

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 7, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 40

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH) PRESIDING

PRAYER

The SPEAKER. This morning the prayer will be offered by Rev. Duncan Johnston, Mount Calvary Episcopal Church, Camp Hill, PA.

REV. DUNCAN H. JOHNSTON, Guest Chaplain of the House of Representatives, offered the following prayer:

Almighty and eternal God, You are a God of grace, compassion, and justice. We come before You this day as Your humble servants. We confess the frailty of our human minds and the waywardness of our hearts. At the opening of this session, we lift to You the people of this Commonwealth. We ask that all that is discussed and decided in this chamber this day would be done with the good of the Commonwealth at heart, that all pride, self-seeking, and divisiveness would be trumped by compassion for the weak and mercy for the poor. We ask for Your wisdom to indwell the members of this House, that party spirit might be overcome by mutual love and common service. You have called men and women to steward Your creation and manage Your world for the peace of all people.

We ask You to inspire the members of this House, that they may respond to Your call to leadership with integrity and sacrifice. At the close of this day's business, may they rest content that they have sought the well-being of our communities, the establishment of true justice, and the nurture of genuine peace throughout our Commonwealth. We ask these things, for You are a God who delights to do good and rejoices in Your people. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 6, 2011, will be postponed until printed.

BILLS REREPORTED FROM COMMITTEE

HB 10, PN 1957

By Rep. ADOLPH

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for title, for legislative findings, for definitions, for port authorities, for board, for eminent domain, for conveyance and for integrated operation; providing for exclusive jurisdiction and for report; and making editorial changes.

APPROPRIATIONS.

HB 864, PN 902

By Rep. ADOLPH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Pedalcycle and Pedestrian Advisory Committee.

APPROPRIATIONS.

HB 1021, PN 1751

By Rep. ADOLPH

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for sole source procurement and for competitive selection procedures for certain services.

APPROPRIATIONS.

HB 1304, PN 1955

By Rep. ADOLPH

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for powers of the authority.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1030, PN 1293 (Amended)

By Rep. MILLER

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 definitions and for relief from charges and for establishment and maintenance of employer's reserve accounts; providing for automatic relief from charges; further providing for qualifications required to secure compensation, for ineligibility for compensation, for rate and amount of compensation, for definitions and for rules of procedure; and providing for shared-work program and for applicability.

LABOR AND INDUSTRY.

SENATE MESSAGE

**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
June 6, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 13, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 13, 2011, unless sooner recalled by the Speaker of the House of Representatives.

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

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

The SPEAKER. The members will please report to the floor.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. HESS, from Bedford County for the day, and the gentleman, Mr. PETRI, from Bucks County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for: the gentleman, Mr. KORTZ, from Allegheny County for the day; the lady, Ms. BISHOP, from Philadelphia County for the day; the gentleman, Mr. SAMUELSON, from Northampton County for the day; and the gentleman, Mr. GALLOWAY, from Bucks County for the remainder of the week. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Dunbar	Knowles	Ravenstahl
Aument	Ellis	Kotik	Readshaw
Baker	Emrick	Krieger	Reed
Barbin	Evankovich	Kula	Reese
Barrar	Evans, D.	Lawrence	Reichley

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bishop	Hess	Petri	Samuelson
Galloway	Kortz		

LEAVES ADDED—3

Boyle, B.	Mustio	Wheatley
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LEAVES CANCELED—2

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

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome some guests that are with us today. Located to the left of the rostrum, the Speaker welcomes Maryann Bond, Roman Bond, Joe Vizza,

and Kevin Lindsay. They are here today as guests of Representative Harper and Representative Briggs. Will our guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, we welcome representatives from AARP, Mary and Len Bach. They are guests of Representative Joe Markosek. Welcome to the hall of the House.

Also to the left of the rostrum, we welcome some interns from Representative Turzai's district office: Ryan Nelson, Daniel Bozik, Sophia Ciocca, and Tom Eck. Will our guests please rise. Welcome to the hall of the House.

We would also like to welcome Jared Rife. Jared is currently serving as an intern at the House Archives. He is a doctoral student in American studies at the Penn State University. Jared and his family reside in West Hanover Township. He is the guest of Representative Marsico. Along with Jared, with him today is his supervisor, Jesse Teitelbaum. Will our guests please rise. Welcome to the hall of the House.

In the well of the House, we have some guest pages. We would like to welcome Sarah and Elizabeth Krieger. They are the daughters of Representative Tim Krieger. Welcome to the hall of the House, girls.

Also as guest pages, we have Elias Deitrick and Elijah Seidel. They are here with their mothers, Paula Deitrick and Ginger Seidel, who are located to the left of the Speaker. All of these folks are guests of Representative Kurt Masser. Welcome to the hall of the House.

Up in the gallery, as guests of Representative Shapiro, we have several guests: Anthony Coletta, Jamie Gershkow, Isaac Hof, Nathaniel Koonce, Alex Rubenstein, Laura Souchik, John Belina, and Cherelle Glimp. Will our guests please rise. Welcome to the hall of the house. They are located clear on the far side here.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. MURT called up **HR 293, PN 1913**, entitled:

A Resolution congratulating the Pennsylvania Dental Association for its efforts to improve access to dental care.

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Mr. GIBBONS called up **HR 299, PN 1919**, entitled:

A Resolution recognizing the 40th anniversary of the Occupational Safety and Health Administration.

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Mr. EVERETT called up **HR 314, PN 1942**, entitled:

A Resolution recognizing Lycoming County for receiving the designation by Safe Communities Canada as the world's 201st International Safe Community.

* * *

Mr. MARKOSEK called up **HR 317, PN 2004**, entitled:

A Resolution recognizing the many hours that American Association of Retired Persons (AARP) members, particularly volunteers, give in an effort to assist their fellow citizens and encouraging the American Association of Retired Persons and its members to continue to help citizens of this Commonwealth make the most out of life after 50 years of age and to, in the words of American Association of Retired Persons founder Ethel Percy Andrus, "serve and not be served."

* * *

Ms. DONATUCCI called up **HR 318, PN 2005**, entitled:

A Resolution recognizing the month of May 2011 as "Rain Forest Awareness Month" in Pennsylvania and urging Commonwealth residents to become aware of the disappearing rain forests worldwide and to make choices that can lead to protection of those remaining areas.

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Ms. BOBACK called up **HR 327, PN 2013**, entitled:

A Resolution designating the week of June 12 through 19, 2011, as "State Veterans' Home Week" in Pennsylvania.

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Mr. GILLESPIE called up **HR 328, PN 2014**, entitled:

A Resolution recognizing the week of June 1 through 7, 2011, as "CPR and AED Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—197

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

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Hess	Petri	Samuelson
Galloway	Kortz		

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

The SPEAKER. The House will please come to order.

STATEMENT BY MR. MURT

The SPEAKER. The gentleman, Mr. Murt, is recognized under unanimous consent relative to HR 293. The gentleman may proceed.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, our elderly in the Commonwealth of Pennsylvania face many difficult issues, from finding affordable housing to paying for health-care costs that continue to skyrocket, despite our many attempts to ease their struggle. Today, Mr. Speaker, I would like to recognize an organization that has made a difference in the lives of older Pennsylvanians by acknowledging that doctors can play a key role in making the lives of the elderly more comfortable and less costly. Mr. Speaker, the Pennsylvania Dental Association is committed to improving the health of all Pennsylvanians, but we honor them today for their commitment to bringing health care to those who live in the shadows.

Mr. Speaker, 5500 members of the Pennsylvania Dental Association have cared for the aged, disabled, and medically compromised through their Donated Dental Services program. Mr. Speaker, since 1996 they have donated more than \$8.5 million in free services to more than 4,000 vulnerable Pennsylvanians. In addition, more than 800 dentists have taken part in the Senior Dental Care Program, which gives free and

discounted services to our elderly so they can live healthier lives. It is for this reason that the House of Representatives congratulates the Pennsylvania Dental Association for its efforts to improve access for elderly to dental care.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

STATEMENT BY MR. MARKOSEK

The SPEAKER. The Speaker recognizes the gentleman, Representative Markosek, under unanimous consent relative to HR 317.

The gentleman may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HR 317, which of course is passed now, and which will honor the Pennsylvania AARP. The AARP has more than 1.8 million members in the Commonwealth. More than 140 AARP Pennsylvania chapters provide older Pennsylvanians with opportunities to be active within their communities through volunteer activities, informative meetings, social gatherings, and travel opportunities. Each year thousands of Pennsylvania AARP volunteers work in their communities at 390 tax aid sites, providing free tax assistance to more than 113,000 individuals. Six hundred Pennsylvania driver safety instructors affiliated with AARP teach driver safety courses to 31,000 individuals—

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

Will the members please hold the conversations down. We would appreciate it if we could just tone it down a couple of clicks. The Speaker thanks the members.

The gentleman may proceed.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Pennsylvania WorkSearch and the Senior Community Service Employment Program help more than 2100 older Pennsylvanians connect to local job opportunities. Many thousands of volunteers host information tables at fairs and other community events and advocate before the General Assembly on issues important to older Pennsylvanians. AARP in Pennsylvania provides helpful consumer information on issues ranging from hunger, long-term-care services, and reverse mortgages to avoiding scams for Pennsylvanians from all walks of life. Therefore, Mr. Speaker, I rise and thank the members of the House of Representatives for the many hours that AARP members, particularly AARP volunteers, give in an effort to assist their fellow citizens and encourage AARP and its members to continue to help Pennsylvanians make the most out of life after 50 years of age, and in the words of AARP founder, Ethel Percy Andrus, "To serve, not to be served."

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some additional guests that are with us as guests of Representative Toohil and Representative Knowles. Located in the rear of the House, we welcome Thomas Tutko, Kevin Ruby, and Andrew Mhley from the Hazleton City Fire Department. Will our guests please rise and be recognized. Welcome to the hall of the House, gentlemen.

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

HB 1337, PN 1535

By Rep. GEIST

An Act authorizing the turn back from the Commonwealth to Ward Township, Tioga County, of the road known as Old Possessions Road in Ward Township, Tioga County; and providing for the powers and duties of the Secretary of Conservation and Natural Resources.

TRANSPORTATION.

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

SB 242, PN 209

By Rep. GEIST

An Act designating the bridge that carries State Route 601 over Barclay Run in the Borough of Somerset, Somerset County, as the Trooper Stephen R. Gyurke Memorial Bridge.

TRANSPORTATION.

SB 369, PN 1294 (Amended)

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic highways, providing for the designation of a portion of U.S. 219, U.S. 322, State Route 969, State Route 879, State Route 153, State Route 453, State Route 1001, State Route 729, State Route 4005 and the Greenville Pike and Bilger's Rocks Road in Clearfield County as scenic byways.

TRANSPORTATION.

SB 508, PN 508

By Rep. GEIST

An Act designating U.S. Route 62 in Mercer County as the Mercer County Veterans Highway.

TRANSPORTATION.

SB 728, PN 734

By Rep. GEIST

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

TRANSPORTATION.

SB 745, PN 744

By Rep. GEIST

An Act amending the act of July 5, 1984 (P.L.587, No.119), known as the Rail Freight Preservation and Improvement Act, further providing for contracts, procurement and sale of property and competition in award of contracts.

TRANSPORTATION.

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of caucus announcements, the Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 11:30. I would ask our caucus members to please report to our

caucus room at 11:30. We would be prepared to come back on the floor at 1 p.m.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the lady.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 11:30. Democrats will caucus at 11:30; back on the floor at 1 p.m. Thank you.

**CONSUMER AFFAIRS
COMMITTEE MEETING**

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

Mr. PRESTON. To make an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. PRESTON. To the members, the Democratic members of the Consumer Affairs Committee, I would like to be able to call a meeting of the committee members in my office, 202 of the Irvis Building. The purpose of this will be to discuss HB 1294. Thank you.

The SPEAKER. There will be a Consumer Affairs Committee meeting in 202 of the Irvis Building.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notes the presence of the gentleman, Mr. Samuelson, on the floor. His name will be added to the master roll call.

RECESS

The SPEAKER. This House stands in recess until 1 o'clock, unless sooner recalled by the Speaker.

RECESS EXTENDED

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

AFTER RECESS

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

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave for the gentleman, Mr. MUSTIO, from Allegheny County for the remainder of the day. Without objection, the leave will be granted.

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

HB 1338, PN 1548

By Rep. DiGIROLAMO

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school health services, further providing for definitions; and providing for training of school employees in diabetes care and management and for possession and use of diabetes medication and monitoring equipment.

HUMAN SERVICES.

**HOUSE RESOLUTION
INTRODUCED AND REFERRED**

No. 330 By Representatives DELOZIER, BEAR, MUSTIO, AUMENT, BENNINGHOFF, CREIGHTON, CUTLER, DAY, DENLINGER, FARRY, GABLER, GEIST, GINGRICH, GRELL, HAHN, HEFFLEY, HICKERNELL, KAUFFMAN, KNOWLES, MAJOR, MILLER, MILNE, OBERLANDER, PASHINSKI, PERRY, PICKETT, QUINN, REED, ROCK, ROSS, SWANGER, TOEPEL, VULAKOVICH and WATSON

A Concurrent Resolution establishing a center for government innovation, to be identified as the Pennsylvania 4.0 Team, comprised of public and private sector leaders of this Commonwealth to assess the operation of State agencies and the administration of State programs with a focus on evaluating and potentially restructuring how services are delivered, identifying innovative cost savings, improving customer service, streamlining government operations, redirecting as appropriate functions and job creation opportunities to the private sector and transitioning the Commonwealth into a more fiscally sustainable structure of government.

Referred to Committee on FINANCE, June 7, 2011.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1632 By Representatives BENNINGHOFF, BAKER, BEAR, BRENNAN, BROOKS, CAUSER, D. COSTA, CREIGHTON, DAY, DONATUCCI, D. EVANS, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GINGRICH, GODSHALL, GRELL, GROVE, HAHN, HANNA, HARHAI, HARHART, HARRIS, HENNESSEY, HESS, HUTCHINSON, KAUFFMAN, M. K. KELLER, KRIEGER, KULA, MAHONEY, MAJOR, MANN, MARKOSEK, MASSER, MILLER, MOUL, MURT, OBERLANDER, PEIFER, PICKETT, PYLE, RAPP, READSHAW, REESE, REICHLEY, ROAE, ROCK, SACCONI, SCAVELLO, SCHRODER, STERN, SWANGER, TALLMAN, THOMAS, TURZAI, VULAKOVICH, WATSON, YOUNGBLOOD, HALUSKA, J. EVANS and CALTAGIRONE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in sheriff and coroner, further providing for official records of coroner.

Referred to Committee on STATE GOVERNMENT, June 7, 2011.

No. 1633 By Representatives MAJOR, BAKER, BOBACK, BRADFORD, CALTAGIRONE, COHEN, CREIGHTON, DeLUCA, DONATUCCI, EVERETT, GEIST, GINGRICH, GODSHALL, GOODMAN, HORNAMAN, KAUFFMAN, M. K. KELLER, KILLION, KULA, LONGIETTI, MILLARD, MILLER, MURT, PICKETT, REICHLEY, SCHRODER, SWANGER, TAYLOR, VEREB, VULAKOVICH, WATSON and QUINN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, establishing and providing for contributions to the Spinal Cord Research Fund.

Referred to Committee on FINANCE, June 7, 2011.

