterial District Judge Robert C. Wyda and extending condolences to his family.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. If we are very fortunate in our lives, we will have the good fortune to get to know a few people that are as good as Rob Wyda. He spent his life serving others, genuinely his entire life: his family, of course, his dear wife, Shannon, his children, Jared and Rachel; the community in so many ways, culminating as a magisterial district judge for the past dozen years in the community; and served our nation, 26 years as a naval officer, deployed in Afghanistan, Iraq, and prosecuting war crimes in Guantanamo Bay. But he always had a smile. You cannot find a photograph of Rob Wyda anywhere where this man is not smiling, that no matter what the circumstances were, he had that special ability to see what was good and where the hope would be. And it was infectious.

He was a dear friend and a man of great humility, because of all the good things he did, he never spoke of himself. He never said, "I did this. I did that." He always spoke of what could be done, and while dispensing one of the largest caseloads of a magisterial court in Pennsylvania, somehow or another, you

never heard anyone ever complain. He was regarded as someone who was not just just, but good; dispensed wisdom as well as sentences.

He will be sorely missed, and I hope you will join me today with this resolution celebrating this very good man's great life and expressing our condolences to his family. Thank you.

The SPEAKER. The question is, will the House adopt the resolution?

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

Mr. D. MILLER. Thank you, Mr. Speaker.

I did have the opportunity to know Judge Wyda on the professional side. I was a public defender in Allegheny County and was called to serve in his courtroom many times. I bring that up for a point, because whether you were in his courtroom as a prosecutor or a defense attorney, we always knew that we were going to have a fair and just hearing with a decision that you may, depending on your side, not have agreed with or hoped for, but was sound and something that, really, you could not argue with. And I say that, it sounds simple, but again, from a public defender, his work made a difference. He helped our community, and he will be sorely missed. I hope that you will join with us on this resolution.

The SPEAKER. The question is, will the House adopt the resolution?

On that question, members and all guests will please rise in a moment of silence for the deceased.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Magisterial District Judge Robert C. Wyda.)

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

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Sacccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causser	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons

Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
Delozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

Godshall Kirkland Swanger

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

* * *

Mr. FARRY called up **HR 462, PN 2365**, entitled:

A Resolution honoring the life and expressing condolences upon the passing of Alan Rosenthal, who died on July 10, 2013.

On the question,
Will the House adopt the resolution?

The SPEAKER. I would appreciate the members' attention, kindly.

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

Mr. FARRY. Thank you, Mr. Speaker.

Today I rise with great sadness but great pride to pay tribute to a dedicated individual whose belief in representative democracy led him to reshape and strengthen State legislatures across the country.

Professor Alan Rosenthal dedicated his life to the study of political science and government reform until his death on July 10, 2013. He graduated from Harvard University in 1953, and then earned his master's in public administration in 1958 and his Ph.D. in 1961, both from Princeton University.

Mr. Rosenthal was a faculty member at the Eagleton Institute of Politics at Rutgers University, where he served as director from 1974 to 1994. During his time at Rutgers, he established and directed the Eagleton Center for State Legislative Research and Service, which was instrumental in the development of the National Conference of State Legislatures.

In 2011 Professor Rosenthal was the featured speaker at a symposium for members of the Pennsylvania General Assembly at the State Museum, where he discussed the history of the General Assembly and the roles legislators must balance.

Mr. Rosenthal authored more than a dozen books and received numerous awards for his academic achievements and public service. He was active in helping reform legislative systems around the country, empowering legislative bodies which had become dependent on executive branches.

Above all, he will be remembered for his devotion to his students he taught, including myself, his faith in government as an institution, and his respect and dedication to public service.

As we honor Mr. Rosenthal's memory, I am personally grateful and inspired by individuals who have chosen to devote their lives to teaching and serving the public. Because of individuals like Mr. Rosenthal, we are reminded that democracy is not a broken ideal but a gift of freedom handed down from our Founding Fathers. Such freedoms should be properly nourished and remind us that governments can be a force of good.

Mr. Alan Rosenthal will be sadly missed by all, including his family, colleagues, and friends; however, he will forever be remembered for his dedication and activism in the field.

Mr. Speaker, I ask the members of this legislature to join me in honoring his memory today as an influential educator by unanimously passing this resolution. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Saccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons
Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla

Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
DeLozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

* * *

Ms. V. BROWN called up **HR 445, PN 2340**, entitled:

A Resolution commending and recognizing the Sickie Cell Disease Association of America, Philadelphia/Delaware Valley Chapter, for their many worthwhile and significant endeavors, including its 16th Annual Walter E. Brandon Sickie Cell 5K Walk/Run.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Saccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons

Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Tallman
Daley, P.	Harris, J.	Mullery	Taylor
Davidson	Heffley	Mundy	Thomas
Davis	Helm	Murt	Tobash
Day	Hennessey	Mustio	Toepel
Dean	Hickernell	Neilson	Toohil
Deasy	James	Neuman	Truitt
DeLissio	Kampf	O'Brien	Turzai
DeLozier	Kauffman	O'Neill	Vereb
DeLuca	Kavulich	Oberlander	Vitali
Denlinger	Keller, F.	Painter	Waters
Dermody	Keller, M.K.	Parker	Watson
DiGirolamo	Keller, W.	Pashinski	Wheatley
Donatucci	Killion	Payne	White
Dunbar	Kim	Peifer	Youngblood
Ellis	Kinsey	Petrarca	

NAYS—0

NOT VOTING—0

EXCUSED—3

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

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of the House.

The Sergeants at Arms will close the doors of the House. Members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES

CONDOLENCE RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania wishes to honor the memory of the Honorable Austin M. Lee, who served with distinction as a member of the House of Representatives of Pennsylvania from 1956 to 1964, and passed away at the age of ninety-three on June 4, 2013; and

WHEREAS, Born in Philadelphia on June 6, 1919, Mr. Lee was the only child of the late Thomas H. and Lucille Miller Lee. He was a graduate of the Staunton Military Academy, the College of William and Mary and the University of Pennsylvania Law School. Mr. Lee served this country with honor and distinction as a member of the United States Navy Reserve during World War II. He was commissioned as an Ensign and served for three years in the American and Pacific Theaters. Mr. Lee qualified as an Aerial Navigator and was honorably discharged from service at the rank of Lieutenant. He engaged in the general practice of law for more than sixty years in Philadelphia and Jenkintown and was a member of the Philadelphia

and American Bar Associations. Mr. Lee began serving as a member of the House of Representatives of Pennsylvania, representing the 14th Legislative District, in 1956 and was elected to four consecutive terms. He also served as Vice Chairman of the Appropriations Committee, and for two of his terms he was lauded as the only Republican Representative from Philadelphia. Mr. Lee later served as Executive Assistant to the Republican Floor Leader and as Executive Assistant to the Speaker of the House. In 1980 he became Executive Director of the House Bipartisan Management Committee, a position he held until 1989. Mr. Lee was appointed to the Pennsylvania State Ethics Commission in 1991, where he served through 2001. Mr. Lee was a longtime member of the Union League of Philadelphia and Roxborough Lodge No. 135 of the Free and Accepted Masons; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania proclaim with enduring sorrow the passing of the Honorable Austin M. Lee; and extend heartfelt condolences to his sons, Thomas H. II and Robert A.; daughters, Nancy Lee Papay and Susan E.; four grandchildren; and one great-grandchild; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Samuel H. Smith on June 20, 2013, be transmitted to the family of the Honorable Austin M. Lee.

Samuel H. Smith, Speaker of the House
ATTEST:
Anthony Frank Barbush, Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a sign of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Austin M. Lee.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeants at Arms will open the doors of the House.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. While I have your attention, I just want to make an announcement. The condolence resolution for former Representative Dick Hess will be run on Monday, September 30, shortly after session convenes at 1 p.m., and we plan to have several of Dick's family members and staff with us. So I just wanted to alert the members to that condolence resolution.

APPROPRIATIONS COMMITTEE MEETING

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

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

Mr. Speaker, there will be an immediate meeting of the House Appropriations Committee in the majority caucus room, an immediate meeting. Thank you.

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. The Speaker recognizes the lady from Susquehanna County, Ms. Major, for a caucus announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would be prepared to come back on the floor at 2 p.m. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman from Allegheny County, Mr. Frankel, for a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 12:30. Democrats will caucus at 12:30. Thank you.

LABOR AND INDUSTRY COMMITTEE MEETING

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

Mr. SCAVELLO. To announce a committee meeting.

The SPEAKER. The gentleman is in order and may make his announcement.

Mr. SCAVELLO. There will be a voting Labor and Industry Committee meeting in room 60 in the East Wing in 20 minutes. Let us say 12:15; 12:15.

The SPEAKER. There will be a voting Labor and Industry Committee meeting in room 60, East Wing, at 12:15.

RECESS

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

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

BILL REREPORTED FROM COMMITTEE

HB 618, PN 2371

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 terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; and extensively revising and adding charter school provisions.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1538, PN 2053

By Rep. SCAVELLO

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, authorizing optional prevailing wage ordinances.

LABOR AND INDUSTRY.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 108, PN 2370**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 974, PN 2176**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for public hearing and vote on acquisition of automatic external defibrillators.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Swanger, from Lebanon County, who is on the floor of the House, and she will be added to the master roll.

