

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 23, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 58

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

#### PRAYER

REV. ROBERT A. GRAYBILL, Chaplain of the House of Representatives and pastor of Baughman Memorial United Methodist Church, New Cumberland, Pennsylvania, offered the following prayer:

Shall we pause in prayer:

O Gracious God, we pause for a moment as this House comes together for another day of work, a time to review reports and share thoughts about the well-being of our Commonwealth. I ask of You, O God, to hear our thanks as we stand quietly before You.

We give You our sincere thanks for another night of rest. It was a time to allow our bodies to be still, our minds to be quiet; and our souls, O God, had a chance to sense Your peace within. Please hear our thanks for the simple night of rest, for indeed it was a gift from You, our God.

Though we had a good night, we lift up before You the many people who cannot sleep because of their fears about the dark cloud of terror that hangs over our land, because of their worries about friends still missing and loved ones who are within arm's way of danger while they defend our freedom. Please touch their hearts so they, too, can have a night of calm within their soul.

O God, we also give You thanks for another day to be alive. We are able to get about the work that is before us; we are able to face our challenges and find Your hope for a new day of living. We thank You, God, for the simple gift of one new day of life that You bestow upon each of us. But then again, we also lift up before You the dear people whose new day is not bright. It comes with much struggle to just exist, perhaps due to sickness of body and mind, or their new day is clouded with pain and fear of the unknown. Please touch their hearts so they, too, can have a breath of new hope for the living of this day.

O God, You have given to each of us a night of rest and a new day to live. So keep us mindful throughout this day that You have given us two beautiful gifts – a time to rest and a time to work. Help us to live this day to its fullest, for it is a gift from You, our God.

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, October 22, 2001, will be postponed until printed. The Chair hears no objection.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2006** By Representatives L. I. COHEN, BEBKO-JONES, CASORIO, CIVERA, CREIGHTON, DiGIROLAMO, GEIST, GEORGE, HARHAI, HORSEY, MCGILL, MELIO, R. MILLER, WATSON, YOUNGBLOOD, CRUZ and CORNELL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under the influence of alcohol or controlled substance and for surcharges.

Referred to Committee on JUDICIARY, October 23, 2001.

**No. 2060** By Representatives LEWIS, BENNINGHOFF, BUNT, CAPPELLI, CIVERA, CLARK, COLAFELLA, CREIGHTON, DeLUCA, J. EVANS, FAIRCHILD, FEESE, FICHTER, FRANKEL, FREEMAN, GABIG, GEIST, HARHAI, HASAY, HERMAN, HERSHEY, HESS, HORSEY, JADLOWIEC, MACKERETH, MAJOR, MANN, McCALL, McILHATTAN, R. MILLER, S. MILLER, PIPPY, SATHER, SAYLOR, SCHRODER, SEMMEL, SHANER, B. SMITH, SOLOBAY, STEELMAN, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRELLO, WANSACZ, WATSON, C. WILLIAMS, WOGAN, M. WRIGHT, YOUNGBLOOD, YUDICHAK, COLEMAN, ROSS, ADOLPH, J. TAYLOR and DeWEESE

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for distribution of property of absentee and for notice to absentee.

Referred to Committee on JUDICIARY, October 23, 2001.

**No. 2061** By Representatives CRUZ, YOUNGBLOOD, SAINATO, LUCYK, METCALFE, MELIO, THOMAS, TURZAI, CREIGHTON, ROBERTS, DeLUCA, DAILEY, CLARK, SCHRODER, HORSEY, BLAUM, PALLONE, TIGUE, PISTELLA, LEDERER and DeWEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for tattooing.

Referred to Committee on JUDICIARY, October 23, 2001.

**No. 2062** By Representatives CLYMER, FAIRCHILD, ALLEN, ARGALL, ARMSTRONG, J. BAKER, BEBKO-JONES, BOYES, CAPPELLI, CLARK, L. I. COHEN, CREIGHTON, DAILEY, DALLY, DeWEESE, D. EVANS, FEESE, GABIG, GEIST, GEORGE, GORDNER, HARHAI, HARHART, HARPER, HERSHEY, HORSEY, HUTCHINSON, LEWIS, MAITLAND, MANN, NAILOR, PIPPY, ROHRER, SATHER, SCHRODER, SEMMEL, B. SMITH, SOLOBAY, STEIL, STERN, R. STEVENSON, SURRA, E. Z. TAYLOR, WATSON, YOUNGBLOOD, ZUG, HERMAN and ROSS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of an authority.

Referred to Committee on LOCAL GOVERNMENT, October 23, 2001.

**No. 2063** By Representatives BUXTON, TULLI, McNAUGHTON and MARSICO

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the City of Harrisburg tracts of land and a building situate in the City of Harrisburg, Dauphin County.

Referred to Committee on STATE GOVERNMENT, October 23, 2001.

**No. 2064** By Representatives MUNDY, DeWEESE, FAIRCHILD, BEBKO-JONES, BELFANTI, CAWLEY, CORRIGAN, FRANKEL, GEORGE, HERSHEY, HORSEY, JOSEPHS, KAISER, KIRKLAND, LAUGHLIN, LEVDANSKY, McCALL, MELIO, NAILOR, ROSS, RUBLEY, SAINATO, SATHER, SAYLOR, SCHULER, SHANER, SOLOBAY, STABACK, STEELMAN, SURRA, E. Z. TAYLOR, TIGUE, TRELLO, WANSACZ, WATSON, M. WRIGHT, YOUNGBLOOD, YUDICHAK, BROWNE, L. I. COHEN, HARHAI, JAMES and WASHINGTON

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

Referred to Committee on FINANCE, October 23, 2001.

**No. 2065** By Representatives FLEAGLE, CREIGHTON, GABIG, GEIST, HERSHEY, NAILOR, B. SMITH, STERN, E. Z. TAYLOR, VANCE and WILT

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

Referred to Committee on LABOR RELATIONS, October 23, 2001.

**No. 2066** By Representatives McILHINNEY, ARMSTRONG, BARRAR, BEBKO-JONES, BELARDI, BELFANTI, CAPPELLI, CLYMER, M. COHEN, COLEMAN, CORRIGAN, COSTA, COY, CREIGHTON, DAILEY, DALLY, DeWEESE, FEESE, FREEMAN, GEIST, GEORGE, GRUCELA, HARHAI, HENNESSEY, HERMAN, HESS, HUTCHINSON, JADLOWIEC, JAMES, KAISER, KELLER, LEDERER, LESCOVITZ, LUCYK, MELIO, R. MILLER, S. MILLER, PALLONE, PETRARCA, PHILLIPS, READSHAW, ROBERTS, RUBLEY, RUFFING, SAINATO, SATHER, SHANER, SURRA, E. Z. TAYLOR, THOMAS, TIGUE, TRAVAGLIO, WATERS, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, TURZAI and WANSACZ

An Act amending the act of June 28, 1947 (P.L.1068, No.459), entitled "An act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals," further providing for eligibility for certain service medals; making an appropriation; and making an editorial change.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, October 23, 2001.

**No. 2067** By Representatives L. I. COHEN, BISHOP, CREIGHTON, CURRY, FRANKEL, GEIST, HORSEY, JAMES, MARSICO, McGEEHAN, MCGILL, R. MILLER, READSHAW, SATHER, STABACK, TIGUE, TURZAI, TRELLO, DeWEESE, ROBERTS, WOJNAROSKI, CLARK, ADOLPH and YOUNGBLOOD

An Act amending the act of July 1, 1937 (P.L.2681, No.537), referred to as the Explosives Manufacture, Storage and Possession Law, providing for identification taggants; imposing a penalty; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 23, 2001.

**No. 2068** By Representatives LEDERER, CORRIGAN, MANN, McGEEHAN, YOUNGBLOOD, BELFANTI, MELIO, KELLER, STERN, COY, HARHAI, KENNEY, STEELMAN, PETRONE, HORSEY, BROWNE, DIVEN, CRUZ, J. TAYLOR, JAMES, BISHOP and WASHINGTON

An Act establishing the Prescription Drug Commission in the Department of Health and providing for its powers and duties; and imposing penalties.

Referred to Committee on HEALTH AND HUMAN SERVICES, October 23, 2001.

**No. 2069** By Representatives E. Z. TAYLOR and SCHRODER

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, providing for an additional class of individuals entitled to protection and freedom from discrimination in employment, housing and public accommodation.

Referred to Committee on STATE GOVERNMENT, October 23, 2001.

## HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 332** By Representatives CRUZ, LUCYK, SHANER, MELIO, THOMAS, SOLOBAY, FAIRCHILD, BEBKO-JONES, WILT, CALTAGIRONE, SAINATO, D. EVANS, WOJNAROSKI, LEDERER, CREIGHTON, GRUCELA, YOUNGBLOOD, DeWEESE, GEIST, HERMAN, SAYLOR, CORRIGAN, GEORGE, JAMES, CAWLEY, HARHAI, HENNESSEY, McCALL, TRICH, PALLONE, DeLUCA, TIGUE, LAUGHLIN, SCHULER, FREEMAN, HESS, WATSON, COSTA, CIVERA, HORSEY, BROWNE and WASHINGTON

A Resolution urging the Department of Transportation to create a registration plate that honors the American flag.

Referred to Committee on RULES, October 23, 2001.

## BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 8 be removed from the table.

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

## BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 8 be placed on the table.

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

## SENATE MESSAGE

### ADJOURNMENT RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate  
October 22, 2001

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, November 13, 2001, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, October 29, 2001, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 29, 2001, it reconvene on Tuesday, November 13, 2001, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

## LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair turns to leaves of absence and recognizes the majority whip, Mr. Smith, who requests a leave for the gentleman from Allegheny County for the remainder of the day, the gentleman, Mr. MAHER. Without objection, the leave will be granted. The Chair hears no objection.

The Chair recognizes the Democratic whip, Mr. Veon, who indicates that there are no leaves of absence requested for the Democrat Caucus.

## MASTER ROLL CALL

The SPEAKER pro tempore. The Chair is about to take the master roll call. The members will proceed to vote.

The following roll call was recorded:

### PRESENT—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.

Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Maier

LEAVES ADDED—4

Kirkland	LaGrotta	O'Brien	Travaglio
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LEAVES CANCELED—2

Kirkland	Maier
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GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome today to the hall of the House, as the guests of Representative Nick Micozzie, the St. Eugene's Catholic Church seniors organization. The organization is seated in the balcony. Welcome to the hall of the House.

The Chair is pleased to welcome to the hall of the House today, as the guest of Representative Dennis O'Brien, Gene Ciccimaro. Gene is a student at La Salle University, who is shadowing Representative O'Brien for the day. Gene, would you please rise. Welcome to the hall of the House.

The Chair is pleased to welcome today guest pages. As the guest of Representative Curt Schroder, we have his niece, Kelsey Schroder. Kelsey, would you please stand. Welcome.

Also serving as guest pages today, as the guests of Representative Julie Harhart, we have Ashley Santee and Cori Pitts. Ashley and Cori, would you please rise. Thank you.

We are pleased to welcome today, as the guest of Representative Ellen Bard, Dr. Ronald Friedman of Jenkintown. Dr. Friedman is visiting the Capitol today as part of the Social Services Union Lobby Day. Dr. Friedman is seated to the left of the Speaker. Please rise, Doctor. Thank you. Welcome to the hall of the House.

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER pro tempore. The House will come to order. Members, please take your seats.

The Legislative Fellowship Program, which is sponsored by the House of Representatives through the Bipartisan Management Committee, has an outstanding class this year. Five students have been assigned to either a committee

chairman or a legislative leadership office for a 13-week fellowship.

I welcome to the hall of the House today the five legislative fellows who began their internship in September. Those legislative fellows are seated in the rear of the House. They are Michael Barrick, a Penn State Harrisburg public policy major, assigned to the Health and Human Services Committee; Erin Dixon, a Franklin & Marshall business administration major, assigned to Representative Nick Colafella, Democratic chair of the Education Committee; Dustin Gingrich, a Penn State Harrisburg public policy major, assigned to Representative Jess Stairs, chairman of the Education Committee; Jason Klipa, a Penn State political science major, assigned to Representative Tom Gannon, chairman of the Judiciary Committee; and Marshall Weston, a Penn State Harrisburg public policy major, assigned to Representative Mark Cohen, Democratic caucus chairman.

The students are here today with Susan Cohen and Peter Wambach, executive directors of the Bipartisan Management Committee, and Kristen Bernard, the fellowship coordinator. Would you please rise. Thank you very much, and welcome to the hall of the House.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. ZUG called up HR 333, PN 2721, entitled:

A Resolution expressing condolences to the families of deceased victims and surviving victims of the murderous attack on regional government officials of Zug, Switzerland, that occurred on September 27, 2001.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalf	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blau	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turza

Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Golafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-1

Maher

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. The Chair is pleased to welcome today to the hall of the House, as the guest of Representative Freeman and Representative Vance, Stephanie Eby, who is a student at East Pennsboro High School. Stephanie is shadowing Representative Freeman for the day. Stephanie is seated in the balcony. Stephanie, would you please rise. Welcome to the hall of the House, Stephanie.

The Chair is also pleased to welcome, as guests of Representative Julie Harhart, the parents of one of our guest pages for the day, the parents of Ashley Santee. Her parents - her mother, Joanne, and her father, Barry - are seated here in the hall of the House. Joanne and Barry, welcome to the hall of the House.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1830, PN 2714, entitled:

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, and providing penalties," amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and

enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1830 be recommitted to the Committee on Rules.

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

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The House proceeded to third consideration of HB 1918, PN 2715, entitled:

An Act prohibiting the sale or distribution of any gasoline containing methyl tertiary butyl ether; requiring the Department of Environmental Protection to report to the General Assembly; and imposing a penalty.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1918 be recommitted to the Committee on Rules.

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

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The House proceeded to third consideration of SB 837, PN 1361, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for payment of certain claims from the Underground Storage Tank Indemnification Fund; and providing for certain notification when there are releases from storage tanks.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that SB 837 be recommitted to the Committee on Rules.

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

\* \* \*

The House proceeded to third consideration of **HB 1548, PN 1894**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining offenses relating to weapons of mass destruction.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 1548 be recommitted to the Committee on Rules.

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

\* \* \*

The House proceeded to third consideration of **HB 188, PN 168**, entitled:

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for duties of mayor.

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

**BILL RECOMMENDED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that HB 188 be recommitted to the Committee on Rules.

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

\* \* \*

The House proceeded to third consideration of **HB 1157, PN 2572**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for the definition of "tax collector" or "elected tax collector"; and authorizing agreements for joint tax collection districts.

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

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—202**

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalf	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsley	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rublely	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan, Speaker
Egolf	Maitland	Schroder	

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—1**

Maher

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

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

\* \* \*

The House proceeded to third consideration of **HB 1272, PN 1475**, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for applications for licensure and for student barbers.

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

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—202**

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Gruceia	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.

DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maier

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.

**CONSUMER AFFAIRS  
COMMITTEE MEETING**

The **SPEAKER** pro tempore. The Chair recognizes the gentleman, Mr. Wogan, for the purpose of a committee announcement.

Mr. WOGAN. Thank you, Mr. Speaker.

At the call of the recess there will be an immediate meeting of the House Consumer Affairs Committee in the back of the House floor. Thank you.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

**HEALTH AND HUMAN SERVICES  
COMMITTEE MEETING**

The **SPEAKER** pro tempore. For what purpose does the gentleman, Mr. O'Brien, rise?

Mr. O'BRIEN. To announce a committee meeting.

There will be a meeting of the Health and Human Services Committee at the call of the recess in the back of the House as well.

The **SPEAKER** pro tempore. The Chair thanks the gentleman.

**THE SPEAKER (MATTHEW J. RYAN)  
PRESIDING**

**STATE GOVERNMENT  
COMMITTEE MEETING**

The **SPEAKER**. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at the call of recess there will be a meeting at the rear of the hall, State Government meeting, at the call of recess. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

### WILLIAM PENN PRESENTED

The SPEAKER. Members, please take your seats. We have a special guest today; I would like order in the House. Sergeants at Arms, ask the gentlemen in the center aisle and the staff people in the center aisle to be seated.

After a series of revisions to his original frame of government first adopted in 1681 when our colony of Pennsylvania began, William Penn, responsive to calls for increased participation, decided to simplify the structure of representative government and reaffirm the guarantees of freedom of conscience and religion on which his colony had been founded.

The administrative changes embodied in the Charter of Privileges provided for an Assembly with substantially broader powers, greater than those in any of the other colonies here in the States, what is now the States. The 1701 charter called for the election of representatives from the counties and territories of Pennsylvania, created the vital role of Speaker of the House, and granted guidelines for independent elections of other governmental officials.

We are fortunate today to have with us, in observance of the 300th anniversary of the Charter of Privileges, William Penn himself, who will speak to us about the charter and other information related to this historical document.

I introduce to the House of Representatives at this time William Penn.

Mr. PENN. I wish I had an applause like that in 1682. Thank you very much.