No. 1634 By Representatives BENNINGHOFF, BARRAR, CUTLER, DUNBAR, GINGRICH, HUTCHINSON, JOSEPHS, KAUFFMAN, KOTIK, D. O'BRIEN, PAYTON, PYLE, RAPP, ROAE, SCAVELLO, SCHRODER, SWANGER and WHEATLEY

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for nomination petitions to be filed, for affidavits of candidates, for statement of candidates for delegates to national conventions, for number of signers required for nomination petitions of candidates at primaries and for nominations by minor political parties; providing for declaration of candidacy for nomination and declaration fees; further providing for place and time of filing nomination petitions and filing fees, for withdrawal of candidates, for casting of lots for position of names upon the primary ballots or ballot labels and notice of candidates, for Secretary of Commonwealth to furnish county boards with list of candidates and candidates to be notified, for setting aside nominations of candidates and for nominations by political bodies; providing for declarations of candidacy for election; and further providing for place and time of filing nomination papers, for filing fee, for examination of nomination petitions, certifications and papers, for objections to nomination petitions and papers, for vacancy in party nomination by failure to pay filing fee or for failure to file loyalty oath and for preservation of nomination petitions, certifications and papers.

Referred to Committee on STATE GOVERNMENT, June 7, 2011.

No. 1635 By Representatives BARRAR, GEIST, HEFFLEY, PYLE, REICHLEY and SWANGER

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, limiting substitution of certain opioid analgesic drugs by pharmacists.

Referred to Committee on PROFESSIONAL LICENSURE, June 7, 2011.

No. 1636 By Representatives BARRAR, METCALFE, BAKER, CREIGHTON, FARRY, GABLER, GEIST, GINGRICH, GROVE, HORNAMAN, KAUFFMAN, KAVULICH, MILNE, MOUL, MURT, PYLE, RAPP, ROAE, ROCK, SCHRODER, SWANGER and VULAKOVICH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for other offenses.

Referred to Committee on JUDICIARY, June 7, 2011.

No. 1637 By Representatives SANTARSIERO, BRADFORD, CALTAGIRONE, DALEY, FABRIZIO, GIBBONS, GOODMAN, HALUSKA, HORNAMAN, PASHINSKI, K. SMITH and WAGNER

An Act establishing the Public Employee Pension Commission and providing for its powers and duties.

Referred to Committee on FINANCE, June 7, 2011.

No. 1638 By Representatives SANTARSIERO, BRADFORD, BRIGGS, D. COSTA, CREIGHTON, DONATUCCI, FABRIZIO, FREEMAN, GIBBONS, LONGIETTI, MANN, M. O'BRIEN, PETRARCA, READSHAW, SWANGER, WHEATLEY and YOUNGBLOOD

An Act providing for a tax credit for certain employers who employ at least five additional full-time employees during the tax year.

Referred to Committee on FINANCE, June 7, 2011.

No. 1639 By Representatives SANTARSIERO, BRADFORD, BRIGGS, CALTAGIRONE, FABRIZIO, HORNAMAN, PASHINSKI, ROSS, K. SMITH, SWANGER and WAGNER

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for review fees.

Referred to Committee on LOCAL GOVERNMENT, June 7, 2011.

No. 1640 By Representatives METCALFE, ROCK, BARRAR, BLOOM, CREIGHTON, CUTLER, HICKERNELL, MOUL, MUSTIO, SCHRODER, SWANGER, THOMAS, TRUITT and WATSON

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for public school system by prohibiting certain strikes and lockouts.

Referred to Committee on LABOR AND INDUSTRY, June 7, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 263, PN 240

Referred to Committee on STATE GOVERNMENT, June 7, 2011.

SB 460, PN 1163

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 7, 2011.

SB 1054, PN 1190

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1055, PN 1191

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1056, PN 1192

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1057, PN 1193

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1058, PN 1194

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1059, PN 1195

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1060, PN 1196

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SB 1061, PN 1197

Referred to Committee on APPROPRIATIONS, June 7, 2011.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 10, PN 1957**, entitled:

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for title, for legislative findings, for definitions, for port authorities, for board, for eminent domain, for conveyance and for integrated operation; providing for exclusive jurisdiction and for report; and making editorial changes.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

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

Very briefly, I just wanted to thank the majority and minority chairmen of the Consumer Affairs Committee for their help in moving this legislation through the legislative process. I would also like to thank both the Port Authority of Allegheny County and the Public Utility Commission for their input in drafting this legislation. HB 10 amends the Second Class County Port Authority Act by eliminating provisions in the act that allowed the Port Authority's exclusive control over the provision of transportation services within a county of the second class. Of course, Allegheny County, our home county, is the only county of the second class.

Thanks very much, Mr. Speaker. I appreciate your support.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notices the presence of the gentleman, Mr. Petri, from Bucks County on the floor. His name will be added to the master roll call.

CONSIDERATION OF HB 10 CONTINUED

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

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

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in opposition to HB 10 because I do not think that this is a solution for our transit issues. I know we are only dealing with Allegheny County and the Port Authority of Allegheny County in this bill. I think it is important to recognize that clearly the Port Authority had significant management and labor issues, still is confronting some, but has made great strides in reorganizing, cutting costs, working on and agreeing to a new collective-bargaining agreement that saved the Port Authority \$50 million in operations.

The idea of facilitating privatization in public transportation generally is a failed idea. It has not worked anywhere. And when we take a look at the history of public transportation and we look at the history of public transportation in Allegheny County, we look back 50 years ago at a transit system that was dominated by private carriers, 36 separate ones, and at the behest of groups like the Allegheny Conference, a group of business leaders in our community recognizing that it was not a sustainable model, negotiated a public transportation system such as the Port Authority. To my knowledge, in any major city in this country, region, there are not private transportation organizations. It is inherently a system of public transportation that needs to be a partnership at a minimum with government and local community governments, State governments, Federal government, to subsidize what is not really a profitmaking business. It is very difficult, and we are seeing that challenge now with a line, with a privatization of one of the lines that was closed down to the North Hills in Allegheny County, where the private carrier is struggling to continue to provide this service.

It seems to me that privatization, as an idea, is something that clearly is important to my colleague on the other side of the aisle, and it may make sense in certain instances. And certainly, there are probably areas of government that we can talk about that, but public transportation is not one of those. The only way

I see that privatization could possibly even work is for someone to just cherry-pick profitable routes where there is lots of usage and let the other ones either close down or remain heavily subsidized by government.

So I rise in opposition to this proposal and hope that my colleagues will concur. Thank you, Mr. Speaker.

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

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

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

The issue of HB 10 in Allegheny County has been very competitive. As many people know, this bill was in the Consumer Affairs Committee and was amended. I wanted to address a couple of things. Over 2 weeks before this bill was even scheduled for a vote, I had the minority staff of my committee reach out to the county executive, Dan Onorato. I had the staff also reach out to the president of the county council in Allegheny County, Jim Burn. I tried to reach out to the respective officials of the union – not just once, not just twice, maybe three or four times – by phone call and by e-mail. Those residents in Allegheny County have gone through a lot. The Wednesday, or 5 days before this was scheduled to vote, I directed my staff on a Wednesday to call and to tell those respected individuals, since I had not heard anything, that if I do not hear from you by 12 o'clock on Friday, any issues or points that you may try to bring up after almost 2 weeks, in my opinion, were moot, because that was the function of the committee and what we were trying to do was reach out.

I think we need to understand the history. First, deal with the riders and the citizens of Allegheny County. We have gone through some very tumultuous times. Bus service has been cut. There are senior citizens now, who at one time could get a bus within a block or two, have to walk three, four, or five blocks. Funding is not there. We have questioned over the years some of the operations dealing with the Port Authority, and unfortunately, union employees have also been laid off. Currently, in the process of dealing with the Port Authority of Allegheny County, if a private entity wants to be able to come into Allegheny County, they have to apply to the Port Authority. To the best of my knowledge, in the last year, only one has applied. That company was operating for awhile, but it was at twice the rate that the regular citizens would be able to ride, and they were picking them up in the same location. I would like to be able to think that we as elected officials have a responsibility, and it is very tough. Do we go back to yesteryear? I do not know. Is it possible, because what we are talking about is if we did not have a Port Authority, but we do, but over 50 years ago there were 29 separate entities in Allegheny County that were all for-profit and that process did not work. Fifty years later, is it any better? I do not know. Who are we unless it potentially is openly discussed? The hardest and most difficult thing is when you talk about working people and dealing with the unions. I tried to reach out, and I guess I finally heard from the president of the transit union. I have not had a chance to talk to him yet, but he called me about an hour ago. But we reached out – we knocked on the door; we called.

When you consider that if there is an opportunity for someone who feels disenfranchised for getting to work or their employment, then we as elected officials within our own respective districts, do we offer an opportunity? Do we know if it will work? I do not know. Personally, under this bill, it would be able to give the opportunity to the Port Authority to go

through the same process outside of Allegheny County, as well as private entities that want to operate and apply in Allegheny County, but the tough thing is this: They will have to apply through the Public Utility Commission.

Personally, here are some of the things that I raise on whether or not privatization will even work. Most of the transit systems that we are talking about that are privatized do over-the-road and long-haul. The buses are not set up for stop-and-go driving, to be able to pick up a different delivery. They also do not have the required maintenance that would be necessary, which would add an awful lot of cost. There are also some of the safety issues that have been going on with a lot of private companies because they do not go through the same scrutiny currently under Allegheny County Port Authority. The other thing is, they have to restructure the buses about charging fares and set up some other things. I can also see that insurance will also go up. Whether or not someone will even apply to the Public Utility Commission – and it does not happen overnight – is still debatable, but who are we to decide who should be able to and who should not be able to?

That also being said, along that one, Mr. Speaker, if I may, I would like to be able to deal with some issues that dealt with the Port Authority that were sent by the organized labor that I received in writing only as of yesterday. I want to broach these situations because this was sent by Jack Shea, who is the President of the Allegheny County Labor Council for AFL-CIO out in western Pennsylvania. He says, "I understand there may be some confusion regarding labor's position on HB 10. Please allow me to clarify that labor is strongly opposed to HB 10. It is our opinion that HB 10 will lead to more privatization of public transit in Allegheny County, a major step backwards not in the interest of the 200,000 working men and women who depend on transit to get to work every day. As you know, the Allegheny County Port Authority was created with overwhelming public consensus, to address the transit needs of area commuters after the dismal failure of multiple private carrier companies in the region fifty years ago." I will repeat, "...after the dismal failure of multiple private companies in the region fifty years ago. As you are also aware, our County is undergoing a change in leadership and will be electing a new Chief Executive this fall. It would be unwise to undertake such radical changes as put forth in HB 10 at this important time of transition." I received this letter yesterday around 2 o'clock in the afternoon.

Also, there is a letter here from the Pennsylvania Joint Conference Board of the Amalgamated Transit Union, AFL-CIO. I will highlight, but I will submit the whole letter for the record. Some of their concerns were, "Allowing private carriers to 'cherry pick' " – as we have already heard from previous speakers – "the busiest routes, siphoning riders and fare revenue from the PAAC." Whether that will happen, I do not know, because again, we have already had some incidents where that was going to happen, that was in the process, but that company, to the best of my knowledge, is already ceasing and desisting. "Endangering the safety of transit riders and other drivers by employing operators not subject to the same training and standards required of PAAC operators." Also, "Furthering the risks for riders and other vehicle drivers because private carriers do not have the same standards of maintenance to which the PAAC adheres and often do not have any or sufficient numbers of professional, full-time mechanics on staff."

This is also one of the issues I wanted to be able to address, because what we are talking about here, if they go through the Public Utility Commission, they come under a different level of scrutiny and a different level of requirement and dealing with different safety standards and also potential bonding in insurance. Whether or not this will solve the situation, I personally do not know, and I do not think anyone can give an answer. It also impacts "...the dependability of transit service because the sub-standard wages private carriers pay often lead to drivers and other staffers abruptly leaving their positions for better paying jobs or simply not showing up for work." I cannot speak to that, Mr. Speaker, because I do not know.

Mr. Speaker, could I have a little bit of order?

The SPEAKER. The House will please come to order. Members will hold the conversations down.

Mr. PRESTON. I do not know about the issues relative to private carriers showing up for work, whether they show up for work or not, but I also do know that what happens in the private sector happens probably just as well in the public sector. All I know is that the transit workers and the bus drivers that we have and the employees for Allegheny County Port Authority I think are fine, upstanding employees. Unfortunately, some of them have lost their employment through this.

It also addresses, "Private carriers are not concerned about the public...." Well, I do not know if we can really say that because they are not really serving as a public entity as of yet and made the application and gone in front of the Public Utility Commission to be able to ask permission to be able to deal with that so that we can be able to adequately ask our Public Utility Commission to make these private contractors. As I said before, to the best of my knowledge, only one has even applied to the current Port Authority to be able to deal with that. If any of us ever know, whether it is a cab company or anybody else who has to go through the Port Authority, go through the Public Utility Commission, it is not an easygoing process.

This was sent to us, and they raised some of the same issues about this is an antilabor bill. I would agree in a sense. It may be an antilabor bill as far as organized labor is concerned, but again, who are we to be able to say that if I have one or two constituents who lost their bus service, that I as a Representative, or any other member here should be able to deny the route, that if someone thought they would be able to make money, to be able to service them? It is no different than trying to get a grocery store in some of my areas and dealing with some of the senior citizens. Personally, on my committee, I am not asking the members to vote one way or the other. All I know is that organized labor that had all the notification, that we reached out, knocked on the door, and all of a sudden yesterday and today I finally get a phone call, after 3 weeks of trying to reach out where I can be able to represent and defend them. Personally, I am going to vote for this bill because who am I, again, to be able to say that someone should not be able to have the opportunity if someone feels that they can maybe make money, whether it is a grocery store, whether it is a bus company, whether it is a taxi cab, whether it is a photography business, to be able to deal with what we should be dealing with in the public sector or the private sector?

This is a very tough issue. It is unfortunate that it came late, but I would encourage members to vote your legislative district, to be able to recognize that we have an innate responsibility to

be able to represent all of the people in Pennsylvania, but this one here deals with Allegheny County. I do not think the election is going to have anything to do with it because we have already made the cuts. We are not going to see any cuts in the next 2 years. I also think that because the fares have increased, we know where some of the riders are, we know where some of the bad routes are, we need to be able to work together in Allegheny County and make it all responsible, but at the same time we have to be responsible and acquiesce to the citizens.

I have had an awful lot of citizens who say, I cannot walk this far. I have the legislative district in the Commonwealth, in a sense, that has probably more people over the age of 62 who are registered to vote than any other legislative district. I care about those people in the 24th Legislative District, and that is why I am personally going to vote for that.

Thank you very much, Mr. Speaker.

LETTERS SUBMITTED FOR THE RECORD

Mr. PRESTON. I will submit the letters for the record.
The SPEAKER. The Speaker thanks the gentleman.

Mr. PRESTON submitted letters for the Legislative Journal.

(For letters, see Appendix.)

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

On that question, the Speaker recognizes the gentleman, Paul Costa, from Allegheny County.

The House will come to order. The members will please take their seats, hold the conversations down. If we could, please, just keep the noise down.

The Speaker thanks the members.

The gentleman may proceed.

Mr. P. COSTA. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will stand for interrogation. You are in order.

Mr. P. COSTA. Mr. Speaker, can you please address the issue about, I guess the term is "cherry picking"? If you and I started a bus line, would we be able to, say, run a route from downtown Pittsburgh to Oakland, where we know there are a lot of people that use transit? Would we be able to do that?