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1504, PN 2068**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in selection and retention of judicial officers, further providing for content of course of instruction and examination; and, in municipal police education and training, further providing for powers and duties of Municipal Police Officers' Education and Training Commission.

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 1527, PN 2037**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contract clauses and preference provisions, adding provisions relating to steel and blast furnace slag aggregates.

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 1215, PN 1960**, entitled:

An Act establishing the Pennsylvania Tourism Commission; providing for powers and duties of the Pennsylvania Tourism Commission; establishing the Tourism Promotion Trust Fund; and repealing the Travel and Tourism Act.

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 1216, PN 1530**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the tourism marketing and promotion tax credit.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1356, PN 1751**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in wiretapping and electronic surveillance, further providing for expiration of chapter.

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—200

Adolph	Emrick	Knowles	Petri
Aument	English	Kortz	Pickett
Baker	Evankovich	Kotik	Pyle
Barbin	Evans	Krieger	Quinn
Barrar	Everett	Kula	Rapp
Benninghoff	Fabrizio	Lawrence	Ravenstahl
Bishop	Farina	Longietti	Readshaw
Bizzarro	Farry	Lucas	Reed
Bloom	Fee	Mackenzie	Reese
Boback	Fleck	Maher	Regan
Boyle, B.	Flynn	Mahoney	Roae
Boyle, K.	Frankel	Major	Rock
Bradford	Freeman	Maloney	Roebuck
Briggs	Gabler	Markosek	Ross
Brooks	Gainey	Marshall	Rozzi
Brown, R.	Galloway	Marsico	Sabatina
Brown, V.	Gergely	Masser	Saccone
Brownlee	Gibbons	Matzie	Sainato
Burns	Gillen	McCarter	Samuelson
Caltagirone	Gillespie	McGeehan	Sankey
Carroll	Gingrich	McGinnis	Santarsiero
Causar	Goodman	McNeill	Saylor
Christiana	Greiner	Mentzer	Scavello
Clay	Grell	Metcalfe	Schlossberg
Clymer	Grove	Metzgar	Schreiber
Cohen	Hackett	Miccarelli	Simmons
Conklin	Haggerty	Micozzie	Sims
Corbin	Hahn	Millard	Smith
Costa, D.	Haluska	Miller, D.	Snyder
Costa, P.	Hanna	Miller, R.	Sonney
Cox	Harhai	Milne	Stephens
Cruz	Harhart	Mirabito	Stern
Culver	Harkins	Miranda	Stevenson
Cutler	Harper	Molchany	Sturla
Daley, M.	Harris, A.	Moul	Swanger
Daley, P.	Harris, J.	Mullery	Tallman
Davidson	Heffley	Mundy	Taylor
Davis	Helm	Murt	Thomas
Day	Hennessey	Mustio	Tobash
Dean	Hickernell	Neilson	Toepel
Deasy	James	Neuman	Toohil
DeLissio	Kampf	O'Brien	Truitt
Delozier	Kauffman	O'Neill	Turzai
DeLuca	Kavulich	Oberlander	Vereb
Denlinger	Keller, F.	Painter	Vitali
Dermody	Keller, M.K.	Parker	Waters
DiGirolamo	Keller, W.	Pashinski	Watson
Donatucci	Killion	Payne	Wheatley
Dunbar	Kim	Peifer	White
Ellis	Kinsey	Petrarca	Youngblood

NAYS—0

NOT VOTING—0

EXCUSED—2

Godshall Kirkland

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.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The House will come to order.

The Chair is in receipt of a request for leave of absence for the gentleman from Philadelphia County, Mr. CRUZ. Without objection, the leave of absence will be so granted.

The Chair is also in receipt of a request for leave of absence for the gentleman from Allegheny County, Mr. KORTZ. Without objection, the leave will be so granted.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 618, PN 2371**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for agreements with institutions of higher education; in opportunities for educational excellence, further providing for definitions and for concurrent enrollment agreements; and extensively revising and adding charter school provisions.

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, the gentleman, Mr. Emrick, is recognized.

Mr. EMRICK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to support HB 618, the comprehensive charter school reform legislation.

This legislation is the product of extensive work and deliberations by a majority of the members of the House Education—

The SPEAKER pro tempore. Will the gentleman kindly suspend.

Members, would you please kindly take your seats, clear the aisles. Members, please take your seats.

The gentleman may proceed.

Mr. EMRICK. Thank you, Mr. Speaker.

I rise to urge my colleagues to support HB 618, comprehensive charter school reform legislation. This legislation is the product of extensive work and deliberations by a majority of the members of the House Education Committee under the leadership of Chairman Clymer. I particularly want to thank Chairman Clymer, Representatives Mike Reese, Bernie O'Neill, Mike Fleck, and Seth Grove, all of whom stood with me in developing and advancing this legislation. I also want to thank my colleagues who worked through an extensive amendment process yesterday in which the bill was improved further.

Finally, I want to respectfully acknowledge my colleagues who oppose HB 618. I know that they are sincere in their passion about school choice, and while I respect their position, I firmly and deeply believe this bill is good for the school choice movement, which I will explain later in my remarks.

HB 618 will save, according to the Pennsylvania Association of School Business Officials, approximately \$84 million in the next 2 years for our school districts under the compromise deductions they may take under the provisions.

Further, the bill incorporates the same limits on unassigned fund balances that school districts must live within and requires charters and cyber charters to return to paying school districts excess tuition under these new limits. According to PASBO, under 2011-12 data, charter and cyber charters would return \$65 million to the Commonwealth's school districts, including an estimated \$29 million to the School District of Philadelphia. This is a total savings to our public school districts of almost \$150 million.

HB 618 is not just about correcting some of the flaws in the current cyber charter funding formula. It is a comprehensive proposal that advances school choice in this Commonwealth, provisions that have been largely ignored in the debate over HB 618. The legislation incorporates key changes to strengthen school choice for Pennsylvania's families including the following: one, establishing a balanced and bipartisan funding commission to develop a fair and permanent fix to an outdated formula, including a charge to determine the actual costs of educating a child in the cyber charter setting.

Two, providing for direct pay. Charter and cyber charter schools will no longer have to worry about cash flow because of payment disputes with school districts. They will be paid on a timely basis so that they may focus on educating schoolchildren. School districts will no longer be faced with the time-consuming burden of paying invoices from charter and cyber charter schools.

Three, academic quality is addressed in a thoughtful way.

The SPEAKER pro tempore. Will the members please take their seats. Will the members kindly take their seats.

The gentleman may proceed.

Mr. EMRICK. Thank you, Mr. Speaker.

Three, academic quality is addressed in a thoughtful way. Through an academic performance matrix established in the legislation, high-performing charter and cyber charter schools will be granted longer renewal terms, up to 10 years, which will allow more predictable financing and certainty to allow them to focus on the education of children. Through the work of Representative Ryan Aument, charter school entities will have rigorous teacher evaluation systems to uplift the teaching profession in these schools.

Four, through development and use of a standardized application form, all charters and cyber charters will work with one application instead of the hodgepodge of applications currently used by 500 school districts across the Commonwealth.

Five, the Charter School Appeal Board has a more fair composition by adding a charter school administrator and charter school trustee to bring those perspectives to the appeals process.

Six, truancy laws will be enforced ensuring that children in a cyber charter setting are complying with compulsory education.

And finally, high-performing charter schools are permitted to consolidate their boards of trustees to maximize efficiency while allowing local school boards to approve these organizational consolidations.

I would be remiss if I did not address the very important accountability and transparency reforms that are at the heart of HB 618. The current 1997 law is terribly outdated. Some bad actors have operated charter and cyber charter schools, and we need to ensure that our law does everything possible to keep these public schools accountable to taxpayers and parents and to drive these bad actors out of the charter school movement.

The bill has the following key provisions to update and modernize Pennsylvania's Charter School Law, and all of these provisions apply to both cyber charter and brick-and-mortar charters alike: application of the Ethics Act to charter school entity administrators, trustees, and employees; requiring administrators to seek permission from boards of trustees for outside compensation and ensuring that authorizers are aware of such outside compensation arrangements; banning nepotism; prohibiting conflicts of interest by trustees and administrators; providing for dismissal of administrators and trustees for criminal convictions and permitting authorizers, as a condition of charter renewal, to require the replacement of administrators or trustees who have violated the provisions of the Charter School Law; requiring charter school entities to form independent audit committees and performance of annual audits by independent C.P.A.s (certified public accountants) and to make those audits available online along with annual budgets; permitting the Auditor General to annually audit charter school entities; requiring boards of trustees to have a minimum of five unrelated members including the parent of a child attending the charter school entity; and giving school districts and PDE (Pennsylvania Department of Education) access to financial reports and audits.

Taken together, I believe these provisions would have stopped many of the unscrupulous individuals who have harmed the charter school movement. Passage of HB 618 today sends a strong message that their behavior and actions will no longer be tolerated.

And lastly, it is important to note that HB 618 is supported by PASBO, the Pennsylvania Association of School Administrators, the Pennsylvania Association of Rural and Small Schools, the Pennsylvania School Boards Association, the Pennsylvania League of Urban Schools, and the Pennsylvania Partnerships for Children.