Mr. Speaker, men and women of the House of Representatives, honored guests, it is indeed a privilege to come before you today in the month of October in the year 2001. If you went back a century, at this very site was mass confusion, as new construction was being undertaken for this great edifice in which you are serving today. The former brick building had been razed, the fire of '97 had caused great confusion in Harrisburg, and a new direction for Harrisburg as its capital was begun when 5 years later this building was completed.

In that last century you were to mark my 300th birthday in the midst of a great war that was taking place in Europe in which many Pennsylvanians participated, a war against tyranny, a war against religious intolerance. This colony was founded on religious tolerance and religious freedom, and so you chose in the midst of 1944 to mark my 300th birthday. And as I arrived this morning walking through the great portals that are at the front of this great building, I saw my portrait high over those great bronze doors which were shaped and hung at the time this building was completed. Also up there you see a small statuary of me with the Indians making peace with them as a symbol of the brotherhood on which Pennsylvania was founded. To the other side of my portrait you can see me arriving in New Castle, Delaware, my first stop up the Delaware, which was then a territory of Pennsylvania and the site of my first landing, the second to be in October in 1682 in Chester with your forefathers; yes, that year of 1682 in October when I met with the first Assembly of Pennsylvania.

In this past century, in 1982 I had returned to this House to mark that event, and in the previous year, in '81, I appeared with Governor Thornburgh marking the 300th birthday of Pennsylvania. Now, here in 2001, we mark a very symbolic

event, one in which history books spend very little attention – my Charter of Privileges of 1701.

You will recall that I just mentioned that in 1682 we had assembled together under our frame of government, and as the Speaker pointed out, there were to be considerable changes in that frame of government. Numerous drafts and redrafts were part of what you remember as the Holy Experiment. The Holy Experiment is frequently used as a term to embody religious freedom, but the experimental portion also included parliamentary freedom. And after 20 years of experimentation, with Representatives from the three lower counties of Delaware and the original Representatives from the three counties of Pennsylvania, I decided – and only now will I go public that I was somewhat reluctant – to modify the charter under which Pennsylvania would be governed so that it would be streamlined, a term not known in that century, so that it would in fact have its own Speaker of the House. Prior to that, it was up to the whim of the Governor to bring about the time for the Assembly, but no longer would sessions be called at the whim of a Governor who was there in my stead. No, from that day forth, it would be the Speaker of the House who represented the people, and he, along with the ever-increasing Representatives of ever-increasing counties of Pennsylvania, would be guided along the pathway that I set forth in the Charter of Privileges that established as the first article religious freedom and freedom of conscience. This in the 11th Article is mentioned that it cannot or ever be rescinded nor has it ever been rescinded in Pennsylvania or in the great experiment that happened in 1776, the Declaration of Independence, and in 1787, the Constitution of the United States. First and foremost, religious freedom and freedom of conscience would be the hallmarks of all documents under which you the people of Pennsylvania and the other great legislatures of the United States of America would proceed into the future.

This great document also called for regular elections – elections for justices of the peace, elections for sheriffs, and for all of the officers. No longer would these be just appointments by the favored but would be elected by the people. You continue to this very day in carrying on that tradition.

When you look at those great doors at the front of this building, you will also notice two round symbols – one for education and one for history. You the Representatives and all of your citizenry, all 67 now counties of Pennsylvania, can be proud of the legacy that you have provided, not only the history of Pennsylvania for the sake of Pennsylvanians but its great contribution to the history of the United States of America itself, and secondly, for education.

In 1701, shortly before I was to leave, after granting the Charter of Privileges, I also created provisions for public schooling. I see a rumble in the House with the words “public schooling.” It has become a very controversial issue, but it is the fabric on which true, free citizens can be continued into the future. It has great responsibility, and both Houses of this august body are up to the task of seeing to it that it continues in the future.

To the left and to the right, beneath those round symbols on the door, show symbols of the great resources that Pennsylvania had on which it built its wealth, on which its people labored, and on which its future would be founded. Symbolically it shows coal mines, but dear Pennsylvania, you have been blessed with great forests. You have been blessed with



coal fields and oil fields. You have been blessed with steelmaking. You have been the great past of America, and you will ensure that you participate in its future.

How was all of that possible, for manpower and resources have to be guided. Their steps have to be forwarded in a direction that provides adequate results. In other words, the people must be governed, but as is the tradition in Pennsylvania, it is the people who are the governance, and in 1701, with the creation of the Speaker of the House and the regular elections and adjournment to be called by you, the representatives of the people, this has continued, and I applaud you for it. For 300 years you have walked in my footsteps, my hopes, my dreams, and I hope you continue to do so.

And for inspiration in the world of education, you also have a great legacy of natural resources that were in fact former Pennsylvanians. I applaud this House and the part that it has played in recent years providing for a project of extraordinary gift, an extraordinary gift for the future. The Biographical Dictionary of Pennsylvania Legislators, something that all of you have access to, will show you the great gifted resource of Pennsylvania legislators who preceded you and helped guide the way for Pennsylvania and eventually even made great out-of-proportion strides to the Constitution of the United States. Get to know them. Do not let it take up just space on your shelf. You will be guided by their experiences in another time, for their experiences are not at all unlike your own.

As I observed today being called to order, I could not help but think, although your dresses are different than mine, you are dealing with the same issues in greater magnitude than we and your predecessors were in 1682 and in 1701.

And finally, in 1701 in October, after granting of the Charter of Privileges, I made my farewell speech to the Assembly. It was a farewell speech that I had no way of knowing in that year would be the last farewell speech I would make. I would leave Pennsylvania to return to England to lobby against a great movement that was taking place in the House of Parliament, a movement to make all of the proprietary colonies in America royal colonies, thereby encroaching with royal prerogatives on the very rights that I had shared and given to your predecessors. I was successful in gaining the complete freedom that you had expressed in 1701, and until 1776 the simple two-page document, the Charter of Privileges of 1701, was to remain the law of the land until the Constitutional Convention and revision of the people was to take place in 1776.

You the people of Pennsylvania can be extremely proud of what you have brought about. Your neighbor in New Jersey across the river became a royal colony and suffered for it. You, however, gained more independence as a colonial House than any other House within the Original Thirteen Colonies, and your contribution to the future continues.

I wish before bidding you adieu to tell you of a small experience I had in the 1690s that is not often mentioned. Did you know that I lost Pennsylvania in the 1690s for 2 years, that you were governed by dictated Governors appointed by the Duke of York— Excuse me; appointed by the King, because the Duke of York, who had become King of England, James II, had been revolted against in 1688, and my relationship with that man, a friend of my father's, was to harass me for 2 years of political travail in England. And when I lost my colony in those

2 years, I wrote a book entitled "Fruits of Solitude," and since in this October next month marks my 357th birthday, I, as a small token of remembrance to this House and its relationship with its Speaker, wish to present to this Speaker today, Speaker Ryan, I would like to give you a gift of my "Fruits of Solitude," which are maxims in which I in my house arrest considered what I could offer as advice to not only my sons but future generations on how to get along with people, not people just like yourselves but people of other persuasions, how to govern and be governed, and other maxims that even today wear well as guideposts for your lives.

Mr. Speaker, I thank you for this time before your House, and I thank all of you for the effort that you are doing to carry forward the legacy founded here in Pennsylvania, and I hope you will share with me, with my birthday tomorrow, this legacy for the future.

I bid you adieu.

The SPEAKER. On behalf of the members of the House, I would like to present to William Penn a commemorative gavel so that 100 years from now when he returns for his next birthday event or the next event in connection with the celebration of the Charter of Privileges, he will have something to remember us by.

Mr. PENN. Thank you, Mr. Speaker.

As a P.S. I would like to add that your Speaker in 1751, Isaac Norris II, son of Isaac Norris, an earlier Speaker of this august body, chose as a memento for the 50th anniversary of the Charter of Privileges, which of course then was 1751, the casting of a symbol which has become symbolic of America and not just Pennsylvania, and that was the casting of the Liberty Bell, which can still be seen by millions in Philadelphia. On behalf of that Speaker and yourself, I thank you for those mementos.

The SPEAKER. Thank you.

As a historical footnote, that Speaker beat me by one vote for the Speakership of the House.

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1460, PN 2103**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for provisions relating to intimidation of victims and witnesses of elder abuse.

On the question,

Will the House agree to the bill on third consideration?

Mr. **CASORIO** offered the following amendment No. **A2380**:

Amend Title, page 1, lines 2 through 4, by striking out "provisions" in line 2, all of lines 3 and 4 and inserting  
obstruction of law or government.

Amend Bill, page 1, lines 7 through 15; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. Section 5101 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5101. Obstructing administration of law or other governmental function.

[A](a) General rule.—Except as set forth in subsection (b), a person commits a misdemeanor of the second degree if he intentionally [obstructs,] does any of the following:

(1) Obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act[, except that this].

(2) Intimidates an individual to refrain from informing, reporting to or cooperating with an agency of the Commonwealth or of a political subdivision.

(b) Exception.—This section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

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

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Ruble	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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 third consideration as amended?

Bill as amended was agreed to.

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—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Ruble	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug

Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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.

**FORMER MEMBER WELCOMED**

The SPEAKER. The reason for the meeting over on the side aisle is, a number of members have gone over to welcome back to the hall of the House the gentleman, Mr. Colaizzo. He once again is disrupting the House.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 340, PN 2682**, entitled:

An Act establishing the Privately Employed Agents Training and Certification Program; regulating privately employed agents; and providing for powers and duties of the Commissioner of the Pennsylvania State Police.

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

Mr. **JAMES** offered the following amendment No. **A3713**:

Amend Sec. 6, page 4, by inserting between lines 17 and 18  
(11) Cultural diversity.

Amend Sec. 6, page 4, line 18, by striking out “(11)” and inserting  
(12)

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

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayermik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern

Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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 third consideration as amended?

Ms. **JOSEPHS** offered the following amendment No. **A3720**:

Amend Sec. 6, page 4, by inserting between lines 17 and 18  
(11) Emergency preparedness and response.

Amend Sec. 6, page 4, line 18, by striking out “(11)” and inserting  
(12)

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

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalf	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman, Mr. Solobay.

Mr. SOLOBAY. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment A3771.

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

The following roll call was recorded:

YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalf	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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 third consideration as amended?

Mr. SOLOBAY offered the following amendment No. A3771:

Amend Sec. 6, page 5, line 2, by removing the period after "Act" and inserting

or has a valid certificate under 42 Pa.C.S. Ch. 29 (relating to officers serving process and enforcing orders).

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsley	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rublely	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdanskoy	Sainato	Yudichak
DiGiroilamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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

On the question recurring,

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

Bill as amended was agreed to.

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?

The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

The SPEAKER. Final passage.

Mr. BIRMELIN. I just want to thank those members who have offered amendments dealing with some other specific issues, and we have agreed to those, and I think it will make it a better bill.

What you have before you is something that I think is going to touch the hearts and minds of many Pennsylvanians, and that is the issue of security. As we know, since the September 11 occurrences in the United States, security has become a much more important topic to all of us, and this is a piece of legislation, by the way, that I have been working on for over 4 years, but I think the time for it is overdue and certainly is one that has become more urgent recently.

What it does is it sets up a program whereby private security agents can receive specialized training and receive accreditation for that training, and currently, today, there is no requirement on the State level for a security officer. Many of our better security providers do train their officers in certain ways, but that varies from agency to agency, and it may be unsettling for some people to know that a person who is considered to be a security officer really has no training, at least apart from what the State requires. So this legislation will begin the process of creating a voluntary accreditation program for security officers in Pennsylvania, and it will be supervised by the State Police Commissioner, and it will have a list of subjects that need to be studied, and these people who are applying for this accreditation through this program will then have some semblance of the sorts of things that we would expect normally a security officer to have.

So I think in these days that this is needed; I think it is needed more than ever, and I would encourage the House to support this legislation. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to add to the comments that Representative Birmelin had put on, asking for the passage of this act. What my amendment did was allow a waiver for those

constables trained under Act 44 to be away from their 235 training, and we thank the gentleman.

The SPEAKER. The Chair thanks the gentleman.

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—202

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McLhattan	Steelman
Bebko-Jones	Gabig	McLhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Travaglio
Casorio	Hasay	Pallone	Trello
Cawley	Hennessey	Perzel	Trich
Civera	Herman	Petrarca	Tulli
Clark	Hershey	Petrone	Turzai
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Horsey	Pickett	Veon
Cohen, M.	Hutchinson	Pippy	Vitali
Colafella	Jadlowiec	Pistella	Walko
Coleman	James	Preston	Wansacz
Cornell	Josephs	Raymond	Washington
Corrigan	Kaiser	Readshaw	Waters
Costa	Keller	Reinard	Watson
Coy	Kenney	Rieger	Williams, C.
Creighton	Kirkland	Roberts	Williams, J.
Cruz	Krebs	Robinson	Wilt
Curry	LaGrotta	Roebuck	Wogan
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Maher

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.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, officially, a former distinguished member of this House, Anthony Colaizzo. He is here with John Bevec, a Washington County commissioner, and Mr.— Tony, if you wrote this, we are going to send you back to school, because I am having a great deal of difficulty reading this notice. Mr. Solobay's writing.

Mr. Solobay, the Chair recognizes you to introduce your guests, because I cannot read this.

Mr. SOLOBAY. That is one way to get on the screen, Mr. Speaker.

You already announced former Representative Anthony Colaizzo. Along with him this morning are county commissioner chairman from Washington County, John Bevec; Eric Mark, a businessman from the community of Canonsburg; and Joe Gower, the president of our borough council in Canonsburg. They are to the left.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns momentarily to leaves of absence and recognizes the gentleman, Mr. Veon, who asks that the gentleman, Mr. TRAVAGLIO, of Butler County be placed on leave for the balance of today's session. Without objection, leave will be granted. The Chair hears none.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1873, PN 2516**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal trespass.

On the question,

Will the House agree to the bill on third consideration?

Mr. GANNON offered the following amendment No. **A3457**:

Amend Sec. 1 (Sec. 3503), page 2, line 8, by inserting a period after "crime"

Amend Sec. 1 (Sec. 3503), page 2, lines 8 and 9, by striking out "or disrupt or" in line 8 and all of line 9

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-201

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Trello
Casorio	Hasay	Pallone	Trich
Cawley	Hennessey	Perzel	Tulli
Civera	Herman	Petrarca	Turzai
Clark	Hershey	Petrone	Vance
Clymer	Hess	Phillips	Veon
Cohen, L. I.	Horsey	Pickett	Vitali
Cohen, M.	Hutchinson	Pippy	Walko
Colafella	Jadlowiec	Pistella	Wansacz
Coleman	James	Preston	Washington
Cornell	Josephs	Raymond	Waters
Corrigan	Kaiser	Readshaw	Watson
Costa	Keller	Reinard	Williams, C.
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wogan
Curry	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Maher Travaglio

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 third consideration as amended?

Bill as amended was agreed to.

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

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

The following roll call was recorded:

YEAS-201

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	McCall	Solobay
Barley	Forcier	McGeehan	Staback
Barrar	Frankel	McGill	Stairs
Bastian	Freeman	McIlhattan	Steelman
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Trello
Casorio	Hasay	Pallone	Trich
Cawley	Hennessey	Perzel	Tulli
Civera	Herman	Petrarca	Turzai
Clark	Hershey	Petrone	Vance
Clymer	Hess	Phillips	Veon
Cohen, L. I.	Horsey	Pickett	Vitali
Cohen, M.	Hutchinson	Pippy	Walko
Colafella	Jadlowiec	Pistella	Wansacz
Coleman	James	Preston	Washington
Cornell	Josephs	Raymond	Waters
Corrigan	Kaiser	Readshaw	Watson
Costa	Keller	Reinard	Williams, C.
Coy	Kenney	Rieger	Williams, J.
Creighton	Kirkland	Roberts	Wilt
Cruz	Krebs	Robinson	Wogan
Curry	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Maher Travaglio

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.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair takes pleasure in advising the members of the House that the gentleman, Mr. Petrarca, has a brand-new son, John.

**STATEMENT BY MR. COSTA**

The SPEAKER. The gentleman, Mr. Costa, you desire recognition?

Mr. COSTA. Thank you, Mr. Speaker.

Just on that last bill we voted on, HB 1873, first of all, I would like to thank you for calling it up and assigning it to the Judiciary Committee, and I would also like to thank the chairman of the Judiciary Committee for bringing the bill, along with Representative Gannon and Representative Blaum, and on the 300th anniversary of the Charter of Privileges, I hope that 3 hours from now people will remember this bill.

Thank you, Mr. Speaker.

**BILL SIGNED BY SPEAKER**

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

**SB 773, PN 1103**

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for filings with the department related to marriages, divorces, annulments, adoptions and decrees of annulment relating to adoptions.

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

**DEMOCRATIC CAUCUS**

The SPEAKER. We are about to break for lunch and I believe a Democrat caucus.

Mr. Cohen.