Mr. TURZAI. Sir, under the proposal, the Public Utility Commission is where applicants would go to be able to provide public transportation. Right now throughout the State, in every county, I believe, but two – and actually, I think all but Allegheny County – the Pennsylvania Public Utility Commission issues certificates of public convenience authorizing intrastate transportation of passengers for compensation. Intrastate service involves the picking up and dropping off of passengers, where both the origin and destination points are in Pennsylvania. An application must be filed and a certificate must be issued before service may be provided within the borders of the county and the Commonwealth. Carriers of passengers include many service types that would include taxi, limousine, airport transportation, paratransit, van, group and party, and scheduled routes. So it would now expand to buses, but they already do this for a

variety of transportation services. It already applies to buses everywhere else in the State but in Allegheny County, because of the monopoly provision.

If you wanted them to be able to do it, you would have to go to the Public Utility Commission and you would have to get approval with respect to safety, type of transportation, where you would want to do the transportation, rates – everything that the Public Utility Commission already does throughout the State but does not presently do in Allegheny County.

Mr. P. COSTA. So if you and I had a company, all we would have to do is request to the PUC, and if we gave them the route, downtown to Oakland, and they approved it, we could run a service?

Mr. TURZAI. You would have to go through all the Public Utility Commission's regulatory requirements, which are significant. There is a significant list of what those requirements are, so it is not simple. It is actually quite significant. It deals with insurance, tariffs and rates, assessments, safety, marking of vehicles, age of vehicles, vehicle registration, driver licensing, special permits, and other general requirements. It is overseen like the Public Utility Commission does throughout the State.

Mr. P. COSTA. Thank you, Mr. Speaker. On the bill?

The SPEAKER. On the bill, the gentleman is in order.

Mr. P. COSTA. Thank you, Mr. Speaker, again.

I am going to vote against this bill. I understand where the maker is trying to create competition in our area, but as anyone from Allegheny County knows, the drastic service cuts and the route cuts that we have been experiencing over the last couple years, I believe that this would actually cause more harm than good. For instance, if a company did come in and cherry-pick all the best routes, our public transit Port Authority would have more trouble trying to survive. That is one of the reasons I am going to vote against this bill.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia County, Mr. McGeehan.

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

I wanted to speak on final passage of HB 10. Mr. Speaker, I am not from Allegheny County and I speak with less authority than my brothers and sisters from that great county, but I do know something about the public transportation coming from Philadelphia. We have the largest system there. It is called public transportation for a reason, because it serves the best interest of the public. You know, the mishmash of disparate transportation entities that existed more than 50 years ago in Allegheny County was a disaster, and that is exactly why we have a county-run Port Authority transportation system today in Allegheny County, because the idea that is being proposed in HB 10 failed more than 50 years ago, and, Mr. Speaker, it will fail again. HB 10 will take us back to those 50 years ago and they will allow private entities and private transportation systems to fail the citizens of Allegheny County.

Mr. Speaker, Allegheny County is dependent on a stable and reliable public transportation system. The people of Allegheny County depend on that system to go to their jobs, to attend worship, to go to schools, and to access the tremendous entertainment venues that exist in Allegheny County. Without that reliable public transportation system, Allegheny County

will cease to be a first-class destination for workers, for families, and for people who seek entertainment venues within western Pennsylvania. Mr. Speaker, Allegheny County, and the leadership that has existed in Allegheny County, has done a tremendous job in attracting Fortune 500 companies in the last 10 or 20 years. There is a reason for that, and it is due in part, Mr. Speaker, because of the reliable public transportation system that survives there and does a good job there. By gambling on private companies and going back to a failed system of 50 years ago, we run the risk, Mr. Speaker, of scaring these companies and potential investors away.

Mr. Speaker, this bill only applies to Allegheny County. Important matters to the Commonwealth, like public transportation, must be decided by the people in Allegheny County. We need to reach a consensus about which direction we want public transportation to go in. To cherry-pick, as many of my colleagues from Allegheny County spoke of, to cherry-pick the best routes and to leave the rest of the riding public at the mercies of a highly subsidized transportation system, Mr. Speaker, does a disservice to the vast majority of poor and working class residents in Allegheny County. Mr. Speaker, we have an opportunity with a new executive in Allegheny County, the pending new executive in Allegheny County at the end of this year. We need to hear from the executive of Allegheny County to determine what is best for Allegheny County. I know that the prime sponsor of this bill is a resident of Allegheny County, but I know and I have listened to the differing opinions. In an issue as important as public transportation, we need a consensus on what is best for the riders and the citizens in western Pennsylvania. I do not hear that consensus today on this floor. I hear of the haves and have-nots that will result if HB 10 passes.

Mr. Speaker, I think it is important to understand that when the Port Authority makes a profit, that money goes back into the system that improves the system for the greater public good. Understand that, Mr. Speaker: Public transportation equals public good, not private profit. When a private company makes a profit under the system, as devised by HB 10, those profits do not go back into the entity. They go into the pockets of those private companies and private providers. That is important to understand. The entire system suffers because a few are rewarded to the detriment of the many. Mr. Speaker, private companies will only select, as you have heard from the other speakers, the most selective routes, the most profitable routes. They will establish themselves on the valuable routes and neglect the less lucrative routes that are presently serviced by the Port Authority. Because of this cherry-picking, as has been heard, it is safe to say that private companies will offer fewer routes. This means passengers will have to take more transfers; they will have to spend more time on buses. This is time away from the places of business and more time away from their families. When private companies ignore working-class neighborhoods – which frankly, are heavily dependent on public transportation – when they ignore working-class neighborhoods, the public will need to spend. And when I say the public, all of us, not just the citizens of Allegheny County. When they ignore the public good, they will come back to the legislature for greater taxpayer subsidies to service these working-class neighborhoods, making the public system more inefficient.

Mr. Speaker, I do not think it has been talked about, but there is a public safety element to allowing private companies to offer a service which I think belongs in the public sector, and rightly

belongs in the public sector. There is a public safety issue in HB 10 that is being ignored. What will these drivers' backgrounds be? I know now the Port Authority has stringent criminal background checks. They have regular drug testing and they have regular health screenings. You do not have to look far, Mr. Speaker, to find out when private companies are involved in the transporting of people to and from their places of work and other venues. We had a horrific case in New Jersey, where a double-decker bus going up the New Jersey Turnpike, because the driver worked too long, the driver worked too many hours, we did not know enough about this drivers' background, that driver fell asleep and the top of the bus was sheared off and three young people lost their lives.

Mr. Speaker, the system that is involved today in Allegheny County is working. It is one of the safest, one of the most reliable public transportation systems in this country. If we allow a private entity whose only concern is profit and not the health and safety of the riding public, we risk catastrophes like we have seen in New Jersey and where you see almost every day around the country when we allow private entities to do what belongs strictly in the public purview. Public transportation. We run the danger of putting our riding public at risk.

Mr. Speaker, a question of maintenance of these vehicles: Allegheny County has one of the safest records in the country. Who is going to maintain these vehicles? Do we know? We have buses that carry 40, 50, 60 people. If we do not know the background, if we do not have access as a body, as an authority, as a chamber, to regulate the health and safety components of their employees, of the equipment themselves – I do not think this issue has been fully vetted. I do not think the concerns that have been raised by my colleagues in Allegheny County have been adequately addressed. I do not think that HB 10 is a wise use of resources, and I do not think the vast majority of people who work, who live, and raise families in Allegheny County are best served by HB 10. I would most vociferously oppose HB 10 and ask for a negative vote.

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

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

Mr. DeLUCA. Thank you. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 10. I understand we are trying to get at a situation in Allegheny County pertaining to the Port Authority, but the Port Authority has made sufficient progress in trying to clean up some of the problems they had in the past. Privatization will not help the citizens of Allegheny County, because the fact is, as the previous speaker just spoke on, we will have people cherry-picking the routes. We say we want to, from Washington down, that we want to give the people the voice, yet what we are doing is, 180 members here are going to make a decision – there are only 23 members from the west Allegheny County – are going to make a decision on Allegheny County's future as far as transportation.

Now, anybody who has been following the news with the privatization of one of the school districts and the city of Pittsburgh buses and how they jeopardized the children's lives on those buses, because the fact is, 2 days before the State Police caught them with this accident, somebody passed that private buses were okay to transport these students. That is privatization. Privatization does not give you the professionalism that these drivers, and anybody who drives a bus who thinks it is an easy thing to drive that bus in cities, in

parts of the counties, in the neighborhoods that are congested, they better take a ride on that bus and see what these people go through and the professionalism you need to drive those buses. Now, when you start privatizing, a lot of this stuff is going to be part-time. Will they be professionals? I do not think so, because we are going to be paying them a low standard of wages, and if they can get a better job, they are going to be able to leave. I had a situation years ago, I will never forget the situation I had when this schoolteacher wanted to get a job with the Port Authority. He could not believe that he failed the test. He was a schoolteacher, but he failed the test. The reason he failed the test is because there is a psychological part of it and he could not associate with people. When the Port Authority does screen these drivers out, we hear a lot about safety.

Well, let us talk about some of the deregulations we had through this country and we put the people at risk with safety. We deregulate the trucking company, we put it in private hands, and what happened? We have unsafe trucks out there because of the fact that private individuals cannot afford a new tire so they say, let us get another thousand miles on the tire. God forbid somebody out there gets hurt. This is a bad idea. These are professional drivers.

The situation should be corrected in Allegheny County, not up here in the legislature. I do not see anybody mention the fact that we have SEPTA (Southeastern Pennsylvania Transportation Authority) out there. I do not see SEPTA in this bill, but we are going to address Allegheny County. You have a new executive coming in there. He has pledged to address this situation. You have a board who has been doing a good job trying to bring down the legacy cost. It is not the drivers' fault that we got caught in this mess in Allegheny County; it is the management's fault. Mr. Speaker, we always want to blame the working men and women. We do not want to blame the people who should be blamed, and that is management, who gave them some of the legacy costs and did not care what was going on. They took care of themselves, too. They took care of themselves very well. The same as we are doing in the financial industry, where our CEOs (chief executive officers) are making almost 30 times more, 40 times more than any other country in the world, but we do not say anything. We want to address the poor, working guy out there who drives a bus, who is making a few bucks so he can support his family, to put your constituents to work by buying things, but we do not hear about that. Privatization, from what I have read throughout this country, in mass transportation, has not worked, Mr. Speaker. If it did work, we would be able to do that all over. It has not worked.

Washington says we have to subsidize mass transportation, and yet, we are here and we want to give the ability to privatize some of these routes here, that they say, well, if I was a businessman and I could not make a profit, I am not going to take that route; I am going to take the best route I can to make a profit, to hire my people, to give them benefits. Maybe they are going to be like some of the school bus drivers out there they hire for \$8 an hour and they do not pay any benefits. Well, I do not think that is what we want, our professional bus drivers in a transportation system that the people depend on.

I think we need to leave it up to the government in Allegheny County. If the people are really dissatisfied with some of the cuts out there, let them put it on the ballot in Allegheny County and let the people vote for it and give them the choice, not here in Harrisburg. Vote "no" on HB 10.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

I do not see the gentleman present.

The question is, shall the bill pass finally?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the Democratic chairman from Allegheny County was right when he said that we had not heard on this issue from Allegheny County or the transit union when this bill was passed out of committee. In the last few days we have heard, and they have expressed some concerns on issues that we ought to consider. Several of them have already been discussed, but we ought to talk about again and just mention again the cherry-picking issue. Private corporations, private companies, will take the most productive routes. They will operate those routes, leaving the less productive routes to fall by the wayside, thereby depriving thousands of workers in Allegheny County of the ability to get a ride to work. Now, in this day and age, with the economy what we are facing today, we need to do the best that we can to provide low-cost, efficient transportation to workers that are struggling in this economy. Privatization will not do that. As we have just heard, it is clear there is no consensus on this issue from the people of Allegheny County. This bill only applies to Allegheny County and the people of Allegheny County ought to have the opportunity to speak.

Mr. Speaker, for those reasons, I urge a "no" vote on HB 10.

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

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Preston, for the second time.

Mr. PRESTON. Thank you, Mr. Speaker.

Previously when I spoke I did not urge members to vote one way or the other and I am going to continue that, but I want to be able to address some things that other people have been able to say, because they are right about the union workers, probably some of the best that we have. They work very hard. The structures are different. What we are talking about was 50 years ago versus today. Everything is cyclical. Also, at the same time, though, I have a concern. I have heard different people talk about the working people. In Allegheny County, our county delegation of roughly 23 members, there are only 3 of us who can say that we have the only route in Allegheny County that actually pays for itself. Primarily, it goes through my legislative district and it also goes through Representative Costa's and Representative Wheatley's district; it is the 81 Lincoln, the only bus that actually pays for itself in operation. That raises a concern to me because they had cuts this year. When I have people who cannot catch the bus or be able to get access to public transportation, who am I to say that you should not be able to do this? There have been management problems.

In the House of Representatives, here is what we did. A couple of years ago we gave Allegheny County the right, and they picked a tax called the drink tax – roughly about \$35 million that was supposed to be able to help offset their costs and increase funding to the Port Authority of Allegheny County, but it did not increase anything. They took that money to replace something else and used it to balance their own personal budget. So I did not see any service cuts. What I have is an increase in rates, and I also have a decrease in service. But the thing that most concerns me: If I have the only route that actually pays for itself, am I going to say and think that there is

going to be a bus company come in and cherry-pick my district? With all due respect, no. I would like to be able to say something else, but no. You know why? Because most of the people who catch that bus are people of color, mainly African-Americans, and those companies are not going to come into that area. So I do have a concern, but at the same time I am saying that we have a right to be able to give a chance for people to have an opportunity who have received those cuts. So yes, it has been the management. Yes, it has been part of the county structure. And yes, it has also been part of the legislature, because we have not been accountable enough.

So when we talk about cherry-picking and I have the one district where the bus company actually pays for itself, but I have no faith that any private company is going to go through 6 months to 2 years of applying to the PUC to be able to get a permit to be able to operate in Allegheny County. There has not been one to even ask the Port Authority if they could do it in this year. So I have concerns. This is not about pointing fingers. We have a responsibility to those people who want to be able to get to their jobs, to be able to get to the day-care centers, that want to be able to get to the nurseries, that want their kids to be able to get to a school and be able to get there safely in an operated bus. You have also heard me say that yes, I have doubts that most of the private companies will be able to pick up and be able to make some of the maintenance requirements because of the extra costs that are going to be available and the structure of some of their buses. This is a very tough situation, but at the same time I care about the people who live in my district, who now have to walk further, and if someone would even potentially come up to pick up that one person, I have to be responsible and say you deserve a chance to be able to deal with that.

So this is the situation with dealing with HB 10. It is not about voting "yes" or "no." It is about that we in the House of Representatives that almost give the Port Authority of Allegheny County 70 percent of its operating costs have to be a little bit more competitive. Is this the answer? I do not know. You also heard me say, yes, I do have great doubts about it, but I do not know. Fifty years is a long time. Again, I am the person who has the only bus that pays for itself and I do not have any confidence that someone is going to come through my district and cherry-pick the riders to get on the 81 Lincoln, but those people deserve a chance and an opportunity.

Thank you very much, Mr. Speaker.

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

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

Mr. GERGELY. Thank you, Mr. Speaker.

