

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 23, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 49

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (JOHN MAHER) PRESIDING

PRAYER

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

Thank you, Mr. Speaker.

Let us bow our heads in prayer:

Almighty God, bless our Commonwealth and make it true to the ideas of freedom and justice and brotherhood for all who make it great. Guard us from war, from fire and wind, and from fear and confusion. Be close to our Governor and our legislators. Give them vision and courage as they ponder decisions affecting the well-being of our citizens. Make us more deeply aware of our heritage, realizing not only our rights but also our duties and responsibilities as citizens.

Make this great Commonwealth and all its people know clearly Your will, know that they may fulfill the destiny ordained for us in the salvation and preservation of our Commonwealth.

In Your name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, June 22, 2015, will be postponed until printed.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 760, PN 1862 (Amended) By Rep. MARSICO

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, providing for civil and criminal immunity.

JUDICIARY.

HB 928, PN 1488 By Rep. O'NEILL

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects.

FINANCE.

HB 930, PN 1455 By Rep. O'NEILL

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for appropriation for and limitation on redevelopment assistance capital projects.

FINANCE.

HB 941, PN 1244 By Rep. METCALFE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Commonwealth agency fees, further providing for distillery of historical significance license fee reduction.

STATE GOVERNMENT.

HB 1205, PN 1863 (Amended) By Rep. MARSICO

An Act establishing the Results First Project; and providing for data collection and analysis by the Independent Fiscal Office.

JUDICIARY.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 620, PN 617 By Rep. METCALFE

An Act authorizing the release of Project 70 restrictions on certain land owned by the Borough of Carlisle, Cumberland County, in return for the development of park and open-space lands within the Borough of Carlisle, Cumberland County.

STATE GOVERNMENT.

SB 644, PN 1089 (Amended) By Rep. METCALFE

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, in Independent Fiscal Office, further providing for definitions, for duties of office and for access to information.

STATE GOVERNMENT.

SB 645, PN 1090 (Amended) By Rep. METCALFE

An Act providing for notice and disclosure of proposed collective bargaining agreements and related documents and for open records.

STATE GOVERNMENT.

**RESOLUTION REPORTED
FROM COMMITTEE****HR 389, PN 1782** By Rep. MARSICO

A Resolution appointing a committee and empowering it to make investigation.

JUDICIARY.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests a leave of absence for the day for the gentlelady from Lebanon County, Representative GINGRICH. Without objection, the leave of absence is granted.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Allegheny County, Representative DeLUCA, for the day. Without objection, the leave of absence is granted.

MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll. Members proceed towards their seats. We will proceed with the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causser	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas

Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortitay	Vitali
DeLissio	Kaufner	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

DeLuca	Gabler	Gingrich	Pyle
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LEAVES ADDED—4

Brown, V.	Davidson	Harris, J.	Wheatley
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LEAVES CANCELED—1

Brown, V.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. Located to the left of the Speaker and in the gallery, the Chair welcomes participants of Pennsylvania's Keystone Boys State conference. Sponsored by the American Legion, this program is one of the longest-running civic education programs for high school students. Pennsylvania's event welcomes over 200 participants this year to Shippensburg University. To my left: Joe Korger, Bryce Basso, and Hayden Kuzemchak. There are additional students located up in the gallery. Please, let us extend a warm welcome to all of those participants in Boys State.

Located to the left of the rostrum, the Chair welcomes the family of the late Burrell A. Brown. I understand that Anita Brown, Julian, Jalinn, and Raiven Brown, and Enola Duncan are all with us. Would you please rise. Additional friends and family are seated in the rear of the House. They are guests of Representative Gergely. Welcome to the hall of the House.

Located in the rear of the House are three individuals who are shadowing Representative Mackenzie for the day. They are Bob Ross, Robyn Barebo, and Harshit Patel. Would you all please give a wave. Welcome to the hall of the House.

Located in the rear of the House, the Chair welcomes two interns who are working with Representative Davis for the summer: Tamara Udowenko and Dornell Burrell. Welcome.

Located in the rear of the House, the Chair welcomes Elizabeth McAndrew, Brittany Haag, and Chris Toevs. They are interning with the Pennsylvania Farm Bureau and are guests of Representative Jozwiak. Welcome to the hall of the House.

In the rear of the House, as a guest of Representative Warren Kampf, is a guest today, Tom Garg. Tom, would you give a wave and let us see where you are. Welcome to the hall.

In the gallery, guests of Representative Robert Freeman and Representative Joe Emrick are Vic Jodz, Bonita Jodz, and Nick Jodz, all guests of the two Representatives. Would you please give a wave, and we welcome you to the hall of the House.

Located to the left of the rostrum, the Chair welcomes Scott Eisenhart, a rising senior at the University of Delaware, and Evan Buckwalter, a rising junior at Occidental College. These young men are interning with Representative Mentzer this summer. Welcome.

UNCONTESTED CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. HICKERNELL called up **HR 391, PN 1803**, entitled:

A Resolution designating the month of July 2015 as "MECP2 Duplication Syndrome Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causar	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Simms
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt

Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortity	Vitali
DeLissio	Kaufner	Parker, C.	Ward
DeLozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

DeLuca	Gabler	Gingrich	Pyle
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. GERGELY called up **HR 393, PN 1805**, entitled:

A Resolution honoring the life and memory of Burrell A. Brown, Esq., and extending condolences to his family, friends and colleagues.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Representative Gergely.

Mr. GERGELY. Thank you, Mr. Speaker.

We come here today to celebrate the life of Burrell Brown and his many accomplishments to this great Commonwealth, from his professorship at California University of Pennsylvania to being a labor leader with the Association of State College and University Faculties. He was a man of many, many, many accomplishments, an M.B.A. (master of business administration) as well, and I wish I would have gotten to know him better.

Being the labor chairman and on the labor committee for 14 years, Mr. Brown was an active labor leader with his union for social justice and for all the reasons many of us come here and fight every day. I am glad that we have the opportunity today to pay tribute to him for the many accomplishments he has had, and I am glad to be joined by Representative Vanessa Brown and Representative Rick Saccone. And I want to introduce Rick now. Rick represented Clairton for the last 6 years, and that is where Mr. Brown resided, and I think it is just appropriate to have him also pay tribute.

Thank you, Representative Saccone.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Saccone. You may proceed.

Mr. SACCONI. Thank you, Mr. Speaker.
 And thank you, Representative Gergely, for allowing me to represent—

The SPEAKER pro tempore. Will the gentleman suspend. Will the House please come to order for this memorial resolution.

Mr. SACCONI. I am proud to present some of the distinguished accomplishments of Professor Burrell Brown, just a great diverse background, which you will hear in a minute, with exceptional accomplishments both in community service, in law, and in academia, and yet a man of such high stature was described by his students as a down-to-earth instructor who would do everything in his power to help. And his colleagues, his peers, routinely described him as a man who cared enormously about his students. I think there could be no higher accolade than that.

As an attorney and a passionate civil rights leader, he was licensed to practice law all the way up to the Pennsylvania Supreme Court. He was a past president of the Pennsylvania State NAACP (National Association for the Advancement of Colored People), and he was general counsel for the Pennsylvania State NAACP for 20 years, serving proudly there. As a labor leader, he was a California University APSCUF (Association of Pennsylvania State College and University Faculties) chapter president, and a number of other offices within the university. He was the recipient of the Pennsylvania NAACP President Service Award and the California University Award for Distinguished Service.

I tell you truly that I think I am a little less of a person for not getting the chance to know him more personally. His achievements and contributions are truly worthy of recognition by the people of Pennsylvania. Thank you to him and his family.

The SPEAKER pro tempore. On the question, is the gentledady, Representative Brown, seeking recognition? You are in order and may proceed.

Ms. V. BROWN. Thank you, Mr. Speaker.

Mr. Speaker, I stand here today to welcome the family of Mr. Brown, Professor Brown, by the Pennsylvania Legislative Black Caucus. It is an honor for all of us to be standing here with you today to bring condolences for Mr. Brown's passing.

We are very grateful for his contribution to the Commonwealth of Pennsylvania as the leader of the NAACP, as a civil rights activist, and as a hero helping many children to become the adults who they are. And I hope that where they are now as adults, that they serve in the legacy of Professor Brown.

Again, I am so proud to be standing here with you today. I want to thank the family for being here. I want you to know again that we offer our deepest condolences from the Pennsylvania Legislative Black Caucus, and we will make sure that we will forever have him in our records here in the House of Representatives. Thank you so much for being here, and please know that our love goes out to you and is extended to you.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentledady.

A few minutes ago we introduced the family of Burrell Brown, and I think it would be appropriate if you might rise once again so that the members can better connect who you are and the importance of why you are here today.

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

The following roll call was recorded:

YEAS—194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santastiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causar	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortitay	Vitali
DeLissio	Kaufner	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

DeLuca	Gabler	Gingrich	Pyle
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The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

GUESTS INTRODUCED

The SPEAKER pro tempore. Located in the rear of the House, the Chair recognizes three interns who are working with Representative Petri for the summer: Jimmy Newman, Sarina Kaplan, and Joe Ward. They are seated with district staff member Patricia Doyle Caimano. Welcome to the hall of the House.

The Chair is welcoming those who might want to be recognized for announcements and recognizes the majority caucus chairman in due course.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER pro tempore. The Chair recognizes the majority Appropriations chairman, Representative 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 Rules Committee in the Republican conference room, Appropriations conference room, immediately. And then at 11:45 there will be an Appropriations meeting in the majority caucus room, at 11:45. Thank you.

The SPEAKER pro tempore. The Rules Committee will meet immediately in the Republican conference room. There will be an Appropriations Committee meeting in the majority caucus room at 11:45.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12:45. I would ask our Republican members to please report to our caucus room at 12:45. We would be prepared to come back on the floor, Mr. Speaker, at 1:30. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the minority caucus chair, Representative Frankel, for the purpose of an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 12:45. Democrats will caucus at 12:45. Thank you.

The SPEAKER pro tempore. Any further announcements?

RECESS

The SPEAKER pro tempore. The House will stand in recess until 1:30, unless sooner recalled by the Chair.

AFTER RECESS

THE SPEAKER (MIKE TURZAI) PRESIDING

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 929, PN 1532

By Rep. ADOLPH

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, in capital facilities, further providing for procedures for capital budget.

APPROPRIATIONS.

HB 1131, PN 1871 (Amended)

By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1132, PN 1872 (Amended)

By Rep. ADOLPH

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; and making an interfund transfer.

APPROPRIATIONS.

HB 1133, PN 1873 (Amended)

By Rep. ADOLPH

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

APPROPRIATIONS.

HB 1134, PN 1874 (Amended)

By Rep. ADOLPH

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2015, to June 30, 2016.

APPROPRIATIONS.

HB 1135, PN 1875 (Amended) By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1136, PN 1506 By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1137, PN 1507 By Rep. ADOLPH

An Act making appropriations from the Philadelphia Taxicab and Limousine Regulatory Fund and the Philadelphia Taxicab Medallion Fund to the Philadelphia Parking Authority for fiscal year July 1, 2015, to June 30, 2016.

APPROPRIATIONS.

HB 1138, PN 1876 (Amended) By Rep. ADOLPH

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

APPROPRIATIONS.

HB 1139, PN 1877 (Amended) By Rep. ADOLPH

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2015, to June 30, 2016, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

APPROPRIATIONS.

HB 1385, PN 1853 By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1386, PN 1854 By Rep. ADOLPH

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation

within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1387, PN 1855 By Rep. ADOLPH

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making an appropriation for carrying the same into effect; providing for a basis for payments of such appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1388, PN 1856 By Rep. ADOLPH

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1389, PN 1857 By Rep. ADOLPH

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

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEES**HB 603, PN 677** By Rep. ADOLPH

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, for restriction on the use of title "Licensed Marriage and Family Therapist" and for penalties.

APPROPRIATIONS.

HB 758, PN 1825

By Rep. REED

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines.

RULES.

HB 826, PN 1841

By Rep. ADOLPH

An Act amending Titles 45 (Legal Notices) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in general provisions, requiring executive orders to have a fiscal note; in effectiveness of documents, further providing for effective date of documents; in Independent Fiscal Office, requiring the Independent Fiscal Office to prepare fiscal notes for executive orders; and making an inconsistent repeal of certain provisions of The Administrative Code of 1929.

APPROPRIATIONS.

HB 1070, PN 1350

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

APPROPRIATIONS.

HB 1089, PN 1406

By Rep. REED

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

RULES.

HB 1110, PN 1440

By Rep. ADOLPH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in general provisions applying to both liquor and malt and brewed beverages, further providing for limiting number of retail licenses to be issued in each county.

APPROPRIATIONS.

HB 1164, PN 1852

By Rep. ADOLPH

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for copayments for subsidized child care; and abrogating a regulation.

APPROPRIATIONS.

HB 1196, PN 1858

By Rep. ADOLPH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in preliminary provisions, further providing for definitions; and, in licenses and regulations and liquor, alcohol and malt and brewed beverages, further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for local option and for unlawful acts relative to liquor, alcohol and liquor licensees.

APPROPRIATIONS.

HB 1319, PN 1767

By Rep. REED

An Act providing for the establishment of a savings program by the Treasury Department to encourage eligible individuals with disabilities to save private funds from which the expenses related to their disabilities may be paid to assist them in maintaining health, independence and quality of life.

RULES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 911, PN 1878 (Amended)**

By Rep. REED

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for emergency telephone service; and establishing the 911 Fund.

RULES.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 1390 By Representatives SAYLOR, VEREB, O'NEILL and OBERLANDER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, providing for student-weighted basic education funding.

Referred to Committee on EDUCATION, June 23, 2015.

CALENDAR CONTINUED**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 810, PN 963**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, further providing for Second Stage Loan Program.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

SUPPLEMENTAL CALENDAR A**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1319, PN 1767**, entitled:

An Act providing for the establishment of a savings program by the Treasury Department to encourage eligible individuals with disabilities to save private funds from which the expenses related to their disabilities may be paid to assist them in maintaining health, independence and quality of life.