Thank you, Mr. Speaker, for the opportunity to articulate why it is so important that we adopt HB 618 on final passage, and I ask my colleagues for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for a leave of absence for the gentleman, Mr. GABLER, from Clearfield County, and the gentlelady, Ms. HARPER, from Montgomery County. Without objection, the leaves of absence will be so granted.

CONSIDERATION OF HB 618 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Roae, on final passage.

Mr. ROAE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to point out how HB 618 – it is a well-intended piece of legislation, but anyone who thinks it is going to do anything to help school districts with their budget problems, they are sorely mistaken, Mr. Speaker.

I was looking at the numbers that we had, and I am going to use the school district in my own district as an example. The Crawford Central School District in Crawford County would save about \$114,000 a year with this legislation. That sounds like a lot of money, but the budget is \$53,530,438. So when you divide that school district budget by 180 school days, every school day costs about \$297,391. School is about 7 hours long, so under HB 618, fixing the pension double-dip, Crawford Central School District would get enough money to run their schools for 3 hours. That is not exactly a large savings in the whole scheme of things.

Mr. Speaker, all the attention that has been given to this pension double-dip I think is very overstated. It is a very small portion of the problem that school districts are experiencing. Just comparatively speaking, in the Crawford Central School District a couple years ago, the administration, the school board, and the teachers union, they agreed to a 1-year pay freeze. That would have saved \$1 million. That deal fell apart 7 or 8 months later, so retroactively, the taxpayers had to pay \$1 million in back pay to the teachers. This is just one school district. Now, compare that to the \$114,000 they would save with this legislation.

The average person in the United States of America, according to the National Conference of State Legislatures, pays \$380 a month for health insurance. The teachers at Crawford Central pay \$40 a month. If all the teachers paid the same amount as the average person pays, Mr. Speaker, that would save over \$1 million a year. The school district, the teachers union, the school board members, they are always saying, we need to do something to help them save money. This legislation we are voting on now would save them \$114,000 a year.

Two or three years ago the school district spent, at Crawford Central, they spent \$6 million to remodel an elementary school, and they closed the school down 2 years later. They spent \$6 million for a school they used for 2 years. Again, this legislation would save \$114,000 by getting rid of the pension double-dip. They are not done with that school yet, Mr. Speaker. Now they are going to move administrative offices there and they are going to spend another \$140,000 to remodel that school even more that they just spent \$6 million remodeling. That is even more money, and comparatively speaking, this legislation will almost pay for that, actually. This legislation will save the Crawford Central School District \$114,000 so they can spend \$140,000 to remodel a school they just spent \$6 million to remodel.

Mr. Speaker, there has been so much said over the last several years about how much school districts are struggling with their budgets, massive budget cuts and all these things. Mr. Speaker, we all know that is not true. We are investing a historic amount of State funding in education in Pennsylvania. When you look at basic education funding, special education funding, teacher retirement funding, school bus funding, all the different line items, it is a record amount of spending.

Mr. Speaker, I think it is a very big mischaracterization that cyber schools are the evil of education. Public schools – I just mentioned one school district out of 500. You know, the three or four things I listed, that is \$8 million a year; excuse me, \$8 million of wasteful spending and \$114,000 from HB 618. I do not know that it is going to do that much.

Mr. Speaker, we need to look at something more than the pension double-dip. If we really want to help our local school districts, we have to help them find ways to rein in the cost of the salaries and the benefits. The salaries and benefits are about two-thirds of the budget of a school district, Mr. Speaker.

Now, look at a struggling school district like Chester Upland. Chester Upland probably makes the news more than any other school district. They spend \$30,244 per year, per teacher, for employee benefits. That is over \$30,000 a year for employee benefits. Close by in the city of Philadelphia, they spend only \$21,454 for benefits for one teacher. In Crawford Central that I talked about earlier, they are right in there at \$20,510. Well, Mr. Speaker, everybody in this room, we spend hours and hours talking about some minor issue such as pension double-dip, but we never talk about why is the most struggling school district in Pennsylvania, academically and financially, why are they spending \$9,000 a year more on employee benefits than other school districts? HB 618 does not do anything to solve any of those issues.

Mr. Speaker, something else HB 618 does not do is it does not do anything with the whole AYP (adequate yearly progress) situation. A lot of people that are against school choice, they say, look at all these cyber schools. Most of them do not make AYP. What a lot of people do not realize is for a regular public brick-and-mortar school to make AYP, they divide the kids into three different grade spans. If one of those three grade spans makes AYP, the school makes AYP. With a cyber charter school, all three groups have to make AYP for the cyber charter school to qualify as making AYP. So it is a different grading system, Mr. Speaker. People that criticize cybers because they do not make AYP, a lot of the public schools would not make AYP if they had the same grading system.

Now, for the record, Mr. Speaker, my kids attend a public school. We have good public schools where I live. I have confidence in the teachers. I have confidence in the school board, and they are doing a pretty decent job. If anything ever changes, Mr. Speaker, I want the ability to move my kids to another avenue, either homeschooling, cyber schooling, Catholic schooling, some other option.

And this legislation is designed to hurt the cyber schools. All the amendments that we worked on yesterday were just poking and prodding and kicking and punching the cyber charter schools. Most of them got voted down, but the goal, it seems, is to close down the cyber charter schools. Mr. Speaker, when we have so many schools that are not performing very well, and when you see the rampant spending in these schools, a lot of school districts have increased their budgets at double the inflation rate over the last 20 years. How do you justify that, Mr. Speaker?

So in the context of all that, a little school district like Crawford Central would save \$114,000 a year by getting rid of the pension double-dip. So who cares about the \$1 million pay raise every year? Who cares about the \$1 million more you are paying for health insurance benefits than you need to be? Who cares that you spent \$6 million to remodel a school that you do not need? Who cares that you are going to spend another

\$140,000 to remodel the same building to put offices in? Oh my gosh, but this pension double-dip, this is just going to solve all of our problems that we have. I have had more letters, phone calls, and e-mails about this pension double-dip than a lot of other issues, and, Mr. Speaker, this is very minor what we are doing.

So I hope everybody in here realizes that when we pass this thing today – I do not plan to vote for it; I am going to vote "no," I think – but when we pass this thing today, it is going to do absolutely nothing for any of your school districts; zero, almost zero. It is going to fund your school district for about 3 hours for the whole school year.

Thank you, Mr. Speaker.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am standing on this side because I want to stand with the former speaker and support a very noble and right position with respect to HB 618.

Mr. Speaker, there comes a time when, as one of our U.S. Senators used to say, we have a right to our opinion, but we do not have a right to the facts. And looking at HB 618, there are no facts to support the conclusion that it is going to ensure every child in the Commonwealth of Pennsylvania with access to an equal education. Nothing in HB 618 will provide those assurances.

Mr. Speaker, there is nothing in HB 618 that deals with the need for upgraded equipment, infrastructure, and the kind of safe and secure physical environments that our kids need to receive a quality education.

Mr. Speaker, I start from the proposition that all children in the Commonwealth of Pennsylvania were created by God equally; all children. No child should be denied access to a quality education. And, Mr. Speaker, unless we are prepared to do that, then we fail our children and we give approval to the notion that if you live in Montgomery County, you have access to a quality education, but if you live in Northumberland County, where you might not have the resources that they have in Montgomery County, that that child in Northumberland County should be denied access to a quality education. To support 618 supports that underlying proposition.

And, Mr. Speaker, it is also clear that unless we deal with the foundation upon which we have a constitutional responsibility to public education, until the foundation is straight, then all of these conversations about charter schools, cyber schools, monkey schools, technology schools – until the foundation is straight, all of these other conversations are academic.

And so, Mr. Speaker, I am not opposed to cybers. I am not opposed to charters. I am not opposed to aerospace schools. I am not opposed to architectural schools. I am not opposed to any opportunity to ensure a quality education. But it is secondary; it is not primary.

The primary issue facing 203 members of the House and 50 members of the Pennsylvania Senate is, can we come up with a fair formula and a system of accountability that will ensure that every child in Pennsylvania has access to a quality education? And until we do that, we should put HB 618 on the table if we are not prepared to vote it down, because 618 is out of time and it is out of line.

The thing that is important right now, the thing that is important right now is, how can Curt Thomas, how can Speaker Smith, how can our Democratic leader go back to their districts and tell every child – whether they are rich, poor, Black, White, green, yellow – how can we go back to our districts and say that our vote for HB 618 will ensure all children, regardless of where they live or how they live or what color they are, that they will have access to a quality education? The problem in Pennsylvania is how we fund public education in Pennsylvania. It is fundamentally unequal and driven by special interests rather than the interests of all children.

And so, Mr. Speaker, I stand to ask my colleagues on both sides of the aisle to vote "no" on HB 618. A "no" vote means that it is time to get to the real issue that is driving inequality in the availability of public education in Pennsylvania. A "no" vote to HB 618 is a "yes" vote to moving to the issue that is of greatest importance to our children, to our teachers. There is nothing in HB 618 that is going to guarantee teachers a meaningful salary, materials, and the kind of support that they need to facilitate a quality learning experience for our children. There is nothing in HB 618 that is going to talk about how to make our public school buildings safe and secure. There is nothing in HB 618 that is going to deal with many of our school systems that do not have the infrastructure to get online, allow our children to get online and communicate with one another electronically. As long as we have those issues outstanding, then this is the wrong time for HB 618.