I do, too, rise in opposition to HB 10. Mr. Speaker, as has been said by many of my colleagues from Allegheny County, we will be electing a new county executive to the office to deal with public transportation. But mainly, Mr. Speaker, my area has been decimated from the Mon Valley from, again, my colleagues' districts of West Mifflin and Clairton. We have no routes left in the Mon Valley. We need to come up with a collective way to solve public transportation issues in the area. I do not live in a rich district like our majority leader does, where routes are profitable and people want to provide that transportation. My folks that rode those buses were folks in the service industry that served in the nursing homes and the hotels

and the facilities downtown that made Pittsburgh work, and now they have all had to find alternative transportation. Trust me, as you pointed out, as many have said, the poor routes were the routes that were eliminated, that were my routes, are not going to be picked up by these private entities for transportation because they were money losers because they took a certain entity and a certain crowd for their transportation needs.

Mr. Speaker, this is not the right way of addressing this and I hope we vote "no," and I would like to be on the record for a "no" vote for HB 10. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Frankel, for the second time.

Mr. FRANKEL. Thank you, Mr. Speaker.

I think as members get a sense of— There are lots of questions about this legislation. The majority leader's legislation, I am sure, was well-intended, but there are serious issues at stake here and serious issues with respect to the sovereignty of Allegheny County with respect to making its own decisions. This bill has not had the opportunity really to have a hearing. While, albeit, the stakeholders, many of them were late to the table in terms of their responses, they have voiced their concerns and their objections to this piece of legislation. So I would ask members and I would ask my colleague from Allegheny County, who is the prime sponsor of the bill, to join me in supporting a recommittal of this bill to the Consumer Affairs Committee so that we can actually have some of these issues aired, have some of the stakeholders at the table, to have that opportunity to really delve into something that potentially has far-reaching implications for 1.2 million people in Allegheny County. I think it is a reasonable request and I hope that the prime sponsor will join me in supporting that motion, as well as the chairman of the Committee on Consumer Affairs, so we can get this done correctly with the stakeholders' input as well.

Thank you very much, Mr. Speaker.

MOTION TO RECOMMIT

Mr. FRANKEL. I make a motion to recommit this bill to Consumer Affairs.

The SPEAKER. The House will please come to order.

The gentleman, Mr. Frankel, has moved that HB 10 be recommitted to the Committee on Consumer Affairs.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I rise in opposition to the motion to recommit. The bill passed out of the Consumer Affairs Committee 23 to nothing. This is a proposal that has been on the table and discussed for almost 5 years at this point and was given serious consideration in the Consumer Affairs Committee. In addition, input was actually secured by the Port Authority, who is neutral on the bill. They gave significant input with respect to this bill. There was input from the Public Utility Commission, significant input from the Public Utility Commission. In the end, this is not a

privatization proposal, sir, this is a competition and it is an overlay, and the idea here is to provide more transportation for more people in Allegheny County, and the sooner we do that, the better off we will be.

It is an incremental improvement, and I appreciate the support of the minority and majority chairs with respect to the underlying bill. I would ask that everybody please vote against the motion to recommit. Thank you.

The SPEAKER. The question is, shall the bill be recommitted?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this motion to recommit the bill to the Consumer Affairs Committee. I was one of the members of that committee. I remember that this bill was moved to committee on a Wednesday, without adequate time for amendments to be provided from me or for me to receive communications from people who could be affected, not only in Allegheny County, but also in county transit authorities. I believe that it is the duty of the House to at least have one public hearing when we are talking about changing the way that hundreds of thousands of people will get to work. We are in the middle of a recession. We have already cut back public transit authority dollars. Right now we are in a position where we are saying we are going to continue to do that, because we are going to allow other providers to take some revenue streams away from those transit authorities. At a minimum, we ought to have the people who know the most about the issue testify one way or the other so that when we all come here and make a vote, we know whether we are going to be supporting, who we are going to support and why. Right now I cannot tell whether the people of Allegheny County need me to vote "no" on this bill to ensure that they can get to work, and until that happens, we should not be on the floor on final passage or second consideration.

Thank you, Mr. Speaker. I support the motion.

The SPEAKER. The question before the House is, shall HB 10 be recommitted to the Committee on Consumer Affairs?

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

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

I rise also in support of the motion. I think that we should go back to Allegheny County and really vet the thoughts here, because even if we would pass this bill now, the earliest someone would probably be operational, in going through the Public Utility Commission process, would be some time next year. It is expensive. It is timely, but yet, in a sense, we should be able to give the Consumer Affairs Committee and the residents and the local officials, the private bus companies, the Port Authority, all a chance to equally sit down at the table to be able to try to work something out so that we can make everybody accountable and see which system is going to be able to work. We have had the same system now for 50 years. Maybe it is really time to be able to review it. This will be a good vehicle to be able to sit down so that everybody would be able to say what they could do. I do not think that a lot of the private companies would even have the time, and the PUC, to be able to go through the proper inspections to be able to effectively evaluate a lot of the private companies so that they would be able to be licensed, so that they could go through the insurance, the bonding, the background checks for the respective drivers, the driving record, not just of the drivers, but

also the driving records of the private institutions that may apply. As I said before, no one has even asked the Port Authority if they could do it on a private basis.

So if no one is going to be operational until sometime this time next year, why should we not be able to go back to Pittsburgh and Allegheny County to be able to give everybody a chance to sit down at the table and see what is best for the citizens in dealing with the county, in dealing with the people, the private sector, and the Port Authority of Allegheny County, along with the House and the Senate members of this county. I think it is a wise motion by the gentleman from Allegheny County, and I would encourage the members to vote to recommit this bill for public hearings back in Allegheny County. If he wants to, he could even put a date that we will return back before the end of the fall, that we would be able to have the results of this hearing so that we can be able to effectively move forward for the residents of Allegheny County. Thank you.

The SPEAKER. The question is, shall the bill recommitted?

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

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, when the vote was taken in committee, as we have already heard, many of the stakeholders had not weighed in, but they have now. As we have just heard from the Democratic chairman of the Consumer Affairs Committee, he also thinks it would be a good idea to have this bill, have a hearing held on this bill through the Consumer Affairs Committee so that the people of Allegheny County, and the rest of the State for that matter, can have input on their future, have input on whether or not their workers, our workers, our people, the 1.2 million who live in Allegheny County, can get a ride to work.

The hearing makes sense. There was not a hearing on this bill. It only has an impact on Allegheny County. Allegheny County people should be able to have their say.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill be recommitted?

Those in favor of recommitting HB 10 to the Consumer Affairs Committee will vote "aye"; those opposed to recommitting the bill will vote "nay."

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

The following roll call was recorded:

YEAS—87

Barbin	DeLissio	Kavulich	Ravenstahl
Boyle, B.	DeLuca	Keller, W.	Readshaw
Boyle, K.	DePasquale	Kirkland	Roebuck
Bradford	Dermody	Kotik	Sabatina
Brennan	DeWeese	Kula	Sainato
Briggs	Donatucci	Longietti	Samuelson
Brown, V.	Evans, D.	Mahoney	Santarsiero
Brownlee	Fabrizio	Mann	Santoni
Burns	Frankel	Markosek	Shapiro
Buxton	Freeman	Matzie	Smith, K.
Caltagirone	George	McGeehan	Smith, M.
Carroll	Gerber	Mirabito	Staback
Cohen	Gergely	Mullery	Sturla
Conklin	Gibbons	Mundy	Thomas
Costa, D.	Goodman	Murphy	Vitali

Costa, P.	Haluska	Myers	Wagner
Cruz	Hanna	Neuman	Waters
Curry	Harhai	O'Brien, M.	Wheatley
Daley	Harkins	Parker	White
Davidson	Hornaman	Pashinski	Williams
Davis	Johnson	Petrarca	Youngblood
Deasy	Josephs	Preston	

NAYS—111

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

NOT VOTING—0

EXCUSED—5

Bishop	Hess	Kortz	Mustio
Galloway			

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

GUEST INTRODUCED

The SPEAKER. The Speaker would like to introduce a guest of Representative DeLuca. Seated over here to the left of the Speaker, we would like to welcome to the hall of the House Craig Alexander. Will our guest please rise and be recognized by the House. Welcome to the House.

CONSIDERATION OF HB 10 CONTINUED

On the question recurring,
Shall the bill pass finally?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Saccone.

Mr. SACCONI. Thank you, Mr. Speaker.

I rise in support of this bill. Our bus system in Allegheny County is failing. Everybody knows it. There is no denying it.

One of the reasons is the high legacy costs. We were all briefed on this. We were told that over half the budget or half the budget of the Port Authority goes to retirees' pensions and benefits. That is one of the reasons why my colleague from Allegheny County has only one of the few profitable routes in the system. That is the very reason we need competition in the system. Yes, the very routes that have been rejected, as my colleague from Allegheny County pointed out, will be open to private companies that can run these routes more cost-effectively. That is what the free market system is all about. My colleagues do not seem to have much faith in private enterprise. But I will tell you, I do not know how many town halls they had, but I had two in Clairton, where the routes were cut. At the second one, I asked that audience, majority minority audience, if they would like to see competition in the bus routes that were lost because the Port Authority made cuts. In unison, that audience said, yes, bring us competition.

So I say to my colleagues, vote "yes." Do not delay. Let us vote "yes" and bring the people the alternative transportation that they desire. Thank you, Mr. Speaker.

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

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, there are several things about mass transit in general that folks need to understand. Mass transit is something that is generally seen mostly in the urban areas, although not totally in the urban areas. The third largest mass transit organization we have in Pennsylvania happens to be in State College, Pennsylvania.

But I think the other thing that people have to understand is although the Allegheny County Port Authority has had way more than its share of problems, and many of those we could say would be self-inflicted, that does not mean that transit should not be subsidized or that transit cannot work. There really are no transit systems anywhere in the world, anywhere in the world that are not subsidized. Mass transit does not operate anywhere without some sort of subsidy, and going to a private system is something that just simply will not work in the long run relative to mass transit. You are always going to have certain routes that are the low-hanging fruit, that the folks who are the private folks are going to come in and they are going to want those routes, but they are not going to want the routes that go into neighborhoods that perhaps do not have as many riders or perhaps do not have as wealthy riders as some of the other areas that can afford higher and higher fares. You have to subsidize mass transit in some fashion, and it has to be done in a very efficient manner; we understand that, and oftentimes, perhaps, some of our mass transit systems, not just the Port Authority, are probably in need and have been in need of some efficiencies.

I know the Port Authority management the last few years has dealt – and the union for that matter – has dealt very diligently in trying to cut some of those inefficiencies that have plagued the Allegheny County Port Authority. There are large legacy costs involved with them due to the past operations of the Port Authority, and some of the past labor contracts and agreements that we have seen that are in fact reality. A lot of those things have changed. The Port Authority today does operate a lot more efficiently. It, unfortunately, does have the anchor of some of those legacy costs.

I would suggest that going to any kind of privatization of any kind of mass transit in some ways and in many ways is throwing the baby out with the bath water. It is the wrong solution to the current problem. I think the current problem is one that has to be solved by making better efficiencies in the mass transit operations that we do have, but going to a private system simply will not work.

We have heard other speakers mention that the Port Authority itself was founded back in the early 1960s after the 33 or 34 transit companies, local transit companies there, I think all but one of them were bankrupt, and they were all private, and there was one rail company involved with that, too, that later became the light rail system for the Allegheny County region. And in order to solve that problem, they went to a public transit system, which is the model throughout the country and throughout the world.

And people talk about the efficient rail systems in Europe. What they do not talk about is the \$5 gas tax in Europe that pays for those systems. So every system, every rail or mass transit system, passenger system, Amtrak, they are all subsidized, and it just is a nature of that particular industry that I think we have to recognize whether we like it or not.

So I would be opposed to this bill, because I do not think privatizing a mass transit system, at the end of the day, is going to work and in fact will ultimately cost more money, as we have seen what happened in the past where it does not work, and people – our constituents, your constituents – are going to demand service. We have to be frugal and efficient with that service, but yet we cannot ignore people who need that service, particularly in urban areas.

And I would just also point out that most of the urban areas, or the two biggest urban areas that we have here in Pennsylvania, the southeastern area and the southwestern area, actually provide about half of the General Fund revenue for the Commonwealth, and their economies are based on having good, efficient mass transit. So we all ultimately benefit from efficient systems in both the southeast and the southwest. And while the system in the southwest has certainly got its share of problems, and perhaps more than its share of problems now, simply going to some sort of private system ultimately will not work and is ultimately the wrong situation.

So therefore, I would ask the members to please vote "no" on HB 10. Thank you.

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

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

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

I think it is often important in these important public policy debates that we focus on the facts and that we do not rely on just pejorative rhetoric.

The fact of the matter is, this bill is not a privatization bill. It is a pro-consumer, pro-citizen bill focused on providing transportation for the citizens of Allegheny County that cannot presently get transportation. The Port Authority of Allegheny County is not being eliminated in any way by this particular proposal. The fact of the matter is, the Port Authority will continue to provide transportation services throughout Allegheny County. What it does permit, however, is that private carriers who meet the stringent requirements that the Public Utility Commission has set want the opportunity to provide

services in the county, that they can in fact, after a proper application and approval, get the opportunity to provide services in Allegheny County.

I keep hearing this notion about cherry-picking. Please understand, even before the issues with the Port Authority, many areas of the county were not serviced by the Port Authority of Allegheny County. An area in my District of Allegheny County has never been serviced by the Port Authority of Allegheny County. There is not public transportation in that area. It is an area that is located near Butler County, and by way of example, the Butler County public transportation that brings people into the city of Pittsburgh cannot presently stop on the roadway in Allegheny County to pick up passengers, even though it is traveling that distance, because of this monopoly provision. And in fact people from the district have to go up to Butler County to be able to get that service, and there is no Port Authority service nor has there ever been Port Authority service to that area.

In addition, there have been significant transit cuts throughout the county, and there are areas that are not served or are underserved, both urban and suburban, and we want to make sure that if there is another opportunity for folks to be able to get that service, they can in fact get that service.

So it is pro-consumer. It is focused on providing transportation to the citizens of Allegheny County, not reducing or eliminating it. It is not anti-Port Authority. The Port Authority is absolutely still going to be in existence and will still be able to provide services, so it is not in fact taking anything away from the Port Authority that it already has. And in fact it is not anti-employee, because we think, in addition to the Port Authority employees, there are now going to be other employees providing services to many areas of the county.

As the good chairman from the other side indicated, from the Consumer Affairs Committee, let us be honest, the fact of the matter is, this is an opportunity to see what can happen. There is no harm or no foul here. If in fact good carriers meet the stringent Public Utility Commission requirements, the likelihood is many people who were not serviced presently will be able to be serviced.

With respect to the cherry-picking argument, it is this, as pointed out by the Public Utility Commission itself in its input: Keep in mind when somebody makes an application, there is a public process. When there is a public process, if folks believe there is already a route that is already doing a satisfactory job and that it does not need service, that argument can be made to the Public Utility Commission and has to be taken into account in approval or disapproval. That is a factor. However, how about all the routes that are not presently covered or areas of the county that are not covered? It would be also a factor that there is not service provided to those particular areas and that this would be an opportunity to get that service.