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

Mr. **MARSHALL** offered the following amendment
No. **A02337**:

Amend Bill, page 3, lines 17 through 19, by striking out "The contract executed by the" in line 17 and all of lines 18 and 19 and inserting

The contract executed by the department and a person or legal entity to serve as investment managers, program managers and trustees to the department on behalf of the program.

Amend Bill, page 4, lines 19 through 21, by striking out all of lines 19 and 20 and "(3)" in line 21 and inserting

(2)

Amend Bill, page 4, lines 24 and 25, by striking out "Exemption.—A qualified ABLÉ program shall be exempt" in line 24 and all of line 25 and inserting

(Reserved).

Amend Bill, page 4, lines 29 and 30, by striking out "\$14,000 for the calendar year in which the taxable year begins" and inserting any limit set forth in IRC § 529A

Amend Bill, page 5, line 1, by striking out "The" and inserting Notwithstanding any other provision of law, the

Amend Bill, page 5, lines 3 and 4, by striking out "the Stephen Beck, Jr., ABLÉ Act of 2014 (Pub. L. 113–295, div. B, §1(a), 128 Stat. 4056)" and inserting

IRC § 529A

Amend Bill, page 5, lines 14 through 16, by striking out "one or more financial institutions." in line 14 and all of lines 15 and 16 and inserting

a legal entity. If the department contracts with investment managers, program managers or trustees in order to fulfill the objectives of this act, the investment managers, program managers and trustees must work with the department to create a program, to develop investment portfolios and to supervise investments and the investment programs selected.

Amend Bill, page 5, line 28, by striking out "single"

Amend Bill, page 5, line 28, by inserting after "account" limitation

Amend Bill, page 5, line 29, by inserting after "limit" as required in IRC § 529A

Amend Bill, page 7, by inserting between lines 17 and 18

(2.1) The department shall prepare, and through the Governor, submit annually to the General Assembly a budget covering the operating and administrative expenses of the program. Upon approval by the General Assembly in an appropriation bill, expenses incurred by the program and the department shall be paid from the fees and charges or from other funds available.

Amend Bill, page 9, lines 3 through 10, by striking out all of said lines and inserting
Section 7. Powers of the department.

In addition to any other powers granted under this act, the department shall have the power to carry out this act, including, but not limited to, the power to do any of the following:

(1) Administer the program and the ABLÉ savings program fund.

(2) Enter into contracts with individuals for the creation of an ABLÉ savings account.

(3) Pay to an account owner, eligible individual or a third party authorized by the account owner, upon receipt of appropriate documentation if required by the department, funds from the account to pay for the eligible individual's qualified disability expenses.

(4) Contract for goods and services and engage and employ personnel, including, but not limited to, the service of private consultants, actuaries, managers, legal counsel and

auditors for rendering professional, managerial and technical assistance and advice.

(5) Solicit and accept gifts, grants, loans and other aid from any person, corporation or other entity or from Federal, State or local government and participate in any Federal, State or local government program that results in additional funds being available to pay for the qualified disability expense of eligible individuals with ABLÉ savings accounts.

(6) Charge and collect administrative fees and charges in connection with any transaction, including continued participation in the ABLÉ program.

(7) Close ABLÉ savings accounts and return any remaining funds, minus any fees, to the account owner.

(8) Contract for insurance, letters of credit and collateral agreements.

(9) Adjust the terms of contracts with account owners.

(10) Solicit answers from the appropriate Federal agencies regarding the application of security or other Federal laws to the program.

(11) Consider means by which contributions into an ABLÉ savings account can be deducted from salary.

(12) Promulgate regulations.

(13) Take any other action necessary to carry out the purpose of this act and incidental to the duties imposed on the Secretary of the Treasury.

Amend Bill, page 9, line 11, by striking out "7" and inserting

8

Amend Bill, page 9, line 26, by striking out "8" and inserting

9

Amend Bill, page 10, line 18, by striking out "9" and inserting

10

Amend Bill, page 10, line 19, by striking out "on a monthly basis"

Amend Bill, page 10, line 23, by striking out "10" and inserting

11

Amend Bill, page 10, line 26, by striking out "11" and inserting

12

Amend Bill, page 11, lines 14 through 30; page 12, lines 1 through 12; by striking out all of said lines on said pages

Amend Bill, page 12, line 13, by striking out "12" and inserting

13

Amend Bill, page 12, line 27, by striking out "13" and inserting

14

Amend Bill, page 13, line 9, by striking out "14" and inserting

15

Amend Bill, page 13, line 15, by striking out "15" and inserting

16

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

The **SPEAKER**. On that question, the Chair recognizes Representative Marshall.

Mr. **MARSHALL**. Thank you, Mr. Speaker.

Amendment A02337 is a technical amendment that was at the request of the Department of Treasury, and it is an agreed-to amendment.

The **SPEAKER**. Thank you very much.

Representative Miller, on the amendment.

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

I would just like to congratulate the maker on this amendment. I believe it to be very important to the overall bill, and I would urge everyone to vote in the affirmative. Thank you.

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

The following roll call was recorded:

YEAS—194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causar	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortitay	Vitali
DeLissio	Kaufer	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

**THE SPEAKER PRO TEMPORE
(KATHARINE M. WATSON) PRESIDING**

* * *

The House proceeded to second consideration of **HB 758, PN 1825**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judgments and other liens, further providing for personal earnings exempt from process; and, in sentencing, further providing for payment of court costs, restitution and fines.

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

Mr. **PETRARCA** offered the following amendment
No. **A02255**:

Amend Bill, page 1, line 17; page 2, lines 1 and 2; by striking out all of said lines on said pages and inserting

Section 2. Section 9730 of Title 42 is amended to read:

Amend Bill, page 2, line 6, by inserting after "costs"

. restitution

Amend Bill, page 2, line 12, by striking out "restitution, fines or"

Amend Bill, page 2, line 12, by inserting after "costs"

. restitution or fines

Amend Bill, page 2, line 14, by striking out all of said line and inserting

(1) If a defendant defaults in the payment of [a fine,] court costs [or], restitution or fine after imposition of sentence, the issuing authority or a senior judge or senior magisterial district judge appointed by the president judge for the purposes of this section may conduct a hearing to determine whether the defendant is financially able to pay.

Amend Bill, page 2, line 17, by inserting a bracket before "fine"

Amend Bill, page 2, line 17, by inserting a bracket after "or"

Amend Bill, page 2, line 17, by inserting after "costs"

. restitution or fine

Amend Bill, page 2, line 22, by striking out all of said line and inserting

(3) If the issuing authority, senior judge or senior magisterial district judge determines that the defendant is without the financial means to pay the [fine or] costs, restitution or fine immediately or in a single remittance, the issuing authority, senior judge or senior magisterial district judge may provide for payment in installments. In determining the appropriate installments, the issuing authority, senior judge or senior magisterial district judge shall consider the defendant's financial resources[, the defendant's ability to make restitution and reparations and the nature of the burden the payment will impose on the defendant] and ability to pay. If the defendant is in default of a payment or advises the issuing authority, senior judge or senior magisterial district judge that default is imminent, the issuing authority, senior judge or senior magisterial district judge may schedule a rehearing on the payment schedule. At the rehearing the defendant has the burden of proving changes of financial condition such that the defendant is without the means

to meet the payment schedule. The issuing authority, senior judge or senior magisterial district judge may extend or accelerate the schedule, leave it unaltered or sentence the defendant to a period of community service as the issuing authority, senior judge or senior magisterial district judge finds to be just and practicable under the circumstances.

(4) A decision of the issuing authority, senior judge or senior magisterial district judge under paragraph (2) or (3) is subject to section 5105 (relating to right to appellate review).

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

The SPEAKER pro tempore. On that question, the Chair recognizes Representative Petrarca.

Sir, you are in order.
Mr. PETRARCA. Thank you, Madam Speaker.

What this amendment does, it is technical in nature. It just clarifies what method of payment can be used for restitution. And I believe it is an agreed-to amendment. Thank you.

The SPEAKER pro tempore. Representative Toepel. The Chair recognizes Representative Toepel for comment.

Mrs. TOEPEL. Thank you, Madam Speaker.
This is an agreed-to amendment, and I would urge my members to support it. Thank you.

The SPEAKER pro tempore. Thank you to the lady.
Ladies and gentlemen, may we please have a little more order. It is difficult for people to hear. Thank you.

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

The following roll call was recorded:

YEAS—193

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longiotti	Roe
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causar	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Tobash
Daley, P.	Hennessey	Mustio	Toepel
Davidson	Hickernell	Nesbit	Toohil
Davis	Hill	Neuman	Topper

Dawkins	Irvin	O'Brien	Truitt
Day	James	O'Neill	Vereb
Dean	Jozwiak	Oberlander	Vitali
Deasy	Kampf	Ortity	Ward
DeLissio	Kaufer	Parker, C.	Warner
Delozier	Kauffman	Parker, D.	Watson
Dermody	Kavulich	Pashinski	Wentling
Diamond	Keller, F.	Payne	Wheatley
DiGirolamo	Keller, M.K.	Peifer	Wheeland
Donatucci	Keller, W.	Petrarca	White
Driscoll	Killion	Petri	Youngblood
Dunbar	Kim	Pickett	Zimmerman
Dush	Kinsey	Quigley	
Ellis	Kirkland	Quinn	Turzai,
Emrick	Klunk	Rader	Speaker
English	Knowles	Rapp	

NAYS—0

NOT VOTING—1

Thomas

EXCUSED—4

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

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

The SPEAKER pro tempore. The bill as amended will be reprinted.

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Thomas, from Philadelphia rise?

Mr. THOMAS. Thank you, Madam Speaker pro tem.

My button malfunctioned, and I would like to be recorded in the affirmative on the last amendment.

The SPEAKER pro tempore. Thank you, and it will indeed be marked as so. Thank you.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1089, PN 1406**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

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

The SPEAKER pro tempore. The gentleman, Representative Dawkins, offers the following amendment— I am sorry. I see also. Thank you. We will get there.

Representative Dawkins, to offer your amendment, you would have to— Representative Stephens, you are doing this? All right. We love changes.

RULES SUSPENDED

The SPEAKER pro tempore. Representative Stephens, you are recognized.

Mr. STEPHENS. Thank you, Madam Speaker.

I rise to make a motion.

The SPEAKER pro tempore. Yes, you are in order to make your motion.

Mr. STEPHENS. I move to suspend the rules for the consideration of amendment A02385.

The SPEAKER pro tempore. All right.

Representative Stephens makes a motion to suspend the rules to offer amendment A02385.

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

The SPEAKER pro tempore. On the motion to suspend, Representative Dermody. Yes, sir, you are in order.

Mr. DERMODY. Thank you, Madam Speaker.

I would urge all members to support the motion to suspend the rules.

The SPEAKER pro tempore. Thank you, Representative Dermody.

Anyone else?

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

The following roll call was recorded:

YEAS—182

Acosta	English	Klunk	Ravenstahl
Adolph	Evankovich	Knowles	Readshaw
Baker	Evans	Kortz	Reed
Barbin	Everett	Kotik	Reese
Barrar	Fabrizio	Krieger	Regan
Benninghoff	Farina	Lawrence	Roebuck
Bishop	Farry	Lewis	Ross
Bizzarro	Fee	Longietti	Rozzi
Bloom	Flynn	Mackenzie	Saccone
Boback	Frankel	Maher	Sainato
Boyle	Freeman	Mahoney	Samuelson
Bradford	Gainey	Major	Sankey
Briggs	Galloway	Maloney	Santarsiero
Brown, R.	Gergely	Markosek	Santora
Brown, V.	Gibbons	Marshall	Saylor
Burns	Gillespie	Marsico	Schemel
Caltagirone	Godshall	Masser	Schlossberg
Carroll	Goodman	Matzie	Schreiber
Causar	Greiner	McCarter	Schweyer
Christiana	Grove	McGinnis	Simmons
Cohen	Hahn	McNeill	Sims
Conklin	Hanna	Mentzer	Snyder
Corbin	Harhai	Miccarelli	Sonney
Costa, D.	Harhart	Millard	Staats
Costa, P.	Harkins	Miller, B.	Stephens
Cox	Harper	Miller, D.	Sturla
Cruz	Harris, A.	Moul	Taylor
Culver	Harris, J.	Murt	Thomas
Cutler	Heffley	Mustio	Tobash
Daley, M.	Helm	Nesbit	Toepel

Daley, P.	Hennessey	O'Brien	Toohil
Davidson	Hickernell	O'Neill	Topper
Davis	Hill	Oberlander	Vereb
Dawkins	Irvin	Ortitay	Vitali
Day	James	Parker, C.	Ward
Dean	Jozwiak	Parker, D.	Warner
Deasy	Kampf	Pashinski	Watson
DeLissio	Kaufner	Payne	Wentling
Delozier	Kauffman	Peifer	Wheatley
Dermody	Kavulich	Petrarca	Wheeland
DiGirolamo	Keller, M.K.	Petri	White
Donatucci	Keller, W.	Pickett	Youngblood
Driscoll	Killion	Quigley	Zimmerman
Dunbar	Kim	Quinn	
Dush	Kinsey	Rader	Turzai,
Ellis	Kirkland	Rapp	Speaker

NAYS—12

Diamond	Keller, F.	Milne	Roae
Emrick	Metcalfe	Mullery	Tallman
Gillen	Metzgar	Neuman	Truitt

NOT VOTING—0

EXCUSED—4

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

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

The SPEAKER pro tempore. And now on the amendment, the gentleman, Mr. Stephens.

Is Dawkins offering the amendment? Mr. Dawkins, you are offering that. Gentlemen, it has become a tennis match, but I will catch on. Thank you so much.

Representative Dawkins, please.