And last but not least, Mr. Speaker, as I look at both sides of the aisle in this House, this great institution, there is not one member, whether they be Democrat or Republican, who did not at one time in their life have access to an equal education. Things were never the way you wanted them to be, but, Mr. Speaker, every man and woman in this House was able to get here today because somebody took time out some years ago to make sure that they had access to a good education, to make sure that you had the support that you needed. Mr. Speaker, that is why we are here. We could not be here if somebody did not take time to care at some point during the early part of our lives.

And so, Mr. Speaker, I ask each and every member, do nothing less than what somebody did for you. Do not do less than that which was given to you that made it possible for you to be where you are today. The only thing HB 618 would do is facilitate greater polarization of our school districts in our communities. HB 618 is about division, not unity. HB 618 is not about continuity, it is not about uniformity, it is not about equalization of opportunity, and, Mr. Speaker, if we are not prepared to do that, then we are wasting our time, Mr. Speaker.

Uniformity, continuity, fairness, equalization of opportunities, they are all things that are not contained in HB 618. Vote "no" on HB 618.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Fleck, from Huntingdon County on final passage.

Mr. FLECK. Thank you, Mr. Speaker.

I rise in support of HB 618.

I actually agree with the gentleman from Crawford County. These are pretty minor changes compared to what we started out with several years ago and what we have ended up with.

This bill is long overdue. We have more cyber charter schools than any other State combined, with the exception of Arizona. There is no reason why we cannot take a good look at

this and start looking at how to fix some of the issues that have arisen in the last decade plus. Certainly the author of the bill has put a lot of work into this, as many of us who have been passionate about public education, all public education, which includes charters and cyber charters. They are here to stay. This bill is not going to close any schools, and we certainly would appreciate your support. Thank you.

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 rise in support of this bill. This bill, for the reasons identified yesterday, is much less than half a loaf. It does not resolve any charter or cyber reform, but it is something that will help my school districts. In Johnstown, it will mean \$149,000. If we had it cover both cyber and charters, it would be \$300,000, and that might be a real help. This is the most that they are going to get. Another school district that I have only gets \$9,000, and that is because we refuse to take up the real issue, and the real issue is this bill does not do anything to stop for-profit management companies from skimming off a fee for every student out of State tax dollars, and until we are really serious about getting rid of the for-profit management companies, there is not going to be money to do real public school help.

With those reservations, I will be voting for the bill.

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

Mr. Longietti, would you like to go first on final passage?

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, I certainly understand the importance of coming to compromises, and I understand that compromises tend to leave a bad taste in our mouths. But when I look at HB 618, it recognizes, it recognizes that there is a fundamental unfairness, that there are double payments, when it comes to pension, going to charter schools. It recognizes that that needs to be fixed. However, what it does not do is, it only fixes that issue for cyber charter schools. It does not fix it for brick-and-mortar charter schools. Compromise has to have some sense of logic to it. There has got to be some underlying rationale when we make these kinds of distinctions. There has been and there is no articulated logical rationale to treat cyber schools one way and brick-and-mortar charter schools another way, and that is a problem.

And so I do not know what is going to happen with this bill. We will see what the vote is here shortly, but make no mistake, if this bill passes, we have to recognize that we have not done our job, that we have not forged a compromise that makes logical sense, that we have treated brick-and-mortar charters different than cyber-charters, that we have recognized there is a problem but we fail to address, willingly fail to address that problem when it comes to brick-and-mortar charter schools. And I realize there was an amendment offered by some of my colleagues to try to address that, and I realize it was a close vote and it was defeated, but we need to recognize that when we do compromise in this legislature, that there has got to be underpinning rationale and logic to it on a policy level, and HB 618 misses the mark woefully on that point, and I do not know how we are going to explain that. I do not know how we explain that, as we go through this Commonwealth, why we

would recognize that there is a double-dip pension problem, but we are only going to close it for cyber schools and not for brick-and-mortar charters.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Roebuck, on final passage.

Mr. ROEBUCK. Thank you, Mr. Speaker.

While I do support charter schools, I believe that the major revisions that are needed regarding governance, finance, and the accountability of charter and cyber charter schools is not addressed effectively in this bill. I do recognize that the legislation makes some small improvements that have been advanced but not voted on by the General Assembly previously. However, the legislation falls short of what is needed in the areas of governance, financing, and accountability.

Earlier this year I introduced a charter school reform bill that would save school districts an estimated \$365 million per year based on the 2012 report from the Auditor General's Office. This legislation provides only temporary and a small amount of relief to our school districts that have faced over \$1 billion in cuts in the past 2 years. This legislation does not address the critical issues that we should focus on. Given that there are only 16 cyber charter schools in this State, this will not result in significant savings to school districts compared to the sizable savings that could be achieved if we focused on all charter schools.

Why then do we set here a different standard for charters and cyber charters? Why do we recognize there is a problem in double-dipping on pension moneys but apply that only to cyber charters and not to brick-and-mortar charters? Make no mistake, though, Mr. Speaker, what we are doing today by doing that is setting up two separate school systems in this Commonwealth that are separate and unequal. That is fundamentally not only illegal, it is unfair. It goes back to when indeed you might do that, but the reality is we have not done that in 60 years. What is wrong here that says that we can do something that benefits one part of the school system and not the other? But that is only the beginning of the problems with this particular piece of legislation.

The legislation does not address two very important and immediate financial concerns that have been brought to light by House committee hearings that have noticed that there are major problems and repercussions on our public schools and our taxpayers. First, the legislation does not address special education overpayments to cybers and to charter schools.

Second, the legislation does not require that the State Department of Education conduct an annual year-end financial reconciliation process of tuition payments to charter schools, and does not adequately provide any way of reconciling the differences in those overpayments.

Another very visible financial concern not addressed in this legislation is the use of taxpayer money by cybers and cyber charters to advance advertisement, and that is paid by taxpayers.

Further, the legislation makes changes in the cyber charter appeals board that will tilt the appeals board process towards cyber and cyber charter schools. It now creates a different structure that provides more recognition on those appeal boards to the cybers and the cyber charters.

Finally, this legislation does not adequately address the growing taxpayer concerns about the role that contractors play

in the management of the charter and cyber charter schools and the large payments and fees that some are getting from those school entities.

In total, this legislation does not adequately address the real financial, governance, and accountability concerns that taxpayers have about charters and cyber charter schools.

I would note also that this law, this proposed legislation does not recognize the fundamental change that this law now would propose. When we created charter schools 15 years ago, they were designed to be innovative ways of doing education. For that reason some of the rules were changed and relaxed in order to allow them grounds for innovation, but what we have created in reality is not an innovative system. We have created a separate system from the existing public schools that are not so innovative or do not necessarily address any real changes in the way we do education. We are at the point where we have merely created a parallel system to the existing public school system that is not necessarily either innovative, does not necessarily promote change, does not offer any real process that would bring about significant ways of improving education for our children.

Some have suggested that what we have here is a partial loaf of bread, but it is not even a quarter loaf, it is a slice, and it does not really address the need to provide for a quality education for students in the Commonwealth of Pennsylvania.

REMARKS SUBMITTED FOR THE RECORD

Mr. ROEBUCK. My remarks are far more detailed than I offer here today. I will submit those remarks for the record.

But I think what is most disturbing to me is our willingness to move towards creating education in this Commonwealth that is clearly separate and unequal. That is immoral, that is unfair, that is in fact unconstitutional, and the reality is, if we continue down this road, we are in the process of turning back the hands of time and in the process of destroying equal opportunity for all of the children of Pennsylvania.

We have now the chance to stop it here, stop it now, and we should vote "no" on this legislation. Thank you, Mr. Speaker.

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

While I do support charter schools, I believe major revisions are needed regarding the governance, financing, and accountability of charter and cyber charter schools. I do recognize that this legislation does make some small improvements to legislation advanced last year that was ultimately not voted on by the General Assembly. However, the legislation still falls short of what is needed in reforming the governance, financing, and accountability of charter and cyber charter schools.

Earlier this year I introduced charter school reform legislation that would have saved school districts an estimated minimum of \$365 million per year based on a 2012 report from the Auditor General's Office. The legislation provides only temporary and a small amount of relief to our school districts that have faced over \$1 billion in State funding cuts in the past 2 years. This legislation only allows school districts to deduct costs of pension contributions to cyber charter schools and not charter schools. Given that there are only 16 cyber charter schools in the State, this will not result in substantial savings to school districts compared to the sizable savings that would result from also allowing school districts to deduct costs of pension contributions to the 157 charter schools. These small savings are also temporary

savings, as they expire after 2 years. I do not understand why we are treating charter and cyber charter schools differently when it comes to the pension double-dipping issue. Beyond the tremendous loss of savings to school districts from excluding charter schools from the double-dipping reforms estimated at up to \$50 million a year and over \$500 million in 5 years, it is unfair to treat cyber charter schools differently than charter schools on this issue. School districts should be allowed to deduct costs of pension contributions to both charter and cyber charter schools.

The legislation does not address two very important immediate financial concerns that have been brought to light by House committee hearings that have significant financial repercussions for our public school districts and taxpayers.