The Commonwealth of Pennsylvania, as the good minority chair pointed out, already provides almost 70 percent of the funding for the Port Authority of Allegheny County. In fact, another bill that will be running that a good colleague from the other side of the aisle has put into this legislature is one to change the working board of the Port Authority going forward, and we are going to be running that proposal here shortly. Why? Because we recognize that 70 percent of that money has been going into the Port Authority with not significant accountability.

Nobody is blaming the workers and nobody is blaming management; there has been a systemic problem with the Port Authority in addition to the fact that they allow double-dipping on pensions and salaries at the same time for management, and it put them in a hole.

I have to say this: There is a strong contrast. One of the members from the other side said, "Well, I do not see SEPTA in this." Well, there has been a significant contrast between SEPTA and the Port Authority. The SEPTA overall ridership has grown by 10.5 million trips during the current fiscal year. Alternative sources of revenue generated more than \$30 million of revenue through advertising on vehicles, stations, and Web advertising. There were successfully negotiated naming rights for transit with particular contractors for the Pattison Avenue station on one of the lines. There were significantly reduced workers' compensation costs by more than 50 percent over the last 10 years. The fact of the matter is, there has been a significant difference in the management and the organization of the Port Authority and the problems that the Port Authority faces in Allegheny County versus what was faced in SEPTA. We are trying to come up with constructive working solutions for the Port Authority so that there can be good service for the many citizens of Allegheny County.

I might also say this: The good chair raised the issue of many of the folks in some urban areas that need public transportation to get to employment or to be able to get to shopping. I think that under this particular proposal would be my estimate, my suggestion, that many areas will be able to be picked up by private competition and that the sources of revenue that the Port Authority already gets, close to \$400 million annually, will be able to be spent in those particular areas that need the service the most, many of the reasons why we have public transportation.

I want you to know, on just a personal note, I supported providing more revenue to the city of Pittsburgh when it was bankrupt. It was my particular legislation that was adopted by this chamber and by Governor Rendell and the Senate that provided an oversight authority with respect to the city of Pittsburgh to turn it around. We are committed to the city and to the region. My parents were working-class people. My father was a public school teacher. My mother was a stay-at-home mom but went back to work for the State of Pennsylvania as a Commonwealth worker.

This is not anti- or pro-worker. This is focused on pro-consumer, to be able to provide transportation services as best as possible, and one of the ways that we might be able to do that is to let certain private-sector folks be able to come in and to be able to provide transportation in areas in particular where service is no longer made. The fact of the matter is, it will also allow the Port Authority to get better. They are going to have to be more competitive. They are going to have to be leaner, much like their SEPTA cohort across the State. It is going to allow them to do that. In addition, it is going to allow them to focus their services on the truly needed areas while others, I do believe, will be picked up by the private sector, and you will find, I am quite convinced, that it will flourish.

This is an overlay. It is in many ways a public-private partnership. The Port Authority will in fact continue to exist, continue to do services, and will get better and better and better. I think management is already working towards that end. In addition, we will let the private sector do what it does best.

I would ask everybody to please vote "yes." It is in fact pro-consumer, pro-citizen, pro-better-services. It is not in any way anti-worker. I am pro-employee. I think there is going to be flourishing additional jobs, and I think the Port Authority is going to get better and better given the competition that is coming. It is competition that is at play here. It is an overlay, broadened services. It is not this nefarious privatization approach. It is a public-private partnership that will work. Please vote "yes."

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 10 CONTINUED

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—116

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

NAYS—81

Barbin	DeLissio	Johnson	Pashinski
Boyle, B.	DeLuca	Josephs	Ravenstahl
Boyle, K.	DePasquale	Kavulich	Readshaw
Bradford	Dermody	Keller, W.	Roebuck
Brennan	DeWeese	Kirkland	Sabatina
Briggs	Donatucci	Kotik	Sainato
Brown, V.	Evans, D.	Kula	Samuelson

Brownlee	Fabrizio	Longietti	Santarsiero
Burns	Frankel	Mahoney	Santoni
Buxton	Freeman	Mann	Shapiro
Caltagirone	George	Markosek	Smith, K.
Carroll	Gerber	Matzie	Smith, M.
Cohen	Gergely	McGeehan	Staback
Conklin	Gibbons	Mirabito	Sturla
Costa, D.	Goodman	Mullery	Thomas
Costa, P.	Haluska	Mundy	Vitali
Curry	Hanna	Murphy	Wagner
Daley	Harhai	Myers	Waters
Davidson	Harkins	O'Brien, M.	Williams
Davis	Hornaman	Parker	Youngblood
Deasy			

NOT VOTING—0

EXCUSED—6

Bishop	Hess	Mustio	Wheatley
Galloway	Kortz		

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 1021, PN 1751**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for sole source procurement and for competitive selection procedures for certain services.

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

(Bill analysis was read.)

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

On that question, the Speaker recognizes the gentleman from Westmoreland County, Mr. Krieger.

Mr. KRIEGER. Thank you, Mr. Speaker.

HB 1021 is designed to provide transparency when the Commonwealth enters into contingent fee legal services contracts. It is designed to insulate those decisions as much possible from political considerations, and it would limit contingency fees for contracts entered into by the Commonwealth.

Just briefly, what the bill does: It limits contingent fee compensation to not more than 20 percent of an award or settlement. It provides that Commonwealth attorneys will retain control of the litigation. It provides that the purchasing agency shall maintain exclusive power to settle the case. It provides that such contracts will be posted in accordance with the Right-to-Know Law and will require that reports about those contracts be submitted to the State Government Committees of the House and Senate.

We all understand there is potential for abuse and conflict in these situations. This legislation is designed to alleviate both those conflicts and to avoid any appearance of impropriety. There was bipartisan support at the State Government Committee. I would request that the members give this an affirmative vote. Thank you very much.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Hess	Mustio	Wheatley
Galloway	Kortz		

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 864, PN 902**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the Pedalcycle and Pedestrian Advisory Committee.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

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

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

NAYS—1

Bloom

NOT VOTING—0

EXCUSED—6

Bishop	Hess	Mustio	Wheatley
Galloway	Kortz		

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

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

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 139, PN 77**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for State reimbursement for mobile classroom facilities; and making editorial changes.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. McGeehan.

Could you indicate if you plan on introducing – or want a vote on all four of these amendments or is there one in particular that you wanted to consider?

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I agreed to withdraw amendment 2591.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. **McGEEHAN** offered the following amendment No. **A02588**:

Amend Bill, page 1, line 5, by inserting after "thereto," further providing for distress in school districts of the first class and for removal of district superintendents;

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. Section 696(i)(3) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended October 30, 2001 (P.L.828, No.83), is amended to read:

Section 696. Distress in School Districts of the First Class.—* * *

(i) In addition to all powers granted to the superintendent by law and a special board of control under section 693 and notwithstanding any other law to the contrary, the School Reform Commission shall have the following powers:

* * *

(3) To suspend the requirements of this act and regulations of the State Board of Education except that the school district shall remain subject to those provisions of this act set forth in section 1080, section 1732-A(a), (b) and (c) and section 1714-B and regulations under those sections.

* * *

Section 2. Section 1080 of the act is amended to read:

Section 1080. Removal.—(a) District superintendents and assistant district superintendents may be removed from office, after hearing, by a majority vote of the board of school directors of the district, for neglect of duty, incompetency, intemperance, or immorality, of which hearing notice of at least one week has been sent by mail to the accused, as well as to each member of the board of school directors.

(b) The following district superintendents may be removed from office by a majority vote of the Senate and a majority vote of House of Representatives:

(1) A district superintendent that has a school within the school district which has received a corrective action classification.

(2) A district superintendent whose school district has been issued a certification declaring the school district in financial distress under section 691.

(3) A district superintendent who operates without an elected school board.

Section 3. Section 2574(a) of the act, amended September 29, 1959 (P.L.992, No.407), is amended to read:

Amend Bill, page 3, by inserting between lines 10 and 11

Section 4. The amendment of sections 696(i)(3) and 1080 of the act shall apply to a district superintendent elected or appointed on or after the effective date of this section.

Amend Bill, page 3, line 11, by striking out "2" and inserting

5

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. McGeehan.

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

Mr. Speaker, you can pick up the paper almost in any part of the State almost on a daily basis and read of the tremendous compensation packages that are being provided to school superintendents, the enormous amount of moneys that are going into our public education system.

Mr. Speaker, we in the State provide about \$12 billion to localities around the State to educate our young people. We have an enormous responsibility as a body to fund those districts. What is lacking though, Mr. Speaker, is the ultimate authority if we find cause – if we disagree with the direction of

a particular school district, if we are frustrated at the progress in our local communities – we have the responsibility to provide for these districts, but we do not have the authority to remove superintendents when we find that they are not acting, in our opinion, in the best interest of our taxpayers and of our schoolchildren.

Mr. Speaker, this amendment will provide a majority vote in the House and the Senate to remove a school superintendent. It would apply, Mr. Speaker, this amendment, to two districts, to two distressed districts – the Philadelphia School District and the Duquesne School District. It also would apply to those districts that are now undergoing corrective action level, and that applies to 10 school districts around the Commonwealth, and it will also apply to a third entity, those districts without an elected school board, and, Mr. Speaker, that currently only applies to the School District of Philadelphia.

Mr. Speaker, when we are responsible for an \$11 billion budget for the schools, we have the enormous responsibility also to ensure that that money is spent wisely, and if we find that it is not, I think we are obligated to remove those superintendents.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Philadelphia has made some very good points, and I certainly cannot fault him for his concern, for his interest in amendment 2588 that deals with school superintendents and to allow a majority vote by the Senate and a majority vote of the House to remove those who are not operating – or to elect them to be removed from office, rather, by a majority vote of the Senate and a majority vote of the House.

The problem I have is that the gentleman had mentioned that there are 10 distressed school districts. We do not know if that number is going to stay at that number in the future because of the economic challenges the Commonwealth is facing. We need to look into this issue and to at least have a public hearing on it and try to get a consensus as to what direction would be the right direction for this General Assembly.

I do understand his concern. I will be a "no" vote on this amendment, at the same time recognizing the importance of this issue within the education community, but we just need to vet it. We need to have a hearing on it so that we can make some rational determinations as to what direction we should go with these distressed school districts. And so, Mr. Speaker, I am a "no" vote and ask members to consider my thoughts on this issue. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Cruz, from Philadelphia.

Mr. CRUZ. Mr. Speaker, I stand today and I am asking both sides of the aisle to support this amendment. We are facing a terrible time right now with the school district and we need help, and the way we are going to do this is by supporting this amendment. So I ask both sides of the aisle to support this amendment, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman, Mr. Thomas, from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, as much as I dislike, we have to vote against this amendment.

Mr. Speaker, this is going to establish a precedent that none of us in our school districts would like to have to deal with, and I recognize that the chairman raises some concerns. Those concerns I am confident can be resolved without using a legislative hammer to deal with those concerns.

But, Mr. Speaker, I would ask the maker of the amendment to withdraw his amendment and at least give some of his colleagues an opportunity to put a forum together where this, whatever the concerns are, can be addressed. But this is not the way that we want to go in dealing with concerns that members might have about the direction of a superintendent in their particular district.

Mr. Speaker, at the end of the day, by going down this road, kids will get hurt in the long run, and one of the things that we have to agree is that regardless of what you think about the direction of the superintendent, there has been definite improvement in learning of children in the Philadelphia School District. Mr. Speaker, the progress that has been made in Philadelphia County has exceeded the improvement that has been made in most other counties in the Commonwealth of Pennsylvania.

And so, Mr. Speaker, if there is a concern, the issue is one of methodology and not results. On results, we have to agree that there has been substantive progress in learning with children in the Philadelphia school system. And so to that end, Mr. Speaker, I ask my colleagues on both sides, if the maker of the amendment does not withdraw the amendment and let us get this worked out, then we have no other choice but to vote against this amendment. And when we vote it down, I am not going to abandon doing whatever I can to see, to make sure that whatever concerns the maker of this amendment has, that we resolve those concerns.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I rise in support of the chairman of the Education Committee and ask for a "no" vote on the amendment. Thank you.

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

On the question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I would like to apologize in advance, because I am not overly familiar with this subject matter.

Mr. McGEEHAN. Mr. Speaker?

The SPEAKER. The gentleman will suspend a second.

If we could have the members' attention during interrogation, especially. It is hard for the members to hear each other. If the members could hold their conversations down, it would be appreciated. Thank you.

The gentleman, Mr. Vitali, may proceed with interrogation.

Mr. VITALI. Thank you, Mr. Speaker.

I am very concerned with the concept of the House and Senate being able to remove school district superintendents, but I am trying to get a sense for the applicability here. Under one circumstance, if I understand this correctly, in school districts where a school district has received a corrective action classification, that is a circumstance where— Now, how many school districts have that designation right now?

Mr. McGEEHAN. Thank you, Mr. Speaker.

A corrective action, which is basically a parlance for underperforming school districts, there are currently 10, and if I may and if you would bear with me, there is Chester Upland, Harrisburg, Philadelphia, Reading, Allentown, Norristown, Pittsburgh, York, Lancaster, and Woodland Hills. They are all currently, 10 of them, under corrective action.

Mr. VITALI. Okay. So if your amendment were to become law then in each of those 10 districts, this legislature could remove the school board superintendent. Is that correct?

Mr. McGEEHAN. Under this definition, there are three levels in which the House and the Senate can act.

Mr. VITALI. So for those 10, we could remove, by a vote of the House and Senate, each and every one of those 10 if we chose to. Is that correct?

Mr. McGEEHAN. Well, in theory we could.

Mr. VITALI. What about legally? Legally we could?

Mr. McGEEHAN. If this bill passes, of course it could.

Mr. VITALI. Okay. And again, I am not overly familiar with the subject matter, but in each of those, how many of those 10 districts has that school board superintendent been appointed by elected directors? How many of those 10?

Mr. McGEEHAN. There is one unelected school board in Pennsylvania and that is Philadelphia. The rest of them are appointed by an elective school board.

Mr. VITALI. So your amendment, if it were to pass, we as a legislature would really supersede the decisions of those elected school board directors in appointing those superintendents?

Mr. McGEEHAN. Well, yes. But, Mr. Speaker, we are also elected, too, and we are responsible for an \$11 billion education budget, ultimately. So while the local school board is elected, we are elected also, and we have that same responsibility as that local school board would.

Mr. VITALI. Got it.

Mr. McGEEHAN. No more and no less.

Mr. VITALI. Now, there is a second category in your amendment where the legislature could remove school board superintendents. That is in districts that have been "...issued a certification declaring the school district in financial distress under section 691." Now, currently how many school districts in Pennsylvania meet that, fall into that category?

Mr. McGEEHAN. Mr. Speaker, under the distressed category, there are only two districts – the Philadelphia School District and the Duquesne School District.

Mr. VITALI. Now, Duquesne, that school board superintendent has been elected by, appointed, rather, by a duly elected board of school board directors?

Mr. McGEEHAN. That is correct, Mr. Speaker.

Mr. VITALI. Okay. That concludes my interrogation.

The SPEAKER. Does the gentleman seek recognition on the amendment?

Mr. VITALI. Yes; I will speak on the amendment.

I just am very concerned with this concept, Mr. Speaker. This is a political body. We do have a mechanism where our citizens elect school board directors, and in making those elections, give credence to the judgment of the people they have elected to choose a superintendent, and they are, those school board directors, conceptually closer to the facts and circumstances of each particular school district than this body is. I could not even tell you a thing about the 10 or 12 school districts that were just named. So we have elected people who have been given the discretion to use their judgment, and I am just very concerned, conceptually, about this body – which has been known on occasion to act in a political manner – there is just something that is not quite sitting right with the concept of this body superseding the judgment of duly elected school board directors in choosing their superintendent. I am just a little uncomfortable with this, Mr. Speaker. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, how many school districts do we have in the Commonwealth of Pennsylvania?