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

Mr. **DAWKINS** offered the following amendment
No. **A02385**:

Amend Bill, page 1, line 18, by striking out "75%" and inserting
50%

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

The SPEAKER pro tempore. The Chair recognizes Representative Dawkins.

Mr. **DAWKINS**. Thank you, Madam Speaker.

I am offering amendment A02385, which would reduce from 75 percent to 50 percent the amount the Department of Corrections would deduct from an inmate's personal account for restitution to a victim. This is an agreed-to amendment. I appreciate the support of the bill's sponsor. I feel that this amendment is a great compromise to ensure that victims receive the restitution that they deserve from the offender who committed the crime on them.

I am also offering this amendment because I believe there is a concern around the 75-percent threshold that might discourage friends and families from making deposits into these accounts, which would not allow the victims to actually get any of those resources back into the fund. This may not give the inmate any money, therefore, because of that 75 percent, they will not have any additional money to actually spend on things like commissary. Obviously, it is not about the actual individuals in jail; it is about the victims. So I want to ensure that we have funding within these accounts to ensure that the victims get their fair due.

In addition, by lowering the amount deducted from these accounts, it allows a portion of those funds that were inducted into the account to have some folks that are in prison that should work for paying back the victim instead of having the money to make the personal purchases. But for inmates, this small amount of money and these personal purchases would make the daily grind of prison somewhat bearable. I have not had the opportunity or luxury to actually sit in jail, but I do know a lot of folks who have. I do know there are a lot of decent folks who may have made a bad decision in their lives. They do not make up a large population of the folks who may have made a silly mistake in their life, but there are some hardworking families, especially wives or brothers or siblings, who are making these deposits into their accounts so they can have a sense of some decency while they are in there.

I believe this amendment makes the bill better. I do again thank the maker of the bill, and I want to thank you all for an affirmative vote. Thank you.

The SPEAKER pro tempore. Thank you, Representative Dawkins.

Representative Stephens has a comment. You are recognized.

Mr. STEPHENS. Thank you, Madam Speaker.

As the gentleman mentioned, this is an agreed-to amendment, and I would urge all the members to vote "yes" on this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—177

Acosta	Ellis	Knowles	Ravenstahl
Adolph	English	Kortz	Readshaw
Baker	Evankovich	Kotik	Reed
Barbin	Evans	Krieger	Reese
Benninghoff	Everett	Lewis	Regan
Bishop	Fabrizio	Longietti	Roebuck
Bizzarro	Farina	Mackenzie	Ross
Bloom	Fee	Maher	Rozzi
Boback	Flynn	Mahoney	Saccone
Boyle	Frankel	Major	Sainato
Bradford	Freeman	Maloney	Samuelson
Briggs	Gainey	Markosek	Sankey
Brown, R.	Galloway	Marshall	Santarsiero
Brown, V.	Gergely	Marsico	Santora
Burns	Gibbons	Masser	Saylor
Caltagirone	Gillespie	Matzie	Schemel
Carroll	Godshall	McCarter	Schlossberg

Causer	Goodman	McGinnis	Schreiber
Christiana	Greiner	McNeill	Schweyer
Cohen	Grove	Mentzer	Simmons
Conklin	Hanna	Miccarelli	Sims
Corbin	Harhai	Millard	Snyder
Costa, D.	Harhart	Miller, B.	Sonney
Costa, P.	Harkins	Miller, D.	Stephens
Cox	Harper	Milne	Sturla
Cruz	Harris, A.	Moul	Tallman
Culver	Harris, J.	Mullery	Taylor
Cutler	Heffley	Murt	Thomas
Daley, M.	Helm	Mustio	Toepel
Daley, P.	Hennessey	Nesbit	Topper
Davidson	Hickernell	Neuman	Truitt
Davis	Hill	O'Brien	Vereb
Dawkins	Irvin	O'Neill	Vitali
Day	James	Oberlander	Ward
Dean	Kampf	Ortitay	Warner
Deasy	Kaufner	Parker, C.	Watson
DeLissio	Kauffman	Parker, D.	Wentling
DeLozier	Kavulich	Pashinski	Wheatley
Dermody	Keller, M.K.	Payne	White
Diamond	Keller, W.	Petrarca	Youngblood
DiGirolamo	Killion	Pickett	Zimmerman
Donatucci	Kim	Quigley	
Driscoll	Kinsey	Quinn	Turzai,
Dunbar	Kirkland	Rader	Speaker
Dush	Klunk	Rapp	

NAYS—17

Barrar	Jozwiak	Metzgar	Staats
Emrick	Keller, F.	Peifer	Tobash
Farry	Lawrence	Petri	Toohil
Gillen	Metcalfe	Roae	Wheeland
Hahn			

NOT VOTING—0

EXCUSED—4

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

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

Bill as amended was agreed to.

The SPEAKER pro tempore. The bill as amended will be reprinted.

CALENDAR CONTINUED

RESOLUTION

Mr. BAKER called up **HR 370, PN 1697**, entitled:

A Resolution condemning the international Boycott, Divestment, and Sanctions movement and its activities in this Commonwealth for seeking to undermine the Jewish people's right to self-determination, which they are fulfilling in the State of Israel.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. Representative Vitali, you had a comment. You are recognized, sir.

Mr. VITALI. Right. Would the maker of the resolution stand for brief interrogation?

The SPEAKER pro tempore. The gentleman says he will indeed stand for brief interrogation. Thank you, sir.

Mr. VITALI. Okay, and I must be honest with you: I know like zero about this issue. But could you tell me, it seems like we, with this vote, would be condemning the international Boycott, Divestment, and Sanctions movement. Is that an entity or is that— I want to get clear – I am looking at page 3, lines 15 and 16 – are we condemning a group or are we condemning a concept?

Mr. BAKER. Thank you, Madam Speaker.

The Palestinian BDS (Boycott, Divestment, and Sanctions) National Committee, the resolution does not support, or rather, the Palestinian BDS National Committee is what you are referencing, sir, and this resolution was unanimously passed out of the State Government Committee. It was unanimously passed and modeled after a joint resolution that passed in the State Senate of Tennessee, and the House of Representatives in Tennessee and reaffirms our support and strategic alliance with Israel.

Mr. VITALI. Okay. Now, I do not see the word "Palestinian" here, but I just want to ask you again, just directing your attention to page 3, lines 15 and 16. This is what we are condemning, the international Boycott, Divestment, and Sanctions movement. Could you just tell me what that – is that a group that has a structure and a mission statement and does things, or is this just a concept generally? I am trying to get at what we are condemning with this.

Mr. BAKER. There have been some protests by this particular movement or group, if you will, that have commonly targeted companies in Israeli divestment campaigns, and in various universities, Jewish students have been subject to tremendous racism and hate speech as a result of some of these demonstrations and boycotts. There was one group that planned to host an event on the Holocaust Remembrance Day. The purpose of the event was to commemorate the Holocaust, but rather what happened was to vandalize the day by painting Israelis as modern-day Nazis.

In another case, there was a coalition of student groups, Penn Arab Student Society, that announced their plans for a modified divestment proposal, which included companies involved in the private prison industry, drone manufacturing, and bulldozers. The Penn Divest from Displacement proposal had elements of BDS, as four of the companies specifically targeted divesting from Israel. Two Penn State students, who pleaded guilty in October of last year to spray painting anti-Semitic graffiti on a mostly Jewish fraternity house, were sentenced to community service and probation. A student was hit after an argument near the Students for Justice in Palestine's table on Temple's move-in day, a Temple student was assaulted on move-in day. Police say the victim was called an anti-Semitic slur and punched before the assailant ran away. These are the kinds of activities, sir, that we are denouncing.

Mr. VITALI. So again, my question, are we condemning a group, because there are capital letters used for the words "Boycott, Divestment, and Sanctions"? Are we condemning a group or are we condemning a number of groups who are engaged in a common activity?

Mr. BAKER. It is both a group and a movement.

Mr. VITALI. Well, could you describe then the group? Who are its leaders? Do they restrict their activity simply to Israel or would they also engage in similar activities in other countries whose policies they do not support?

Mr. BAKER. As far as I know, it is a pro-Palestinian group that predominantly targets Israel.

Mr. VITALI. So is it a group? What is the name of the group?

Mr. BAKER. Once again, for the third time—

Mr. VITALI. No, not for the third time. I have not heard the answer yet.

Mr. BAKER. The Palestinian—

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

Gentlemen, we certainly know we have rules of decorum, and I know that both of you gentlemen, as long-serving, know those rules. We will keep this very civil in light of the issue, which sometimes between the two groups has not been civil. Thank you so much, gentlemen.

Mr. BAKER. The international Boycott, Divestment, and Sanctions movement has been an organization in existence since 2005. It is managed by the Palestinian BDS National Committee, which supports Palestinian claims to land occupied by the State of Israel, and it is the Palestinian BDS National Committee group.

Mr. VITALI. Thank you.

Mr. BAKER. You are welcome.

The SPEAKER pro tempore. The gentleman has finished his interrogation. Thank you to both of the gentlemen.

The Chair recognizes the gentleman from Bucks County, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Madam Speaker.

I rise in support of HR 370, and let me say, Madam Speaker, that this resolution is important because I believe it is important that this chamber send a clear message across this Commonwealth that we do not support the BDS movement, and sending that message, Madam Speaker, has absolutely no impact on anyone's free speech right.

Let it be clear that if anyone wishes to engage in the BDS movement, if they wish to speak in favor of the BDS movement and advocate for it, they have that right, but those of us who wish to stand with our only democratic ally in the Middle East, those of us who wish to speak against a movement that seeks to single Israel out unfairly, those of us who wish to stand with a strong democratic ally want to send a clear message that this movement is not what we support, that this movement's attempt to paint Israel as a country that violates human rights is both false and one-sided, that this movement, Madam Speaker, is a purely political attempt to put pressure on Israel unilaterally while absolving the Palestinian leadership, such as it is, of any responsibility in the ongoing conflict in that region.

And when you step back, Madam Speaker, and you realize that there are many regimes throughout the world, nondemocratic regimes that regularly trample on the human rights of their citizens, and yet there is no organized movement to boycott those regimes or to seek divestment against those regimes, it is then that you start to realize the nature of this BDS movement and how it is in fact unfairly singling out, ironically, the only country in the Middle East where today a citizen can stand up and criticize the government and not be penalized for doing so.

So, Madam Speaker, I fully support the gentleman's resolution. I applaud him for bringing it forward, and I ask all of my colleagues to do likewise. Thank you.

The SPEAKER pro tempore. Thank you, Representative.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes then the minority whip, who requests a leave for Representative Vanessa BROWN of Philadelphia. That leave will be granted.

CONSIDERATION OF HR 370 CONTINUED

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

The following roll call was recorded:

YEAS—193

Acosta	Evans	Kotik	Readshaw
Adolph	Everett	Krieger	Reed
Baker	Fabrizio	Lawrence	Reese
Barbin	Farina	Lewis	Regan
Barrar	Farry	Longietti	Roae
Benninghoff	Fee	Mackenzie	Roebuck
Bishop	Flynn	Maher	Ross
Bizzarro	Frankel	Mahoney	Rozzi
Bloom	Freeman	Major	Saccone
Boback	Gainey	Maloney	Sainato
Boyle	Galloway	Markosek	Samuelson
Bradford	Gergely	Marshall	Sankey
Briggs	Gibbons	Marsico	Santarsiero
Brown, R.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causar	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortity	Vitali
DeLissio	Kaufer	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker
Evankovich	Kortz	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—5

Brown, V. Gabler Gingrich Pyle
DeLuca

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

STATEMENT BY MR. BAKER

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

Mr. BAKER. A brief comment on the passage of the resolution.

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent.

Mr. BAKER. Thank you, Madam Speaker.

I just wanted to thank the members for the unanimous support of this resolution. This sends a very, very strong message to our friends in Israel. This is very, very important to them. This resolution has not gone unnoticed by their Embassy, their consulate, and the entire people of Israel are very grateful and we appreciate the vote very, very much. Thank you.

Thank you very much, Madam.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1070, PN 1350**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

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—192

Acosta	Everett	Krieger	Readshaw
Adolph	Fabrizio	Lawrence	Reed
Baker	Farina	Lewis	Reese
Barbin	Farry	Longietti	Regan
Barrar	Fee	Mackenzie	Roae
Benninghoff	Flynn	Maher	Roebuck
Bishop	Frankel	Mahoney	Ross
Bizzarro	Freeman	Major	Rozzi
Bloom	Gainey	Maloney	Saccone
Boback	Galloway	Markosek	Sainato
Boyle	Gergely	Marshall	Samuelson
Bradford	Gibbons	Marsico	Sankey
Briggs	Gillen	Masser	Santarsiero
Brown, R.	Gillespie	Matzie	Santora
Burns	Godshall	McCarter	Saylor
Caltagirone	Goodman	McGinnis	Schemel
Carroll	Greiner	McNeill	Schlossberg
Causar	Grove	Mentzer	Schreiber
Christiana	Hahn	Metcalf	Schweyer
Cohen	Hanna	Metzgar	Simmons
Conklin	Harhai	Miccarelli	Sims
Corbin	Harhart	Millard	Snyder
Costa, D.	Harkins	Miller, B.	Sonney
Costa, P.	Harper	Miller, D.	Staats
Cox	Harris, A.	Milne	Stephens
Cruz	Harris, J.	Moul	Sturla
Culver	Heffley	Mullery	Tallman
Cutler	Helm	Murt	Taylor
Daley, M.	Hennessey	Mustio	Thomas
Daley, P.	Hickernell	Nesbit	Tobash
Davis	Hill	Neuman	Toepel
Dawkins	Irvin	O'Brien	Toohil
Day	James	O'Neill	Topper
Dean	Jozwiak	Oberlander	Truitt
Deasy	Kampf	Ortitay	Verb
DeLissio	Kaufert	Parker, C.	Vitali
Delozier	Kauffman	Parker, D.	Ward
Dermody	Kavulich	Pashinski	Warner
Diamond	Keller, F.	Payne	Watson
DiGiroamo	Keller, M.K.	Peifer	Wentling
Donatucci	Keller, W.	Petrarca	Wheatley
Driscoll	Killion	Petri	Wheeland
Dunbar	Kim	Pickett	White
Dush	Kinsey	Quigley	Youngblood
Ellis	Kirkland	Quinn	Zimmerman
Emrick	Klunk	Rader	
English	Knowles	Rapp	Turzai,
Evankovich	Kortz	Ravenstahl	Speaker
Evans	Kotik		

NAYS—1

Davidson

NOT VOTING—0

EXCUSED—5

Brown, V.	Gabler	Gingrich	Pyle
DeLuca			

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.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Indeed, the minority leader, Representative Hanna, recognizes that Representative Vanessa BROWN of Philadelphia is back from leave. Indeed, she will be put on the master roll. Thank you.