Mr. COHEN. Mr. Speaker, there will be a brief Democratic caucus immediately on the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

Mr. Argall, do the Republicans have a caucus? No.

The Chair would remind the Republican leaders and chairmen that there is a scheduled meeting at 1:30 in the majority leader's office.

Are there any further announcements from the majority or minority leader? Any announcements from any of the committee chairmen?

**CONSUMER AFFAIRS  
COMMITTEE MEETING**

The SPEAKER. Mr. Wogan.

Mr. WOGAN. Thank you, Mr. Speaker.

Just a reminder. There will be an immediate meeting of the House Consumer Affairs Committee in the back of the House floor.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. Any other announcements? Any corrections to the record?

Hearing none, this House will stand in recess until 2:30 p.m.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 300, PN 2735 (Amended)**

By Rep. HERSHEY

An Act providing for management of outdoor night lighting.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**HB 1883, PN 2445**

By Rep. HERSHEY

An Act requiring the Department of Environmental Protection to return to political subdivisions and municipal authorities for use in corrective action 80% of fines and assessments received from the political subdivisions and municipal authorities either directly or through the Federal Environmental Protection Agency.

**ENVIRONMENTAL RESOURCES AND ENERGY.**

**HB 1933, PN 2522**

By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; and further providing for windshield obstructions and wipers.

**JUDICIARY.**

**HB 1982, PN 2737 (Amended)**

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "electronic communication system," "trap and trace device" and "wire communication"; providing for offenses relating to telecommunication identification interception devices; and further providing for the disclosure of certain evidence, for requirements for government access, for cost reimbursement, for mobile tracking devices and for issuance of an order for use of certain devices.

**JUDICIARY.**



**HB 2044, PN 2736 (Amended)** By Rep. HERSHEY

§ An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories; and providing for whistleblower protection.

ENVIRONMENTAL RESOURCES AND ENERGY.

**SB 370, PN 383** By Rep. CIVERA

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for certification of athletic trainers by the State Board of Medicine; and making repeals.

PROFESSIONAL LICENSURE.

**SB 371, PN 734** By Rep. CIVERA

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, providing for certification of athletic trainers by the State Board of Osteopathic Medicine; and making repeals.

PROFESSIONAL LICENSURE.

**SB 400, PN 1466 (Amended)** By Rep. CIVERA

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for the State Board of Physical Therapy; providing for a certificate of authorization to practice physical therapy without the required referral; requiring professional liability insurance coverage and continuing education; and providing penalties.

PROFESSIONAL LICENSURE.

**SB 490, PN 1467 (Amended)** By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated assault.

JUDICIARY.

**SB 834, PN 1468 (Amended)** By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for sexual abuse of children; and providing for unlawful use of a computer for solicitation of a minor.

JUDICIARY.

**SUPPLEMENTAL CALENDAR B**

**RESOLUTION PURSUANT TO RULE 35**

§ Mr. McGEEHAN called up **HR 337, PN 2733**, entitled:

A Resolution recognizing October 2001 as "The Great Hunger Remembrance Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

(Members proceeded to vote.)

**LEAVE OF ABSENCE**

The SPEAKER. Prior to recording the vote, the Chair has been asked to place the gentleman, Mr. KIRKLAND, on leave. Without objection, leave will be granted. The Chair hears no objection. Mr. Kirkland will join the leave list.

**CONSIDERATION OF HR 337 CONTINUED**

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

The following roll call was recorded:

**YEAS—200**

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horsey	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailay	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Ruble	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan, Speaker
Egolf	Major		

**NAYS—0**

**NOT VOTING—0**

EXCUSED—3

Kirkland            Maher            Travaglio

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

RULES SUSPENDED

The SPEAKER. The Chair turns to page 1 of today's calendar and recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I move that the rules of the House be suspended to permit the House to immediately consider HB 973, PN 2713, together with amendments.

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Major	Schroder
Allen	Evans, J.	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti
Armstrong	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barley	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gabig	McIlhinney	Steil
Belardi	Gannon	McNaughton	Stern
Belfanti	Geist	Melio	Stetler
Benninghoff	George	Metcalfe	Stevenson, R.
Birmelin	Godshall	Michlovic	Stevenson, T.
Bishop	Gordner	Micozzie	Strittmatter
Blaum	Grucela	Miller, R.	Sturla
Boyes	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Bunt	Haluska	Myers	Taylor, E. Z.
Butkovitz	Hanna	Nailor	Taylor, J.
Buxton	Harhai	Nickol	Thomas
Caltagirone	Harhart	O'Brien	Tigue
Cappelli	Harper	Oliver	Trello
Casorio	Hasay	Pallone	Trich
Cawley	Hennessey	Perzel	Tulli
Civera	Herman	Petrarca	Turzai
Clark	Hershey	Petrone	Vance
Clymer	Hess	Phillips	Veon
Cohen, L. I.	Horsey	Pickett	Vitali
Cohen, M.	Hutchinson	Pippy	Walko
Colafella	Jadlowiec	Pistella	Wansacz
Coleman	James	Preston	Washington
Cornell	Josephs	Raymond	Waters
Corrigan	Kaiser	Readshaw	Watson
Costa	Keller	Reinard	Williams, C.
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnaroski
Dailey	Lawless	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	

Donatucci            Mackereth            Sather            Ryan,  
Eachus            Maitland            Saylor            Speaker  
Egolf

NAYS—1

Steelman

NOT VOTING—0

EXCUSED—3

Kirkland            Maher            Travaglio

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 973, PN 2713**, entitled:

An Act providing Commonwealth support for a Science and Mathematics Educator Recruitment Loan Forgiveness Program for Pennsylvania residents who graduate from institutions of higher education with certification in science and mathematics and who agree to apply their expertise to public schools in this Commonwealth; and providing for a study of Pennsylvania's teacher and administrator staffing patterns.

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

Mr. SAMUELSON offered the following amendment No. **A3780**:

Amend Sec. 3, page 3, by inserting between lines 19 and 20  
(5) Is a resident of this Commonwealth.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti

Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horsey	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Ruble	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Maier	Travaglio
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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 third consideration as amended?  
Bill as amended was agreed to.

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-200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stem

Belfanti	Geist	Metcalf	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Hanna	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horsey	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Ruble	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Kirkland	Maier	Travaglio
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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.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 640 together with certain amendments to be offered by the gentleman, Mr. DeLuca.

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

(Members proceeded to vote.)

The SPEAKER. Ms. Josephs, do you desire recognition on suspension of the rules?

Ms. JOSEPHS. I have a parliamentary inquiry I would like to make, if that is in order, Mr. Speaker.

The SPEAKER. Ms. Josephs, really there is nothing before the House now but the taking of the roll on the question of suspension of the rules. Was your parliamentary inquiry in connection with suspension of the rules?

Ms. JOSEPHS. Perhaps it is more a general information inquiry about this bill.

The SPEAKER. Fine. Then let me—

Ms. JOSEPHS. But it would help me vote if I could ask the question and have an answer.

The SPEAKER. Well, I think you are going to have to try it without it, because there is really nothing before the House but the taking of the roll.

Ms. JOSEPHS. Thank you, Mr. Speaker, and I hope I can be recognized later.

The SPEAKER. You will be.

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

The following roll call was recorded:

YEAS—198

Adolph	Egolf	Major	Schroder
Allen	Evans, D.	Manderino	Schuler
Argall	Evans, J.	Mann	Scrimanti
Armstrong	Fairchild	Markosek	Semmel
Baker, J.	Feese	Marsico	Shaner
Baker, M.	Fichter	Mayernik	Smith, B.
Bard	Fleagle	McCall	Smith, S. H.
Barley	Flick	McGeehan	Solobay
Barrar	Forcier	McGill	Staback
Bastian	Frankel	McIlhattan	Stairs
Bebko-Jones	Freeman	McIlhinney	Steil
Belardi	Gabig	McNaughton	Stern
Belfanti	Gannon	Melio	Stetler
Benninghoff	Geist	Metcalfe	Stevenson, R.
Birmelin	George	Michlovic	Stevenson, T.
Bishop	Godshall	Micozzie	Strittmatter
Blaum	Gordner	Miller, R.	Sturla
Boyes	Grucela	Miller, S.	Surra
Browne	Gruitza	Mundy	Tangretti
Bunt	Habay	Myers	Taylor, E. Z.
Butkovitz	Haluska	Nailor	Taylor, J.
Buxton	Hanna	Nickol	Thomas
Caltagirone	Harhai	O'Brien	Tigue
Cappelli	Harhart	Oliver	Trello
Casorio	Harper	Pallone	Trich
Cawley	Hasay	Perzel	Tulli
Civera	Hennessey	Petrarca	Turzai
Clark	Herman	Petrone	Vance
Clymer	Hershey	Phillips	Veon
Cohen, L. I.	Hess	Pickett	Vitali
Cohen, M.	Horsey	Pippy	Walko
Colafella	Hutchinson	Pistella	Wansacz
Coleman	Jadlowiec	Preston	Washington
Cornell	James	Raymond	Waters
Corrigan	Kaiser	Readshaw	Watson
Costa	Keller	Reinard	Williams, C.
Coy	Kenney	Rieger	Williams, J.
Creighton	Krebs	Roberts	Wilt
Cruz	LaGrotta	Robinson	Wogan
Curry	Laughlin	Roebuck	Wojnaroski
Dailey	Lawless	Rohrer	Wright, G.
Daley	Lederer	Rooney	Wright, M.
Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rublely	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	

Donatucci Mackereth Sather Ryan,  
Eachus Maitland Saylor Speaker

NAYS—2

Josephs Steelman

NOT VOTING—0

EXCUSED—3

Kirkland Maher Travaglio

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **SB 640, PN 1461**, entitled:

An Act establishing a nursing loan forgiveness and scholarship program; making an appropriation; and making repeals.

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

**PARLIAMENTARY INQUIRY**

The SPEAKER. Ms. Josephs, on a question of parliamentary inquiry.

Ms. JOSEPHS. I think that is the right way to characterize it, but you will guide me if it is not, I am sure.

My question is, is this bill being used as a vehicle for the Edison takeover of the Philadelphia School District? It will help me vote if I know the answer. Thank you, Mr. Speaker.

The SPEAKER. Ms. Josephs, the Chair is without knowledge as to what is or is not a vehicle. That is a question that at the appropriate time — and I would think the appropriate time would be on final passage — you should ask one of the floor leaders or one of the sponsors of the bill.

Ms. JOSEPHS. Thank you.

The SPEAKER. And I would be glad to recognize you for that purpose.

Ms. JOSEPHS. Thank you. Thank you, Mr. Speaker.

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

Mr. DeLUCA offered the following amendment No. **A3782**:

Amend Sec. 302, page 4, line 14, by inserting after "nurse" regardless of whether the nurse already has a college degree

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horse	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Ruble	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kirkland	Maher	Travaglio
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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 third consideration as amended?

Mr. DeLUCA offered the following amendment No. A3783:

Amend Sec. 501, page 8, line 13, by inserting after "agency." Notwithstanding any regulation or policy of the agency to the contrary, the fact that an eligible student already has a college degree does not foreclose a grant under this chapter.

Amend Sec. 4904, page 16, line 9, by inserting after "act."

The provisions of 22 Pa. Code § 121.49(a) are abrogated.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horse	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Ruble	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kirkland            Maher            Travaglio

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

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

Mr. DeLUCA offered the following amendment No. A3784:

Amend Title, page 1, line 1, by inserting after "program;" providing for a tax credit;  
Amend Bill, page 12, by inserting between lines 15 and 16  
CHAPTER 7  
TAX CREDIT

Section 701. Entitlement.

An individual who is enrolled in an approved course of study shall receive a credit against the tax imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in the amount of money spent during taxable year for books, supplies and uniforms related to the approved course of study.

Section 702. Administration.

The Department of Revenue shall administer this chapter.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Tretlo
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horsey	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.

Coy	Kenney	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dailey	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kirkland            Maher            Travaglio

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.  
The question is, shall the bill pass finally?

On the question of final passage, the Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I wonder if I might interrogate the Republican floor leader.

The SPEAKER. The gentleman, Mr. Perzel, will you consent to interrogation?

You may proceed.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Mr. Speaker, I have heard and I would like it confirmed, if possible, that this bill is intended to be a vehicle to move the Philadelphia School District into or to turn the Philadelphia School District into an Edison, a private contractor, school district, to enable them to have a contract to run the whole district, and I am wondering if that is the case and if the honorable leader would enlighten the House, as many of us are very interested in the privatization of public schools.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, the Governor already, under the takeover bill that we passed several years ago, has the authority to take over the Philadelphia public schools and turn it over to the Edison people. So I cannot answer right now what the Senate will do to SB 640. Right now it has the provisions that were originally put in there. There is always the potential that the bill can be changed in the Senate. But the Governor already has the right to do everything that you just mentioned.

Ms. JOSEPHS. Thank you, Mr. Speaker.  
If I might make a remark. That is actually what I thought myself when I heard this information.

The SPEAKER. The Chair thanks the lady.

Ms. JOSEPHS. May I—

The SPEAKER. On the question of final passage?

Ms. JOSEPHS. Yes; yes.

The SPEAKER. You are recognized on final passage of this bill.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I was not surprised to hear the majority leader's answer. I do think we probably have enough legislation. I myself will not be suspicious about this bill, which I think intrinsically is absolutely the right thing we should do, and I thank you for allowing me to clear that up. Thank you.

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—200

Adolph	Evans, D.	Manderino	Schuler
Allen	Evans, J.	Mann	Scrimenti
Argall	Fairchild	Markosek	Semmel
Armstrong	Feese	Marsico	Shaner
Baker, J.	Fichter	Mayernik	Smith, B.
Baker, M.	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barley	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Metcalfe	Stetler
Benninghoff	George	Michlovic	Stevenson, R.
Birmelin	Godshall	Micozzie	Stevenson, T.
Bishop	Gordner	Miller, R.	Strittmatter
Blaum	Grucela	Miller, S.	Sturla
Boyes	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Bunt	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Thomas
Caltagirone	Harhart	Oliver	Tigue
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Phillips	Vance
Clymer	Hess	Pickett	Veon
Cohen, L. I.	Horsey	Pippy	Vitali
Cohen, M.	Hutchinson	Pistella	Walko
Colafella	Jadlowiec	Preston	Wansacz
Coleman	James	Raymond	Washington
Cornell	Josephs	Readshaw	Waters
Corrigan	Kaiser	Reinard	Watson
Costa	Keller	Rieger	Williams, C.
Coy	Kenny	Roberts	Williams, J.
Creighton	Krebs	Robinson	Wilt
Cruz	LaGrotta	Roebuck	Wogan
Curry	Laughlin	Rohrer	Wojnaroski
Dajley	Lawless	Rooney	Wright, G.
Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rublely	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	

Eachus  
Egolf

Maitland  
Major

Schroder

Ryan,  
Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Kirkland

Maher

Travaglio

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

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

**BILLS REPORTED AND REREFERRED TO  
COMMITTEE ON TRANSPORTATION**

**HB 1247, PN 1444**

By Rep. WOGAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting railroads from operating railroad locomotives in reverse in certain instances.

CONSUMER AFFAIRS.

**HB 1249, PN 1446**

By Rep. WOGAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for the provision of counseling services and trauma leave after railroad accidents.

CONSUMER AFFAIRS.

**HB 1250, PN 1447**

By Rep. WOGAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting the operation of a railroad locomotive by a single person.

CONSUMER AFFAIRS.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED**

**HB 1995, PN 2742 (Amended)**

By Rep. CLYMER

An Act establishing the William Penn Liberty Medal of Honor; providing for awarding of medals, for an advisory board and for design and cost of medals.

STATE GOVERNMENT.

**REPUBLICAN CAUCUS**

The SPEAKER. The gentleman, Mr. Argall.  
Mr. ARGALL. Thank you, Mr. Speaker.  
At the call of the recess, the Republicans will break, and we will then go into caucus at 5 o'clock.  
The SPEAKER. The Chair thanks the gentleman.

**DEMOCRATIC CAUCUS**

The SPEAKER. Mr. Cohen, the Republicans called for a caucus at 5 o'clock. It is the understanding of the Chair that this is done in order to have an opportunity to see what if anything the Senate is doing.

Mr. COHEN. Okay. I think Ms. Josephs had a hint as to what the Senate might do. Five o'clock is all right with me.

The SPEAKER. That is fine. That is for the Republican caucus or for your caucus?

Mr. COHEN. For our caucus, 5 o'clock.

The SPEAKER. Very good.

Mr. COHEN. Five o'clock is fine.

The SPEAKER. All right.

We at this time have no firm idea as to what if anything the Senate is going to do with SB 640. Because we could be in here a little later than usual, it is suggested that on your own you might get a bite to eat, or if you want, I have requested the Chief Clerk to have pizza and that type thing available sometime about 6 o'clock.

Mr. COHEN. Mr. Speaker?

The SPEAKER. I have been asked to recess the House until 6 o'clock.

Mr. Cohen.

Mr. COHEN. Point of personal privilege, Mr. Speaker.