First, the legislation does not address special education overpayments to charter and cyber charter schools. At committee hearings it was found that some charters and cybers are getting excessive special education reimbursements from school districts totaling thousands of dollars per student for overidentifying students with mild disabilities. There clearly needs to be limits to the amount of special education funding that a charter or cyber charter school receives per student to the total per-pupil expenditure for special educational services incurred by the school district. This legislation does not include this provision.

Second, the legislation does not require the State Department of Education to conduct an annual year-end final reconciliation process of tuition payments from school districts to a charter school against those actual costs of educating a charter school student. Any overpayments would be returned to the school districts. In the 2010-11 school year, non-special-education tuition rates per student ranged from \$4,478 to \$16,915, even though the cost for educating a student in charter school is the same no matter where that student resides. This is a particular concern about cyber charter schools that enroll students from throughout the State. Because there is no annual year-end final reconciliation process, it is difficult to determine how much charter and cyber charter schools are spending on their students' education. This major needed reform is not included in the legislation.

Another very visible financial concern not addressed in this legislation is the use of public taxpayer money by charter and cyber charter schools for paid media advertising. While certainly charter school entities should be allowed to advertise, they should not be paid for by taxpayers.

The legislation does try to seek to address some of the financial concerns about charter and cyber charter school funding by establishing a commission to look into and make recommendations. However, the commission's work only makes recommendations. It does not require the General Assembly to do anything with the recommendations.

Further, the legislation makes changes to the Charter School Appeal Board that will tilt the appeals board toward overturning more charter school denials by school district. The legislation adds two new members to the appeals board that are a charter school trustee and a charter school administrator, and requires the existing parent on the appeals board to be a parent of a charter school student. So while there is no statewide authorizer of charter schools, these changes will likely lead to some of the same results as having a statewide authorizer in that there will likely be more overturning of valid denials of charter school applications and renewals. I believe the current appeals board has done a fair job, as it has overturned about half of the charter school denials by school districts. This legislation I believe weakens the independent role that the appeals board has been in reviewing denials of charter school applications and renewals.

Finally, the legislation does not adequately address the growing taxpayer concerns about the role that contractors play in the management of charter and cyber charter schools and the large payments and fees that some of them are getting from charter school entities. The contracting out of charter and cyber charter schools to management companies has increased significantly. In 2010-11, 42 percent of cyber charter schools and 30 percent of brick-and-mortar

charters paid management companies to manage their schools. I am sure this percentage has only increased since then, yet lack of transparency and oversight has led in many instances to excessive management fees increasing schools' administrative costs and resulting in less money being available to educate students. Charter schools were meant to be schools of innovation, not tools for corporate profit. Real charter school reform would provide adequate transparency and financial accountability for contractors, including for-profit management companies that provide management, educational, or administrative services to charter school entities. It also requires these entities to publicly disclose the use of any moneys received from a charter school, as well as subject those funds to audit by the State. The legislation does not include these important financial safeguards.

In total, this legislation does not adequately address the real financial, governance, and accountability concerns that taxpayers have about charter and cyber charter schools. Myself and other members had offered amendments on the House floor to address the shortcomings in this legislation. Two years ago Pennsylvania cut about \$1 billion from K-12 education, and the latest budget bill proposes to restore only about 10 percent of that cut. We need to restore the full amount of State funding for education that was cut. By not including the needed reforms I have outlined today, we are denying both our school districts and the State of needed revenues for restoring much of that education funding.

Finally, I would like to note that when the Charter School Law was enacted 15 years ago, the main rationale for its passage was that it would promote innovation and models of education instruction that could inform and improve all of our public schools. Unfortunately, over the years many of the charter and cyber charter schools have not provided innovative education or even improved academic performance, as demonstrated in their worse-than-traditional public schools' performance in meeting Federal average yearly progress standards. Instead, the argument today for charter schools is that it is another choice for parents and it does not really matter if they are innovative or serve as a model for other public schools. If that is the case and charter schools are no longer special or all that different than other public schools but just another choice, then charter and cyber charter schools need to be held to the same academic and financial accountability standards that our traditional public schools are. This legislation does not do that.

That is why I am opposed to it, and I ask for a "no" vote on this legislation.

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

Mr. PASHINSKI. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill please stand for brief interrogation?

The SPEAKER pro tempore. Will the gentleman, Mr. Emrick, stand for a brief period of interrogation? He has agreed to do so and you may proceed.

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

Mr. Speaker, could the maker of the bill please clarify the amount of money that his bill will save, and also, could the maker of this bill demonstrate how much money we would save in addition if the cyber schools that are brick and mortar were included?

Mr. EMRICK. Yes. Under the current legislation that is before us, the estimate is to save, that this will bring back an additional \$42 million to our schools per year for the next 2 years.

Mr. PASHINSKI. An additional \$42 million if you included the brick-and-mortar schools?

Mr. EMRICK. No. That is under the current legislation. The added brick-and-mortar amount would be an additional \$25 million.

Mr. PASHINSKI. Per year?

Mr. EMRICK. Per year; yes.

Mr. PASHINSKI. Okay.

Mr. EMRICK. Now, this will also include, the legislation also includes a cap on fund balances of both brick-and-mortar charters and cyber charters equal to that of our traditional public schools, and if that money was recouped under this legislation based on, I believe it is the 2011-12 numbers, that would be an additional \$65 million back for this first year as well.

Mr. PASHINSKI. Okay. And what are the other provisions that highlight your bill that have made the changes relative to what we have at the present time?

Mr. EMRICK. I am sorry; I could not hear you. Could you repeat that?

The SPEAKER pro tempore. Will the gentlemen suspend.

Members, please give the courtesy to the members speaking, engaged in interrogation. It is hard to hear the questions as well as the answers.

Mr. PASHINSKI. Thank you, Mr. Speaker.

The question that I had was if you could briefly outline some of the changes that you made in your efforts compared to what we have at the present time. There have been several other changes that you have made that have improved from over what we have at the present time. Could you highlight a few of those, please.

Mr. EMRICK. Sure. You are talking about an overall comprehensive change to the law, not just the funding element?

Mr. PASHINSKI. Not just the funding.

Mr. EMRICK. Okay.

Mr. PASHINSKI. That is correct.

Mr. EMRICK. Sure. With regard to – well, we addressed the funding side. There is a funding commission that is also established, who is to report back and provide a full review of the entire cyber and brick-and-mortar charter formula and provide corrections to all the inequities on all elements or parts of it.

Mr. PASHINSKI. Who is conducting that fiscal examination?

Mr. EMRICK. There is a commission that is established. That is a commission of parties from every element, both from the traditional public schools, cyber schools, brick and mortars. In fact, the Longietti amendment that we passed yesterday made it completely balanced.

Mr. PASHINSKI. Okay.

Mr. EMRICK. In addition to that, there are components of ethics transparency, auditing reforms that I outlined. There are elements of accountability. There is a performance matrix that is included. There is a standard application process that makes it streamlined, just to make it more efficient. Teacher evaluation. That is correct; teacher evaluation.

Mr. PASHINSKI. Is that similar to the public school now?

Mr. EMRICK. I am sorry?

Mr. PASHINSKI. Is that the same standards that the public schools have now?

Mr. EMRICK. Yes; that is correct. That was the Aument legislation that is now going to apply to these schools as well; yes.

Mr. PASHINSKI. Thank you very much.

Mr. Speaker, on the bill?

The SPEAKER pro tempore. The gentleman is in order and may proceed on final passage on the bill.

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

Mr. Speaker, I would like to first begin by complimenting and congratulating the maker of the bill for all the good work that he and those that worked on it have done.

I think the fact that the maker of that bill has highlighted several different aspects of improvement demonstrates how bad things were before. The only problem that I have at this point is I am perplexed why, if you were able to accomplish all these improvements to it, why we could not have included the brick-and-mortar charter schools?

Forty-two million dollars is a considerable amount of money; \$50 million is a considerable amount of money. And I think it is evident that all our public schools, after experiencing the \$1 billion cut 2 years ago and after all of our school districts have experienced the increase in class sizes, the elimination of programs, the elimination of dual enrollments where kids have the opportunity to take college courses, the elimination of afterschool tutoring to help those kids achieve the academic goals that we all set for them, it is difficult to understand why we would leave \$50 million on the table. It is difficult for me to understand since we have identified the problem for the past 2 1/2 years – and again, again, I appreciate the efforts, all the work and the improvements that you have made, and I certainly understand half a loaf is better than one, than a whole one. What I do not understand is how we could not want to save another \$50 million. We have talked about fiscal responsibility, about being prudent with the dollars, and yet we have allowed \$50 million to be potentially abused by the system.

I would like to finish again by saying my thanks and compliments to those that worked so hard on this.

I also am still perplexed by the fact that we have allowed \$50 million to stay on the table when we knew that all our public schools need it so desperately. It would have certainly made the improvements to those schools like those that I represent and you represent, but unfortunately, I will be unable to support this bill for not going the full mile and saving an additional \$50 million and providing those public schools with the same opportunities that they had before the \$1 billion cut.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Reese, from Westmoreland on final passage.

Mr. REESE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 618.