**THE SPEAKER (MIKE TURZAI)
PRESIDING**

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 603, PN 677**, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, for restriction on the use of title "Licensed Marriage and Family Therapist" and for penalties.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. Now, this is on third consideration. The gentleman, Representative Topper, would like to offer an amendment on third consideration, but he will need to suspend the rules to do so.

I call on Representative Topper for a motion.

Mr. TOPPER. Thank you, Mr. Speaker.

I would like to move for suspension of the rules so we can consider this clarifying amendment to HB 603. This was brought about just by simple miscommunication, Mr. Speaker, and I would like to move to suspend the rules at this time.

(Conference held.)

BILL PASSED OVER TEMPORARILY

The SPEAKER. Members, we are going to go over HB 603 temporarily.

CONSIDERATION OF HB 603 CONTINUED

The SPEAKER. The Speaker calls up HB 603, PN 677, on page 2 of today's supplemental B House calendar.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Okay. I see some members who would like to be recognized. Representative Rapp will be followed by Representative Jordan Harris, followed by Representative Margo Davidson. Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

Unfortunately, I will be voting "no" on this bill. I have some grave concerns about the interpretations and challenges to this bill. I think there needs to be some clarifications in this bill, which, quite frankly, we thought we had the procedural agreements to run an amendment on this bill, which, unfortunately, we are not able to do in this body. Therefore, I will be opposing the bill because I do believe there needs to be clarification that there needs to be an exemption for faith-based counseling.

And so I will be opposing this piece of legislation, and I would hope that many of my colleagues would be joining me in opposing this bill without the amendment that we wanted to insert in the bill to clarify the exemption.

Thank you, Mr. Speaker.

The SPEAKER. Representative Harris.

Mr. J. HARRIS. Thank you, Mr. Speaker.

Will the maker of the bill please stand for brief interrogation?

The SPEAKER. The maker has indicated he will.

Mr. J. HARRIS. Thank you.

Mr. Speaker, my question is about members of the clergy. Under this legislation, would my pastor or pastors across the Commonwealth still be able to provide counseling services?

Mr. GROVE. Yes.

Mr. J. HARRIS. Would my members of the clergy still be able to advertise themselves as marriage counselors?

Mr. GROVE. They could not authorize themselves as a therapist. This is a scope-of-practice title protection, so they could not say, "I am a licensed therapist," unless they actually go through the education process and become a licensed therapist under the act and its requirements, but they can come back and say, "We can provide marriage counseling for parishioners of my church," and continue to do all the services that they traditionally do, but they could not designate themselves as a, quote, "therapist."

Mr. J. HARRIS. Okay. Thank you, Mr. Speaker.

Would you be able to explain the confusion that could arise from members of the clergy that we want to declare via an amendment?

Mr. GROVE. I think the clergy understands the scope of this law, because they do not actually fall under it unless in fact they were actually a licensed therapist.

The clergy would go through their normal process—

The SPEAKER. Sir, if you will just suspend for a second.

Members, if we could, please give the good gentleman, Representative Harris, the opportunity to ask the questions and Representative Grove to answer the questions. If we could all just take our seats and give the members the time to hear the discussion. It is an important discussion.

You both may proceed.

Mr. GROVE. Thank you, Mr. Speaker.

Members of clergy would go through their normal doctoral program to become a member of clergy. Unless they go through and become a licensed therapist, that is how they would say, "I am a therapist," versus, you know, a pastor of a church. They could still do their normal counseling, whatever they normally do in their normal churches.

I think a lot of this provision— Because members of the clergy understand they are not licensed under this act to begin with. They are not filing paperwork. They are not doing fees.

There is no oversight with the department into churches unless, of course, the individual at the church in a previous career may have been an actual licensed therapist who then goes to do the Lord's work and offers service upon a community. So there is no connection with religious entities and the underlying act.

Mr. J. HARRIS. Okay. Where would a member of the clergy get in trouble under this legislation?

Mr. GROVE. If in fact they were not a licensed therapist and they put out a shingle that said, "I am a licensed therapist," but that would be anyone. And this, again, is a title protection, so it prevents myself from saying, "Hey, I am a therapist and I will do counseling," when I do not have the credentials, the education, or the license to do so.

Mr. J. HARRIS. So it is just saying the word "therapist."

Mr. GROVE. Yes.

Mr. J. HARRIS. Okay. Thank you, Mr. Speaker.

That ends my interrogation.

The SPEAKER. Representative Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

Will the maker of the bill please stand for interrogation?

The SPEAKER. He has indicated he will.

Representative Davidson, you may proceed.

Mrs. DAVIDSON. I apologize if you answered these questions, but I am still needing clarification.

There are a number of pastoral counseling centers throughout the Commonwealth and in many churches. Would those centers be able to operate as pastoral counseling centers if this law were to pass?

Mr. GROVE. Yes.

Mrs. DAVIDSON. Would they be able to say that they are providing to their members pastoral counseling and not be breaking the law if this was to become law?

Mr. GROVE. Yes.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

The SPEAKER. Representative Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

I thank the gentleman from York County. I appreciate his description and his confidence on how this bill will be read. Unfortunately, I do not share that confidence. I think it is very important that our clergy maintain their independence.

If you take a look at the language of 603, there are certain exemptions set forth in the bill, and the fact that the clergy is not an exemption I think is a very good possibility the court may at some point determine that a pastor, a clergyman, someone, a member of the clergy is offering marriage therapy, therefore they are a marriage therapist, therefore they are subject to the requirements of this act.

CONSTITUTIONAL POINT OF ORDER

Mr. KRIEGER. So, Mr. Speaker, I wonder if I am in order to make a motion?

The SPEAKER. Sir, please state your motion.

Mr. KRIEGER. My motion would be, and I am not quite sure how to state this, the bill is unconstitutional because it violates the First Amendment to the United States Constitution.

The SPEAKER. Okay. Now, if everybody could bear with me, it is my first constitutional challenge here.

The House will stand at ease.

(Conference held.)

The SPEAKER. Members, the House is back in order.

MOTION WITHDRAWN

The SPEAKER. Representative Krieger, you have the floor.

Mr. KRIEGER. Thank you, Mr. Speaker.

And let me say first, I am glad I could be part of your first experience on a motion for constitutionality. I am sorry I have to shortcut that, however. I will be withdrawing my motion.

The SPEAKER. Thank you, Mr. Krieger. I am disappointed.

SECOND CONSIDERATION OF HB 603 RECONSIDERED

The SPEAKER. Members, Representatives Cutler and Topper move that the vote by which the House agreed for the second time be reconsidered, HB 603, PN 677. Let me rephrase that; I apologize. Representatives Cutler and Topper move that the vote by which HB 603, PN 677, was agreed to for the second time, that that action be reconsidered.

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

The SPEAKER. So we will have a vote in front of us to reconsider the agreement to second consideration for HB 603, PN 677.

Those who want to reconsider that will be voting "aye"; those who do not want to reconsider—

Mr. MARKOSEK. Mr. Speaker?

The SPEAKER. I just want to make it clear so that everybody knows, the question will be then, if you want it to be reconsidered, you will be voting "yes"; if you do not want it to be reconsidered, you will be voting "no."

POINT OF ORDER

The SPEAKER. And I will be calling on Representative Markosek.

Mr. MARKOSEK. Point of order.

The SPEAKER. Yes, sir; yes.

Mr. MARKOSEK. Mr. Speaker, does the bill first have to be put over to third before it can be put back to second?

The SPEAKER. It does not. The decision to move it— As you know, we did not actually vote on HB 603, PN 677, because that was on second consideration. We agreed to it. You can move to reconsider that action. Now, the bill will go back to second consideration.

Mr. MARKOSEK. Okay, so the bill did go to third and now we are voting to go back to second?

The SPEAKER. The bill was given second consideration, and what is being reconsidered is second consideration.

Mr. MARKOSEK. All right. Thank you.

The SPEAKER. Yes, sir.

Representative Markosek, if I might, I think your inquiry is by my calling up HB 603, PN 677, for third consideration, put it onto third consideration. I understand your point. I am sorry; I did not grasp that when you were asking that point of order.

To be clear then, let me state this: The third consideration will be rescinded, and then we will undertake the motion to reconsider the agreement to second consideration for HB 603,

PN 677. So I do understand your point of order. I do, and I apologize for that.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its statement that HB 603 was agreed to on third consideration.

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

The SPEAKER. I will call on Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

I am just trying to wrap my arms around this here for a second. But I think what you said, and correct me if I am wrong or what is meant, that the bill did go to third and now we are taking a vote to put it back to second. Would that be a way to characterize it? And, you know, I was not aware that it had gone to third, so can you clarify that, please?

The SPEAKER. I had called the bill up for third consideration and that was agreed to, and that has been rescinded at this time, and then the motion to reconsider is now on the table. Excuse me; the motion to reconsider will be in front of us.

Mr. MARKOSEK. Okay. Thank you, Mr. Speaker.

The SPEAKER. Representative Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

This bill obviously has been in Professional Licensure. Those of us on the committee and both the chairs respectfully understand the concern here. I would have to say that, no doubt, we are for the legislation, and I understand the difficulties that can be corrected with an amendment. I assume that is the intent.

So I strongly support and ask my colleagues to support the procedure to return it to second. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

Representative Harhart.

Mrs. HARHART. I have to concur with the minority chair. I would appreciate it if everybody would support moving this bill back to second so that we can amend it on second and get this bill over to the Senate. Thank you.

The SPEAKER. Thank you.

Does anybody else wish to be recognized on the motion to reconsider?

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

The following roll call was recorded:

YEAS—194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero

Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causer	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortitay	Vitali
DeLissio	Kaufman	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

DeLuca	Gabler	Gingrich	Pyle
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

BILL PASSED OVER

The SPEAKER. HB 603 will be gone over for the day.

* * *

The House proceeded to third consideration of **HB 1164, PN 1852**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for copayments for subsidized child care; and abrogating a regulation.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Acosta	Evankovich	Kortz	Ravenstahl
Adolph	Evans	Kotik	Readshaw
Baker	Everett	Krieger	Reed
Barbin	Fabrizio	Lawrence	Reese
Barrar	Farina	Lewis	Regan
Benninghoff	Farry	Longietti	Roae
Bishop	Fee	Mackenzie	Roebuck
Bizzarro	Flynn	Maher	Ross
Bloom	Frankel	Mahoney	Rozzi
Boback	Freeman	Major	Saccone
Boyle	Gainey	Maloney	Sainato
Bradford	Galloway	Markosek	Samuelson
Briggs	Gergely	Marshall	Sankey
Brown, R.	Gibbons	Marsico	Santarsiero
Brown, V.	Gillen	Masser	Santora
Burns	Gillespie	Matzie	Saylor
Caltagirone	Godshall	McCarter	Schemel
Carroll	Goodman	McGinnis	Schlossberg
Causer	Greiner	McNeill	Schreiber
Christiana	Grove	Mentzer	Schweyer
Cohen	Hahn	Metcalfe	Simmons
Conklin	Hanna	Metzgar	Sims
Corbin	Harhai	Miccarelli	Snyder
Costa, D.	Harhart	Millard	Sonney
Costa, P.	Harkins	Miller, B.	Staats
Cox	Harper	Miller, D.	Stephens
Cruz	Harris, A.	Milne	Sturla
Culver	Harris, J.	Moul	Tallman
Cutler	Heffley	Mullery	Taylor
Daley, M.	Helm	Murt	Thomas
Daley, P.	Hennessey	Mustio	Tobash
Davidson	Hickernell	Nesbit	Toepel
Davis	Hill	Neuman	Toohil
Dawkins	Irvin	O'Brien	Topper
Day	James	O'Neill	Truitt
Dean	Jozwiak	Oberlander	Vereb
Deasy	Kampf	Ortitay	Vitali
DeLissio	Kaufman	Parker, C.	Ward
Delozier	Kauffman	Parker, D.	Warner
Dermody	Kavulich	Pashinski	Watson
Diamond	Keller, F.	Payne	Wentling
DiGirolamo	Keller, M.K.	Peifer	Wheatley
Donatucci	Keller, W.	Petrarca	Wheeland
Driscoll	Killion	Petri	White
Dunbar	Kim	Pickett	Youngblood
Dush	Kinsey	Quigley	Zimmerman
Ellis	Kirkland	Quinn	
Emrick	Klunk	Rader	Turzai,
English	Knowles	Rapp	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

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

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 805, PN 1843**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in professional employees, further providing for temporary professional employees, for contracts, execution and form, for causes for suspension and for persons to be suspended and to receive tenure, for collective bargaining agreements and for timing of appeal of suspension; and making editorial changes.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

Representative Carroll, you are first.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, we have had a lengthy discussion on this bill over the last few days, and so here we are with a discussion and a decision to make about economic furloughs. There is some real irony in the fact that we are going to discuss economic furloughs this week of this year. We are about to make, hopefully soon, decisions related to the support of our basic ed system, our 500 school districts: what sort of an appropriation they will get, and how they can plan both property tax increases – and hopefully, the lack of a property tax increase – and future expenditures for the education of the children of this State. That, I would suggest, is a critically important decision. Unfortunately, in place of that discussion, we are going to have a debate and a vote on economic furloughs. I would suggest that a decision and a discussion related to economic furloughs is quite a departure from the real discussion that should be under way relative to the funding of our basic ed system.