The SPEAKER. The gentleman.

Mr. COHEN. What is the intention for tomorrow? Are we going to have a token session tomorrow or a full session?

The SPEAKER. It is my understanding at this time that there are some few bills, two bills, to be run tomorrow. The administrative assistant to the majority leader advises me of that.

Mr. COHEN. Thank you, Mr. Speaker.

**RECESS**

The SPEAKER. Does the majority leader or minority leader have any announcements prior to the break? Any announcements by committee chairmen of meetings? Any corrections to the record?

Hearing none, this House will stand in recess until 6 p.m., unless called back sooner by the Chair or extended by the Chair.

**RECESS EXTENDED**

The time of recess was extended until 6:30 p.m.; further extended until 7 p.m.; further extended until 7:30 p.m.

**AFTER RECESS**

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

**SENATE MESSAGE****AMENDED SENATE BILL RETURNED  
FOR CONCURRENCE AND  
REFERRED TO COMMITTEE ON RULES**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 640, PN 1473**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

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

The clerk of the Senate, being introduced, returned **HB 494, PN 2717; HB 495, PN 2718; and HB 1541, PN 2719**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

**RULES COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

**BILL ON CONCURRENCE  
REPORTED FROM COMMITTEE**

**SB 640, PN 1473**

By Rep. PERZEL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for distress in first class school districts; providing for medical education loan assistance; making appropriations; making repeals; and abrogating local charter provisions.

RULES.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 640, PN 1473**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for distress in first class school districts; providing for medical education loan assistance; making appropriations; making repeals; and abrogating local charter provisions.

On the question,

Will the House concur in Senate amendments to House amendments?



The SPEAKER. Moved by the gentleman, Mr. Perzel, that the House do concur in the said amendments.

The question before the House is on concurrence.

Mr. Colafella, do you desire recognition?

Mr. COLAFELLA. Yes, Mr. Speaker.

The SPEAKER. On the question of concurrence.

Mr. COLAFELLA. Mr. Speaker, yes.

The SPEAKER. The gentleman will yield.

Members, please. The gentleman, Mr. Colafella, has been recognized.

Mr. COLAFELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 640.

Mr. Speaker, we have 11 school districts that are in the empowerment legislation, and these school districts were given 3 years to improve themselves so they can get off the empowerment list. Why we are not waiting for 3 years for Philadelphia is beyond me. We are waiting for all of the other school districts, and when we passed this legislation, we were told that the empowerment legislation would be given an opportunity to all these 11 school districts. We have given Philadelphia \$16 million, and now we are taking them off the empowerment list before we are finding out how they have performed. It makes no sense.

Mr. Speaker, there is not one private company in the United States that has turned around school districts in this country. The one private company that they are discussing in Philadelphia, the Edison company, I want you to listen to this: For the last 14 years, the Edison company lost money 13 times. Here is a company that has been a failure 13 out of the last 14 years, and now we are going to be asking this company to take over a district that is not doing well. Well, that is terrific. Can you imagine if business worked that way; that if a business wanted to succeed, they would get a consulting company that loses money all the time. That is what we are doing in this piece of legislation.

Mr. Speaker, this is the wrong thing to do. We have broken promises; there was going to be bipartisanship, and we are not even waiting for the report of October 31. I think it is wrong. We have broken our word. We said things in the empowerment bill were necessary, and people voted for it. I mean, all these things are wrong, but I am sure this thing is going to pass tonight, but I think it is wrong.

Mr. Speaker, I urge a negative vote.

The SPEAKER. The Chair thanks the gentleman from Beaver.

The Chair recognizes the gentleman from Washington County, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Will the majority leader stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Perzel, indicates he will stand for interrogation. The gentleman may proceed on the question of concurrence.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I was reviewing the record previously when we dealt with Act 46, and under some of your remarks, you stated you have the chance today to vote to say that I have had enough and I am not going to let any more kids fail. We passed Act 46. Could you tell me, under the Philadelphia Empowerment Act and Act 46, what programs have been implemented?

Mr. PERZEL. Mr. Speaker, we have not implemented Act 46 in Philadelphia, so none of the provisions have been enacted.

Mr. LESCOVITZ. Mr. Speaker, we previously heard from the Representative from Beaver County, the Democratic chairman of the Education Committee, that at least one provision of Act 46 took place, and that was an \$18-million appropriation to the Philadelphia School District. Is that not true?

Mr. PERZEL. They are in the Empowerment Act, Mr. Speaker.

Mr. LESCOVITZ. I am sorry; the Empowerment Act.

Mr. PERZEL. Under that, they got \$18 million; yes. That is not the act we are talking about here today.

Mr. LESCOVITZ. Mr. Speaker, I understand that, but is that true, we are amending that act with this amendment?

Mr. PERZEL. Yes, we are amending the act.

Mr. LESCOVITZ. So are we amending an act that has not really been implemented, or if it has been implemented in Philadelphia, again, what provisions under the original act have taken place besides just giving Philadelphia School District \$18 million?

Mr. PERZEL. We are amending Act 46, which has not been implemented yet. The other money that came, came under another act, Mr. Speaker.

Mr. LESCOVITZ. Mr. Speaker, we are amending an act that has not even taken place yet—

Mr. PERZEL. Correct.

Mr. LESCOVITZ. —for the Philadelphia School District. Is it the intention that the original act is somehow flawed, that we now have to implement a new act, or why are we changing a law that is not implemented?

Mr. PERZEL. Mr. Speaker, we are enhancing the act. We are making a few changes to that act. There is a five-member reform commission. We have said that they will be in charge rather than a CEO (chief executive officer). Rather than one person, there will be five people. The terms will be staggered. We have said that the commission would have the authority to enter agreements with other organizations to operate the school district. Any plan for the operation of the school district would include fiscal and academic accountability standards and measurable plans for improving student performance, and it would ensure that schools that were working to improve their student performance, the commission would be able to contract with nonprofits or for-profits to review the individual programs within those buildings to make sure that everything was being worked properly. That is what we did. They were changes to Act 46.

We may never see Act 46 enacted in the city of Philadelphia. There is always the potential that the mayor of the city of Philadelphia and the Governor of the Commonwealth of Pennsylvania sit down, work out the differences that they have. The city of Philadelphia, according to the Philadelphia Inquirer, has a surplus in excess of \$200 million. They could very easily sit down, take care of their own problems, work it out between the mayor and the Governor, and we may never enact Act 46. These are enhancements in case we do enact Act 46.

It is not about Edison; it is not about any of these groups that we have talked about. Whatever the Governor and the mayor decide to do is what is going to be done. Nothing that we say here will change that.

Mr. LESCOVITZ. Mr. Speaker, I want to again go back. What you are doing then is changing some provisions that were

in place under Act 46 before the Empowerment Act actually takes place. Is that correct?

Mr. PERZEL. We are changing provisions of Act 46 before the enactment of Act 46, yes.

Mr. LESCOVITZ. Then the original legislation, in your position, is flawed; that we need to change it before the act takes place?

Mr. PERZEL. Mr. Speaker, I said before, we are adding additional enhancements to the act.

Mr. LESCOVITZ. Mr. Speaker, under the original act, it is my understanding that the Philadelphia School District had to implement an evaluation of its schools. Do you know what the cost of that—

Mr. PERZEL. That is the Empowerment Act, Mr. Speaker, not Act 46.

Mr. LESCOVITZ. Under the Empowerment Act, do you know if that evaluation is completed, and does that evaluation have to be completed before a certain time period?

Mr. PERZEL. No, it is not completed, and I am not sure about the timeframe of when it has to come back. I will find that. I believe it is the end of this fiscal year.

Mr. LESCOVITZ. In listening to the Representative from Beaver County, it is my understanding, though, this amendment actually eliminates Philadelphia out of the Empowerment Act. Is that true or not true?

Mr. PERZEL. They could not be put under a board of control under the Empowerment Act.

Mr. LESCOVITZ. Let me repeat the question. If we pass this amendment today or, I am sorry, SB 640 on concurrence, is Philadelphia taken out of the original Empowerment Act?

Mr. PERZEL. No.

Mr. LESCOVITZ. Mr. Speaker, I want to go back to SB 640 on concurrence—

The SPEAKER. Will the gentleman yield. I hate to interrupt like this, but if I do not, I am sure I will forget.

### LEAVE OF ABSENCE

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who asks that the gentleman, Mr. LaGROTTA, be placed on leave for the balance of the day, and the gentleman, Mr. Kirkland, who is present on the floor of the House, be taken from the leave list. Without objection, leave will be granted and Mr. Kirkland will be placed back on the active roll call.

### CONSIDERATION OF SB 640 CONTINUED

The SPEAKER. Mr. Lescovitz, I apologize.

Mr. LESCOVITZ. Thank you.

Mr. Speaker, it is my understanding that once the provisions in SB 640 are in place and in it is a commission that is set up, that Philadelphia is taken out of the Empowerment Act. Is that true or not true?

Mr. PERZEL. Only if the commission is ever activated. Again, the mayor and the Governor can sit down and work out their differences. It is not a condition that that has to happen. City council could work in concert with the mayor and the

Governor to work out their differences. This may never ever be put into effect. They could work it out, Mr. Speaker.

Mr. LESCOVITZ. Mr. Speaker, why do we need then this amendment if we are waiting for the mayor and the Governor and the Secretary and the city council to work out a problem? I am not sure why we need this legislation to create a five-member independent board if we are waiting for the mayor and the administration to work out their differences.

Mr. PERZEL. Governor Schweiker has indicated to us that he wanted these additional tools in case it came down to a takeover of the Philadelphia public schools. I do not think anyone in this room wants to see that. We are hoping that they work out their differences. We are hoping that the mayor and the Governor can come to an agreement and never have to use the different tools that are in this act. But in the meantime, Governor Schweiker has asked for these additional tools. We are here trying to move forward with his agenda. That is why, Mr. Speaker.

Mr. LESCOVITZ. Thank you.

Mr. Speaker, again, if the commission is set up, though, in the provisions of this act, Philadelphia will be taken out of the Empowerment Act. Is that correct?

Mr. PERZEL. They would still remain under the Empowerment Act and still could get money under the Empowerment Act, but this would allow that board to be set up that would be an oversight board.

Mr. LESCOVITZ. Mr. Speaker, in reviewing the amendment that was inserted in the Senate, that is a different position than what the staff on our side told our members. We were told that if this is implemented and the commission is set up, the Philadelphia—

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. LESCOVITZ. I need to ask the speaker, what section is he talking about that would permit them to stay in the Empowerment Act?

Mr. PERZEL. Mr. Speaker, our staff person is over there now talking to your people. We hope we can clarify it for you.

Mr. LESCOVITZ. Mr. Speaker, just a couple other questions, because we are trying to clarify the discussion between us.

It is my understanding, Mr. Speaker, that what takes place if this provision goes in in SB 640 is it gives the Governor the authority, instead of waiting 3 years to take over the Philadelphia School District, that if they feel that the requirements under the original act in 46 are in effect now, the State actually takes over the Philadelphia School District by implementing this commission.

Mr. PERZEL. That is correct, Mr. Speaker, but you have got to keep in mind that this is not just an academic failure on the part of the city of Philadelphia; it is a fiscal failure on top of that. It is not just about the Empowerment Act, Mr. Speaker.

Mr. LESCOVITZ. I understand, Mr. Speaker.

So, Mr. Speaker, if the State empowers this new commission or the Governor's Office believes that currently they do not meet the provisions under the Act 46 and they empower this new commission, it will be the State's responsibility for funding the Philadelphia School District at that time?

Mr. PERZEL. That is not true, Mr. Speaker. First off, we are hoping that the mayor and the Governor of the Commonwealth of Pennsylvania sit down together, work out their differences.

As you know, as we are speaking right now, the city council is holding roughly \$60 to \$75 million in abeyance. If they were to come up with that money, with the money that we gave them additionally in this last year, they would be able to work this problem out, and we would hope that they would do that and never need to implement this program, Mr. Speaker.

Mr. LESCOVITZ. Mr. Speaker, I understand that, and they can do that currently without the provisions. My question, again, is, instead of waiting 3 years under the original act, what we are doing is implementing a program, and if the Governor's Office sees fit, implements a new commission, and at that time the State actually takes over the Philadelphia School District, and if that happens, is the State now responsible for funding the Philadelphia School District?

Mr. PERZEL. Mr. Speaker, I apologize, because I believe that you have two acts confused. But I will tell you that under Act 46, we could have gone into the city of Philadelphia 3 years ago and looked at the city of Philadelphia had the Governor decided to take them over at that point in time. The Governor chose not to do that. The mayor and the Governor are in negotiations. He has asked for these additional tools in case he needs them, in case there is a takeover. All of us are hoping that never occurs. We are hoping they work out the differences, city council puts up the additional money, Mayor Street puts in the additional money, and this problem is resolved. But if that is not resolved, the Governor has asked for additional tools to be able to take care of the problem.

That is what has gone on here, Mr. Speaker. There is nothing here about money. There is nothing here about anybody taking anybody over. We are giving additional powers to the Governor should a takeover occur. That is what we are doing.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Just one comment.

The SPEAKER. The gentleman is recognized.

Mr. LESCOVITZ. Mr. Speaker, I appreciate the clarification from earlier, but it is my intention that I would ask our members to oppose this legislation, and the reason is, there is no need for this if we are just waiting for the Governor, the mayor, and the city council to try to work something out. My concern is that the State's obligation, if this act is implemented, will be now our responsibility as soon as the act is implemented if the Governor wants to take it over, rather than waiting 3 years for the existing act to take effect. That will cost the taxpayers of this Commonwealth a lot of money. Instead of waiting 3 years, if it is only going to be a year and a half or 2 years, it is going to be the obligation of the taxpayers of this Commonwealth to fund the Philadelphia School District. I would prefer to wait and see if the Governor's Office, the mayor, and the city council, as the majority leader said, work it out, rather than setting the obligation upon the taxpayers of Pennsylvania in this current fiscal year.

Thank you, Mr. Speaker.

The SPEAKER. On the question of concurrence, the Chair recognizes the lady from Philadelphia County, Ms. Manderino.

Mr. Cohen, you are next on the list.

Ms. MANDERINO. Thank you, Mr. Speaker.

I have a brief interrogation if the majority leader would please stand for interrogation.

The SPEAKER. The gentleman indicates he will stand for interrogation. The lady may begin.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I am looking specifically on page 3 of the amendment that we had distributed in caucus, and I do not know if the line matches up exactly, but I am looking on line 29 in subsection (E)(1) that deals with the school reform commission and their responsibilities and powers, and in that particular section there was a slight language change when it deals with the powers and duties heretofore granted to the school board directors of a school district of the first class of this act, including its authority to levy taxes and incur debt, and there is a change by adding those words "INCLUDING ITS AUTHORITY" under the taxing provision. I just would like an explanation of what that change in language means, from your understanding, as compared to the original Act 46 and as compared to the standard practice in Philadelphia today with regard to the levying of taxes.

Mr. PERZEL. It would not change the power to levy taxes that exists right now. The change was made by the Reference Bureau. They said it was a legal change, and they added it in.

Ms. MANDERINO. I apologize. I heard your first part of your answer, which was it would not change who would—

The SPEAKER. Will the lady yield.

Please, it is difficult to hear the members' debate. Mr. Perzel, would you repeat your answer for the lady.

Mr. PERZEL. Mr. Speaker, it does not change the power to levy taxes. If in the future there were to be a tax, say, on seats in a stadium in cities of the first class, baseball and football, of \$2 per person for each game that there was, at that point in time that school board could levy those types of taxes, but under the way it is written right now, it does not change any of the taxing authority that is already there right now.

Ms. MANDERINO. So just as a clarifying followup, with regard to the taxes that are currently levied by the city and then appropriated by the school district, that would all remain the same, but if in the future a new tax is levied where it is currently— For example, a couple of years ago we levied a liquor-by-the-drink tax that was specifically designed and dedicated to the school district. If in the future there was a decision to levy that tax, the decision to levy the tax would be able to be made by this new commission. So they could come up with new ways to tax people to bring additional revenues into the city of Philadelphia under this changed language.

Mr. PERZEL. Only if we gave that commission the authority to impose that tax from here. We could also change ratios of taxes through the General Assembly at some future date. The commission cannot do that. We have the authority as the General Assembly to do that.

Ms. MANDERINO. Okay. So again one followup. If the State of Pennsylvania who are elected officials, the elected officials of the State of Pennsylvania, said, you, the school district of the first class school reform commission, now have the authority to levy an X, Y, Z tax on people in the city of Philadelphia, they would then have the authority, but they of themselves who were not an elected entity would not have the ability to identify new potential sources of tax and tax that on the citizens.

Mr. PERZEL. You are correct.

Ms. MANDERINO. Thank you, Mr. Speaker.

I would like to speak on—

The SPEAKER. On concurrence.

Ms. MANDERINO. On concurrence. Thank you.

The SPEAKER. The lady is recognized.

Ms. MANDERINO. Thank you.