Mr. McGEEHAN. Mr. Speaker, again I am having trouble hearing.

The SPEAKER. The House will please come to order. The members will please hold the conversations down. If need be, take them to the back of the House. Will the members please hold the conversations down. Members under interrogation are having trouble hearing each other. The Speaker would ask the members to please quiet down a little more.

The Speaker thanks the members.

The gentleman, Mr. Thomas, may proceed with interrogation.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, my question was, how many school districts do we have in the Commonwealth of Pennsylvania?

Mr. McGEEHAN. Thank you, Mr. Speaker.

There are currently 500 school districts in the Commonwealth.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think you answered the question of how many of these school districts are distressed.

Mr. McGEEHAN. Under the category of this amendment, Mr. Speaker, there are two that are distressed – the Philadelphia School District and the Duquesne School District.

Mr. THOMAS. And, Mr. Speaker, of the two distressed municipalities, how long have these two school districts been under this distressed municipality statute?

Mr. McGEEHAN. Mr. Speaker, those that are defined under the corrective action have to be underperforming for 4 years or more, and I am going to make this plain, if I may, Mr. Speaker.

Mr. THOMAS. Mr. Speaker, of those two distressed school districts, how many of them are run by females?

Mr. McGEEHAN. I am sorry, Mr. Speaker. I missed the question again. It may be my hearing or the acoustics in this chamber. What was the question again, Mr. Speaker?

The SPEAKER. The members will please hold the conversations down. The members interrogating each other are having trouble hearing each other. Will the members please hold the conversations down. The Speaker thanks the members.

The gentleman may proceed.

Mr. THOMAS. Mr. Speaker, my question is, of the distressed school districts, how many are under the direction of a female?

Mr. McGEEHAN. Mr. Speaker, there are only two distressed districts, and you and I both know that the Philadelphia School District is under the direction of a female superintendent, and maybe somebody in the Duquesne School District can answer the other question.

Mr. THOMAS. Mr. Speaker, the one that is in question, Philadelphia County, it has been a distressed school district since when, especially prior to the current administration of a female?

Mr. McGEEHAN. Mr. Speaker, the Philadelphia District has been distressed since 2001 and the Duquesne district has been distressed since 2000.

Mr. THOMAS. Mr. Speaker, do you know that the current chief executive officer came into office when, took over the Philadelphia School District when?

Mr. McGEEHAN. I believe she is celebrating her third anniversary at the school district.

Mr. THOMAS. Pardon me?

Mr. McGEEHAN. She celebrated her third anniversary with a \$100,000 retention bonus.

Mr. THOMAS. Mr. Speaker, my question is, why are we taking this step now under the administration of a female when we did not take this step when Mr. Vallas was the CEO for the Philadelphia School District?

Mr. McGEEHAN. Well, that question, obviously, Mr. Speaker, in my opinion, and you are asking me under interrogation, I think the district has certainly declined since 2001, and I think corrective action is needed. Obviously, with the enormous deficit that the school district is facing now, I think it is pretty – with certain to proof that that is indeed in fact the case.

Mr. THOMAS. And, Mr. Speaker, as a member of the Philadelphia delegation, have we met with the CEO of the Philadelphia School District at any time this year?

Mr. McGEEHAN. Have we met, Mr. Speaker? Is that your question?

Mr. THOMAS. As a member of the Philadelphia delegation, has the delegation had any meetings with the superintendent regarding your concerns?

Mr. McGEEHAN. Not my concerns. I had those concerns in writing to the superintendent.

Mr. THOMAS. I did not hear your answer.

Mr. McGEEHAN. I cannot speak for the delegation, Mr. Speaker. I can speak for myself, and I relayed those concerns and problems I have with the district directly and in writing to the superintendent.

Mr. THOMAS. Well, Mr. Speaker, have you spoken to the chair of the Philadelphia delegation regarding your concerns?

Mr. McGEEHAN. Not in the nuances of these particular amendments, but in the overarching concerns with the district, yes.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I speak for a second time on the amendment?

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

Mr. THOMAS. Mr. Speaker, once again I have the utmost respect for my colleague. I recognize the fact that my colleague has some concerns, but this is not the way to address those concerns, especially since, one, the Philadelphia School District has been distressed for a number of years and we have never moved to try and advance a legislative prescription in response to it.

The last time I checked there are 144 failing districts in the Commonwealth of Pennsylvania; 144 failing schools in the Commonwealth of Pennsylvania.

Thirdly, Mr. Speaker, this is focused only at Philadelphia County, one of the two distressed districts.

Number four, Mr. Speaker, we have not attempted to use our committee process or the forum of our delegation to raise questions about the stewardship of the CEO for Philadelphia School District.

Mr. Speaker, we have a good delegation chairman, and I am sure that if we took concerns to him regarding the School District of Philadelphia, he would have taken immediate and progressive steps to try and deal with it.

And last but not least, Mr. Speaker, we have a budget that we have to deal with. We have people who are unemployed. We have people who are without health care. We have folks dying in the streets of the Commonwealth of Pennsylvania. Mr. Speaker, this is not the time nor the way in which we need to address some issues regarding the Philadelphia School District.

And again, I ask my colleague to withdraw his amendment and let us move collectively in addressing his concerns, but do not use this process as a mantra for dealing with issues in Philadelphia County. We have not seen any news reports regarding mismanagement. We have not seen any reports regarding theft. We have not seen any problems in Philadelphia County uniquely different from the rest of the Commonwealth of Pennsylvania.

And so, Mr. Speaker, this is not an appropriate path to deal with whatever the maker of the amendment's concerns are, and this is not the time to deal with this issue. And so to that end, Mr. Speaker, I ask colleagues on both sides of the aisle that if the maker of the amendment does not withdraw the amendment, then we have no other choice but to vote "no" against this amendment. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mike O'Brien.

Mr. M. O'BRIEN. Thank you, Mr. Speaker.

Corrective action. Financial distress. The boulder is rolling down the hill, and like Sisyphus of Greek mythology, the superintendents in these districts are asked to again and again push the boulder up the hill.

When a superintendent of a district in corrective action or financial distress fails to push the boulder back up the hill, it is time for them to be gone. When a superintendent of a district in corrective action or financial distress fails to push the boulder up the hill by financial mismanagement, it is time for them to be gone.

Often, Mr. Speaker, critical time requires decisive and immediate actions. The gentleman from Philadelphia has taken the leadership in these critical times to demand of the

superintendent, who would take on the roll of Sisyphus, to react – to react quickly, to react properly. His amendment is appropriate, his amendment is needed, and I would encourage an affirmative vote.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the gentleman would stand for a question or two?

The SPEAKER. The maker of the amendment indicates he will stand for interrogation. You may proceed.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, in earlier dialogue on the House floor, it was referenced that this amendment might affect I believe it was 10 school districts. Is that correct; up to 10?

Mr. McGEEHAN. Mr. Speaker, those in corrective action, that applies to 10; those that are in distress, it applies to 2; and those without an elected school board, it only applies to 1.

Mr. BOYD. Okay. My question is, of the districts that this could apply to, do the superintendents of those districts have contracts? Are they under existing contracts?

Mr. McGEEHAN. I would assume that they are. I do not know the details of each individual contract; yes.

Mr. BOYD. I guess my follow-up question to that would be, while I understand the intent of the amendment and respect the member for the amendment, I wonder if we are treading on any constitutional provisions of Article I, section 17, of the Pennsylvania Constitution that precludes us from impairing contracts.

Mr. McGEEHAN. Mr. Speaker, it is my understanding in dealing with this amendment that it would not abrogate any existing contract, only from the date that this bill is enacted into law.

Mr. BOYD. Thank you, Mr. Speaker.

That ends my interrogation. I just wanted the answers to my questions. Thanks, Mr. Speaker.

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

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

Mr. VEREB. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. You are in order.

Mr. VEREB. Mr. Speaker, earlier under other questioning, I just want to clarify some points: line 30, on page 1, to the end of the page, and then on page 2, lines 1 through 6 of the bill. I had heard the Norristown School District, Norristown Area School District was mentioned as one of the corrective action school districts. Is that correct?

Mr. McGEEHAN. In which district; I am sorry?

Mr. VEREB. Norristown.

Mr. McGEEHAN. That is correct.

Mr. VEREB. Okay. Can I just clarify something, because I think the bill – I just want to clarify the language and then some of the questioning here. The school in corrective action can be affected by this legislation the same as a school superintendent under financial distress, or is there a separation?

Mr. McGEEHAN. No. You are absolutely correct; you are understanding the amendment correctly. It applies to three classifications. It would be those districts that are distressed; those districts that are in corrective action; and third, those districts without an elected school board. So if they meet any one of those three criteria, this amendment would apply.

Mr. VEREB. Okay. It is not any/or, it is any of the three?

Mr. McGEEHAN. It is any of the three; that is correct.

Mr. VEREB. Okay. Thank you, Mr. Speaker.

On the amendment, Mr. Speaker?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. VEREB. Mr. Speaker, I commend the gentleman. I think we all know where he is going or trying to go, and I do disagree with the gentleman of Philadelphia who stood up and said there are no news reports.

I believe city council in Philadelphia took action to hire an attorney to sue us. I believe there are other actions and other public examples of where the superintendent of Philadelphia could have improved, at least from an image perspective, of what we are trying to do with Philadelphia. And I understand where your amendment has attempted to go, but it is far-reaching and it comes into a school district that myself and my good friend on the other side of the aisle represent, which I think the circumstances are quite different in the Norristown Area School District as it pertains to its performance and how intent that superintendent – who, unbelievably, uniquely came from Philadelphia – and I think we both feel she is doing a decent job.

I would hate to see this action, this legislation, impact those that have not reached the bottom. I realize your efforts and what you are trying to do here, but I have to oppose the amendment, specifically because of the Norristown School District in which we feel our superintendent works with us. And certainly my good friend with the bright smile over there is agreeing with me on this that we do not want this to go too far-reaching and I do not want to go too far-reaching, Mr. Speaker, and to say anything other than I will oppose the amendment. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for further interrogation?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. VITALI. Another question occurred to me as I was looking this over. There might be an obvious answer I am just missing, but it seems like you are amending a section the beginning of which is existing law, which described the circumstances under which supervisors can remove a school board director. You add additional circumstances in which a school district can be removed by the General Assembly, but I am just looking at all the language here. What does this language provide as far as if we do in fact remove a superintendent, the replacement of that superintendent? What does the legislation provide?

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, it still reverts back to the local elected school boards in your particular school district to rehire and sign a new contract for a new superintendent.

Mr. VITALI. And what prevents that school board from just hiring back the exact same person if that is who they wanted to begin with?

Mr. McGEEHAN. Well, if they wanted to fly in the face of the will of the legislature, they do that at their own peril.

Mr. VITALI. Okay; okay. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a comment on the bill.

The SPEAKER. The question before the House is the amendment.

Mr. WATERS. Correction, Mr. Speaker. I would like to make a comment on the amendment.

The SPEAKER. The gentleman is in order.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I just want to start off by saying I grew up with a philosophy. I grew up at least in politics that all politics are local, and I believe that most of us believe that all politics are local. I would not want this body to be involved with superseding the democracy of any school district or any county at all, and I believe that is what we might be doing if we take this measure.

So to respect the elective process within a school district – that the people duly elected a school board; it has a right to remove a school board – I would say that I would rather because I do have Philadelphia County but I also have Delaware County, and I understand what it is that we should be trying to do. Accountability is important, but we do not want to overreact and overstep the democracy that is already in place, because I believe that this is what we will be doing if we come in and start removing people from a school district. And there are 500 school districts, and what is good for the goose is good for the gander. So if we are going to remove one from one school district, then we should remove them from all school districts or we should hire from all school districts, and I do not want us to get involved with the details of 500 school districts.

So because of that and because I still believe that all politics are local, I will stand in opposition to this. I think we need to work on how we arrive at getting more accountability from all school districts, but I do not want us to go in a direction where we overstep the elective process within the school districts that already exist.

That is the end of my comments, and thank you, Mr. Speaker.

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

Did the majority leader seek recognition on the amendment?

The question is, will the House agree to the amendment?

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

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

I rise in opposition to this amendment.

In the end you do not want, I believe, the legislature deciding on the school superintendent with respect to these school districts. The fact of the matter is, it just goes against the grain of local control with respect to a majority vote of the Senate and a majority vote of the House of Representatives with respect to this particular superintendent position.

I recognize that a reform was put into place under a previous administration with respect to the city of Philadelphia School District, and maybe there are issues with respect to that approach that could be addressed in the future, but the bottom line is that you do not want a majority vote of the Senate and a majority vote of the House of Representatives to determine who the school superintendent is with respect to any school district. It is not our obligation or responsibility to be that micro with respect to how these school districts are run.

The second thing is this good bill, offered by the gentleman from Montgomery County, is really a bill that is about providing school districts with the flexibility to upgrade buildings without being required to remove relocatable modularized classrooms at the conclusion of a construction project in order to receive full State reimbursement for the project. It allows districts to save the cost of relocating a modularized or relocatable classroom if such funds are not available at that time. It has the support of the Pennsylvania School Boards Association.

My argument is that in the end, also, a bill dealing with school superintendent selection, in particular school districts, is far afield. I am not making a motion on germaneness. I just think it should be voted down. But it is far afield from what the underlying bill really is about.

I would ask folks to please vote "no." Thank you.

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

On that question, does the gentleman, Mr. McGeehan, seek recognition for the second time? The gentleman is in order on the amendment.

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

Mr. Speaker, I am cognizant of all the concerns that have been raised in this body, and I have respect for my colleagues from the disparate parts of this Commonwealth. I have served in the House for 20 years, and I have heard the mantra, from both sides of the aisle, about control, about accountability, about the House exercising or having a greater responsibility on how moneys are spent, and if they are not, what are the consequences?

Mr. Speaker, we are responsible for providing the school districts around the Commonwealth, the 500 school districts, \$11.5 billion. That is an enormous responsibility. Do we not also have the equal responsibility of determining whether those funds are being spent responsibly?

I have heard the argument that it should be a local control, that we have local elected school boards. Well, that is true, but we are also elected. We are also responsible for what happens in our local school districts; we are also responsible for what happens with our superintendents; we are also responsible for the performance of these districts, and we are also responsible for the good and welfare of the children who attend these schools.

Mr. Speaker, in the final analysis, only 11 of 500 school districts will be affected if this amendment passes today, and the argument has been raised, well, maybe there will be more in the future. Unfortunately, there probably will be, and that argues for exactly why this amendment is needed, because the problems that are visited in Norristown, the problems that are visited in Reading, and the problems that are visited in Philadelphia are coming to your school district. Do you not want a say? Are we not ultimately responsible for the \$11.5 billion we appropriate

here? Do we not have as much at stake as a locally elected school board?

Mr. Speaker, we now appropriate money and go away, and we cannot be – the district is not really responsive or responsible to our concerns. This bill gives you that control. This gives us all control in this chamber.