Mr. Speaker, our school districts need financial help; they need financial support. They do not need the ability to solve the economic problem that they face by giving school boards and administrations the ability to furlough teachers. The furloughing of a teacher does not solve the problem. It may help on the balance sheet, Mr. Speaker, but it does not help our children. Pittston Area does not need more than 30 children in the second grade. Pittston Area used to have 25 children in the second grade. With economic furloughs, maybe we will be up to 35 in the second grade. I suppose for those that want to advance HB 805, that is a choice that they are willing to make. I am not.

Mr. Speaker, economic furloughs should follow every other effort that we could make to make sure that our districts have the resources and the wherewithal to properly educate children. This, Mr. Speaker, this bill and this policy is a mistake. This bill and this policy, Mr. Speaker, is a surrender to the reality that the districts do not have enough financial support from our

Commonwealth. Those who support 805 essentially are throwing in the white towel on their willingness to provide the financial resources that the 500 school districts of this State need. Pittston Area does not need the ability to furlough more teachers, Mr. Speaker. Pittston Area, North Pocono, Wilkes-Barre, and Crestwood need adequate financial support from this Commonwealth. That is what we should be doing today.

HB 805 deserves a "no" vote. We should have on this bill, on this calendar, a discussion of basic ed funding in this State adequate for the 500 school districts of our Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Yes, sir.

Representative Hanna. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise in opposition to HB 805 in its current form.

Last week, rather than a straightforward civil policy debate on Chairman Roebuck's compromise furlough language, multiple clever procedural maneuvers were used to present this bill in the form you see it today.

Mr. Speaker, I am opposed to this bill for the following reasons: It is absurd that our educators may be furloughed based solely on untested, unverified, and unreliable results of the new educator evaluation system; this bill suggests that our State's dismal education performance in the last 4 years is the result of not being able to get rid of teachers fast enough, rather than the real problem of significant underfunding from the last four Corbett budgets; and Governor Corbett's basic education cuts during his tenure forced approximately 23,000 educators to lose their jobs, which equated to 93 percent of all school districts reducing their staffing levels and 91 percent of all school districts increasing property tax, and this bill simply proposes more of the same.

Once again, Mr. Speaker, this conversation today is as unproductive as the past 4 years have been with regards to the education cuts. Mr. Speaker, we have to reverse the effects of those cuts to ensure our students have the most effective educators. This bill does not provide an appropriate mechanism for dismissing ineffective educators, nor does it provide for developing a structure to improve the education profession. We should instead focus on regaining stability for our students by reducing class sizes and reinstating the quality educational programs that have been lost.

All students deserve to have teachers who provide quality instruction and valuable educational experiences, and all educators deserve to be supported, rewarded, and valued for their effectiveness and impact on students. Having a strong evaluation system is key. While our current evaluation system may not be perfect, it is far better than the previous system, whereby teacher ratings were solely based on the subjectivity of classroom observation. Mr. Speaker, I believe we need to continue improving upon our evaluation system before we make major policy decisions on a system that is still a work in progress.

For all these reasons, Mr. Speaker, I urge a "no" vote on HB 805.

Thank you, Mr. Speaker.

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill, please.

The SPEAKER. Yes, the gentleman will stand for interrogation.

Representative Mustio, you may proceed.

Mr. MUSTIO. Thank you, Mr. Speaker.

We have all received a lot of e-mails regarding this issue, and I have made some notes on some of the concerns and topics raised, and I would like the maker of the bill to please address those, if that is okay.

One of the concerns that was brought up was about the building level data used in this system. Can you please speak to that issue?

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, the building level data was something that was developed in a pilot program that was part of the evaluation system since 2012, and teachers were originally concerned that perhaps just 1 year of data might skew the results. So the evaluation system actually takes into account a 3-year average of teacher-specific data and includes the building level measures that will address precisely the kind of concerns that teachers might have been concerned about.

Mr. MUSTIO. Thank you.

We have also heard concerns about the weighting of the data, the evaluation system being in place for a short period of time. Can you talk about how the weighting of the data in the classroom versus the building data impacts legislation.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, the weighting of the data with respect to individual teachers makes up just 15 percent of the entire evaluation matrix, and even that 15 percent is made up of multiple factors including not only student performance, but the growth of the students, their ability to grow as students, and their ability to proceed according to their IEPs, their individualized educational plans. So it is an important component and it reflects multiple factors.

Mr. MUSTIO. Thank you.

There have also been concerns raised not only by the e-mails that were received but by some of the members in our caucus and also on the other side of the aisle that this is untested, the system is untested. We need to wait a little bit longer before we implement or pass this legislation.

Mr. BLOOM. Thank you, Mr. Speaker.

This system that we are now utilizing that was enacted back in 2012 was actually the result of a pilot project that was initiated during the end of Governor Rendell's time as Pennsylvania Governor, then carried on by the Corbett administration, and then enacted by statute through the actions of this body and the Senate, and so it is a process that is not new. It has been, actually, used for many, many years now, and due to the actual date of implementation of HB 805, by the time these evaluations are actually utilized in the context of HB 805, it will be June 30 of 2016, so we will have 3 full academic years of data using the entire system.

Mr. MUSTIO. Now, we are hearing comments as we speak here from the other side of the aisle that these are softball questions. I think it is important to note that the questions are addressing the legislation and they are not rhetoric that does not address the legislation.

One of the things that I would like you to answer is, should a teacher not pass – I guess it is basically like the grades that they give their students – for a teacher not to pass, what would her percentage or his or her percentage be to fail?

Mr. BLOOM. To achieve, Mr. Speaker, to achieve a failing result under the evaluation matrix, a teacher would literally be performing at 16 percent or lower of the possible score; 16 percent.

Mr. MUSTIO. Thank you, Mr. Speaker.

On the bill?

The SPEAKER. Yes. Representative Mustio, on the bill.

Mr. MUSTIO. Mr. Speaker, I think the maker of the bill has outlined in his answers the reasons why this bill needs to move forward, and I would encourage my colleagues to vote "yes." Thank you.

The SPEAKER. Representative Longietti.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, I will not repeat the comments of the gentleman from Luzerne County, although I thought he aptly described where we are and why we should not be focusing on economic furloughs at this time when we have not funded our schools properly. But I do want to raise some issues with the bill, specifically the timing of this in terms of where we are in the teacher evaluation system.

We have heard, I think all of us have heard or at least read of concerns raised by superintendents with the current system, that there are flaws in the system, and those of us that serve on the Education Committee recall when the Acting Secretary of Education explained that it would take a good 2 to 3 years before we could fully appreciate and understand the effectiveness and the efficacy of this evaluation system. We will also recall that not long ago, just a couple of months ago, that the majority chairman of the House Education Committee at a public meeting remarked that there are indeed legitimate concerns and issues with the evaluation system, and that he would be amenable to a public hearing on that. We have not had that public hearing as of yet.

Notwithstanding what was said in interrogation, we also know that part of the system relies on the PVAAS (Pennsylvania Value-Added Assessment System), the growth data, that it would take 3 years, a 3-year average to look at that growth data, and yet we are only 1 year into this evaluation system. It is in its infancy. We also know that it would count building level data, that it would take a teacher that could be performing well in his or her classroom and hold them accountable for building level data that, quite honestly, they are not directly involved in; that it would also take nonteaching professional employees and that it would also subject them to evaluations for the building even though they are nonteachers.

And finally, as a son of a teacher who served 20 years in the elementary classroom at my home district, I know from personal experience and discussions with my mother when she was a teacher that so often the best teachers can be assigned the most challenging students, the most challenging students. And so under this system they receive the most challenging students who it is most difficult to experience growth with, and yet we are going to make decisions under this legislation that punishes those teachers who are assigned the most challenging students because they are in fact good classroom teachers.

And so it is for all these reasons that I will be voting "no" on HB 805, and I urge my colleagues to do the same.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCarter.

Mr. McCARTER. Thank you, Mr. Speaker.

As a former educator of 35 years, I can personally tell you that experience is a tremendously beneficial quality for a teacher to have. The longer you teach, the more you learn, not only from the education that you receive and from the world in general but also from your students, and in turn, you become better equipped to impart information to future students.

Teaching, Mr. Speaker, is not a script that can be followed by any person standing in front of a class of students. It is a craft, and lucky people who work with children every day are professionals whose experience should be rewarded and treasured.

Anyone who has ever taught in our schools knows that experience is important. We also know that we have tried to have meaningful and objective evaluation of teachers for decades. There have been many effective systems developed, but they never seem to satisfy everyone. In the last few years the State has crafted a system that is complex, relies in part on test scores from students, and has resulted in chaos in many districts throughout the Commonwealth, yet this bill would base future furloughs on the new Educator Effectiveness System, which is really unproven and not ready for prime time. This situation has been noted by superintendents and principals across the State.

As it currently stands, the EES does not produce accurate enough results to be the basis of future furloughs for teachers that result in situations that could harm them, their families, and the students they teach for years to come. Nearly one-fifth of a teacher's EES score correlates to the characteristics of the building in which they teach. Two teachers with identical scores in other categories may have different EES scores simply because of where they teach. Furthermore, the EES relies heavily on what is called value-added scores, which can differ greatly from year to year for the same teacher. They can vary so much in fact that a different set of teachers could be furloughed depending on which year the furloughs occur. In fact, the differences in teacher evaluation scores under this system are really quite small, and the slightest change of a student's test score could make the difference of who goes and who stays.

By using student results on high-stakes tests to determine an educator's score, evaluation score, and then using that EES score to determine furloughs, we would be discouraging our best teachers from helping students who struggle the most. More often than not, these students are in poverty-stricken areas and need the greatest assistance. This bill would punish teachers who try and help Pennsylvania's neediest students.

Frankly, Mr. Speaker, this formula was not designed to compare the quality of individual teachers and should not be used in making furlough decisions. Teachers, principals, and students all have serious concerns about the components and the implementation of the EES. HB 805 would tie an unproven method to the stability of our teachers and the education of our students.

Additionally, HB 805 extends the years from 3 to 5 to obtain tenure for teaching professionals, adding more uncertainty to the furlough process. All tenure gives to a professional is due process. It does not protect the job for life, as some like to believe. But with this change a new teacher would have to wait an additional 2 years to have a measure of protection. And who asked for this change? I have yet to hear a request from any of my school districts for extending this from 3 to 5 years.

None of this, however, speaks to what is still the greatest problem with HB 805. Allowing districts to furlough their most experienced teachers when financial times are tight will result in the furlough of more costly experienced professionals for inexperienced teachers, resulting in a tremendous educational loss for our students and parents. How many of us choose less experienced doctors for our medical care?

Mr. Speaker, as a teacher, I lived through the years of furloughs in the 1980s and 1990s. I can tell you that furloughs were always contentious and difficult, but what made them manageable was a seniority system that allowed order and relied on the concept of seniority, much like what we use in this chamber to reward experience. Is it a perfect system? No. But like democracy, which is also sometimes messy, it serves society and schools best. It helps to prevent the most egregious opportunities to furlough more costly experienced professionals and keep inexperienced less costly teachers.

Mr. Speaker, we should not be using Pennsylvania's school funding needs as an excuse to hurt our most senior teachers. This bad policy could impact our schools and communities for years to come in ways that we can hardly imagine today. However, the pressures of using test scores in evaluations have already resulted in testing scandals from Washington, DC, to Atlanta, giving us a lens into what might be in the offing if this measure were to pass here. Seniority and experience are not something to be looked down upon. They do not just reflect time in the profession. They reflect a tremendous investment by the teacher in themselves and their students. We cannot and should not disregard that investment.

HB 805 uses a flawed system to target our most experienced educators and rob Pennsylvania's children of the years and years these teachers have invested in bettering themselves and providing a valuable and quality education.

For these reasons and more I urge a "no" vote on HB 805. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (KATHARINE M. WATSON) PRESIDING

The SPEAKER pro tempore. Thank you.

The Chair now recognizes Representative Grove from York County. Representative Grove.

Mr. GROVE. Thank you, Madam Speaker.

Today we debate on management, management of school districts, giving our school districts the tools they need to make sure they provide the best quality education no matter what they face as a school district. It is a management tool that is utilized across the board in many job aspects.

And I think HB 804, as the House amended it, has improved the process a little better, ensured that teachers, professional educators, are protected. It ensures that their evaluations and what it is predicated on through the economic furloughs are done in a way that ensures that the best, highest quality teachers can stay teaching regardless of what is happening in that school district, and it is important, Madam Speaker. It is important because it is the programs under the current system that are lost. When we hear about art, music, all these programs that are critical to the education of students that go by the wayside, it is because we do not have this policy in place.

Currently if school districts are to furlough individuals, they have to get rid of the entire program. The entire program is lost. That does not prove educational quality in our school districts. This allows school boards and administrators to professionally and using actual data – not selection, not randomness – you know, keep seniority as a tiebreaker, and for those who are more highly qualified to stay on. I think it protects the integrity of the school system moving forward, and it is done in almost every single other State, every single other State save for six.

We have had court cases that have thrown seniority-based furloughs out, so even the judiciary agrees that HB 805 is a good process moving forward.

I would urge my colleagues to vote for HB 805. Let us focus on quality of education, the best quality we can provide regardless of the situation any school district is under. We can have debates on what level of education funding we will have, how that policy is brought out, how we fund those decisions of how much money we will spend on education. That is for a later day, and I am sure we will be here over the next few days having those same debates, but for now, Madam Speaker, let us focus on the best quality of education we can provide our students at all times, regardless, regardless of what is happening in our individual school districts.