I am very disappointed about the action that we are being asked to take tonight. I actually was very open-minded and willing to wait and see what our new Governor meant when he said to me personally and he said to so many members of our caucus and I think this chamber that I am really going to need your help with the School District of Philadelphia; I really think that we can do this together, and he said that to us when we were at a reception at the Governor's Office and he said that to me personally and I know he said that personally to many members on my side of the aisle, that I am going to need your help with Philadelphia but I think we can do this together.

I was very open to considering all of the possibilities that had been on the table with regard to governance of the School District of Philadelphia if I thought it was going to be a fair exchange for what I really think that we need to educate the children in Philadelphia. I was really looking forward to working together and receiving a proposal that addressed the educational needs of the School District of Philadelphia, and that is why I am so upset that here we are without any cooperation, without any discussion, without waiting 8 days for a report to see what it is we are talking about, that all of a sudden we need these additional tools. For what? For a hammer over the city of Philadelphia because we do not think that they are sincere about wanting to work together? For what? Because we have contracts that are waiting to be signed and people are getting nervous because they do not want to wait for a report to come out? For what? For reducing class size for the kids in Philadelphia? I did not see that in here. For what are we being asked for additional tools and how does that translate into educating the children sitting in the School District of Philadelphia?

I had a lot of hope about the process. My hope, unfortunately, has been dashed by tonight's proceedings, and I ask everyone to think seriously about how we move together cooperatively, bipartisanly, in the spirit of the best interests of the children of Philadelphia when we have again another eleventh-hour, no-discussion, no-collaboration proposal that we are being asked to consider and we still do not know, even if we do all this, what difference will it make in making sure that the kids in school have the resources, the textbooks, and get the education that they need to become productive citizens. I think it is a shame we have moved this way, and I am voting "no."

#### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Maher, and asks the clerk to remove him from the leave list.

#### CONSIDERATION OF SB 640 CONTINUED

The SPEAKER. The Chair recognizes the gentleman, Mr. Cohen, from the city of Philadelphia on the question of concurrence.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, would the majority leader consent to interrogation once more?

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

Mr. COHEN. Mr. Speaker, in the section dealing with collective bargaining, which in the version I have of amendment 3800 of SB 640 is on page 6, under the act that we are repealing, the language read, "NOTHING IN THIS SUBSECTION SHALL ELIMINATE, SUPERSEDE OR PREEMPT ANY PROVISION OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT UNTIL THE EXPIRATION OF THE AGREEMENT UNLESS OTHERWISE AUTHORIZED BY LAW," and we change the place of the word "NOTHING" in that sentence so that it reads, "EXCEPT AS SPECIFICALLY PROVIDED IN SECTION 693," which deals with the board of control, and it is not in this bill, "NOTHING IN THIS SUBSECTION SHALL ELIMINATE, SUPERSEDE OR PREEMPT ANY PROVISION OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT...."

Mr. Speaker, as lawyers for the city of Philadelphia read this section, it seems to be that you are exempting nonprofessional employees from the provision that collective-bargaining agreements will not be superseded. Is that a correct reading by the lawyers of the city of Philadelphia, Mr. Speaker?

Mr. PERZEL. That was done, Mr. Speaker, because that language was inconsistent with the act. Section 693 is what that references to. That was an act that was put into place in 1959. That act would still stay in existence after this act were passed today by the General Assembly.

Mr. COHEN. Does not that reference serve to enable the abrogation of collective-bargaining agreements?

Mr. PERZEL. What it says is, on page 185, not of the one you have, it says, "To cancel or to renegotiate any contract other than teachers' contracts to which the board or the school district is a party, if such cancellation or renegotiation of contract will effect needed economies in the operation of the district's schools." It is already law; 1959, Mr. Speaker. We only took out what was inconsistent with the act of 1959.

Mr. COHEN. Okay. I have no further questions for the gentleman, Mr. Speaker.

#### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

Mr. COHEN. Madam Speaker, I would like to be recognized to speak.

The SPEAKER pro tempore. You may proceed.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, I hope the gentleman from Philadelphia is right. The lawyers from Philadelphia, though, have a different view as to the effect of this language.

One thing, however, that is absolutely crystal clear is this bill allows an unelected Governor to control a school district in this Commonwealth not only for the duration of his term but for the duration of the term of his successor. Under this bill Governor Schweiker will be able to make appointments who will control the School District of Philadelphia through 2006.

Now, when Governor Schweiker became Governor in the prime of his life, people wondered, why does he not want to run for a full term? Well, it seems to me that this proposal, at least as far as the Philadelphia School District is concerned, gives him power over the Philadelphia School District for 4 years after he leaves office. For 4 years after he is out of the

Governor's Office, his appointees will control the Philadelphia School District.

One wonders what other ideas we might have for the future. Are we going to set up bureaus of DER (Department of Environmental Resources) and allow him to make appointments and control them through 2006? Are we going to allow control by Governor Schweiker of the Department of Transportation through 2006? Madam Speaker, those people who think it is a good idea that Mark Schweiker ought to control State government and local government through 2006 ought to urge him to run for Governor in 2002 so he can win a mandate from the voters that they want his leadership. We should not be in a position of having a Governor who proudly says he is above politics, he is not running for a full term, and then hand him over power to run large elements of State government long after he has left office. There has to be accountability, and there cannot be any accountability if a former Governor has control.

We will have a new Governor in 2002. The new Governor will have a Secretary of Education. If we leave the Empowerment Act alone, the new Governor will have the power to control the Philadelphia School District, if he wishes, after 2002, and we will have some influence and some input in the new Governor's decisionmaking process. There will be at least some accountability. But here in this piece of legislation we are taking power away from the mayor of Philadelphia, who is elected by the people, and handing control over to a board that is totally unelected by anybody, who is appointed by a Governor who has never been elected Governor, and who is planning on leaving office long before the terms of his nominees expire. This is not a formula for responsive government. This is not a formula for constructive change.

I join in the sentiment of many others who have expressed opposition to this bill. This is certainly a disappointing bill, as Representative Manderino said. From the rhetoric of Governor Schweiker, I really expected more than this piece of legislation, and beyond being a very disappointing bill, it is a very bad bill.

The city of Philadelphia used to have a staggered-term system where the mayor of Philadelphia did not gain control over the school district until he had been in office for several years. That proved unsatisfactory. That led to a charter change in Philadelphia enabling the mayor of Philadelphia to immediately take control, and as soon as Philadelphia gives the mayor immediate control, which was the demand of many, many reform organizations in Philadelphia, we, the State of Pennsylvania, moved to take control away from the mayor and give it to a former Governor for 4 of the next 5 years. It makes absolutely no sense for control of the Philadelphia School District to be in the hands of a former Governor. If it is going to be in the hands of the State, it ought to be in the hands of the Department of Education and a current Governor and a current administration and responsible legislative input.

I strongly urge the defeat of this piece of legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Myers.

Mr. MYERS. Thank you, Madam Speaker.

Madam Speaker, as I sit here today and listen to the various sides and views around this issue, a couple of things come in mind — truth, honor, integrity — and one thing you can believe, you could take my word for what it is worth.

The argument to me is not whether the Governor is going to appoint the school board; the argument for me is not whether

the mayor is going to appoint the school board; the argument for me is not what the status of accountability is; the argument for me is not who is going to manage the money. The argument for me is that a deal was made between the mayor and the Governor. The deal, the deal, is that on October 31 a report is supposed to be issued. Two men gave their word to each other, to their constituents, and to us that they would, after October 31, have a report issued and give both sides time to respond to the issue, and what I am being asked to do today is to violate a contract that was agreed upon, two men who represent leadership in this Commonwealth.

What I am being asked to do today is to say to the people of the Commonwealth, who are out there right now watching us, is to say, you know what? When you say politicians are nothing but a bunch of liars, when you say politicians cannot be trusted, that a politician will tell you one thing today and say something and do something else tomorrow, I am being asked to vote on that tonight in the affirmative.

I, as one junior member of this House, would suggest— Madam Speaker, may I interrogate the entire House? Madam Speaker, my interrogation of this entire House is, do you believe your word is worth your character? Do you believe if you give your word, that you should live up to what you agree to? Do you agree that leadership that you support, when they give their word, we should enforce accountability, because if they lie to each other, there is no telling what they will do to us.

The agreement for October 31 stood yesterday, the week before. It should stand today, and it should stand to October 31.

Now, I am going to wrap up by saying this here: We all know that the school system in Philadelphia needs to be reformed; there is no question about that. We know that. We know that the money needs to be looked at; we know that accountability needs to be looked at; we know that class size needs to be looked at, early education, all of that, but the issue tonight is, within yourself are you going to support blasphemy by violating and breaking the agreed-to contract between the Governor and the mayor of Philadelphia?

I ask you, do not do that, because in the morning you have got to look up in the mirror at yourself.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Madam Speaker.

Will the Republican leader rise for a brief interrogation?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. STURLA. Thank you, Madam Speaker.

Were there any opportunities for the Education Committee in either the House or the Senate to review this legislation and pass it out of committee?

Mr. PERZEL. Madam Speaker, the Senate put this in the bill, and it was 29 yeases and 17 noes. We had no opportunity to have any input directly through our committee structure; no.

Mr. STURLA. Okay. But we could nonconcur and then refer it to the Education Committee or have it sent to a conference committee or just kill the thing right here and then have an Education Committee, at least either in the House or the Senate, look at this legislation. Is that correct?

Mr. PERZEL. Madam Speaker, I would recommend to the members that we take the set of tools that has been put before us and asked for by Governor Schweiker, because he is Governor because of a tragic accident that occurred. And he is not

unelected. He is an elected Governor, Lieutenant Governor of the Commonwealth of Pennsylvania twice, and he came to us and asked us to make these changes hoping that we would never have to use Act 46, and that is what I am asking the members to do here this evening. They have all got a very good idea what is in there, Madam Speaker.

So, no, I am not recommending that. I am recommending they vote "yes" on SB 640. That is what I am recommending.

Mr. STURLA. Madam Speaker, I understand that is what you are recommending, but we could as a House give the opportunity for the Education Committee to take a look at this. Is that correct?

Mr. PERZEL. We could have Urban Affairs look at that; we could have Appropriations look at it; we could have Business and Economic Affairs—

Mr. STURLA. I am just curious as to whether we could have the Education— I thought maybe that that possibility—

Mr. PERZEL. Yes. You knew the answer before you asked the question. You are not supposed to do that, Madam Speaker.

Mr. STURLA. Madam Speaker, is there any ability to amend this legislation tonight on the floor of the House or have we had any ability to amend this amendment that the Senate put in?

Mr. PERZEL. That is a parliamentary inquiry. Ask the Speaker, Madam Speaker.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I would like to go back to an inquiry that went on a little earlier regarding the language on page 21, lines 12 through 19. It says, "THE POWERS AND DUTIES OF THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OF THE FIRST CLASS SHALL BE SUSPENDED."

Mr. PERZEL. Madam Speaker, where is page 21?

Mr. STURLA. Page 21, lines 12 through 19. It is section (E)(1). I am being told it is on page 3 of what you have.

Mr. PERZEL. We have it, Madam Speaker.

Mr. STURLA. Thank you.

Madam Speaker, it says, "THE POWERS AND DUTIES OF THE...SCHOOL DIRECTORS OF A SCHOOL DISTRICT OF THE FIRST CLASS SHALL BE SUSPENDED." And then it goes on to say, "ALL POWERS AND DUTIES GRANTED HERETOFORE TO THE BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT OF THE FIRST CLASS UNDER THIS ACT OR ANY OTHER LAW," and it used to say, "REGARDING THE AUTHORITY TO LEVY TAXES AND INCUR DEBT," but now it says, "INCLUDING ITS AUTHORITY TO LEVY TAXES AND INCUR DEBT..." But it is my understanding that the school directors of the School District of Philadelphia never had the authority to levy taxes.

Mr. PERZEL. That is right, Madam Speaker, and we answered that when Representative Manderino asked that question.

Mr. STURLA. Well, Madam Speaker, I understand that you are now claiming that you are giving this new commission the authority to levy taxes, but that is not the way the—

Mr. PERZEL. That is not true, Madam Speaker, and we are not doing that.

Mr. STURLA. Okay. So this new commission does not have the ability to levy taxes.

Mr. PERZEL. No, it does not, Madam Speaker. That is the second time I have answered that question.

Mr. STURLA. So still Philadelphia will have the only board of school directors or the only school commission in the State of Pennsylvania out of the 501 school districts that does not have the ability to levy taxes. Is that correct?

Mr. PERZEL. Unless we give them that power at some future time, you are correct, Madam Speaker.

Mr. STURLA. Okay.

Madam Speaker, if I could make a comment on the legislation.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. STURLA. Madam Speaker, I have spoken in this House before about Philadelphia's inability to levy taxes by its school directors. Of the 501 school districts in the State of Pennsylvania, 500 of them have the ability to levy taxes but not the School District of Philadelphia, and apparently, under this amendment, neither will the commission that has been formed.

When you look at the local contribution rate of school districts in terms of their local contribution to the school effort, Philadelphia ranks about 499 out of 501 school districts, and that is because they do not have the ability to levy their own taxes for schools. This legislation still does not correct that problem. There will always be a shortfall of funds in Philadelphia if we continue to operate under this legislation or the current language that we have governing Philadelphia.

Madam Speaker, this amendment does little to improve the situation in Philadelphia. It simply grants some powers to the new Governor, but it does little to correct the problems that face the School District of Philadelphia.

The Education Committee has worked diligently this year, and I want to commend the Republican chairman of the Education Committee as well as the Democratic chairman that have worked to try and pass legislation that would improve school districts throughout Pennsylvania, including the School District of Philadelphia. This is not one of those pieces of legislation, and I would urge members to vote "no" so that we can get on with the business of improving Philadelphia schools.

Thank you, Madam Speaker.

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

Mr. SAMUELSON. Thank you, Madam Speaker.

I rise with concerns about the process that we are employing in considering this legislation tonight. Here we are in the Capitol, the sun has gone down. It is just after— We met here tonight starting at 7:50 p.m. to consider legislation that members of this House had copies of only at 5 o'clock, less than 3 hours.

In the process of our caucus meetings, we began to ask many questions. Tonight on this floor many other members are asking questions, questions like: This five-member commission — what level of accountability will it have to the public? Why do they have to produce an annual report in 2003 but not 2002? Will this legislation lead to the privatization of some schools? How many schools? Why do the terms of the commission members continue into the term of a Governor elected in 2002 and into the term of a Governor elected in 2006 in the case of the two commission members that would be given 7-year terms? Why are we considering this legislation on October 23 when a report is due on this very issue on October 31?

Madam Speaker, our new Governor came into office earlier this month and delivered a wonderful inaugural address on October 5. In that address Governor Schweiker said, I believe that working together, as I know we can, we will inspire future generations to be good and decent people.

The majority leader talked about Governor Schweiker has asked for these additional tools through this legislation tonight. As an individual member of this House, I have not received any communication from Governor Schweiker on this subject. I have asked other House members whether they have. They have not received communication from Governor Schweiker on this subject. I have asked the leader of my caucus, the minority caucus, and he has not received any communication on this subject.

I believe this is an issue where we should have dialogue, discussion. We should not have a legislative process where we get a copy of the bill at 5 p.m.; we get a revised copy of the amendment at 6:15; we go into session at 7:50, and we begin the process of voting on that legislation that very evening.

We have a system of public schools in this Commonwealth which traces its roots to the Free School Act of 1834. That thorough and efficient system of public education that is guaranteed in our current State Constitution traces its roots back to that Free School Act of 1834. That was 167 years ago. I think about that as I think about a process where we are going to be voting on legislation that we have had barely 167 minutes to consider.

### MOTION TO RECOMMIT

Mr. SAMUELSON. And so I would move that to have more dialogue and discussion on this issue, I would move that this bill, SB 640, be referred to the Education Committee of the House of Representatives.

The SPEAKER pro tempore. The gentleman has moved that this bill be referred to the Education Committee.

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

Mr. DeWEESE. Madam Speaker?

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

Mr. DeWEESE. To advocate on behalf of the gentleman.

The previous speaker, the maker of the motion, is one of the most idealistic and inspired of our members. As he traced the lineage of the Free School Act and its constitutional implications tonight, he touches upon a very complicated and fundamental subject within our purview, and that is education, the education of Pennsylvania's youngsters.

I do not think the gentleman is asking for too much when he asks to recommit to the Education Committee. These changes are substantial and potentially irrevocable during the next half dozen years, and since the gentleman from Philadelphia a little while ago very passionately spoke about two men who gave their word and made a pact, hopefully a pact of steel, relative to the October 31 deadline where the report would be forthcoming, why do we have to do it tonight? Why cannot we wait for a week and a half or 2 weeks?

Philly schools top Schweiker's priority list. I believe that, but why cannot the honorable Governor send Mr. Zogby, his

Secretary of Education, and some of his other envoys to our House Education Committee over the next several days? We can meet for a week or a week and a half. It would be coterminous with the October 31 deadline. It makes perfectly good sense. We do not have to steamroller this bill through the General Assembly tonight.