The premise of this bill was really twofold. Number one, it was to protect school choice today and into the future. The second was to protect the hard-earned tax dollars that are entrusted to all of us here in Harrisburg and to our school directors back in our districts.

Just to give a few highlights of what 618 does. It allows for direct payment. Now, for those of you that do not know what direct payment is, if you are not involved in this debate, it is pretty simple. Currently our cyber schools and our brick-and-mortar charter schools are dependent on the home school district paying them for the child that is attending there. So in theory, they are dependent on their competition to be paid. That is not necessarily a great system. So in HB 618, we allow that payment to come directly from the State. That is an

important measure forward to protecting school choice, but it also improves the standards for all cyber schools and all charter schools. It requires that they follow the Ethics Act; it prohibits nepotism in all charter schools, both brick and mortar and cyber; it requires tougher auditing standards to ensure the proper use of tax dollars; and most importantly, it increases the openness and accountability for all of our public schools.

Now, I have heard time and time again about the concern that brick-and-mortar charter schools are not included in the immediate funding reforms. While I can appreciate that concern and I am certainly sympathetic to it, there are some differences between cyber schools and brick-and-mortar charter schools. Brick-and-mortar charter schools are brick-and-mortar charter schools. They have a similar cost structure to our traditional public school. Cyber schools, in theory, do not. Also, brick-and-mortar charter schools are approved by the local school district. Cyber schools are authorized through Harrisburg. So there is a fundamental difference.

That said, I share the concerns of some of the colleagues that spoke before me, and I will say this: Embedded in HB 618 is a funding commission, and that funding commission is going to take a look at our brick-and-mortar schools to determine if they are being funded appropriately. So if nothing else, when this commission comes back, we will have an opportunity to vote if they are being funded inappropriately.

So for all those reasons, and ultimately to secure school choice for families in the future, I urge a "yes" vote on HB 618. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla, from Lancaster County. I used to say Lancaster, but I was corrected.

Mr. STURLA. Lancaster. Thank you, Mr. Speaker.

Mr. Speaker, there is an old saying that perfection is the enemy of good enough, and I know there are members that say, well, this is good enough and do not let the search for a perfect piece of legislation get in the way. I would contend that in this particular case, good enough is the enemy of barely adequate and in name only.

This bill pretends to solve the issue related to double-dip on pensions, but it only addresses cyber charters on that one particular area that needs to be addressed as it relates to funding for charters and cyber charter schools. And if you just look at that one particular issue, just the pension double-dip, it is not even half a loaf, because it is only doing \$26 million worth of relief for school districts and the brick-and-mortar charter portion of pensions is a \$50 million issue. So we are already down to a third of a loaf at best.

But then take into account the fact that it does not address any of the problems related to management companies taking money off the top: no audits, leases and rentals being done improperly, advertising, natural costs of business, fund balances – all the other issues that need to be addressed with regard to funding for charters and cyber charters. And you get down to what the Democratic chairman of the Education Committee said was a slice, and I am going to suggest that he was being generous by calling it a slice, because this piece of legislation only is in effect for 2 years. So it is not even a slice of a permanent solution. It is 2 years' worth of a slice. I would say it is down to crumbs.

Mr. Speaker, those who want to claim that they have done something about it I am sure will go home and claim that they have solved all the issues related to funding for charters and

cyber charters. In name, that is what the bill says it does; they will be correct. But I think that their newspaper editorial boards, their school districts, their taxpayers will see through that. And you know, when you look at what the scope of the funding issue is, as was pointed out by the gentleman from Philadelphia, it is about \$365 million a year worth of inequities that need to be corrected here, and this bill does about \$41 million, 11 percent.

What that means is that there is another \$320 million worth of taxpayer money every year, 320-plus million dollars every year that will flow from the taxpayers to private entities, and my guess is you will see some of that flow back in the form of campaign contributions. All you are going to need to do is follow the money on this one to figure out why some of the votes are going up the way they are.

Mr. Speaker, this is bad legislation. It is not half a loaf. It is not a third of a loaf. It is not a slice. It is crumbs. I urge a "no" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for a leave of absence for the gentleman from Allegheny County, Mr. DeLUCA. Without objection, the leave of absence will be so granted.

CONSIDERATION OF HB 618 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. Boback, on final passage.

Ms. BOBACK. Thank you, Mr. Speaker.

May I interrogate the maker of the bill, please?

The SPEAKER pro tempore. The gentleman agrees, and you may proceed on interrogation.

Ms. BOBACK. To clarify, to make sure I understand correctly, it looks as if we are paying for food service deductions, food service deductions for cyber charter at a cost of \$14 million. Is that accurate?

Mr. EMRICK. Yes; that is correct, that is correct. Public schools, our traditional public schools, included in their formula, do pay for food services to cyber charter students.

Ms. BOBACK. And where is this food?

Mr. EMRICK. I do not know.

Ms. BOBACK. Will your bill rectify this?

Mr. EMRICK. Yes; my bill corrects that to the tune of about \$14 1/2 million of savings.

Ms. BOBACK. Per year, and we are saying—

Mr. EMRICK. Per year, in the next 2 years.

Ms. BOBACK. —the bill will be in extent of 2 years approximate.

Mr. EMRICK. That is correct.

Ms. BOBACK. Number two, if I may, Mr. Speaker, your bill says that there will be a savings of approximately \$42 million a year.

Mr. EMRICK. Right.

Ms. BOBACK. Correct?

Mr. EMRICK. That is correct.

Ms. BOBACK. So over 2 years, almost \$100 million saved to our public schools.

Mr. EMRICK. That is correct. That is correct.

Ms. BOBACK. I applaud your efforts. Our public schools are suffering. We need to get money back to the schools. I just received an email from a school board member asking, please, support this bill.

Thank you very much, and you have my support.

Mr. EMRICK. Thank you.

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

The Chair recognizes the gentlelady, Ms. DeLissio, on final passage.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the bill stand for a question or two?

The SPEAKER pro tempore. The gentleman has agreed. You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, it is my understanding that this correction is for a 2-year window only. Is that correct?

Mr. EMRICK. That is correct.

Ms. DeLISSIO. And what happens after 2 years? Does the current system that is currently in place, is that what we revert back to?

Mr. EMRICK. No. There is a commission that is established, a funding commission that is set up specifically with the task of evaluating the entire formula of how we fund brick-and-mortar charters and cyber charters, and their job is to provide recommendations on correcting and updating the 363 form. And upon those corrections— That commission report is due in November of 2014, at this point, so before the 2-year window would expire, we would have recommendations to make those necessary changes.

Ms. DeLISSIO. Thank you, Mr. Speaker.

And, Mr. Speaker, I understand that, okay, there is a commission that will be charged with looking at this, coming up with an appropriate formula. Their recommendations are due no later than November of 2014, about a year from now, at the end of this legislative session—

Mr. EMRICK. Can I just make a correction? It is actually March of '14, so I apologize.

Ms. DeLISSIO. Oh, March of 2014—

Mr. EMRICK. Yes, it is not November, so—

Ms. DeLISSIO. —before the end.

Mr. EMRICK. —my apologizes.

Ms. DeLISSIO. And, Mr. Speaker, any of their recommendations, is it fair for me to say that their recommendations would then have to be acted on by this legislature?

Mr. EMRICK. Yes; before they go into effect, they would come before the legislature for consideration.

Ms. DeLISSIO. Before they go?

Mr. EMRICK. For consideration.

Ms. DeLISSIO. They would have to come here before this?

Mr. EMRICK. Yes.

Ms. DeLISSIO. So in the event that they come out with recommendations, those recommendations may be anything. We do not know what they are yet. We hope they come up with what we need. So it has to come back before this legislature and be introduced as legislation, debated, passed by the House, passed by the Senate, and obviously, signed by the Governor. So in light of that not happening and not happening in a timely way, then the current system then would kick back in. Is that correct?

Mr. EMRICK. Well, the legislature has the ability to make those changes at any time on its own, so the commission is set in a fashion, fair fashion, so that they can offer recommendations; however, the legislature has the power and ability to make any changes on anything at any time that we choose.

Ms. DeLISSIO. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

Mr. Speaker, I can appreciate the timeline and the—

The SPEAKER pro tempore. The gentlelady is in order and may proceed. Thank you.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I can appreciate the timeline and the process that has just been described to me, but none of that is guaranteed. I understand how and where the legislature has the ability to intervene at any time, but after my very short time in this body, about 34 months, I am concerned that these recommendations may not subsequently be acted on timely. It has never made any sense to me why brick-and-mortar charter schools have been carved out from this equation, although I have had a number of people suggest to me the reasons why; they seem to be more politically expedient than not.

And for all of those reasons, and I will be explaining this to my constituents, I am a "no" vote on HB 618 today.

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

Mr. TRUITT. Thank you, Mr. Speaker.

Mr. Speaker, I am going to start off with a firearms analogy here, and I know that some folks in this room are more familiar with firearms than others. But I think everybody who is in this room knows that if you went to a shooting range, you would not hear the instructor say, "ready, fire, aim," right? That is pretty obvious.