Madam Speaker, this is a great step forward for their education in Pennsylvania, and I think we will see our education system move forward with this simple management policy in place that protects our professional educators, that ensures quality education for our students, and allows our managers to manage our education institutions at their local level, which our education system is completely predicated upon.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative.

The Chair now recognizes Representative Cohen of Philadelphia.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I join many of my colleagues in opposing this legislation.

This legislation moves teachers from the regular operating budget into the pension fund budget. At a time in which we are worried about higher pension costs, this says, this legislation says that we are going to have more money paid out of State pension funds – State employees' retirement pension funds, the vast majority of the time – and we are going to make the pension problem worse. Beyond making the pension problem worse, we are making the educational experience worse because we are discouraging people from planning careers as teachers.

I get that there is a belief here that we can somehow design a system that is fair and in the public interest of determining who ought to be replaced and who ought not to be. I get that that belief exists. But in the real world people are scared of arbitrary behavior on behalf of supervisors, on behalf of colleagues, and teachers very often go into teaching because there is a belief it is a secure profession. The more you undermine the security, the more factors that teachers have no control of, such as the quality of the students, the assignments given to them, the evaluations of superiors, the competitive abilities of other people in the same building, the more factors that the individual teacher has no control of and very little influence over impact one's career, the less security there is. So a teacher is much less likely to plan on being a teacher for a long period of time. She is more likely to start looking for other potential occupations. She is more likely to be looking for other potential States or other potential

districts in which to teach. She is more likely to be easily discouraged after a rough day or a rough week or rough month and say, okay; that is it. I am quitting.

This is not in the interest of maintaining a school system that provides a thorough and efficient education. This is moving us in the direction of just having revolving-door teachers around the Commonwealth of Pennsylvania and not having experienced teachers.

It matters not only what the words are in this act, but it matters how the words are going to be interpreted by the teachers of Pennsylvania. It also matters how this act and the words in them and anecdotes that will undoubtedly be spread out throughout Pennsylvania, how such things are interpreted by education students in the schools of this Commonwealth. A college student who wants to be a teacher will make judgments as to whether or not she believes that this is a good career or that Pennsylvania is a good place to pursue that career, and the passage of this legislation sends a message that if you really want to be a teacher, perhaps you ought to be thinking of doing something else. What are your skills? What else can you do with the same set of skills besides being a teacher in Pennsylvania? That is the message that many people are going to be receiving regardless of what the intent of the sponsors of this legislation is.

I would therefore very strongly join many of my colleagues and urge a "no" vote on HB 805.

The SPEAKER pro tempore. Thank you, Representative.

The Chair now recognizes Representative Gene DiGirolamo of Bucks County.

Mr. DiGIROLAMO. Thank you, Madam Speaker.

I am going to take a little bit of a different direction on this debate here today on HB 805.

I am not a teacher. I do not have the experience of many years in the classroom like my colleagues from Bucks County or the gentleman from Montgomery County. I got out of high school and all I ever wanted to do was work on the farm, so that is what I did.

You know, it was hard work, and when the farm was coming to the end, I went back to school. I went back to college. I attended Holy Family University at night school. I was taking courses and I did that for about 3 or 4 years, and what I wanted to be was a history teacher. Then the opportunity to run for office and State Representative came, so I took that opportunity and I stopped going back to school.

But I have had the experience, as I think many of you through the years, to actually get into the classroom and talk to our young people on many, many occasions. Whether it has been in high school— And what I really enjoy is going into the classroom and talking to the fourth grade class and talking to them about State government and their great State of Pennsylvania.

And I do not know about you, but after I have been in that classroom for 40 or 45 minutes or 50 minutes for one period, when I am leaving that school, I am telling myself, "Boy, that was really tiring, wasn't it?" And I cannot imagine what it would be like to spend a whole day as a teacher in a classroom and teach five, six, or seven different classes. That is really, really hard work. I can only imagine what that is like.

And does experience count when it comes to being a teacher? And we talk about here in the General Assembly about term limits, and I have never ever been for term limits because I believe when it comes to doing our job, that experience makes

a difference on our performance and how we represent the people in our districts. And I believe for teaching and teachers the same thing counts, that experience is a good thing and it makes for better teachers and a high-quality education in the classroom.

Now, the supporters of the bill, HB 805, and I know the sponsor of the bill and I know he believes in what it is doing and his intentions are good, but they are going to stand up here and tell you – the supporters of the bill – that this is about providing a high-quality education and about making sure that the best teachers stay in the classroom. Madam Speaker, I could not disagree any more, Madam Speaker.

Madam Speaker, the proposals in HB 805 are untried, they are untested. Madam Speaker, I think it puts our best teachers in Pennsylvania in jeopardy of being furloughed, of being laid off, for no apparent good reason, Madam Speaker.

There is an old saying that you err on the side of caution. And I want to remind everybody in here today, Madam Speaker, that the O'Neill amendment that we voted on passed with 108 votes in here, 108 votes for the O'Neill amendment. If there is any doubt in your mind whether you think this is the right thing to do or not, Madam Speaker, err on the side of caution and vote "no" on HB 805.

This is untested. This is untried. It is going to hurt our teachers. It is going to put them in jeopardy.

And, Madam Speaker, again, I am just going to close with this, there is an old saying that says "the hand that rocks the cradle rules the world." Well, there is also a saying that the hands that educate our children make the world and what it is going to be, Madam Speaker.

I ask for a "no" vote on HB 805. Thank you.

The SPEAKER pro tempore. Thank you, Representative.

Ladies and gentlemen, may we have a bit more order for the following speakers so that they can be heard. We would appreciate it.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Before that, however, as we move on, the Chair recognizes the minority whip, Representative Hanna, who asks for a leave for the day for Representative WHEATLEY, and a leave for the day for Representative HARRIS. Those leaves will be granted. Thank you, sir.

CONSIDERATION OF HB 805 CONTINUED

The SPEAKER pro tempore. Moving on as we are, the Chair recognizes the minority Appropriations chair, Representative Markosek.

Sir, you may begin.

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, HB 805 is not necessarily pointless, but it does miss the point.

You know, maybe looking at this from a budget standpoint, some of those speakers that spoke here earlier I think said it a lot better than I think I can say it. The gentleman from Luzerne, the gentleman from Clinton I think made good arguments that the real point here, the real problem with education is not how we evaluate teachers, but it is the funding, it is the funding – or lack thereof – of basic education.

I would liken it to an analogy, if I could use an analogy, of a ship steaming along, steaming along the ocean, the Good Ship Basic Ed. Four years ago it was steaming along. It was not perfect. It had some problems. At that time the majority party in both the House and Senate, along with their Governor, decided that the way to deal with any problems that were with basic education was to shoot a torpedo into that ship, shoot a torpedo into that ship, make big cuts to basic education, draconian cuts.

The SPEAKER pro tempore. Will the gentleman suspend please, sir. Thank you.

We may have strayed a bit, and I know because it is the height of the moment and it is exciting and this is an interesting time for us all, but we would ask that you would stay with discussing the concept of furloughing and what is in bill 805.

Thank you, Representative.

Mr. MARKOSEK. Thank you, Madam Speaker.

I am planning to get to that.

Anyway, now what we have with HB 805, rather than taking care of what is really wrong with basic education and that sinking ship that has been created by a lot of the votes that this General Assembly made by the majority of both Houses as well as the previous Governor, all of a sudden now we are faced with a situation of determining who gets to go in the lifeboat and who does not. That is not what we should be dealing with here today.

The system that HB 805 provides for us to determine that is an untested system. We do not know if it would work, and it is very subjective. It is very subjective, which means that very high-stakes decisions on furloughs and people's livelihoods are at stake, to be made by an untested, subjective process that we do not even know is going to work or not, when the real problem is funding for basic education.

Mr. Speaker, I would ask you all to please vote "no" on this and let us get at the real problem with basic education, and that is funding basic education.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you, Representative Markosek.

Next the Chair recognizes Representative Mackenzie from Lehigh County. Representative Mackenzie.

Mr. MACKENZIE. Thank you, Madam Speaker.

I would like to interrogate the maker of the bill.

The SPEAKER pro tempore. Will the maker of the bill stand for brief interrogation?

Representative Bloom will do so. You may begin.

Mr. MACKENZIE. Thank you, Madam Speaker.

Madam Speaker, the first question I would like to ask is just a general question. I have had a lot of conversations with individuals, well-meaning individuals on both sides of this issue. Can you tell me in your opinion why you think this legislation is necessary to move from a seniority-based evaluation for economic furloughs over to one based on teacher evaluations?

Mr. BLOOM. Thank you, Madam Speaker.

While there are many reasons, probably the most fundamental reason why it is important to shift from a purely seniority-based system of considering what would happen if there was an economic furlough to one based on performance of the individual teachers is to make sure that the very best teachers remain in the classroom and that excellent teachers who just happen to be newer teachers are not eliminated from the opportunity to teach our kids in our Pennsylvania

classrooms. It is a question of fairness, not only for the teachers who are working hard and achieving excellent results, but also for our kids in those classrooms.

Mr. MACKENZIE. And a concern that has been raised to me is that if we shift to a system based on evaluations, such as the one you are proposing, is that there is an opportunity for evaluators or administrators to include their bias against the teacher or to eliminate teachers who are higher earning and higher salaried individuals who have more seniority. Can you answer that charge?

Mr. BLOOM. Sure. The system that we are proposing in HB 805, first of all, specifically prohibits any sort of a furlough decision from being based on the compensation of a teacher, so salary and benefits of a teacher will have no bearing whatsoever in whatever decision might be made. And certainly it is more than just arguable that the system we are discussing is much more objective than the former system that was entirely subjective. So again, basic fairness for the teachers is key here.

Mr. MACKENZIE. Okay. Another concern that I have heard is that teachers would be interested in only teaching the best students and that students that are harder to teach would not receive the best teachers in their classroom. Can you please answer that charge?

Mr. BLOOM. Madam Speaker, the component of the evaluation system – which has, again, already been established; it was established back in 2012 after being piloted for a number of years – it looks at 15 percent of teacher level data. In that 15 percent, there are multiple components of consideration.

Two of the key ones are the actual growth of the students, their progress in moving forward. So whether it is a student who is starting at point A or point B, what is being measured is that student's progress, not where they end up. So what we are looking for are teachers that are making progress in helping their kids move forward in their educational process.

Likewise, the IEP is a key component of that 15 percent, so we are looking at that particular students who may need special help, special assistance in the classroom. They are going to have an IEP and we are going to evaluate that piece of the teacher's evaluation component, classroom component, based on that student's progress toward their IEP. So there is certainly not going to be a disincentive for a teacher to take on the more challenging students.

Mr. MACKENZIE. Thank you, Madam Speaker.

The next concern that has been raised to me regards building/level data being included in the evaluations and the fairness of that measurement being built into the teacher evaluations. Can you please respond to that issue?

Mr. BLOOM. Again, similar—

POINT OF ORDER

Mr. DERMODY. Madam Speaker?

The SPEAKER pro tempore. Would you suspend, please.

Yes, sir, for what purpose—

Mr. DERMODY. A point of order, Madam Speaker.

As I understand, the purpose of interrogation is to ask questions when you do not know the answer. I think it is clear from this whole line of questioning right here that the answer is clear, that it is a rehearsed interrogation, that the person who is asking the questions already knows the answers to the questions; therefore, it is improper interrogation.

The SPEAKER pro tempore. And certainly a fair comment has been made, so if the gentleman would just ask questions to which he really does not know the answers. And I understand, sir, that you were doing something of what constituents asked to you, but perhaps we could focus it to if you were able to give the constituent a reasonable answer, and it was right, you know the answer, and move to those for which you really are not sure. We would appreciate it.

Mr. MACKENZIE. Thank you, Madam Speaker.

The SPEAKER pro tempore. Thank you.

Mr. MACKENZIE. Thank you. I would just like to say that if the questions I were asking had objective answers to them, I think it would be reasonable to assume that I might know the answers, but I am really looking for a subjective opinion of the maker of the legislation, and I think it is reasonable to be asking such questions because I do not know his opinion on the legislation.

The SPEAKER pro tempore. The gentleman will suspend, please. Please continue your interrogation with Representative Bloom. But if I might, with a gesture, let us stick a little closer to what is really going on. We would greatly appreciate that, sir.

Mr. MACKENZIE. Thank you, Madam Speaker.

The final question I have is a concern that was raised to me about the impact of poverty that a student has in their home life and how that would affect the teacher evaluations and the scores that they receive on tests. Do you think that poverty is a factor that correlates the scores and would negatively impact a teacher's fair evaluation?

Mr. BLOOM. Thank you, Madam Speaker.

No, I do not. Under the system as proposed, the individual school district is evaluated based on its own data, so we are not under the system comparing a very wealthy school district with a school district that is struggling with poverty. So there is not a skewing of the data or an unfair comparison between students who may have more preparation in their background compared to students who do not have that advantage.

The other key is that under the existing system – the last-in, first-out system of layoffs – where there is a disproportionate negative impact on the school districts, in particular, that struggle with poverty, that is where we are seeing the most, the highest frequency of layoffs of teachers. And again, these could be new teachers who happen to be excellent teachers, but they are being laid off and depriving the students in those schools who are the most in need of a good teacher from having that opportunity.

So I think if anything, this counteracts some of the effects of poverty, and it certainly balances and is fair to school districts that are dealing with all different sorts of socioeconomic situations.

Thank you, Madam Speaker.

Mr. MACKENZIE. Thank you, Madam Speaker, for your responses.

And Madam Speaker, I appreciate the opportunity to get answers to all of these questions. Thank you.

The SPEAKER pro tempore. Thank you, Representative.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. It is the Chair's understanding that Representative Stephens from Montgomery County had remarks he wished to submit for the record.

Is Representative Stephens here to do so? Representative Stephens.

Mr. STEPHENS. I just have some remarks to submit for the record, Madam Speaker. Thank you.

The SPEAKER pro tempore. Thank you very much, and I am sure your colleagues thank you, too, sir. Thank you.