The gentleman from the Lehigh Valley, Mr. Samuelson, has only asked that our inherent process work. We have an Education Committee. This is an education matter. This matter has not been attended to by our committee. There has been no percolation of the process. I cannot fathom why anyone would mitigate against a couple of extra days and two or three extra hearings. We could come back here next week after several days of hearings by the Education Committee. This is not a moment to postpone. Schweiker's own deadline was October 31. He decided to accelerate that deadline without giving us the courtesy of a phone call. I have been with the Governor several times during the last several days, and this did not come up; this matter did not come up. He is already gainsaying what he said in his inaugural address. The idealism of that swearing-in ceremony is being vitiated by his lieutenants here on the floor of the House.

Mr. Samuelson only asks for a recommitment to the Education Committee. We have lauded — we have lauded — the Republican Education chairman. We have given him nothing but encomiums of praise. What is wrong with having the majority party who controls the committee allow this legislation to be viewed for a week or so?

I would support the gentleman's request that this measure be recommitted to the House of Representatives Education Committee. Thank you, Madam Speaker.

The SPEAKER pro tempore. On the issue of recommitment, the Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Thank you, Madam Speaker.

I would like the members to know that we had nothing to do with the report that is due on October 31. I feel left out like the gentleman from Northampton feels left out. The Governor never asked us to be part of that. He never came down here and said, would you guys like to have some input or comments on that? So that report has nothing to do with anything that we are doing on this floor as we speak right now, Madam Speaker. We are not part of that deal. We did not shake hands. We did not give our word on any part of that deal.

The deal is still the deal. What we are doing here does not change that deal. They can still come back with a report on the 31st. Our Governor has asked us simply to try to make sure that he gets these four basically simple changes, Madam Speaker.

And as far as being here at 7:15 p.m., I would just like to remind the members — a lot of the members were elected when I was first elected a long, long time ago — my wife used to call and ask whether or not we were nocturnal, because we were here at 7:15 in the morning, not 7:15 at night. It is very early by the standards of the minority leader, formerly the majority leader and the Speaker. As a matter of fact, we would run bills regularly at 9, 10, 11 o'clock at night. So we have tried to run it more like a metroliner — on time, you know what you are doing, give you the amendments on time, ask your questions.

So, Madam Speaker, the Senate just passed this bill and sent it over to us. That is why there have been no meetings; that is why there have been no hearings. There are a few simple

changes that are to be made here. The mayor and the Governor can sit down and work this out. Hopefully, they do that. Hopefully, we never, ever, ever need to use this act.

So I would respectfully ask the members to vote "no" on the motion to recommit.

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

The following roll call was recorded:

YEAS—92

Bebko-Jones	Frankel	McGeehan	Solobay
Belardi	Freeman	Melio	Staback
Belfanti	George	Michlovic	Stairs
Bishop	Grucela	Mundy	Steelman
Blaum	Gruitza	Myers	Stetler
Butkovitz	Haluska	Oliver	Sturla
Buxton	Hanna	Pallone	Surra
Caltagirone	Harhai	Petrarca	Thomas
Casorio	James	Petrone	Tigue
Cawley	Josephs	Pistella	Trich
Cohen, M.	Kaiser	Preston	Veon
Colafella	Kenney	Readshaw	Vitali
Costa	Kirkland	Rieger	Walko
Coy	Laughlin	Roberts	Wansacz
Cruz	Lawless	Robinson	Washington
Curry	Lederer	Roebuck	Waters
Daley	Lescovitz	Rooney	Williams, C.
DeLuca	Levdansky	Ruffing	Williams, J.
Dermody	Lucyk	Sainato	Wojnaroski
DeWeese	Manderino	Samuelson	Wright, G.
Diven	Mann	Santoni	Yewcic
Donatucci	Markosek	Scrimenti	Youngblood
Eachus	McCall	Shaner	Yudichak

NAYS—104

Adolph	Egolf	Maher	Saylor
Allen	Evans, J.	Maitland	Schroder
Argall	Fairchild	Major	Schuler
Armstrong	Feese	Marsico	Semmel
Baker, J.	Fichter	Mayermik	Smith, B.
Baker, M.	Fleagle	McGill	Smith, S. H.
Bard	Flick	McIlhattan	Steil
Barley	Gabig	McIlhinney	Stern
Barral	Gannon	McNaughton	Stevenson, R.
Bastian	Geist	Metcalfe	Stevenson, T.
Benninghoff	Godshall	Micozzie	Strittmatter
Birmelin	Gordner	Miller, R.	Tangretti
Boyes	Habay	Miller, S.	Taylor, E. Z.
Browne	Harhart	Nailor	Taylor, J.
Bunt	Harper	Nickol	Tulli
Cappelli	Hasay	O'Brien	Turzai
Civera	Hennessey	Perzel	Vance
Clark	Herman	Phillips	Watson
Clymer	Hershey	Pickett	Wilt
Cohen, L. I.	Hess	Pippy	Wogan
Coleman	Hutchinson	Raymond	Wright, M.
Cornell	Jadlowiec	Reinard	Zimmerman
Corrigan	Krebs	Rohrer	Zug
Creighton	Leh	Ross	
Dailey	Lewis	Rubley	
Dally	Lynch	Sather	Ryan, Speaker
DiGirolamo	Mackereth		

NOT VOTING—5

Evans, D.	Horsey	Keller	Trello
Forcier			

EXCUSED—2

LaGrotta                      Travaglio

Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

The SPEAKER pro tempore. On that, the Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

Given the events of September 11, I decided not to wear a turban for these opening remarks on this legislation, but like the Great Karnak, I would like to propose an answer to a question and then ask the question, and the answer is, for-profit fat cats who can pay themselves millions of dollars of State taxpayers' money; that is the answer. What is the question? The question is, who will profit by the passage of SB 640 with this new language inserted by the Senate? And like the Great Karnak, I stood on this House floor on a number of previous occasions and predicted that the charter school legislation that we adopted a couple of years ago was ultimately designed to privatize Philadelphia and perhaps other Pennsylvania public schools and turn them over to for-profit corporations. And like the Great Karnak, I predicted during the school Empowerment Act that the ultimate design of that act was to eventually privatize Philadelphia and perhaps other schools of Pennsylvania and turn them over to fat-cat, for-profit entrepreneurs and corporations to bilk millions of dollars of my taxpayer dollars out of Northumberland County and send it to Philadelphia, not to educate Philadelphia schoolchildren but to line the pockets of the wealthy.

My new prediction this evening, Madam Speaker, is that some months from now the Republican leader and others will be here again asking for hundreds of millions of dollars of new taxpayer dollars from rural Pennsylvanians to help line the pockets of fat-cat, for-profit corporations who will now have, as he mentioned, a metroliner into our pockets. The metroliner, this has been a plan, this has been a 2- or 3-year plan.

First in this bill, page 24, lines 3 to 6; page 24, lines 25 through 26; page 25, lines 6 through 8, make it abundantly clear that this legislation will enhance the ability of converting public schools first into charter schools and then having the ability of selling off the charter schools to for-profit corporations to operate them and suck off 10 or 20 percent of the State subsidy, not for new books, not for more teachers, not for smaller classroom sizes, but to line the pockets of a bunch of fat cats, and that is my humble opinion. But like the Great Karnak, my last three predictions on this issue have all come to pass, and I expect my next prediction will come to pass as well.

And the poor mayor of Philadelphia, how sad it is he was duped into supporting the Empowerment Act with the word and the hand of the Governor that we want to work with you; we are going to help you; the State does not really want to take over; the State does not really want to privatize; we are going to give you some time. But what do they do? They give \$2.3 million of State taxpayer money to the Edison corporation. Talk about the



Philadelphia School District losing money over the past umpteen years; the Edison corporation, as I understand it, from what I heard in caucus, lost money 13 out of the past 14 years, or 14 out of 14, and we just gave them \$2.3 million for a study we are not even going to wait to hear the results on before we metroline this legislation through this House.

This bill was supposed to be for nurses. This bill — we knew and Babette Josephs mentioned it earlier today — what is the plan for this bill? Is it not true that it is going to go to the Senate and we are going to take a great bill to help the nursing shortage in Pennsylvania and turn it into a bill where we can start paying janitors, and custodial workers, and other people, elevator operators, and bus drivers in Philadelphia minimum wage and break their collective-bargaining agreements? That is what this bill is about — fat cats.

### MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Mr. BELFANTI. I ask for a “no” vote on the bill, but before I do that, Madam Speaker, I am going to ask that we revert to PN 1470.

### MOTION RULED OUT OF ORDER

The SPEAKER pro tempore. Sir, that motion is not in order.

Mr. BELFANTI. Could the Speaker explain to me why that might not be in order?

### MOTION TO SUSPEND RULES

Mr. BELFANTI. Okay, Madam Speaker, I will make a motion to suspend the rules for the purpose of requesting that we revert to the nursing bill that we adopted earlier today, PN 1470.

The SPEAKER pro tempore. The motion has been made to suspend the rules to revert to a prior printer's number.

On the motion—

Mr. BELFANTI. I predict this motion will be defeated.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, the majority leader, Mr. Perzel.

Mr. PERZEL. Madam Speaker, I could bring up that 60 percent of the students fell below basic on the 2000 PSSA (Pennsylvania System of School Assessment) results in the city of Philadelphia while the State average was 20, but I will not do that, Madam Speaker. I could bring up that in fifth grade 61 percent of the kids performed below basic, and in fifth grade 59 percent fell below basic in reading.

The SPEAKER pro tempore. Would you cease a minute, sir. The motion is on suspension.

Mr. PERZEL. Well, I will not bring those things up then.

Mr. DeWEESE. Madam Speaker, I think the gentleman should be able to talk about whatever he wants to. He is the leader.

Mr. PERZEL. Madam Speaker, I would urge the members to cast a “no” vote.

The SPEAKER pro tempore. On the question, those wishing to suspend will vote “aye”; those wishing to not suspend will vote “nay.”

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

### YEAS—92

Bebko-Jones	Eachus	McCall	Staback
Belardi	Frankel	Melio	Steelman
Belfanti	Freeman	Michlovic	Stetler
Bishop	George	Mundy	Sturla
Blaum	Grucela	Myers	Surra
Butkovitz	Gruitza	Oliver	Tangretti
Buxton	Haluska	Petrarca	Thomas
Caltagirone	Hanna	Petrone	Tigue
Casorio	Harhai	Pistella	Trello
Cawley	Horsey	Preston	Trich
Cohen, M.	James	Readshaw	Veon
Colafella	Josephs	Rieger	Vitali
Corrigan	Kaiser	Roberts	Walko
Costa	Kirkland	Robinson	Wansacz
Coy	Laughlin	Roebuck	Washington
Cruz	Lederer	Rooney	Waters
Curry	Lescovitz	Ruffing	Williams, C.
Daley	Levdansky	Sainato	Williams, J.
DeLuca	Lucyk	Samuelson	Wojnaroski
Dermody	Manderino	Santoni	Wright, G.
DeWeese	Mann	Scrimenti	Yewcic
Diven	Markosek	Shaner	Youngblood
Donatucci	Mayernik	Solobay	Yudichak

### NAYS—104

Adolph	Evans, J.	Lynch	Saylor
Allen	Fairchild	Mackereth	Schroder
Argall	Feece	Maher	Schuler
Armstrong	Fichter	Maitland	Semmel
Baker, J.	Fleagle	Major	Smith, B.
Baker, M.	Flick	Marsico	Smith, S. H.
Bard	Forcier	McGill	Stairs
Barley	Gabig	McIlhattan	Steil
Barrar	Gannon	McIlhinney	Stern
Bastian	Geist	McNaughton	Stevenson, R.
Benninghoff	Godshall	Metcalfe	Stevenson, T.
Birmelin	Gordner	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Taylor, E. Z.
Browne	Harhart	Miller, S.	Taylor, J.
Bunt	Harper	Nailor	Tulli
Cappelli	Hasay	Nickol	Turzai
Civera	Hennessey	Perzel	Vance
Clark	Herman	Phillips	Watson
Clymer	Hershey	Pickett	Wilt
Cohen, L. I.	Hess	Pippy	Wogan
Coleman	Hutchinson	Raymond	Wright, M.
Cornell	Jadlowiec	Reinard	Zimmerman
Creighton	Kenney	Rohrer	Zug
Dailey	Krebs	Ross	
Dally	Lawless	Rubley	
DiGirolamo	Leh	Sather	Ryan,
Egolf	Lewis		Speaker

### NOT VOTING—5

Evans, D.	McGeehan	O'Brien	Pallone
Keller			

### EXCUSED—2

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, I rise in opposition to concurrence in SB 640, and, Madam Speaker, I vote to nonconcur for the following reasons: Number one, Madam Speaker, there is nothing in SB 640 which talks about the quality of education for children. There is nothing in the bill which talks about books for the thousands of kids in Philadelphia County and the other counties that go to school every day but do not have books, have the necessary books in order to keep up with their work. Madam Speaker, there is nothing in SB 640 that talks about the hundreds of schools in the Commonwealth of Pennsylvania that are without computers, that are without teachers who can provide instruction in technology, that are without teachers to provide young people with the kind of skills that they need to enter the current job market. Madam Speaker, there is nothing in SB 640 that talks about the classrooms where kids have to study while it is raining through the roof. There is nothing in SB 640 that talks about the many bathrooms that are unusable and unworkable in many of our schools. There is nothing in SB 640 that talks about safety and security in not just Philadelphia schools but schools throughout the Commonwealth of Pennsylvania.

Madam Speaker, we have been on a course of benign neglect when it comes to public education in the Commonwealth of Pennsylvania, and SB 640 will only aggravate if not frustrate this path of benign neglect that we have been on.

Now, the mayor of the city of Philadelphia, Madam Speaker, even though he might only be 5 foot 8, he has stood 8 foot 5 in his commitment to do all that he can to improve the quality of education in Philadelphia County. Madam Speaker, he has taken nothing and tried to work something out, and I think fairness would require that we at least give him a chance and the Governor a chance to work through this. Yes, it is true that the commitment that was made for October 31 and SB 640 are on parallel tracks; they are not on the same track. However, Madam Speaker, it is clear that implementation of SB 640 would do nothing but collide with the agreement that the mayor and the Governor reached for October 31.

Madam Speaker, fairness would require that we passed Act 46 some time ago. We have not implemented Act 46 even though more than one basic tenet of Act 46 has been violated and thereby requires the imposition of Act 46. We have not acted on that, Madam Speaker, even though we have had grounds to do that.

And so to go with the amendments that the Senate has inserted in SB 640, Madam Speaker, would be no more, no more, no more than saying that we did something some time ago; we did nothing about it, so now we are going to do something else that we probably will not have to be able to do anything about it. But, Madam Speaker, at the end of the day the question that is before every member of this House, and that

is whether or not SB 640, whether or not Donald Duck 40, whether or not Casper 40 is going to do anything about the problems facing our children, and not just in Philadelphia but throughout the Commonwealth of Pennsylvania. If you go to Northumberland County, there are problems. If you go to York County, there are problems. If you go to Chester County, there are problems. If you go to Erie County, there are problems.

Madam Speaker, I heard somebody say that in the city of Philadelphia over 50 percent of the kids fail. Well, I saw some statistics the other day where there are some school districts in Allegheny County where over 70 percent of the kids fail. I see some statistics where kids in other counties have failed more than to the tune of 50 percent. But the issue is not whether it is 50 percent, 60 percent, 70 percent, or 80 percent; the real issue is, how long will we continue to expect Cadillac performance in our public schools when we are only willing to spend Volkswagen dollars? You cannot get what you do not pay for. You cannot get what you have not invested in. You cannot get what you have not cared for.

Madam Speaker, as the sun goes down, let us stand up for the children of Philadelphia County and the Commonwealth of Pennsylvania, and as we stand up, we have to stand down on SB 640 not being able to do anything about moving public education another step forward.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Thank you, Madam Speaker.

You know, Madam Speaker, when you have been here for a certain period of time, you hear a lot of hot rhetoric from both sides of an issue, and to think about the rhetoric that you hear, you would think that the world is coming to an end, but it is clear to me, Madam Speaker, that there is a problem, and the problem, Madam Speaker, is, and this is a fact, the Philadelphia School District has a \$200-million problem. There is no one who can debate the question that the Philadelphia School District has a \$200-million problem, and each day that this debate takes place, the problem gets worse. So it is clear to me, as much as we want to continue the practice of avoidance behavior, something has to be done.

I am always the first one to say that I understand things that we do on this floor are always not perfect, but it is also clear to me that this is just the beginning. I do not believe SB 640 in concurrence by itself will fix the problem. Let me repeat that: I do not believe SB 640 will fix the problem. I think that there are some other things that have to happen, and let me tell you about the other things that I think have to happen.

Next spring, Madam Speaker, we have to address the funding issue, and this funding issue is not just unique to Philadelphia; we have to address the funding issue for all of the school districts across the Commonwealth of Pennsylvania. SB 640 is just a part of it, but the funding issue is also a major part of it.