Well, that is exactly what we are doing here with this piece of legislation. There has been quite a bit of talk about the fact that we are going to have a funding commission to analyze funding because we are acknowledging this is a complex subject that not everybody fully understands, and that we need a group of folks to get together and concentrate seriously on studying the issue of charter school funding. Instead, here is what we are going to do: First, we are going to cut cyber charter funding by almost 10 percent, then we are going to form this funding commission to go out and analyze the situation and make sure we did the right thing. Further evidence that we know we are making a mistake and doing things out of order is the fact that we put a 2-year moratorium on the funding cut. It is obvious we do not totally know what the right thing to do here is, so we are going to form a funding commission, but after we cut funding for cyber charter schools.

A lot of supporters of this bill will talk about the fact that a disproportionate number of cyber charter schools do not make AYP. AYP, of course, is now an obsolete measure here in the State. It was such a good measure that we asked the Federal government to let us out of it. But they ignored the fact that a disproportionate number of students who attend cyber charter schools come from school districts that also did not make AYP.

Ironically, we are continuously told that failing schools, the solution is to give them more money, and these same people who will say that cyber charter schools are failing – and I do not think they are, but they say that cyber charter schools are failing – will say the solution to fixing that problem is to take more money away from them. Again, it does not make sense.

A lot of supporters of this bill will cite recent scandals in the cyber charter industry, but they ignore all the scandals that have been going on in our own school districts, in the public school districts. Direct payment is held out as something that is supposed to be good for cyber charter schools. Basically what we are doing there is we are saying, listen, if you will take a 10-percent pay cut, we will finally pay you on time. That sounds a lot like extortion to me – not necessarily a good deal for the cyber charter schools. We are trying to hold them over a barrel. We will give you all the money you are entitled to – actually, we will only give you 90 percent of it, but we will give it to you now or you can wait for a long time to get all of it. Does not seem like a very fair deal for cyber charter schools.

The biggest defect here is the continuous reference to the amount of money that school districts will save if we pass this bill. This is a gigantic distortion of the truth. The number you heard was \$80 million. It sounds like a lot of money. That is \$80 million over 2 years, and that is \$40 million a year. And \$40 million a year compared to a \$26 billion education budget – that is what we spend as a State on education, is \$26 billion – so \$40 million works out to less than two-tenths of 1 percent. We would be taking \$1,000 per student away from cyber charter schools to return less than \$20 per student to school districts. Or in other numbers, if you prefer percentages, we would be taking 10 to 12 percent of the money away from cyber charter schools to return less than two-tenths of 1 percent of the money to our traditional public schools, yet this bill is continuously held out as something that is supposed to provide relief for school districts.

Yesterday we had a number of amendments that were proposed to the bill that were rejected that would have provided a lot more relief for school districts. One example is one amendment that was thrown out yesterday was essentially the equivalent of HB 135 that provides mandate relief for school districts. That would have provided significant relief for school districts.

Another amendment that was proposed yesterday and was thrown out was HB 969 that would have allowed school districts to hire up to 25 percent of their personnel where their teachers would not have to be certified teachers. That is something that we allow the charter schools to do and we do not allow the school districts to do. The school districts have asked for that. That would provide them some real relief, but no, we are not going to do that either.

Another amendment that was thrown out yesterday would have allowed school districts to furlough teachers for economic reasons. Again, that was thrown out. That is something that we do not seem to be willing to address here, but we are willing to address a bill that takes \$1,000 per kid away from a school that is already struggling to get by in some cases.

The SPEAKER pro tempore. Will the gentleman kindly suspend.

The Chair has been reminded that you may be reciting some issues that have been dispatched or removed or withdrawn or defeated yesterday. Before us is final passage of the current bill before us for a vote.

Mr. TRUITT. Very good. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Thank you very much.

Mr. TRUITT. The bottom line, where I am going with this is, there are a lot of other ways that we could provide real relief to school districts. This does not provide any real relief for school districts. I cannot emphasize enough: We are talking about

taking \$1,000 per student away from cyber charter schools, and the amount of money that will go back to your public schools is less than \$20 per student.

Folks who are in support of this bill will come to you and tell you in absolute dollars how much money that means for your school district. Go back and take a look at their math. If you look at the math, you will realize that the big number – in my case, my own school district would save potentially \$225,000 a year. That sounds like a lot of money until you find out that their budget is close to \$200 million per year. It is a drop in the bucket for them. It is a huge cut for the cyber charter schools and a very, very minimal return to the public schools.

It was mentioned earlier how by— One of the defects in this bill is we are supposedly going to fix the pension double-dip, which I know is broadly misunderstood throughout this room and our communities. But the fix for the pension double-dip, let us start off— The pension double-dip problem is that cyber charter schools and brick-and-mortar charter schools are receiving a payment of 50 percent of their actual pension costs from the State, while at the same time they are receiving a payment from the school district that includes 100 percent of their per-pupil expenditures on retirement costs. So they could be receiving, if you ignore the effects of the time lag between the way charter schools are paid and when their budgets are calculated, if you ignore that time lag, they could be receiving as much as 150 percent of their pension costs. In reality, it is less than 125, but I will not go into that math today.

So let us say they were receiving 150 percent of their pension costs. The solution that has been proposed here is to take away 100 percent, not the 50 percent. It lacks any mathematical justification. Some folks will say, well, these cyber charter schools, they have a lower cost basis, but they do not know that for a fact. Some cyber charter schools do have a lower cost basis and some do not, but this bill does not distinguish between those cyber charter schools that have a lower cost basis and the ones that do not. So instead of taking the 50-percent payment away that the State provides, we are going to take the 100-percent payment that the districts provide and leave the cyber charters with inadequate funding to cover their own PSERS (Public School Employees' Retirement System) costs. And again, just in case anyone here did not know, cyber charter teachers can be in the PSERS program; in fact, I believe most of them are.

Another defect in the law, and this was covered a number of times by my friends over on the other side of the aisle, is the fact that we are only fixing the pension double-dip. If this is a real problem, why are we only fixing it for cyber charter schools? No one has come up with a good answer for that. And if we are going to fix it for cyber charter schools and not for brick-and-mortar charter schools, what we are doing is we are telling the cyber charter students that they are second-class citizens, that they are not worth as much money as their brick-and-mortar counterparts. I would question whether that is even constitutional, but I will not put this body through the exercise of casting that vote.

The bottom line, Mr. Speaker, is this bill is lacking in logic and common sense. It was put together in an effort to find a way to reach compromise, is the word that I kept hearing, but it is a really lousy compromise. My father taught me when I was growing up, if you are going to do something, do it right. And I believe the right thing to do is to send this bill back to

committee, address the pension double-dip, address the issues with facilities funding, address the issues with transportation funding, address it all at the same time, or let the commission do its job, and then address it all at the same time. But to address one piece of it while at the same time already acknowledging we need a commission to figure this whole thing out for us, it just does not make sense.

And I am going to close just by reminding everybody in this room that cyber charter schools, a lot of folks have a perception of them that is just not right anymore. When we first created the Charter School Law, nobody anticipated cyber charter schools, and when they started to enable cyber charter schools, they really never anticipated where they might go. This bill is shortsighted in that it does not anticipate where they still might go. Cyber charter schools today have a lot more buildings than anybody ever thought they would have, and there is a good reason for them to have those building. They enhance the education of cyber students. And right now, under the current funding formulas, we are providing charter schools, brick-and-mortar charter schools with very little funding to pay for their buildings, and we are providing cyber charter schools with no money to pay for their buildings. And the solution that we have proposed today, instead of addressing that inequity in the funding formula, we are just going to address one inequity in the funding formula to take a lot of money away from cyber charter schools and return a little, tiny bit back to the brick-and-mortar schools that they are not even going to feel.

So I strongly encourage my colleagues to vote "no" on HB 618. Let us send a message that we need to send this back to committee and get the job done right.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Carroll, from Luzerne on final passage.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, yesterday we had a vigorous discussion about the bill and the prospects of enhancing relief to our school districts by expanding to brick-and-mortar charter schools, and the consensus of the body was to limit the discussion to cyber charter schools with respect to the double-dip on the pension. And, Mr. Speaker, I have heard the bill as having been characterized as a flawed bill, and I would remind folks that it is not the bill that is flawed, it is the current law that is flawed. The current law is flawed with respect to the way we treat the payments on the pensions with respect to charters and cyber charters.

And so, Mr. Speaker, we are faced, as has been highlighted by a number of speakers, with the usual dilemma. And it seems to me that the Bismarck quote comes into play here, and that is that "Politics is the art of the possible." And so, Mr. Speaker, we have the possibility of fixing part of the flawed law, and do we advance that to conclusion, or do we hold out in an effort to get even more? And, Mr. Speaker, it seems to me, considering the financial condition of our school districts at this moment in time, it is important for us to take the art of the possible to its conclusion and accept 618 for what it is: a solution for part of the problem, with the full knowledge that the remaining problem as it affects brick-and-mortar charter schools remains on the agenda for us to address.

The law is flawed. HB 618 is not insofar as 618, as originally drafted, addressed cyber charter double-dip pension payments.

Many of us on our side cosponsored that bill with the expectation, I assume, that we were willing to address the double-dip on the pensions for cyber charters.

And so, Mr. Speaker, I ask for an affirmative vote on 618. Let us solve the problem that we have before us with the full knowledge that we can continue to work for a solution to the broader problem. Thank you.