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

I will be voting to move this bill along in the process and send it to the Senate, but it is not without reservation, and I remain hopeful that the Senate will address some of my concerns before sending it to the Governor for his consideration.

I have worked tirelessly to deliver more State funding for our schools and will continue to do so, but unfortunately, despite our best efforts, there may be times when a district must reduce its workforce to help address costs. It is not in the best interests of our children to eliminate entire programs as dictated by current law, and this must change.

I also applaud the concept of working to ensure our best teachers remain in the classroom. My superintendents have told me the approach contained in this bill, generally speaking, is a step in the right direction.

After speaking with stakeholders, I understand there are minor tweaks coming to the evaluation system. For that reason the effective date of this bill is not until July 2016 to afford the administration time to make the tweaks that they deem necessary. Should legislative intervention be necessary to implement any of the proposed tweaks, I am more than happy to assist in that regard. I would have preferred to wait to consider this bill until those tweaks are finalized, but that is not my decision and the bill has been presented for consideration today.

To summarize, I will be voting to move this bill to the Senate and urge them to ensure the necessary tweaks to the evaluation system are made before moving the bill to the Governor, who I am certain will exercise his authority to veto the legislation if any remaining concerns over the teacher evaluation system are not addressed.

The SPEAKER pro tempore. The Chair now recognizes Representative Barbin. You may begin.

Mr. BARBIN. I would just like to respond to one item that was brought up in prior debate.

There was a suggestion earlier that Governor Rendell would also be in favor of this particular evaluation method, but it forgets the fact that during the time that Governor Rendell was here, the moneys that were provided to the school districts were increasing, not decreasing. And why that matters is, the facts are that this particular bill will provide an economic incentive to furlough the most experienced teachers that are assigned in areas where school funding has been decreased the most.

Now, in 2012 when we decided that we were going to eliminate \$1 billion from the real public schools, the place that that money came from, the majority of that money came from places like Johnstown and Pittsburgh and Philadelphia. So we lost, on average, \$700 to \$800 a classroom, while suburban districts lost in the nature of \$100. So the facts do matter. You cannot all of a sudden say it does not matter that we lost 12,000 teachers in Philadelphia or that we lost 30 teachers in Johnstown. Those things make a difference. All this bill does is further a long list of trying to get from real public schools to privatized public schools.

Now, we have taken these steps over a matter of years, but each one of those steps made a difference. It made a difference that we had a pilot program to divert 10 original charter schools.

That number is now 160. It makes a difference that we have made a decision to have the State license cyber schools. It makes a difference that we have decided that the cyber schools will be paid the full amount of money that that student would have provided to the public high school. That makes a difference. No other State in the nation does that.

We have a proposal that says we are going to take back some of that money and put it back into the public school system. It makes a difference that we are creating a funding formula that hurts the urban school districts the most.

Now, if on top of all of that you decide that you are going to go with this particular bill, and this particular bill says forget about the fact that there is less funding, if your students do not do as well, your most experienced teachers are furloughed – because there is an economic incentive to do that – well, then what you have basically done is taken the last step of a process that says that privatized schools are okay. But if you happen to live in an urban area, you do not get public schools, or what you get is half or a third of what you get if you are in a suburban district.

I represent an urban district. I represent a district where the funding has been slashed and the teachers have all been laid off.

Now, if we do not increase funding – real funding for the 500 school districts – before we do these economic furloughs, then what happens is the board has no other alternative than to get rid of their best teachers. That is not an appropriate function for the General Assembly when we are supposed to be providing a public education which levels the field for every student no matter where they are located in Pennsylvania. That is what this bill does.

It says that it is okay that we do not have a level field and it says it is okay if the boards decide, for economics, that they are going to get rid of their best teachers. I am not going to go down that road, and I do not suggest that everybody else does.

Charter school funding has to be changed. We cannot spend \$10,000 for cyber. We need to put the money in public schools, consolidate the special privatized schools, and then look at an economic furlough bill.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Members, as we proceed, we have approximately 12 members who wish to speak, essentially from both sides of the aisle. We would just ask if members could please be succinct, stay on the bill itself. It will move debate along, yet everybody will have an opportunity to speak who wishes to speak. But if we could stay on the bill itself, HB 805, it would be greatly appreciated.

Representative Hill, Representative Phillips-Hill.

Mrs. HILL. Thank you, Mr. Speaker.

As many of you know, immediately prior to my service here in the House, I was a school board director. And as many of you know, as I have previously stated, I have never raised taxes and I have never furloughed a teacher.

As a school board director, I never wanted to furlough a teacher. Why, you may ask? Because our school district made a huge investment in every teacher that we hired. Every one of our teachers was a valuable asset, not only to our district, but to our students. In our school district, we put them through our model for teaching. It was extensive. We as a school district had

one of three waivers in this Commonwealth because we wanted to do it our way.

Furloughs should be and would be an option of last resort under this bill as amended. That being said, prior to my service on our school board, a decision was made by my predecessors that required the elimination of the entire home economics department and the entire middle school family and consumer science department. Under law, the State law that we have currently, we could not make strategic cuts in the best interest of our student's education; instead, we had to remove the entire program.

This measure would put the interests of students first. I support this measure and I encourage my colleagues to do so as well.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I have been deeply concerned about the significant issues facing the Philadelphia School District, as well as the rest of the school districts in the Commonwealth of Pennsylvania. The Philadelphia School District, I am concerned about – number one, it is the largest school district in the Commonwealth of Pennsylvania. I am also concerned about its teachers.

HB 805 is a very poor attempt at targeting public school teachers. I feel that union workers' rights should be longstanding and they are the fundamental principles for each and every one of us. Instead of talking furloughs, talk about more State funding, more State budget funding to improve student-teacher ratios and improved school-related activities need to be discussed. We need to be focused on helping more children who are struggling with their school studies every day and who are continually living in poverty-stricken areas across Philadelphia and some the Commonwealth than worried about furloughing teachers.

We need to create an environment where students feel more connected to their teachers. What we are trying to do is almost like furloughing parents. You have had them for a long time; get rid of them. They are too old; bring some more in. That is the attitude we have when we get rid of or talk about furloughing teachers. We need to create an environment where students feel more connected with the teachers, and teachers get an opportunity to do what they have done in the past – love our children, understand our children, guide our children, and be their parents away from their parents.

We must stop tearing down the public school system in Philadelphia and in the Commonwealth of Pennsylvania, and we must stop using our children as pawns. In other words, we must stop using them to make money off of them.

Children are our future. They deserve the best investment we can give them, and they are looking to us to prepare them for life and how to live in this world. By working together between teachers, administrators, parents, and elected officials, we would be able to advance our cause for the good of the children in Pennsylvania, and especially in Philadelphia.

If we furlough Philadelphia School District teachers, we are taking a step back in time. We are doing that if we furlough any teachers that have bonded with our children, loved our children, and they are our parents away from home. When we furlough them, we are going backwards, we are not going forward. If we

furlough Philadelphia School District teachers, yes, we are taking a step back, and if we allow those that they have known and loved and been with to continue to be their teachers, they turn out to be better students and certainly make better adults.

So I say in closing, we need to keep the best teachers in our classroom and we need to do everything we can. HB 805 does not do that. HB 805 gets rid of the best and leaves us with whatever we get.

Please vote "no" on HB 805. Thank you.

The SPEAKER. Representative Sheryl DeLozier.

Ms. DELOZIER. Thank you, Mr. Speaker.

I quickly wanted to get on the record, and I will not interrogate the speaker because we had the question answered about special education, so I just want to make an emphasis on special education.

We have many fine teachers in our public schools and I want to be able to reward those teachers that go above and beyond. I want to be able to work with teachers. I want to be able to make sure that those that give that extra oomph into their classroom – and I know many of them. I know many teachers in our school districts that have been wonderful leaders, they have been wonderful teachers, and they have taught our kids the lessons that they will carry into their future.

But I also know that there are many teachers that have come and have been frustrated when programs have had to be eliminated due to budget cuts. They did not need to eliminate the entire program. They may have only needed to cut a little bit, but because of existing law, we have to eliminate the entire program, and therefore, at a loss to our students' experience in their schools.

I know that there are many teachers out there; I have heard from teachers on both sides of this issue. I have also heard the frustration from certain teachers when they are all lumped together. I think this bill gives the opportunity for our teachers and those that excel and those that truly give that extra effort in the classroom to be rewarded, and by doing so, they get that better rating.

I appreciate the effort that has been taken. I think we need to do all we can for our public schools, and this is a step to be able to reward those teachers that do what they need to do, which is teach our children to be our future leaders.

Thank you, Mr. Speaker.

The SPEAKER. Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I want to make a few very brief remarks, and I make them in part because I think this is a critical issue as we look at education policy in the Commonwealth of Pennsylvania.

What we are proposing to do in this bill, HB 805, is to evaluate teachers on a new system that has not been fully implemented, not been fully tested. It is based on test scores, test scores that even we as legislators have problems with when we talk about things like Keystone Exams.

Let me be very clear also, Mr. Speaker, that much of the criticism that has been voiced – it has been voiced by a Representative from York and even by the prime sponsor from Cumberland – has to do with the whole concept of seniority, that seniority is wrong and it ought to be phased out. Well, if that is true, Mr. Speaker, if that is true then why do we here in this body base our entire structure on seniority, on seniority? This legislative body is entirely based on seniority. If it is wrong for teachers, why is it right for us? Why is it right for us?

Mr. Speaker, the arguments for this bill are flawed. The bill should not be passed because indeed the arguments for it are based in misconceptions and in false logic. Mr. Speaker, vote "no" on HB 805.

The SPEAKER. Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, I must say, we are at a very perplexing and difficult issue today and it is been a real education. I have spent the last full day speaking to three superintendents that represent different sized schools in Bucks County to get their sense of what is before us, and I have walked away with some general thoughts that I would like to share with the members.

First of all, obviously the impact of this legislation is largely dependent upon your financial condition, the size of your school – whether you are small or large. One superintendent indicated to me, in certain areas of furloughs, he would have no options because he may only have one teacher who fits a particular classification, such as a social studies teacher, and so furloughs in those areas could be very difficult when you only have one.

Generally, the superintendent shared with me that they were looking for more options, that the current law really was not where they needed to be, but they were not sure that the evaluation process was where it should be either. Several superintendents said to me that they felt that the inside process of evaluating teachers was working very well, that they were able, first of all, to mentor their staff, their professional staff, and that very few of the superintendents either have failing or substandard teachers in their school district.

A couple of the administrators suggested that, to the extent that they had those very few that were struggling to perform, that some of the external factors like the performance of the school, its overall abilities, inflated those teachers from failing to needs improvement. And so one of the concerns that was raised is, if every teacher is in the category of "needs improvement," but within that category there were differences, would that mean that you would fall to the seniority system and inadvertently remove a teacher who really was not as bad, if you will, as the others?

So on the whole, it leaves us in a quandary, but it clearly leads me to the conclusion that the problem is not so much with this bill, which is trying to give more options for furloughs so that we retain quality teachers, but more in the existing evaluatory process.

Now, I remember that discussion pretty well, and it went back and forth for several weeks and was a very difficult discussion as well. Based upon what I have heard, I would encourage the Education Committee to go back and take a second look at some of those issues.

Overall, it seems, though, that our school boards, number one, are not likely to have an immediate furlough – although it is possible – and what they are asking us for are additional options.

So therefore, in my opinion, our choice is you either vote "no" and this bill dies and ends at least for this moment and another piece of legislation has to take its place, or you vote "yes" and the discussion continues, and perhaps a second look at the evaluatory process takes place.

I will be siding on the side of moving this discussion forward because that is what the superintendents in my school district are asking for, but I must say there is a lot more work to be done on how to balance evaluations versus not.

I really feel for our teachers. I know that they are doing a good job. I know that they are striving to do well. But to me, to terminate an employee just because they were the most recently hired is not right either. That does not benefit our students. And in the end, I think I have to make my decision on what is best for our students and their parents, not necessarily what is the best for a teachers group, not necessarily what is best for a school board, but decide on behalf of the students.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Members, if we could, if you could please take your seats. Clear the aisles of conversations just for the time being. We have five members left to speak; that includes the maker of the bill, who will go last.

Please, members. And, members, we are very appreciative that in the debate that you are staying to the subject of the bill. Thank you very, very much.

Representative Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I know a lot has been said already. I am just going to comment on one aspect of this bill.

And I have heard it said, "Experience is better, experience is better." We have heard it said, I do not know how many times now, by the other side of the aisle, and the truth is, experience can be better, but it is not always better. It depends on the individual and it depends on the experience that they have had.

Another factor with experienced teachers is, as teachers get older, we know some of them start to lose their vigor and their motivation. Not all teachers keep that vigor all the way through their careers. The truth is we have good and bad experienced teachers. A 10-year teacher could be better than a 14-year teacher, but currently the better 10-year teacher would have to be furloughed first, and that is wrong.

You know, good teachers get this. The teachers union does not get it, but the good teachers get it, and I have talked to a lot of teachers. I was out in my neighborhood knocking on doors just last weekend. I talked to a lot of teachers, and good teachers, they will say, "I am a good teacher and I do not want to be furloughed when I know some of my colleagues that have been around longer than me are not as good of a teacher, or maybe have lost that vigor. I am a professional and I want to be judged on my merit, not based on simple things like my longevity."

And you know, when you talk to students – and I talked to a lot of students – students get it. And we have students up here this past week, the girls in government. I even talked to some of them about a same thing. We went over this bill and I talked to them and they said the same thing. If you asked them, they would say, "I know teachers. Some of them, they are really nice, they have been there a long time, but they are just not effective anymore. And we have some other teachers – they do not necessarily have to be the youngest teachers, they may be midlevel teachers, but they are really good teachers."

It has little to do with longevity. Longevity is a poor indicator in itself of whether a teacher is good or not.