The other thing, Madam Speaker, that is very important is the newest education committee as by HR 42. That, too, Madam Speaker, has to be a part of the solution. We have to have a long-term solution dealing with how we fund public education in the Commonwealth of Pennsylvania.

So, no, I am not under any illusion that SB 640 will solve the problems for the children of the city of Philadelphia. It will take SB 640 as a part of it; it will take the budget next year; it will take HR 42 in terms of what that committee will come up with. It is, in my view, Madam Speaker, all three of those aspects that will come up with a better system in the Commonwealth of Pennsylvania.

So I do not think just by voting on this particular bill tonight that we will solve all of the problems regarding the children of the city of Philadelphia, but I do know this, Madam Speaker: I do know that the Philadelphia School District has a deficit of \$200 million. I do know, Madam Speaker, that the city of Philadelphia has chosen not to raise its taxes to fix that problem. I know that, Madam Speaker. I know for a fact, Madam Speaker, that the Philadelphia District has not chosen to balance its budget. I understand that. I understand that the fact of the matter is that this is not the State pitted against the city or the city against the State but that the State and the city both have to work together. This is not about Democrat or Republican; this is not about left or right. This is about 200,000 children in the city of Philadelphia.

I am saying to you, Madam Speaker, no matter whatever side you are on on the issue, it is clear to me that SB 640 is an attempt to move into a certain direction. Does it do everything I would like to see it do? No, it does not do everything I would like to see it do, but I am saying to you that it at least begins to do something. And for those who run around and say, well, it does not talk about class size and professional development and all those kinds of things, let me just say this to you: We have not talked about class size in the Philadelphia School District in a long time. We have not talked about professional development; we have not talked about training and recruitment of teachers. Most of the discussion I have heard about is adult type of discussion, not a discussion focused on children.

So I am clear that, no, SB 640 by itself does not deal with the issue of children. I am clear that SB 640, the budget negotiations, and HR 42, in my view, Madam Speaker, is how we begin to change this education system. This is not a new debate. This debate has been going on for a long time, and it will continue to go on for a long time.

So I, Madam Speaker, do not necessarily think that Mr. Perzel is completely wrong and I do not think that Mr. Cohen is completely wrong. We can agree to disagree, but I am saying to you that what I plan to do is vote for concurrence of SB 640, vote for concurrence on the basis that I understand that this is only part of the solution. So anybody who would tell you that they think SB 640 by itself is going to solve the problems for the children of the city of Philadelphia, I would tell you that they are wrong. Anybody who tells you that we cannot do this without teachers and principals and parents, well, I would tell you that they are wrong. But what I will tell you, Madam Speaker, is that it is a part of a total package. It is not just one aspect. It is what takes place in the budget negotiations, and it is clear to me, Madam Speaker, that there is going to have to be more money. Now, I have said that before. It is clear to me that we are going to have to change the way we fund public education, not just for Philadelphia but for rural Pennsylvania and for suburban Pennsylvania.

So let us, let us, let us for some reason— You know, we had a lot of voices raised today and you would think the sky is going to drop, but it is clear, if you ask the parents of the kids of the

city of Philadelphia, that there is a problem, and no one can refute that there is a \$200-million problem. No one can get away from the fact if we do not address this, in 5 years it will be \$1.5 billion. No one has dealt with that, and I am clear that SB 640 does not address the funding issue. I am very clear about that.

So I vote with a very clear conscience that this is not the end of the debate. This is just the beginning. The debate will be taking place in the spring with the budget and the debate will take place when this House comes back with a report on how we are going to fund public education.

So in closing, in closing, I would hope— Madam Speaker, can I get a little order, please?

The SPEAKER pro tempore. Could we have quiet in the hall of the House. The gentleman does deserve to be heard.

Mr. D. EVANS. Madam Speaker, I would hope, I would hope just one time, just one time, that we would step back and that we would fundamentally try, just one time, to recognize that this is not Democrat or Republican. This is not just Schweiker's problem; this is not just Street's problem; this is not just John Perzel's problem; this is not Bill DeWeese's problem; this is not Dwight— This is all of our problem. This is not a he-versus-she problem; this is not liberal versus moderate or conservative. This is all of our problem, and I am very clear, SB 640, for all of you who run around, who think that the world and the bottom is going to drop out in Philadelphia if you pass 640, you are wrong. And for those who vote for it and they think that it is going to solve the problem, you, too, are wrong. It is clear to me that it will take 640, it will take the budget negotiations, and it will take HR 42 to address the children of this State. You know it and I know it.

Vote "yes" for 640. Thank you.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, many members on the Democratic side have, I think, argued passionately and eloquently for reasons to oppose this bill in front of us here tonight, and I do not want to repeat the points that they made. I would like to focus on one narrow point for the moment, Madam Speaker.

Madam Speaker, I think it is clear to me under existing Empowerment Act law and under SB 640 in front of us today that under neither of these bills — existing law Empowerment Act; SB 640 — in my judgment, in neither case would you be able to negate a contract for a teacher in the city of Philadelphia. I mean, that is very clear under the Empowerment Act, and I think a lot of members, certainly on the Democratic side, fought hard to make sure that that language was in that law when we passed it. And, Madam Speaker, I think it is clear to me under reading this bill in front of us here tonight that in fact once again you could not negate the contract for a teacher in the city of Philadelphia under the language that is in front of us here tonight if this bill were to pass. But, Madam Speaker, also even a casual reading of this bill in front of us here tonight makes it very clear to me and I think very clear to anyone who would take a casual look at this part of the bill that you could in fact negate existing contracts for janitors, bus drivers, cafeteria workers.

Madam Speaker, I would submit that those hardworking people in the city of Philadelphia, putting their time in every

day for very average wages at best, and in fact the kinds of workers who have very little to do on a day-to-day basis with the quality of education in Philadelphia day to day but still are a very important part of the school fabric, the school community, in the city of Philadelphia, thousands of hardworking people that get up every day and go to work, Madam Speaker, I would submit that it is very clear to me that with very clear intent there is language in this bill in front of us tonight that would allow those contracts to be negated, and I suspect for the purpose of contracting out for the services of bus drivers, janitors, and cafeteria workers. Madam Speaker, I would hope that this House is prepared to at least protect those workers if we are going to pass this bill here tonight, and I think we all know there are enough votes here to pass this bill, but I would hope that we would at least protect those workers who get up every day, go to work, and do a very good job in the city of Philadelphia.

### MOTION TO SUSPEND RULES

Mr. VEON. Madam Speaker, to correct the problem that is very clear to me in this bill, I would like to make a motion to suspend the rules to remove the language that allows for a contract to be abrogated, to be negated, for those hardworking bus drivers, cafeteria workers, and janitors in the Philadelphia School District. I would like to make a motion to suspend the rules so that I can offer an amendment to protect those workers in the city of Philadelphia with the language in this amendment right here in front of me tonight.

The SPEAKER pro tempore. Could you give us the amendment number, please?

Mr. VEON. It would be amendment No. 3812.

The SPEAKER pro tempore. The question before the House is the suspension of the rules in order to be able to offer amendment 3812.

On the question,

Will the House agree to the motion?

Mr. VEON. Thank you, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, again, we need to suspend the rules if we are going to protect those workers in this school district. We have to suspend the rules to take out this offensive language that literally is going to allow these workers to get run over in this process that we are about to pass here in SB 640. These workers will lose their jobs by the thousands. It is not fair; it is not right. Suspend the rules. Give us a chance to fix it right here tonight. Let us protect those hardworking people in the city of Philadelphia and the Philadelphia School District.

I ask for a "yes" vote on the motion to suspend the rules. Thank you, Madam Speaker.

The SPEAKER pro tempore. On the question of suspension, the Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Madam Speaker, I guess, first off, we have a bill before us that does not take over anything. It makes a few changes to the existing Act 46, but I would believe with all my heart that no matter what you do, you need bus drivers, janitors, and cafeteria workers in the public schools in Philadelphia and everywhere else in the Commonwealth of Pennsylvania, and unless the gentleman's amendment goes back to 693, special

powers of a board, Title 24 in the Education Code, act of 1959, and changes that, his does not change anything. We only carried forward whatever the language was from the act of 1959, Madam Speaker.

So I would respectfully ask all the members to vote "no" on the motion to suspend the rules.

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

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I just would suggest that the gentleman is incorrect. There is very specific language that is in this bill that is in front of us here today on page 27, lines 26 and 27, that again even a casual reading of this language would make it very clear that you could in fact negate the contracts. I think it is necessary to suspend the rules because it is a mistake to contract out these services for minimum-wage jobs at best.

Madam Speaker, the gentleman suggested unless I would go back to the language in the Empowerment Act — I think that is what the gentleman suggested — that I would not be able to accomplish what I am trying to accomplish, and in fact that is what I am trying to do. There is new language in this bill, Madam Speaker, that in my judgment, unless we suspend the rules, will in fact lead to contracts being negated, abrogated, for these hardworking public employees in the city of Philadelphia.

So again I would ask for an affirmative vote, and I would suggest the gentleman is incorrect on his reading of the language of this bill.

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

Mr. PERZEL. Thank you, Madam Speaker.

On page 27 of the act, in my limited time here I was taught unless it was underlined, it was not a change, and if you go to line 26, number (5), "[NOTHING] EXCEPT AS SPECIFICALLY PROVIDED IN SECTION 693, NOTHING..." What that means, Madam Speaker, is the Democrat Governor back in 1959 added this language in. We only put it into our bill to correspond back to "specifically provided in section 693." So unless you change the act of 1959, which the gentleman cannot do this evening, you cannot do what he wants to do. So I am urging the members to vote "no" on the motion to suspend the rules.

### THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The question before the House is suspension of the rules, not the debate on the proposed amendment. So I am asking the gentlemen, both gentlemen who have had an equal opportunity to frankly debate, to cease the debate and get back to suspension of the rules.

On the question of suspension— I am glad I was right on time. On the question of suspension of the rules, those in favor of suspending the rules—

### LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who asks that the gentleman, Mr. O'BRIEN, be placed on leave for the balance of tonight's session. Without objection, leave will be granted.

**CONSIDERATION OF SB 640 CONTINUED**

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

The following roll call was recorded:

**YEAS—95**

Bebko-Jones	Evans, D.	McGeehan	Staback
Belardi	Frankel	Melio	Steelman
Belfanti	Freeman	Michlovic	Stetler
Bishop	George	Mundy	Sturla
Blaum	Grucela	Myers	Surra
Butkovitz	Gruitza	Oliver	Tangretti
Buxton	Haluska	Pallone	Thomas
Caltagirone	Hanna	Petrarca	Tigue
Casorio	Harhai	Petrone	Trello
Cawley	Horsey	Pistella	Trich
Cohen, M.	James	Preston	Veon
Colafrèlla	Josephs	Readshaw	Vitali
Corrigan	Kaiser	Rieger	Walko
Costa	Kirkland	Roberts	Wansacz
Coy	Laughlin	Robinson	Washington
Cruz	Lederer	Roebuck	Waters
Curry	Lescovitz	Rooney	Williams, C.
Daley	Levdansky	Ruffing	Williams, J.
DeLuca	Lucyk	Sainato	Wojnaroski
Dermody	Manderino	Samuelson	Wright, G.
DeWeese	Mann	Santoni	Yewcic
Diven	Markosek	Scrimenti	Youngblood
Donatucci	Mayermik	Shaner	Yudichak
Eachus	McCall	Solobay	

**NAYS—104**

Adolph	Evans, J.	Lynch	Saylor
Allen	Fairchild	Mackereth	Schroder
Argall	Feese	Maher	Schuler
Armstrong	Fichter	Maitland	Semmel
Baker, J.	Fleagle	Major	Smith, B.
Baker, M.	Flick	Marsico	Smith, S. H.
Bard	Forcier	McGill	Stairs
Barley	Gabig	McIlhattan	Steil
Barrar	Gannon	McIlhinney	Stern
Bastian	Geist	McNaughton	Stevenson, R.
Benninghoff	Godshall	Metcalfe	Stevenson, T.
Birmelin	Gordner	Micozzie	Strittmatter
Boyes	Habay	Miller, R.	Taylor, E. Z.
Browne	Harhart	Miller, S.	Taylor, J.
Bunt	Harper	Nailor	Tulli
Cappelli	Hasay	Nickol	Turzai
Civera	Hennessey	Perzel	Vance
Clark	Herman	Phillips	Watson
Clymer	Hershey	Pickett	Wilt
Cohen, L. I.	Hess	Pippy	Wogan
Coleman	Hutchinson	Raymond	Wright, M.
Cornell	Jadlowiec	Reinard	Zimmerman
Creighton	Kenney	Rohrer	Zug
Dailey	Krebs	Ross	
Dally	Lawless	Rubley	
DiGirolamo	Leh	Sather	
Egolf	Lewis		Ryan, Speaker

**NOT VOTING—1**

Keller

**EXCUSED—3**

LaGrotta      O'Brien      Travaglio

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman from Philadelphia, Mr. James.

**PARLIAMENTARY INQUIRY**

Mr. DeWEESE. Mr. Speaker, point of parliamentary inquiry.  
The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Keller was in his seat and did not vote.  
Is that appropriate, sir?

The SPEAKER. No. If the gentleman is in his seat, he should be voting. You know that, Mr. DeWeese. I did not notice it. I did not pay particular attention to it.

**VOTE CORRECTION**

The SPEAKER. Mr. Keller.

Mr. KELLER. I was in the back, Mr. Speaker. I could not get to my button. I will be voted in the negative.

The SPEAKER. The Chair thanks the gentleman.

**CONSIDERATION OF SB 640 CONTINUED**

The SPEAKER. On the question, Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the majority leader?

The SPEAKER. The gentleman, Mr. Perzel, indicates he will stand for interrogation. Now, the question before the House is on concurrence. The debate should be on the amendments inserted by the Senate to the House amendments. Please restrict the debate to these subjects.

Mr. James.

Mr. JAMES. Well, then maybe I should just ask for a parliamentary inquiry, just because I am not sure about the question—

The SPEAKER. Well, will the gentleman state his point of parliamentary inquiry.

Mr. JAMES. Okay. I wanted to ask whether or not the majority leader could tell me, if this passes, does that mean that the School District of Philadelphia is privatized?

The SPEAKER. Well, that is not a parliamentary inquiry, but it is probably a fit question for interrogation. Does the gentleman, Mr. Perzel, care to answer that question?

Mr. PERZEL. The answer is no, Mr. Speaker. The only way the school district could be taken over is if the Governor decided at some point in time in the future to take the school district over. As we all know, they are still in negotiations. They are trying to work it out. We are making a couple small changes, so if there would be a takeover, the Governor would have more powers. Hopefully that never occurs. But the answer is, right now, no; nothing is taken over no matter what we vote on this evening.

Mr. JAMES. Thank you.

May I make a comment on the—

The SPEAKER. The gentleman is in order on the question of concurrence.

Mr. JAMES. Mr. Speaker, I just rise to oppose that, because, you know, it just appears to me after hearing Representative Josephs ask earlier about the nurses, and then it went over to the Senate and came back that we have this now going to a takeover of our school system, that it just seems that there is something that smells about this, and it is not fish. I would just hope that maybe tomorrow the cartoons in the papers will show that after the Governor had met with our mayor yesterday, maybe today, and did not see this coming and did not tell us about it; we just found out about it, that maybe the cartoons will show that the Governor is slapping Philadelphia in the face and the House of Representatives is getting ready to kick us in the butt. So since I feel that way, I would encourage my colleagues to be opposed to this concurrence. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Roebuck, on the question of concurrence.

Mr. ROEBUCK. Thank you, Mr. Speaker.

We have before us a proposal that pretends to be something that it is not. It pretends to be a bill that talks about improving the education of schoolchildren in the city of Philadelphia, if not more importantly in the State. Unfortunately, Mr. Speaker, it is not about education; it is in reality about politics, plain and simple. Someone previously said that it is not about Democrat and Republican. The reality is, it is in fact about Democrat and Republican. It is about politics. It is not about kids. Let us understand very clearly whom we are talking about, Mr. Speaker, because I represent a part of Philadelphia. But more importantly, let us look at those kids who are impacted by what we are doing.

It is very strange to me, Mr. Speaker, that we look at the list of empowerment districts in this State, that you look at those districts and the predominant number of the students going to school in those districts are African Americans. There is something fundamentally wrong about the way we are doing education in this State, and this bill, this amendment, this proposal, does nothing to address that. It does not speak clearly to what we need to speak to, and it certainly serves to further disadvantage those students.

Let us understand, we can talk about school class size; we can talk about better teachers; we can talk about kindergarten; we can talk about all those things, but they are not in this bill, and indeed there is no willingness on the part of us this evening to deal with those fundamental issues that we all know make a difference.