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

Mr. MAHER. You know, when we are talking about education, it is something that it seems that collectively, we are not very good at arithmetic. We have heard that big numbers are too little and that smaller numbers are too big. And third graders could pretty much tell you that equation fails, but we already know all this.

My message today is for the teachers of Pennsylvania, the public school teachers of Pennsylvania. You need to know that PSEA (Pennsylvania State Education Association) has advocated, with this legislation, specifically to eliminate pension funding for public school teachers, to eliminate State and local funding of pension costs for public school teachers who are charter school teachers. So, teachers, you might want to be in touch with PSEA and ask them who is next that they are going to advocate among the public school teachers compelled to pay dues to this organization, who is next going to be on their chopping block from among your fellow teachers?

Do not ask for whom the bell tolls, teachers; PSEA is tolling it on you.

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

The SPEAKER. The question is, will the House agree to the bill?

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

I want to echo the words spoken by the gentleman from Luzerne County.

I also want to add, each and every one of your school districts next year is going to have to make some tough decisions because, you know, the pension obligations that we have not funded for quite a long time. And I recommend that each and every one of you members takes a look at what your school districts will be receiving that will be able to help curb the property tax increases, school property tax increases, that they are going to have to face next year because of the pension obligations. Please take a look at them.

I urge the members to vote for HB 618 after they look at those numbers. Thank you, Mr. Speaker.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor this issue any more than what we have to, but I do rise as chairman of the Education Committee and ask for support for HB 618.

At the outset of the debate, we never said that we had a perfect product, but we did say that we made significant changes: progress through hard work, through goodwill, and

through compromise, and that is the issue we have before us today. And so, Mr. Speaker, let us move forward. We can address some of the other issues that have been mentioned this afternoon. In fact, some of those issues are in bills that the committee is going to have public hearings on.

And I ask again support for this legislation. Thank you.

The SPEAKER. It is the Speaker's impression that there are no further members seeking recognition under debate on final passage of HB 618.

MOTION TO PROCEED TO CONSIDERATION UNDER RULE 24

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

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

Mr. Speaker, I would move to proceed. We would not be able to vote the bill until 5 o'clock, I believe, without a motion to proceed, but we have had significant debate. Certainly, this is an issue that has been addressed for a significant period of time as well, and we also had significant debate. I would ask everybody to please vote affirmatively for a motion to proceed.

The SPEAKER. The gentleman, Mr. Turzai, has moved under rule 24 for a motion to proceed to an immediate vote of HB 618.

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

The SPEAKER. On that question, the Speaker recognizes the Democrat leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I also would ask the members to support a motion to proceed. Thank you.

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

The following roll call was recorded:

YEAS—173

Adolph	English	Knowles	Quinn
Aument	Evankovich	Kotik	Rapp
Baker	Evans	Krieger	Ravenstahl
Barbin	Everett	Kula	Readshaw
Barrar	Fabrizio	Lawrence	Reed
Benninghoff	Farina	Lucas	Reese
Bishop	Farry	Mackenzie	Regan
Bizzarro	Fee	Maher	Roae
Bloom	Fleck	Mahoney	Rock
Boback	Flynn	Major	Roebuck
Boyle, B.	Frankel	Maloney	Ross
Boyle, K.	Gainey	Markosek	Rozzi
Bradford	Gergely	Marshall	Sabatina
Briggs	Gibbons	Marsico	Sacccone
Brooks	Gillen	Masser	Sainato
Brown, R.	Gillespie	McGeehan	Sankey
Brown, V.	Gingrich	McNeill	Santarsiero
Brownlee	Goodman	Mentzer	Saylor
Burns	Greiner	Metcalfe	Scavello
Caltagirone	Grove	Miccarelli	Schlossberg
Carroll	Hackett	Micozzie	Schreiber
Causser	Haggerty	Millard	Simmons
Christiana	Hahn	Miller, R.	Smith
Clay	Haluska	Mirabito	Snyder

Clymer	Hanna	Miranda	Sonney
Cohen	Harhai	Molchany	Stephens
Corbin	Harhart	Moul	Stern
Costa, D.	Harkins	Mundy	Stevenson
Costa, P.	Harris, A.	Murt	Sturla
Culver	Harris, J.	Mustio	Swanger
Daley, M.	Heffley	Neilson	Tallman
Daley, P.	Helm	Neuman	Taylor
Davidson	Hennessey	O'Brien	Thomas
Davis	Hickernell	O'Neill	Tobash
Day	James	Oberlander	Toepel
Deasy	Kampf	Parker	Toohil
Delozier	Kauffman	Pashinski	Turzai
Denlinger	Kavulich	Payne	Vereb
Dermody	Keller, F.	Peifer	Vitali
DiGirolamo	Keller, M.K.	Petrarca	Waters
Donatucci	Keller, W.	Petri	Watson
Dunbar	Killion	Pickett	Wheatley
Ellis	Kinsey	Pyle	Youngblood
Emrick			

NAYS—22

Conklin	Galloway	McGinnis	Painter
Cox	Grell	Metzgar	Samuelson
Cutler	Kim	Miller, D.	Sims
Dean	Longietti	Milne	Truitt
DeLissio	Matzie	Mullery	White
Freeman	McCarter		

NOT VOTING—0

EXCUSED—7

Cruz	Gabler	Harper	Kortz
DeLuca	Godshall	Kirkland	

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,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—133

Adolph	Evans	Kim	Peifer
Aument	Everett	Knowles	Petrarca
Baker	Farina	Kotik	Petri
Barbin	Farry	Krieger	Pickett
Benninghoff	Fee	Kula	Pyle
Boback	Fleck	Lucas	Quinn
Boyle, K.	Flynn	Mackenzie	Reed
Brooks	Freeman	Major	Reese
Brown, R.	Galloway	Maloney	Regan
Brown, V.	Gergely	Marshall	Ross
Burns	Gibbons	Marsico	Rozzi
Caltagirone	Gillen	Masser	Saccone
Carroll	Gillespie	Matzie	Sainato
Causser	Gingrich	McNeill	Sankey
Christiana	Goodman	Mentzer	Saylor
Clymer	Greiner	Metzgar	Scavello
Corbin	Grell	Miccarelli	Schlossberg
Costa, D.	Grove	Micozzie	Schreiber
Costa, P.	Hackett	Millard	Simmons
Culver	Hahn	Miller, D.	Snyder
Cutler	Harhai	Miller, R.	Sonney
Daley, P.	Harhart	Milne	Stephens

Davidson	Harris, A.	Mirabito	Stern
Davis	Harris, J.	Moul	Stevenson
Day	Heffley	Mullery	Swanger
Deasy	Helm	Mundy	Tallman
Delozier	Hickernell	Murt	Taylor
Denlinger	James	Mustio	Tobash
DiGirolamo	Kampf	Neilson	Toepel
Dunbar	Kavulich	Neuman	Toohil
Ellis	Keller, F.	O'Neill	Turzai
Emrick	Keller, M.K.	Oberlander	Watson
English	Keller, W.	Payne	Wheatley
Evankovich			

NAYS—62

Barrar	Donatucci	Markosek	Rock
Bishop	Fabrizio	McCarter	Roebuck
Bizzarro	Frankel	McGeehan	Sabatina
Bloom	Gainey	McGinnis	Samuelson
Boyle, B.	Haggerty	Metcalfe	Santarsiero
Bradford	Haluska	Miranda	Sims
Briggs	Hanna	Molchany	Smith
Brownlee	Harkins	O'Brien	Sturla
Clay	Hennessey	Painter	Thomas
Cohen	Kauffman	Parker	Truitt
Conklin	Killion	Pashinski	Vereb
Cox	Kinsey	Rapp	Vitali
Daley, M.	Lawrence	Ravenstahl	Waters
Dean	Longietti	Readshaw	White
DeLissio	Maher	Roae	Youngblood
Dermody	Mahoney		

NOT VOTING—0

EXCUSED—7

Cruz	Gabler	Harper	Kortz
DeLuca	Godshall	Kirkland	

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.

HOUSE BILL INTRODUCED AND REFERRED

No. 1699 By Representatives ROSS, CUTLER, REED, COHEN, GINGRICH, STERN, KAUFFMAN, GODSHALL, HICKERNELL, DAVIS, SCHLOSSBERG, O'BRIEN, VITALI, SAYLOR, QUINN, HARKINS, EVERETT, DENLINGER, BRIGGS, GIBBONS, GERGELY, CORBIN, TOEPEL, KAMPF, BRADFORD, LUCAS, VEREB and MURT

An Act providing for the regulation of certain reciprocal internal combustion engines.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 25, 2013.

COMMITTEE APPOINTMENTS

The SPEAKER. The Speaker appoints Representative Nick Micozzie as chairman of the Transportation Committee; Representative Tina Pickett as chairperson of the Insurance

Committee; and Representative Mauree Gingrich as chairperson of the Gaming Oversight Committee.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 974;
HB 1215;
HB 1216;
HB 1504; and
HB 1527.

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 23, PN 743**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extensively revising the Uniform Arbitration Act; and making editorial changes.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 23 be removed from the active calendar and placed on the tabled calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 23 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.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business before the House, the Speaker recognizes the gentleman, Mr. Miranda, from Philadelphia County, who moves that this House do now adjourn until Monday, September 30, 2013, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:27 p.m., e.d.t., the House adjourned.