Mr. Speaker, I am aware that we should not meddle as a House. It is destructive, ultimately, and it really is a distraction to local school districts. But when the enormous responsibility, the enormous responsibility of this \$11.5 billion budget falls on us, we cannot shirk that obligation. We have to embrace a tighter control. The mantra of we appropriate the money and we need to control it rests right here, and it is in this amendment, 2588. It is saying to your local communities that we are going to be responsible. Yes, the school boards are elected, but so are we. We cannot walk away from our responsibility in this amendment.

Do your constituents a favor, do your schoolkids a favor, and do your communities a favor: Say that 203 Reps and 50 Senators are ultimately responsible for the performance and conduct of your school district. This vote will determine whether you personally have control over the performance of your school districts. Mr. Speaker, this is a local control issue, and you are the local person that is responsible.

I urge an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 139 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—29

Barrar	Godshall	McGeehan	Sabatina
Caltagirone	Grove	Murphy	Schroder
Carroll	Harper	Murt	Smith, K.
Costa, D.	Hornaman	Neuman	Staback
Cruz	Keller, W.	O'Brien, M.	Taylor
Daley	Kirkland	Preston	Toepel
DeLuca	Kotik	Readshaw	Youngblood
Donatucci			

NAYS—167

Adolph	Emrick	Knowles	Rapp
Aument	Evankovich	Krieger	Ravenstahl
Baker	Evans, D.	Kula	Reed
Barbin	Evans, J.	Lawrence	Reese
Bear	Everett	Longietti	Reichley
Benninghoff	Fabrizio	Maher	Roe

Bloom	Farry	Mahoney	Rock
Boback	Fleck	Major	Roebuck
Boyd	Frankel	Maloney	Ross
Boyle, K.	Freeman	Mann	Saccone
Bradford	Gabler	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	Metcalfe	Scavello
Brownlee	Gillen	Metzgar	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, M.
Causser	Goodman	Millard	Sonney
Christiana	Grell	Miller	Stephens
Clymer	Hackett	Milne	Stern
Cohen	Hahn	Mirabito	Stevenson
Conklin	Haluska	Moul	Sturla
Costa, P.	Hanna	Mullery	Swanger
Cox	Harhai	Mundy	Tallman
Creighton	Harhart	Myers	Thomas
Culver	Harkins	O'Brien, D.	Tobash
Curry	Harris	O'Neill	Toohil
Cutler	Heffley	Oberlander	Truitt
Davidson	Helm	Parker	Turzai
Davis	Hennessey	Pashinski	Vereb
Day	Hickernell	Payne	Vitali
Deasy	Hutchinson	Payton	Vulakovich
DeLissio	Johnson	Peifer	Wagner
DeLozier	Josephs	Perry	Waters
Denlinger	Kampf	Petrarca	Watson
DePasquale	Kauffman	Petri	White
Dermody	Kavulich	Pickett	Williams
DeWeese	Keller, F.	Pyle	
DiGiroloam	Keller, M.K.	Quigley	Smith, S.,
Dunbar	Killion	Quinn	Speaker
Ellis			

NOT VOTING—0

EXCUSED—7

Bishop	Galloway	Kortz	Wheatley
Boyle, B.	Hess	Mustio	

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

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

Mr. **McGEEHAN** offered the following amendment No. **A02592**:

Amend Bill, page 1, line 5, by inserting after "thereto," further providing for distress in school districts of the first class;

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. Section 696(h) and (i)(3) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended October 30, 2001 (P.L.828, No.83) and June 29, 2002 (P.L.524, No.88), are amended to read:

Section 696. Distress in School Districts of the First Class.—* * *

(h) The School Reform Commission shall be responsible for financial matters related to the distressed school district of the first class and:

(1) All taxes authorized to be levied by a school district of the first class or for a school district of the first class by a city or county of the first class on the date of the declaration of distress shall continue to

be authorized and levied in accordance with this act and shall be transmitted to the school district. For the first fiscal year or part thereof and every fiscal year [thereafter] up to and including fiscal year 2010-2011 in which the school district is declared to be distressed, the amount appropriated or paid by the city or county to the school district and the tax authorized by the city or county to be levied for the school district or dedicated to the school district shall be an amount or tax not less than the highest amount paid by the city or county to the school district or authorized by the city or county to be levied for the school district or dedicated to the school district during any of the three full preceding fiscal years. In addition, the city of the first class shall provide to the school district of the first class all other available local non-tax revenue, including grants, subsidies or payments made during the prior year.

(2) In addition to the moneys collected under paragraph (1), the city of the first class shall remit to the school district of the first class for each year that the school district is declared distressed that portion of all other local tax revenue levied for a full fiscal year by a city or county of the first class coterminous with a school district of the first class that was allocated to the school district prior to the school district being declared distressed in accordance with section 691(c).

(3) All taxes collected on behalf of a school district of the first class by any person or entity, including a city or county of the first class, shall be promptly paid following collection to the School Reform Commission for the benefit of the school district.

(4) In the event the city or county of the first class does not meet the financial obligations prescribed in this subsection, the Commonwealth may apply to that obligation any amounts otherwise due from the Commonwealth to the city or county of the first class, including, but not limited to, grants, awards and moneys collected by the Commonwealth on behalf of the city or county of the first class. Funds withheld shall be maintained in a separate account by the State Treasurer to be disbursed as determined by the Secretary of Education in consultation with the State Treasurer.

(5) The School Reform Commission shall adopt a budget.

(i) In addition to all powers granted to the superintendent by law and a special board of control under section 693 and notwithstanding any other law to the contrary, the School Reform Commission shall have the following powers:

* * *

(3) To suspend the requirements of this act and regulations of the State Board of Education except that the school district shall remain subject to those provisions of this act set forth in subsection (h)(1) and section 1732-A(a), (b) and (c) and section 1714-B and regulations under those [sections] provisions.

* * *

Section 2. Section 2574(a) of the act, amended September 29, 1959 (P.L.992, No.407), is amended to read:

Amend Bill, page 3, line 11, by striking out "2" and inserting

3

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. McGeehan.

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

Mr. Speaker, this amendment applies only to the School District of Philadelphia. Mr. Speaker, there is a peculiarity in the School Code in Act 46 that stipulates that a city cannot make one-time contribution additions to the school budget, and if they do in fact make additions to the school budget, that that then continues in perpetuity.

Mr. Speaker, the city of Philadelphia is hamstrung by this peculiarity, and this amendment, amendment 2592, would do away, ending with the fiscal year 2011, with that stipulation in Act 46.

And if I may add, Mr. Speaker, this is agreed to, I believe, by Chairman Clymer and by Chairman Godshall.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

The gentleman from Philadelphia is correct; this is agreed to. He has articulated very carefully the fact that if the city of Philadelphia makes a contribution to the school district between \$70 million and \$110 million, it should be a one-time offer, not forever and ever. So we do indeed support the McGeehan amendment.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, within the four walls of your amendment, am I to understand or can we understand that if the city of Philadelphia makes a payment to the School District of Philadelphia, that pursuant to the School Code, the city will be required to make that payment every year thereafter. Is that correct?

Mr. McGEEHAN. It is correct, Mr. Speaker, if it is in addition to the budget, and I will give you an example, if I may, Mr. Speaker. The mayor is talking about an appropriation, whether it is through a real estate tax, a soda tax, or any other device, of adding \$75 million to \$100 million to the school district. That is in addition to the current budget. If that happened, Mr. Speaker, under Act 46, the city would then be obligated, because of that peculiar language in Act 46, to continue those payments – at that same level, Mr. Speaker; pardon me.

Mr. THOMAS. Mr. Speaker, as it stands now, all money goes into the city's General Fund. Is that correct?

Mr. McGEEHAN. I missed the question, Mr. Speaker; I am sorry.

Mr. THOMAS. Under the current School Code, revenues for the school district come out of the city's General Fund. Is that correct? And the school district has to present a budget to the local legislative body, which is city council?

Mr. McGEEHAN. That is correct, and it is apportioned as a percentage, split between the operating budget and the school district budget.

Mr. THOMAS. Okay. So I am just trying to understand. I know that right now there is a deficit with the Philadelphia School District arising out of a discontinuation of Federal dollars and a major reduction in State dollars. So there is a deficit, and the city has indicated that it might try to reach or try to put together \$110 million that will be handed over to the school district in addition to whatever school property taxes it might provide. And I just wonder whether you have thought about that if the city scrapes and borrows to come up with an additional \$110 million, why would we want to bind the city to

\$110 million for every year thereafter regardless of what the financial situation is of the county?

Mr. McGEEHAN. The speaker may have misread the amendment. I am looking to untie the city's hands, not tie them. Under Act 46, the city's hands are tied, and if they make that additional appropriation, they are obligated under Act 46 to continue to make that appropriation. So it is not a one-time shot. The mayor and the city council now are wrestling with the idea of coming up, if in fact that is the will of the council, with that additional \$75 million to \$100 million.

Under Act 46, as the law stands now, Mr. Speaker, they would be required to continue that appropriation at that level. My amendment would simply say, it would free up the city. If they wanted to make a one-time appropriation to fill this particular gap they could, but they would not be obligated to do that in the future.

Mr. THOMAS. And, Mr. Speaker, have you talked to the mayor about this proposal?

Mr. McGEEHAN. I have not, Mr. Speaker.

Mr. THOMAS. Pardon me?

Mr. McGEEHAN. I have not.

Mr. THOMAS. Have you talked to your councilperson who has to approve the school district's budget?

Mr. McGEEHAN. I have not, Mr. Speaker.

Mr. THOMAS. Have you talked to the president of city council regarding the school district's budget?

Mr. McGEEHAN. Mr. Speaker, I have not had contact with the city of Philadelphia. All I know is that of the press reports that talked about this peculiarity in Pennsylvania law, that I then saw that it was unfair, and I am seeking redress through this amendment.

Mr. THOMAS. Mr. Speaker, lastly, have you talked to the majority or minority chair of the House Appropriations Committee?

Mr. McGEEHAN. No. I have spoken to, just today, the chairman of the Education Committee, who is supportive of this amendment.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on the amendment?

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

Mr. THOMAS. My comments are more instructive than anything else. I think it is only fair to talk with the president of city council, his councilperson, who has responsibility for meeting the financial obligations of the School District of Philadelphia. And I know that the minority and majority chairs of the House Appropriations Committee have been working overtime. While we had a break, they were working trying to come up with something, and I just do not think that it is fair to advance this in the absence of talking with the immediate stakeholders who would be impacting the pluses or minuses of this amendment on the school district's financial resources. And so to that end, I think it is only fair that we talk to those people first and then, based on an honest conversation with those people who have to immediately decide on this, we can move forward on it.

And so to that end, I would vote "no" on the McGeehan amendment until such time that we have talked to the people that need to be at the table. Thank you, Mr. Speaker.

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

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

Mr. GODSHALL. Thank you, Mr. Speaker.

In deferring to the chairman of the Education Committee, I totally agree that this is a good amendment, and I ask for a positive vote on this amendment, the same as the chairman of the Education Committee. Thank you.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Waters.

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask the gentleman, the prime sponsor of the amendment, for a brief interrogation.

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

Mr. WATERS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to know what would happen if this would create a shortfall and the city of Philadelphia did not have to put this money in. Where would that additional money come from?

Mr. MCGEEHAN. Mr. Speaker, they could lobby the legislature, as the mayor was doing today, or seek other revenue sources on the local level.

Mr. WATERS. Because the State has a constitutional obligation to educate the students, the State would have an immediate obligation, because of this revenue shortfall, if the city decides that it is not going to put up anything, the State would have to make it up based on the way we operate right now.

Mr. MCGEEHAN. Well, perhaps I did not make it clear, Mr. Speaker, and I apologize if I had not.

What this amendment simply does is, say if the city is seeking between \$75 million and \$100 million to fill that void that exists now – now, I have a problem with the void existing, of course – but having said that, under Act 46, the city, if they gave a one-time appropriation of \$100 million to fill that gap, the law says then that they would have to continue that at that level. So it would tremendously burden the city of Philadelphia and the taxpayers, and ultimately, the taxpayers of Pennsylvania to continue at that level. It may be a shortfall that does not exist next year, but yet the appropriation would still have to continue at that level. So it is unfair, honestly, to the city of Philadelphia to obligate them under Pennsylvania statute to continue those payments into perpetuity.

Mr. WATERS. I just have some concerns, Mr. Speaker, with how hard it is right now for this State to continuously, and I hear arguments all the time about no increase in spending. I think that this would maybe have the potential of causing an increase in spending if for any reason the city decided that it could no longer continue that obligation that has been set forth according to the way that this has been laid out.

And I always wonder about when we have children, and this is the largest school district in the Commonwealth, I believe it is important that we – and I am from Philadelphia – that we have to show our commitment to education, too, and many times that is demonstrated with "put your money where your mouth is." And if we want to complain about the quality of education that some districts are not providing or are not doing a good job at providing, if we are not putting up any money, then we should not have any say-so.

I would just argue that it is important that we have a commitment of our own that we could demonstrate, and if that means that the city now has an obligation to show their commitment to education, I believe that it is important that we do not leave that up to the General Assembly to have the responsibility of making it up because we freed the city, because we decided to change this process.

Something else that is very important to me is, and this is a side comment, is that I believe we want to ensure that the children are provided with a quality education, an educational opportunity, and to make sure that we do that, we have to stand with our money in our hands demonstrating that we are here to put up our share, whatever that share is. It is definitely not as much as the State's. But I do not want to leave it up to the State to take care of all of us and then we free ourselves of any obligation to these children, and I do have children in the Philadelphia School District.

The rate of what I see going on with some of the things that I think you are trying to do, I believe the city would be free, but I do not know if that is the right message that we should be sending to the General Assembly, that we are telling the city they no longer are going to be obligated to showing a commitment of their own. And I just do not feel comfortable with that kind of statement being made by us here in the General Assembly.

I would just say that because the mayor has not shown – and we just met with him recently – has not shown any problem, as a matter of fact, he is working real hard to be committed to bringing more resources to help out the city. I appreciate seeing our mayor do that, I really do, and I do not want to remove that, and I think the city appreciates seeing him do that, too. So I just say that for what this intentionally could cause, that I cannot see this legislator supporting that because I believe that we have to show our commitment to education as well, and I do not want to depend on the General Assembly to have to make up whatever shortfall that could be caused by us telling the city, you are now off the hook. And I thank you, Mr. Speaker. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. McGeehan, for the second time. The gentleman waives off.