Tell me, Mr. Speaker, how does the creation of a school reform committee improve the education of kids in my district? Tell me, how does it address the problem of inequality of education in this State? Tell me, Mr. Speaker, how anyone in good conscience can vote for this bill and pretend that it advances a dialogue about improving education when it does not address what we all know needs to be done. We need to end this sham, Mr. Speaker. We need to speak to the issues we all know should be addressed. They are hard issues. They are not easy. They might cost money, but I am tired, Mr. Speaker, that for too long, students in this State, particularly black students, have been disadvantaged by the kinds of policies that we continue to advance in this legislative body. It is wrong,

Mr. Speaker, it is morally wrong, and it strikes at the very conscience and soul of this body, and we ought to be doing a better job.

We ought to reject this proposal, Mr. Speaker. We ought to go back and do it right. We ought to do it for our kids, for all the kids of this Commonwealth, because we should truly care about those kids. They all deserve the opportunity to succeed, and they should not be put in the position that this bill proposes to do.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Thomas, for the second time; then Ms. Washington; then Mr. Taylor.

Mr. THOMAS. Mr. Speaker, I heard somebody over here say, oh man; if we have to be here all night to take care of kids and their future, then we will be here all night.

Mr. Speaker, I stand only to offer a recommendation. I know that many of us—

The SPEAKER. Mr. Thomas, Mr. Thomas, please. The question is concurrence.

Mr. THOMAS. Yes; thank you, Mr. Speaker.

The SPEAKER. Not recommendations, concurrence.

Mr. THOMAS. Yes.

The SPEAKER. Thank you.

Mr. THOMAS. In this great State of Pennsylvania we have two excellent football teams. Last night we witnessed one — the Philadelphia Eagles — hang in there, hang in there, until they pulled it out against the Giants for, I think, something like nine times they had lost. And, Mr. Speaker, on nonconcurrence, I ask that we step back from 640, allow the mayor of Philadelphia, allow the good people of the city of Philadelphia, to work at, to hang in there, to make a difference in the way education is delivered in Philadelphia County, and I assure you that if we hang in there and keep working at this, that eventually we will score the kinds of touchdowns that will put an end to the denial of quality of education in Philadelphia and have something to duplicate in the rest of the State.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Mr. Thomas.

The Chair recognizes the lady from Philadelphia County, Ms. Washington.

Ms. WASHINGTON. Thank you, Mr. Speaker.

I rise in opposition to concurrence on SB 640. You know, a couple months ago we were asked to vote for the Empowerment Act because we recognized that there needed to be a change in the current school system, but now we are here talking about this 640 concurrence Senate bill, and there is nothing in there for children. You know, one of the things I would like to see is us get together and come up with a definite plan that would be a positive plan that would talk about education and how we educate our children and not how we do contracts.

So there are a lot of things that have been said here today, and I do not want to be redundant because everybody wants to go home, but we need to recognize that the PFT (Pennsylvania Federation of Teachers) is against this, the mayor of the city of Philadelphia is against it, and we are against it, and I just ask people not to vote for this Senate bill, to send it back where it came from, and let us take some time to have some hearings on what real school education should be.

Thank you.

The SPEAKER. The Chair thanks the lady.

The gentleman, Mr. Taylor, then Mr. Belfanti, and Veon.

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, during the debate tonight we had a little bit of a good time. We heard the Great Karnak, and we were hootin' and hollerin' and making a lot of references which entertained the members. But I can assure the entire body something that they probably already know, that this problem is no joke. We have the dual problem of dismal performance and staggering deficits, and while I do not doubt the mayor's sincerity in wanting to solve this problem, we have to remember that he vetoed \$45 million that the council proposed to help this district.

One of our previous speakers said, how does it help that we are putting a reform board in place? It helps because the people that are running this show now are not getting the job done. That is how it helps. There is nothing about this bill that will prevent any negotiations going on between the Governor and the mayor to continue. It does not affect an October 31 deadline. It does not prevent us accepting the report and absorbing the report. But what it does is change— There is no doubt about it. This does give long-term power to a different group, but if we are going to take this step to have the State come in and take over this district, why would we do it for a mere 12 months if we are sincere about the process? We need to put the board into place that will give this process some stability, some long-term chance of surviving, and that is fundamentally what this bill does. After it is all said and done, this puts a group into place that is going to stay in place for some time if — if — that is necessary. Nobody wants this to happen, but this is nothing new. We started this process in 1998. The figures of the performance of those kids were bad then; the deficit was bad then. Both items are worse now.

One proviso: I would just like to add that I do not think we can nor we should balance any budget on the backs of the very people that we were talking about earlier in terms of bus drivers and janitors and cafeteria workers. That is not going to solve the problem. All those schools are going to need those people. I cannot imagine that those people will be negatively affected, and if they are, we can step up and attempt to change it at that time. But this is another step in the process; it is an important step, and I urge your concurrence.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, would the majority leader stand for a brief interrogation?

The SPEAKER. The gentleman, Mr. Perzel, indicates he will stand for interrogation. You may begin, on the question of concurrence.

Mr. BELFANTI. Thank you, Mr. Speaker.

A few moments ago the majority leader was asked the question as to whether or not the passage or adoption of SB 640 could somehow eventually lead to the privatization of certain Philadelphia schools, and I believe his answer was a flat no. I am going to skip over that one for a second, because replete in the majority leader's responses to almost all of our interrogations this evening, he made mention of the fact that this bill is designed to make a few small changes to give the Governor more power to react to this problem, and therein lies the rub. If we are to give the Governor a bit more power in case the mayor and he do not work things out, why then does the Governor, this Governor, who has 14 months left, get two 7-year-term appointees to the commission, one 5-year, and one

3-year appointment? What about the next Governor 14 months or 15 months from now who would like to be able to remedy the Philadelphia School District problem? He will have no tools at his disposal because he will be stuck with a commission that was appointed by a lameduck Governor. Is that not the case?

Mr. PERZEL. That is correct.

Mr. BELFANTI. That is correct. I predicted that.

So we are going to give the Governor, the 14-month lameduck Governor, some tools for the next 7 years or the next 5 years, and his term expires in 14 months. The next Governor, who would like the ability to address the Philadelphia school problem, will have no ability unless we repeal this act. Is that not correct? The commission will call all the shots for the next Governor and the next Secretary of Education.

Mr. PERZEL. For the next 5 to 7 years. I have explained that several times, Mr. Speaker.

Mr. BELFANTI. Well, then I do not understand that, because we have established a lot of boards and commissions—

The SPEAKER. Mr. Belfanti, are you speaking on the question of concurrence now?

Mr. BELFANTI. Yes, Mr. Speaker.

The SPEAKER. You have ceased interrogation, I think.

Mr. BELFANTI. Yes, Mr. Speaker. I will—

The SPEAKER. The gentleman is recognized.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as long as I have been here — 11 terms — I have seen many boards and commissions established by this House and the Senate, and typically the longest member of any commission or board is 5 years, and the boards are always staggered so that the oldest or the longest appointee is a 5-year term, and there may be a 4, a 3, a 2, and a 1 on any commission. This board is so unilaterally stacked, four to one, one appointment by the mayor — one appointment by the mayor — for a 3-year term, and a lameduck Governor, who just a week ago told members of this caucus that he wanted to work with us on the Philadelphia issue, is going to control this board for the next 4 years, or the next 5 years, at least. That alone is reason to vote against this legislation.

But in response to the majority leader's answer to the previous question by one of my colleagues about the ability for nonprofits to take over parts or all of the Philadelphia School District, there is a chain of events which can easily occur as a result of the last two bills, tonight's bill, and probably the big-money bill which is coming down the pike next year. And again, if the members would just look at page 24, lines 3 to 6, page 24, lines 25 and 26, and page 25, lines 6 through 8, it is crystal clear that built in the language of this legislation there is a long-term likelihood that many of the Philadelphia schools can be first converted into charter schools and then operated by for-profit entities who will not have any strings on them to ensure that 100 percent of the subsidy we give, unlike a nonprofit entity, 100 percent of the State taxpayer subsidy will go into the schools. It will be allowed to skim off the top of that State taxpayer dollar 20 or 25 percent, and that is just wrong, Mr. Speaker.

For those reasons I am once again going to urge my colleagues to vote "no" on SB 640 as amended by the Senate.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes, for the second time, the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I wish that the Great Karnak had another opportunity to speak at the microphone here tonight, but since he does not, I just want to say again, Mr. Speaker, how strongly I feel about this particular provision, and I do predict that these workers will lose their jobs; they will be contracted out; their jobs will be privatized. And really, the folks who make the least amount of money in this school district are going to pay for this bill that we pass here tonight since we did not suspend the rules for the purpose of offering my amendment, and, Mr. Speaker, that is a mistake. I just want to reiterate that again. I do predict that it will happen, and it is because of this vote that we took here tonight, that the Republican Party did not allow us to protect those hardworking janitors, cafeteria workers, and bus drivers in the city of Philadelphia. They will lose their jobs, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. DeWeese, desire recognition? The Chair sees no other members standing.

The gentleman, Mr. DeWeese, is recognized on the question of concurrence.

Mr. DeWEESE. Thank you, Mr. Speaker.

I would ask for a nonconcurrence vote for the nine following reasons:

Number one. This is just another commission. That is all it is. It really does not solve our problem.

Number two. There is nothing in here for Greene County or Fayette County or Washington County. There is nothing in here for the Bloomsburg area. There is nothing in here for Snyder and Pike and Union. This is a Philadelphia bailout. The guy who switched parties the other day thought he would run over and get in with the good old boys, the rural Republicans. All we are doing here is trying to bail out Philadelphia with this vote.

Number three. Mr. Veon's remarks on collective bargaining are right on the bull's-eye. It can be repeated innumerable times, but one more will not hurt. If you vote to concur tonight, you are voting to lacerate the jobs of many hundreds of bus drivers and cafeteria workers. There is no doubt in my mind. As has been said from this microphone on many occasions over the last several hours, the teachers will probably be protected except through attrition, and then those numbers will constrict. So this message inherent in 640 is fraught with peril for our brothers and sisters in organized bargaining units.

Number four. The school board in Philadelphia is neutered. I cannot remember the anecdote about eunuchs making love, but school board members in Philadelphia will not have much to do if this passes tonight.

Number five. Nothing, nothing that we are doing here tonight has anything to do with reduction of class sizes, has nothing to do with kindergarten children, has nothing to do with enhancing technologies within our school systems, nothing to do with teacher development. There is no language for parental input.

Mr. Speaker, the sixth reason I am against this is that the Governor has the ability tonight without this legislation to take over the Philadelphia school system. This is superfluous.

Number seven. Mayor Street had made a gentleman's agreement and the Edison people are doing a study, a \$2.7-million study, and this rush to judgment 8 days ahead of time before the proposal is delineated is not necessary, especially with the language currently on the statute books.

This Governor has the ability to intervene in Philadelphia as we speak.

The eighth reason that I am against this measure, Mr. Speaker, is money, and that is a big one. All you folks, including my doe-eyed friends in the back rows, and that guy that beat Joe Battisto up in Monroe and that guy that prevailed up in Williamsport, they kept talking, they kept talking again and again and again about Philadelphia. In fact, some of them used Eddie Rendell's picture with his arms around our members, and they beat up Philadelphia with great, unremitting gusto. If you vote for this tonight, we will make sure we keep, we will make sure we keep that tally. We will make sure that you also vote to raise the revenue to pay for the mischief that you are engendering tonight. Otherwise, I cannot imagine that you will be disingenuous and vote for a process that will inherently and inexorably call for revenue to be raised. I want that Monroe County fellow that is going to vote "yes" tonight in all probability on concurrence to vote "yes" when it comes time to paying for it down the line.

And the last reason — number nine — the last reason I am for this is Tom Ridge and his protege had 7 years to involve themselves successfully in this dilemma. As was said by Mr. Samuelson earlier in the evening, we have a constitutional mandate to respond to our school systems, 501 of them. This administration has tried to use vouchers and privatization methodologies, and they have worked very vigorously in those directions, but they have done nothing, done nothing to augment the quality of education in the city of Philadelphia for the last 7 years.

For these reasons, Mr. Speaker, I will vote to nonconcur, but I cannot wait for the day many, many months from now when in this same chamber some of these GOP stalwarts who are going to vote for concurrence tonight will be asked to pay the piper.

The SPEAKER. The Chair thanks the gentleman.

Mr. PERZEL. Thank you, Mr. Speaker.

I would just like—

The SPEAKER. Mr. Perzel.

Mr. PERZEL. —the minority leader to understand that I am not afraid of you and neither are my members afraid of you, Mr. Speaker. This is the brave thing to do, and it is the right thing to do.

You said nobody would benefit by anything that is in this bill. Well, read the bill. If you are from Fayette or Greene or Westmoreland or Butler or Monroe or Blair, there is something in here for you. It is critical to note that in this bill is contained the language that implements the various medical education loan programs we enacted in the tobacco settlement. They are in there, Mr. Speaker, and it transfers \$8 million needed for those critical programs to PHEAA (Pennsylvania Higher Education Assistance Agency) to give out, Mr. Speaker. With the shortage of doctors, especially in our rural and urban areas, and the critical shortage of nurses we all know that we face across this Commonwealth, this provision is vital to the future health and economic well-being of our Commonwealth.

Mr. Speaker, I would urge the members to cast a "yes" vote on SB 640. Thank you.

On the question recurring,

Will the House concur in Senate amendments to House amendments?



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

The following roll call was recorded:

## YEAS—116

Adolph	Evans, J.	Maher	Schroder
Allen	Fairchild	Maitland	Schuler
Argall	Feese	Major	Semmel
Armstrong	Fichter	Markosek	Smith, B.
Baker, J.	Fleagle	Marsico	Smith, S. H.
Baker, M.	Flick	Mayernik	Stairs
Bard	Forcier	McGill	Steil
Barley	Gabig	McIlhattan	Stern
Barrar	Gannon	McIlhinney	Stevenson, R.
Bastian	Geist	McNaughton	Stevenson, T.
Benninghoff	Godshall	Metcalfe	Strittmatter
Birmelin	Gordner	Michlovic	Tangretti
Boyes	Habay	Micozzie	Taylor, E. Z.
Browne	Harhart	Miller, R.	Taylor, J.
Bunt	Harper	Miller, S.	Tigue
Cappelli	Hasay	Nailor	Trello
Cawley	Hennessey	Nickol	Trich
Civera	Herman	Perzel	Tulli
Clark	Hershey	Phillips	Turzai
Clymer	Hess	Pickett	Vance
Coleman	Horsey	Pippy	Watson
Cornell	Hutchinson	Raymond	Wilt
Corrigan	Jadlowiec	Reinard	Wogan
Creighton	Keller	Roberts	Wright, M.
Dailey	Kirkland	Rohrer	Zimmerman
Daley	Krebs	Ross	Zug
Dally	Leh	Rubleby	
DiGirolamo	Lewis	Sather	
Egolf	Lynch	Saylor	Ryan,
Evans, D.	Mackereth		Speaker

## NAYS—84

Bebko-Jones	Eachus	McCall	Shaner
Belardi	Frankel	McGeehan	Solobay
Belfanti	Freeman	Melio	Staback
Bishop	George	Mundy	Steelman
Blaum	Grucela	Myers	Stetler
Butkovitz	Gruitza	Oliver	Sturla
Buxton	Haluska	Pallone	Surra
Caltagirone	Hanna	Petrarca	Thomas
Casorio	Harhai	Petrone	Veon
Cohen, L. I.	James	Pistella	Vitali
Cohen, M.	Josephs	Preston	Walko
Colafella	Kaiser	Readshaw	Wansacz
Costa	Kenney	Rieger	Washington
Coy	Laughlin	Robinson	Waters
Cruz	Lawless	Roebuck	Williams, C.
Curry	Lederer	Rooney	Williams, J.
DeLuca	Lescovitz	Ruffing	Wojnaroski
Dermody	Levdansky	Sainato	Wright, G.
DeWeese	Lucyk	Samuelson	Yewwic
Diven	Manderino	Santoni	Youngblood
Donatucci	Mann	Scrimanti	Yudichak

## NOT VOTING—0

## EXCUSED—3

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

Ordered, That the clerk inform the Senate accordingly.

## SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1603, PN 2743**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

REPUBLICAN AND DEMOCRATIC  
CAUCUSES

The SPEAKER. It is the understanding of the Chair that both the Republican and Democratic Caucuses will meet tomorrow morning at 10:30 a.m. Is that accurate, Mr. Cohen? Mr. Argall? There will be a voting session tomorrow.

Does the majority leader or minority leader have any further business to bring before the House? Do any of the committee chairmen have announcements on meetings? Do any of the members have corrections to the record?

## VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

On the motion to suspend the rules, I am recorded as a nonvote. It is with regret that I was unable to reach my button in time. I would have been voted in the affirmative. That would have been on SB 640, I guess.

## BILLS PASSED OVER

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

## ADJOURNMENT

The SPEAKER. Any further corrections to the record? Any announcements?

Hearing none, the Chair recognizes the gentleman from Cumberland County, Mr. Gabig.

Mr. GABIG. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 24, 2001, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 9:57 p.m., e.d.t., the House adjourned.