We need options. Administrators need good options to keep our best teachers and keep them motivated. So I hope you will stand with me and with the maker of this bill and with many of us and vote "yes" on HB 805.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Pashinski, for the second time.

Mr. PASHINSKI. Thank you, Mr. Speaker, and thank you for that opportunity.

We have heard a great deal of things here today, and I would just like to share a few things with you since I have been privileged to be a teacher for over 38 years. I just wanted to share some thoughts with you as you deliberate this very critical legislation.

I was a choral director, and as a choral director, it was my responsibility to put on music shows – Christmas concerts, spring concerts, take my chorus places and perform. How do I pick these children?

Well, I want to make sure that my show is good. I want to make sure that the people enjoy the show. I want to make sure that my choir sounds terrific. So the kids that come to me and want to join my choir, they have to audition.

It could be this House. This entire House could be my choir. And what I would do in here is I would have each and every one of you come up and I would play a tone, and I would have that tone matched by you. And as I were to listen to all the magnificent voices in this House, I would discover that some voices were absolutely beautiful, singing perfectly on pitch, and I would hear other voices that could not find the note to save their life – not to save their life – but they had so much energy. They wanted to be in the choir, just like that guy who wants to be on the team. And I would put him on my team, and I would put them in my choir, and I would surround them with other kids that could sing really good.

When I would take my kids to perform, I had different groups. I had my general choir, I had my select choir, and then there was the select-select choir. And my general choir was full of kids with energy; they wanted to sing and loved music, but they were not very good. So when we performed, the sound was not quite as good. My evaluation to the audience may be that I was not a very good teacher because my choir did not sound good.

But yet when I brought my select group out and they sang beautifully in perfect four-pitch harmony and they dazzled the audience with all kinds of different kinds of music, people said, "What a fantastic teacher that Mr. Day is." And then I would take those kids out of that group and I would take them to district chorus and PMEA (Pennsylvania Music Educators Association), and they would then be put together with the best singers in all of northeastern Pennsylvania. And when that choir performed, they would say, "Oh my God, what a gorgeous, gorgeous, gorgeous sounding group. They are phenomenal – phenomenal. Those teachers must be great."

Mr. Speaker, it is the same teacher that teaches with the same love and care and authority and understanding and talent to those that do not have that talent, to those that do have talent, and to those that have superior talent. If you were to evaluate me from the performance, I venture to say my evaluation would be dramatically different.

Please very carefully consider what this House is close to doing. Please vote "no" on HB 805. Thank you.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I had not planned on speaking on this bill until I heard a comment that the poverty level of a student really does not impact their performance all that much. And having spent the last 16 months sitting on an education commission with

members of both sides of aisle, from both chambers, and from two different administrations, we unanimously came to the decision that poverty was an absolute factor in how much it would cost to educate a student, how much effort needed to be put in, and in fact, gave it almost a double weighting over a student that was not living in poverty.

Mr. Speaker, if these evaluations were done in a school district where every school in that school district had the exact same kids, I might say, "Well, gee, within that school district, every teacher had an equal opportunity to perform." And if all the evaluations were done by the same person within that school district, I would say, "Well, they were all evaluated by the same person." But, Mr. Speaker, that is not the case with the evaluation system that is being proposed here.

And if this legislation simply said, "We are going to give you the right to furlough for economic reasons," I think this would probably pass through with flying colors. That is not the issue here. The issue here is how do those economic furloughs take place, and that is where this legislation is flawed.

Mr. Speaker, within many school districts in this State – not all of them, but many – there are elementary schools where one has two or three or four times the rate of poverty as another elementary school within the same district, and so what you see or tend to see in those districts, if they have a strong superintendent, is they do everything they can to place their best teachers in the districts where the kids have the most difficulty learning, where there is the highest poverty, where there is the most to overcome. And they have a tendency to place their teachers that they evaluate as perhaps slightly less qualified but still competent in those other schools where the kids are a little easier to teach, do not have so much to overcome.

If this legislation becomes law, I can pretty much guarantee you they will never have a teacher take an assignment in a tough school, because their evaluation is going to reflect the fact that that teacher did not get quite the same result.

And I also heard the stories about having to eliminate complete departments and how terrible that was. If this is based solely on performance, we all know if you look at the test scores over the years, student advancement, we have had better gains sometimes in the areas of reading than we have had in math, and so on the evaluation part, where it comes to how many of the kids advanced, if you are a reading teacher, that part is going to be favorable for you; if you are a math teacher, it is not.

And even though a principal or a superintendent may say, "You know what? We could actually – if we have to furlough for economic reasons – do without a half a dozen reading teachers," because the teachers with the lower evaluations happen to be teaching math in difficult schools, guess what? We are getting rid of six math teachers, not six reading teachers, because this legislation, as it is proposed, says you shall eliminate the person with the lowest performance.

Mr. Speaker, there will always be someone that is at the bottom of the pile, even if they are extremely competent. There will never be a case, I will contend, where several hundred schoolteachers in a district get exactly the same performance level. Statistically, it is almost impossible.

And so what you will see are good teachers being eliminated from programs where they are needed, and other teachers that may have been teaching a subject that was easier to teach kids – may have been teaching kids that were able to comprehend and absorb and process that information a little easier than other kids – will be rewarded.

Mr. Speaker, for those of us that represent school districts which are largely concentrated in our county seats throughout this State, many of you realize that in a lot of cases, that is where the homeless shelters for the county are. In my particular school district, a school district with a little over 11,000 students, in a year's time we identify more than 1,000 of those 11,000 students as homeless. Mr. Speaker, those students tend to be concentrated in a few number of schools within that district that happen to serve the homeless shelters. Mr. Speaker, those teachers should not be penalized, and, Mr. Speaker, this legislation does just that.

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

The SPEAKER. Representative Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, as the husband, son, and son-in-law of three teachers and the father of two young girls, any education bill is of particular importance and interest to me.

HB 805 deals with a difficult topic, the topic of teacher furloughs. It is not a pleasant topic, but it is a topic addressed under current Pennsylvania law. Under current law, school districts are permitted to eliminate an entire program, thus furlough all the teachers involved with it. This provision in current law, as I see it, is draconian.

We have all heard of school boards who have talked about eliminating entire programs. Well, this is why: the law mandates boards have to eliminate the entire program. For example, a school district with five art teachers cannot furlough one and keep four; it must eliminate all five. To me, this policy has never made any sense. In my view, the law as it stands today is in need of revision.

Under HB 805, school boards will be able to avoid the mandated slashing of entire programs like art, music, or foreign languages when faced with difficult economic challenges. As noted previously, the policy currently in statute, in my view, does not make any sense.

This is not an easy vote. The legislation in front of us deals with a difficult topic. But the law as it stands today needs to be addressed. A "no" vote on this bill says you want to keep the status quo, handcuffing school boards into eliminating entire programs. We hear a lot about local control on the floor of this House, and I would submit that a "yes" vote on this bill gives school boards the flexibility that the current, rigidly constructed law requiring the elimination of entire programs lacks; thus I encourage an affirmative vote on the legislation.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The minority whip has indicated that Representative Margo DAVIDSON wishes to be marked on leave of absence. That request will be granted.

CONSIDERATION OF HB 805 CONTINUED

The SPEAKER. Representative McCarter on the— He waives off. Representative McCarter waives off.

At this time there are two speakers that are left, and I have indicated that they could both go last – the chairman of the Education Committee and the maker of the bill.

Is there anybody else who wishes to be recognized before I call on Chairman Saylor and Representative Bloom? Does anybody else wish to be recognized?

Stan Saylor, Representative Stan Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to speak in favor of HB 805. I have heard a lot of misinformation today about this bill, which none of it has anything to do with this bill. I find it interesting that we are talking here about like the House is going to be laying off teachers. This bill has nothing to do with us as a decisionmaking body as to what teachers get laid off other than the fact that you today will get an opportunity to protect our best teachers, to protect our children, to make sure they have the best teachers in their classrooms.

You know, no matter what happens here today, teachers are going to get laid off. No matter how much money we appropriate in this budget or next year's budget, teachers are going to be laid off. Why? Because demographics of school districts change. Students are less in one school district and more in another, so teachers get laid off because they do not need as many teachers. Is it not what we want to make sure that our classrooms and our teachers are filled or our children have the best teachers in the classrooms as possible? The other year, if you remember, it was national news: New Jersey actually laid off their most outstanding teacher of the year. Why? Because they did not have this bill.

When is it that this General Assembly decided that we do not want the best in the classroom? Is that what we are saying to our school boards? Is that what we are saying to parents? Is that what we are saying to children? We do not want the best in the classroom to teach children today?

You know, there are a lot of school districts that cut library services. Librarians were cut from elementary schools in Lancaster City when they did their layoffs. Is that not where we teach children how to use a library? Is that not where we teach children how to read and encourage summer reading programs?

We have school districts that cut completely their business education department because that was the first place to go because they could not make wise decisions because we had not yet passed HB 805. It comes down today as to whether you believe that we should have the best teachers in the classroom or whether you want to continue protecting teachers who are not proficient in teaching our children and our grandchildren. That is the decision you are making today, to give local school boards the ability to make the decision that is best for our children, to give them the world-class education that we should all demand of every school, of every teacher in our Commonwealth.

Today you have a chance to vote to make sure that our school districts across this Commonwealth have the opportunity to make the best possible decisions in educating our children.

I ask for a "yes" vote on HB 805. Thank you, Mr. Speaker.

The SPEAKER. And Representative Bloom, the maker of the bill.

Mr. BLOOM. Thank you, Mr. Speaker.

And I also wanted to extend thanks to all the members on all sides of this issue for an excellent discussion today and in the previous days leading up to tonight's vote.

Mr. Speaker, in this chamber, and rightfully so, there is much discussion about education funding. Some think that education should receive more funding, others think the amount is just

right, and others think that perhaps there is too much funding. But no matter where you stand with respect to education funding, everyone, all of us, can agree that we want the dollars that we do spend on education in Pennsylvania to be used as effectively as possible.

Mr. Speaker, we have all seen the worn-out headlines year after year, decade after decade, the heartbreaking stories of entire programs at our schools being slashed, great teachers in those programs being laid off. Mr. Speaker, that is because for all these years we have had intact a mandate, a State mandate, on our local school boards that has tied their hands and forced them into making those decisions that are not the best for the children they teach.

Today, Mr. Speaker, we have an opportunity to improve the effectiveness, to improve the effectiveness of our schools, to improve the effectiveness of our teachers, and most of all, to improve the effectiveness of our education for our kids.

Mr. Speaker, HB 805 will protect our excellent teachers. It will allow them to stay in the classrooms where they want to be and where they should be for our children. Over 98 percent of the teachers evaluated so far are receiving distinguished or excellent, proficient evaluations. They would be honored, those teachers, those excellent teachers, if we enact this bill.

Pennsylvania is one of only six States using seniority as a sole factor for furloughs. Today we can take a step toward joining the other 44 States that elevate teacher quality over raw seniority.

I respectfully ask the members for a positive vote on HB 805. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—100

Adolph	Grove	Marsico	Saccone
Baker	Hahn	Masser	Sankey
Barrar	Harhart	McGinnis	Saylor
Benninghoff	Harper	Mentzer	Schemel
Bloom	Harris, A.	Metcalfe	Simmons
Brown, R.	Heffley	Miller, B.	Sonney
Causar	Helm	Moul	Staats
Christiana	Hennessey	Mustio	Stephens
Corbin	Hickernell	Nesbit	Tallman
Cox	Hill	Oberlander	Taylor
Culver	Irvin	Ortitay	Tobash
Cutler	James	Parker, D.	Toepel
Day	Jozwiak	Payne	Toohil
Delozier	Kampf	Peifer	Topper
Diamond	Kauffman	Petri	Truitt
Dunbar	Keller, F.	Pickett	Verb
Dush	Keller, M.K.	Quigley	Ward
Ellis	Killion	Quinn	Warner
Emrick	Klunk	Rader	Watson
English	Knowles	Rapp	Wentling
Evankovich	Krieger	Reed	Wheeland
Everett	Lawrence	Reese	Zimmerman
Fee	Mackenzie	Regan	
Gillen	Maher	Roe	Turzai,
Gillespie	Major	Ross	Speaker
Greiner	Maloney		

NAYS—91

Acosta	DeLissio	Keller, W.	O'Neill
Barbin	Dermody	Kim	Parker, C.
Bishop	DiGirolamo	Kinsey	Pashinski
Bizzarro	Donatucci	Kirkland	Petrarca
Boback	Driscoll	Kortz	Ravenstahl
Boyle	Evans	Kotik	Readshaw
Bradford	Fabrizio	Lewis	Roebuck
Briggs	Farina	Longietti	Rozzi
Brown, V.	Farry	Mahoney	Sainato
Burns	Flynn	Markosek	Samuelson
Caltagirone	Frankel	Marshall	Santarsiero
Carroll	Freeman	Matzie	Santora
Cohen	Gainey	McCarter	Schlossberg
Conklin	Galloway	McNeill	Schreiber
Costa, D.	Gergely	Metzgar	Schweyer
Costa, P.	Gibbons	Miccarelli	Sims
Cruz	Godshall	Millard	Snyder
Daley, M.	Goodman	Miller, D.	Sturla
Daley, P.	Hanna	Milne	Thomas
Davis	Harhai	Mullery	Vitali
Dawkins	Harkins	Murt	White
Dean	Kaufer	Neuman	Youngblood
Deasy	Kavulich	O'Brien	

NOT VOTING—0

EXCUSED—7

Davidson	Gabler	Harris, J.	Wheatley
DeLuca	Gingrich	Pyle	

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.

BILLS RECOMMITTED

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

- HB 758;
- HB 810;
- HB 1089; and
- HB 1319.

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

BILLS REMOVED FROM TABLE

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

- SB 42;
- SB 284;
- SB 285; and
- SB 405.

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. Representative Sankey moves that the House be adjourned until Wednesday, June 24, 2015, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:54 p.m., e.d.t., the House adjourned.