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

The following roll call was recorded:

YEAS—183

Adolph	Emrick	Kotik	Ravenstahl
Aument	Evankovich	Krieger	Readshaw
Baker	Evans, J.	Kula	Reed
Barbin	Everett	Lawrence	Reese
Barrar	Fabrizio	Longietti	Reichley
Bear	Farry	Maher	Roae
Benninghoff	Fleck	Mahoney	Rock
Bloom	Frankel	Major	Roebuck
Boback	Freeman	Maloney	Ross
Boyd	Gabler	Mann	Sabatina
Boyle, K.	Geist	Markosek	Saccone
Bradford	George	Marshall	Sainato
Brennan	Gerber	Marsico	Samuelson
Briggs	Gergely	Masser	Santarsiero
Brooks	Gibbons	Matzie	Santoni
Brown, R.	Gillen	McGeehan	Saylor

Brownlee	Gillespie	Metcalfe	Scavello
Burns	Gingrich	Metzgar	Schroder
Buxton	Godshall	Miccarelli	Shapiro
Caltagirone	Goodman	Micozzie	Simmons
Carroll	Grell	Millard	Smith, K.
Causar	Grove	Miller	Smith, M.
Christiana	Hackett	Milne	Sonney
Clymer	Hahn	Mirabito	Staback
Conklin	Haluska	Moul	Stephens
Costa, D.	Hanna	Mullery	Stern
Costa, P.	Harhai	Mundy	Stevenson
Cox	Harhart	Murphy	Sturla
Creighton	Harkins	Murt	Swanger
Cruz	Harper	Neuman	Tallman
Culver	Harris	O'Brien, D.	Taylor
Curry	Heffley	O'Brien, M.	Tobash
Cutler	Helm	O'Neill	Toepel
Daley	Hennessey	Oberlander	Toohil
Davidson	Hickernell	Pashinski	Truitt
Davis	Hornaman	Payne	Turzai
Day	Hutchinson	Peifer	Vereb
Deasy	Josephs	Perry	Vitali
Delozier	Kampf	Petrarca	Vulakovich
DeLuca	Kauffman	Petri	Wagner
Denlinger	Kavulich	Pickett	Watson
DePasquale	Keller, F.	Preston	White
Dermody	Keller, M.K.	Pyle	Youngblood
DiGiroalamo	Keller, W.	Quigley	
Donatucci	Killion	Quinn	Smith, S.,
Dunbar	Knowles	Rapp	Speaker
Ellis			

NAYS—13

Brown, V.	Evans, D.	Myers	Thomas
Cohen	Johnson	Parker	Waters
DeLissio	Kirkland	Payton	Williams
DeWeese			

NOT VOTING—0

EXCUSED—7

Bishop	Galloway	Kortz	Wheatley
Boyle, B.	Hess	Mustio	

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

On the question,

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

Mr. **McGEEHAN** offered the following amendment No. **A02593**:

Amend Bill, page 1, line 5, by inserting after "thereto," further providing for distress in school districts of the first class and for superintendents salaries;

Amend Bill, page 1, lines 9 through 12, by striking out all of said lines and inserting

Section 1. Section 696(i)(3) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended October 30, 2001 (P.L.828, No.83), is amended to read:

Section 696. Distress in School Districts of the First Class.—* * *

(i) In addition to all powers granted to the superintendent by law and a special board of control under section 693 and notwithstanding any other law to the contrary, the School Reform Commission shall have the following powers:

* * *

(3) To suspend the requirements of this act and regulations of the State Board of Education except that the school district shall remain subject to those provisions of this act set forth in section 1075, section 1732-A(a), (b) and (c) and section 1714-B and regulations under those sections.

* * *

Section 2. Section 1075 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Section 1075. Salary.—(a) The board of school directors at any convention electing a district superintendent or an assistant district superintendent shall determine the amount of salary to be paid such district superintendent or assistant district superintendent which compensation shall be paid out of the funds of the district. If a district superintendent or an assistant district superintendent is employed in a joint school system including kindergarten or grades 1 to 12, his salary shall be fixed by a majority vote of all the school directors in the districts operating the joint school systems, and shall be paid by the districts in the same proportions as they contribute to the support of the joint school.

(b) District superintendents and assistant district superintendents shall be entitled to the following minimum annual salaries:

(1) Assistant district superintendents having less than one hundred (100) teachers under their supervision, nine thousand dollars (\$9,000).

(2) Assistant district superintendents having one hundred (100) teachers or more but less than three hundred (300) teachers under their supervision, ten thousand dollars (\$10,000).

(3) Assistant district superintendents having three hundred (300) or more teachers under their supervision, eleven thousand dollars (\$11,000).

(4) District superintendents having less than one hundred (100) teachers under their supervision, thirteen thousand dollars (\$13,000).

(5) District superintendents having one hundred (100) teachers or more but less than three (300) teachers under their supervision, fourteen thousand dollars (\$14,000).

(6) District superintendents having three hundred (300) or more teachers under their supervision, fifteen thousand dollars (\$15,000).

(c) Except as provided under subsection (b), district superintendents and assistant district superintendents may not receive:

(1) Any form of annual compensation except for an annual salary. For the purposes of this paragraph, annual compensation shall include bonuses, incentive payments and any other type of compensation. Annual compensation shall not include a severance payment if the district superintendent or assistant district superintendent is not terminated and medical benefits.

(2) Any type of severance payment if the district superintendent or assistant district superintendent was terminated.

Section 3. Section 2574(a) of the act, amended September 29, 1959 (P.L.992, No.407), is amended to read:

Amend Bill, page 3, by inserting between lines 10 and 11

Section 4. The amendment of section 1075 of the act shall apply to a contract setting the compensation of a district superintendent or assistant district superintendent entered into or renewed on or after the effective date of this section.

Amend Bill, page 3, line 11, by striking out "2" and inserting 5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. McGeehan.

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

This amendment would restrict school districts from offering bonuses, incentive payments, and severance packages to superintendents and assistant superintendents. Mr. Speaker, this

would apply to all school districts. Existing contracts would not be affected. Mr. Speaker, with the funding crisis in our education system, any remuneration beyond the salary for superintendents and assistant superintendents is not appropriate at this time.

Mr. Speaker, I will just refer – and it is not me that is saying it, it is the Auditor General – who talked about using public dollars to pay superintendents and assistant superintendents bonuses, and I will quote from the Auditor General's report. He said, quote, "The use of taxpayer dollars to reward the activities of any public official/employee is counterintuitive to the idea of government, which is meant to serve the interests of the greater good; and therefore the report states that 'we hope the District will avoid entering into future employee contracts that permit the payment of these taxpayer subsidized benefits. Instead, the District should use any extra money that would have been paid in bonuses to support its mission of providing students with a quality education.' "

Mr. Speaker, I could not agree more. Currently 19 superintendents exceed the Governor's salary in this Commonwealth. I think that that is inadequate compensation, and the use of bonuses flies in the face of fiscal sanity, particularly in these tough economic times, and I ask for an affirmative vote.

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, once again, I am very sympathetic to the comments made by the gentleman from the city of Philadelphia. I am sure that he has expressed the concerns of other members in this House in a very bipartisan way. However, Mr. Speaker, one of the things that is of concern to me is that we are providing the regulations that should be done by the local school boards or the school review commission, as it may be, in the city of Philadelphia. I have a problem trying to say one size fits all, and that is what we are looking at.

The other problem is that in the compensation that would be paid a school superintendent, if you are going to limit, not limit but prohibit bonuses and incentive payments and other types of compensation, then that initial salary may be very high, may be a high salary because you are trying to compensate for the loss of these other incentives.

Mr. Speaker, you have to remember that a superintendent of schools is a very valuable and important asset to the school district. The function of that school district can either rise or fall on the talents and dedication and the abilities that that superintendent brings to the district. And I just have an uncomfortable feeling that here we are, trying to set the parameters of a superintendent, which, without question, is the most important figure within that local school district.

And, Mr. Speaker, once again I have offered an opportunity to vet the issue, to talk about it in committee, to have a hearing. I am willing to do that at this point, because we need to hear from all quarters of the education community as to their thoughts on this issue as well.

Again, I am very sympathetic to the gentleman from Philadelphia. I understand his concerns, but again, for the reasons I just articulated, I will be a "no" vote. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, before today I have enjoyed the opportunity of working with my colleague, and I am going to continue to work with him. My support for the maker of the amendment has been 100 percent up until we got to these amendments, and we are going to continue to work together. It is just kind of interesting that the mayor of Philadelphia just left here. We had a meeting. The mayor has said to the maker of the amendment and to people who have raised concerns about Philadelphia County that I am developing an accountability agreement, that all money will carry conditions of performance with the mayor, city council, and the Philadelphia delegation.

So, Mr. Speaker, the mayor has heard the maker of the amendment, and unless he questions the veracity of the mayor, then we should vote "no" on this amendment. If he questions the veracity of the mayor's commitment to deal with accountability, then there is no need for the amendment. The amendment is moot at that point, unless, like I said, he has a problem with the veracity of the mayor, and I do not think he has that. I do not think he has that. I think he got on a course and this body let this train get out of the station before he had all the information he wanted.

So let us not hold him responsible because he done got out there, but we can help him not to go any further by voting "no" on the McGeehan amendment. And I have a letter here, and we can make a copy of it for all 203 members of this House, where the mayor has made a commitment to address the concerns of this stellar lawmaker from Philadelphia County, the maker of this amendment, and for other members of our delegation that have some concerns.

And, Mr. Speaker, the other reason that we need to vote "no" is I am confident that there is a lawmaking body in Philadelphia County, like there is a lawmaking body in your county, that has the ability to deal with these issues of bonuses. And I do not like dealing with words like "bonuses," but we have a local lawmaking body throughout our counties who can deal with this issue of bonuses and all of this.

And then, you know, the third thing, and I did not want to say this but I got to put this out there, every superintendent prior to this gentledady in Philadelphia came in and took up bags of money and ran them wherever they wanted to go, and we never said nothing about those men. We never said nothing about the men who ran the Philadelphia School District. These bonuses and incentives have been given to everybody else that has run the Philadelphia School District, and now this lady comes along and now we have got to modify some behavior.

Mr. Speaker, this is not good. The mayor is with the maker of the amendment, I am with the maker of the amendment in bringing about some changes, and I ask him to join me in voting "no" on his amendment and let us move on to getting to the budget. Thank you.

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

On that question, the Speaker recognizes the gentleman, Mr. Day. The Speaker thanks the gentleman.

The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment, and it has nothing to do with who the current occupant of the Philadelphia School District is as a superintendent. We have over 500 school districts, and we have spent at least 6 months saying, what should we do to somehow cut back on the costs that we have? And today what I am hearing is, there are 19 superintendents whose salaries are greater than the Governor's. Well, I do not think anybody who works for the State ought to have a salary higher than the Governor's, and if they already have a salary that is higher than the Governor's, I do not think there is anything wrong, with the deficit that we have, in saying that maybe we should stop the bonuses going forward.

If we are going to be serious about dealing with the amount of money that we have to spend for public education, then we cannot waste it. And if we are going to be serious about dealing with the public retirement pension costs, then we have got to be serious about how much we pay public employees. And it does not make any difference how much we spent in the past. The question is, how much can we spend now?

So I am in support of this amendment. I ask everyone to vote in favor of this amendment.

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

On that question, the Speaker recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. Thank you, Mr. Speaker.

I rise in support of this amendment. Enough is enough. We are telling the superintendent of schools, no matter what sex you are, you are creating a problem when you are giving yourself a \$100,000 bonus and you make more than the Governor and the mayor put together. It is \$100,000 short from being the President's salary. So enough is enough. The education of our children should be the number one priority.

So I ask both sides of the aisle, please support this amendment. Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Vitali, is in order.

Mr. VITALI. Now, does the maker of the amendment know how many school districts – we have 500-some school districts – how many would be affected by this now? How many give compensation other than what would be allowable by your legislation now? Do we know that?

Mr. McGEEHAN. We do not know that, Mr. Speaker. No, I do not know how many are further compensating their superintendents with bonuses.

Mr. VITALI. Do you know if there could be 5 or 50 or 75 or 200 or—

Mr. McGEEHAN. If it is more than zero, it is too many.

Mr. VITALI. Okay; so we do not know.

Now, with regard to your—

Mr. McGEEHAN. And if I may follow up, Mr. Speaker.

Mr. VITALI. Well, I think you answered my question, frankly.

Mr. McGEEHAN. No; I just wanted to give a definitive result.

The Department of Education does not keep figures on bonuses given out. They keep them on base salary.

Mr. VITALI. Okay.

And talk to me about the retroactive effect of this. Would this apply to compensation already under contract? What does this amendment do with regard to deals that already might have been entered into?

Mr. McGEEHAN. Well, certainly, Mr. Speaker, I would like to abrogate several of the existing contracts, but that is not in keeping with the law, and this would not abrogate current contracts and it would only be in effect if this bill became the law.

Mr. VITALI. Okay.

Mr. McGEEHAN. From that date forward.

Mr. VITALI. All right.

Now, do you know if the Pennsylvania School Boards Association has taken a position on your amendment?

Mr. McGEEHAN. We are not aware that they have taken a position, Mr. Speaker.

Mr. VITALI. Have you asked them to review it and give their opinion of this amendment?

Mr. McGEEHAN. We have not.

Mr. VITALI. Okay. That concludes my interrogation. I would like to speak on the bill.

The SPEAKER. The gentleman is in order, on the amendment.

Mr. VITALI. On the amendment rather.

You know, I have a lot of problems with this amendment, and, I mean, right off the bat the maker clearly feels there is a Philadelphia problem but he is making this in effect for all school districts in the State. My first suggestion would be, if he feels there is a Philadelphia problem, craft a Philadelphia solution.

Mr. Speaker, this really goes against the concept of local control. Each school district in this State is different. Some school districts fortunately have the means to strive for excellence, and sometimes when they seek out superintendents, they are competing in a national market. It is totally irrelevant what the Governor makes; it is a different market. There is a market for Governors and there is a market for school board superintendents and there is a market for other professions. We are dealing with the market for school superintendents, and if a school district fortunately has the wherewithal to want to get the best superintendent it possibly can, it wants to conduct a national search, it wants to be creative in the benefits package it offers, we should not be impeding its ability to get the best possible superintendent for the children of that district.

You know, that is what local control is all about. You as a citizen of this Commonwealth can choose where you choose to live, what school district you choose, and each offers different things. School districts should have the right to, within their means, try to do the best that they can. If this amendment were to go— And frankly, I do not think the maker of this amendment really even understands the consequences of what he is trying to do, because he clearly does not have the answers to fairly basic questions here. This is aimed at Philadelphia, but it is going to have consequences throughout the State which the maker of the amendment is not even aware of.

The people in the best position to give him some input on this would be school board associations throughout the State. They have not even been solicited. I mean, that is really not the way we ought to be crafting State educational policy.

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

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

On that question, the Speaker recognizes the gentleman, Mr. McGeehan, for the second time.

Mr. McGEEHAN. Thank you, Mr. Speaker.

Mr. Speaker, I have listened and heard the arguments of the speakers, and yes, districts should be striving for excellence. Yes, it is one of the primary obligations of our local governments, to provide the best, most efficient education we have possible. But we should not— And if it was a corporation, I would say they can incentivize any way they want. They can give bonuses. They can give, you know, incentive pay to anyone. But, Mr. Speaker, we are not talking about a private entity; we are talking about a public entity.

And the gentleman from Delaware County has some excellent school districts in his district, and if they were going to pay the full cost of an exorbitant salary, I would say more power to them. But, Mr. Speaker, we are all paying for those superintendents' excessive salaries in Delaware County and Montgomery County and the 500 counties that we are talking about. If it was just the local taxpayers picking up those overly generous salaries on top of bonuses and incentive pay, if it was all paid for at the local level, I would not have a problem with it either, but we are talking about all of our citizens and all of our taxpayers funding very few who are providing these overly generous bonuses.

Mr. Speaker, I want to point to a problem not just in Philadelphia. The news media has presented the problem in the districts in Atlanta and in Chicago where they were paying bonuses, and it was revealed the test scores in some schools went up exponentially. They were touted as miracles, until they looked further and they found out that there were instances where students were being coached; teachers were involved in giving answers to tests. When you incentivize performance like that, when you tell a superintendent, if you reach this number, you get this amount of money, you can lead to the problems that we are seeing in Atlanta and in Chicago and in a school in Philadelphia.

Mr. Speaker, it is not a problem to have overly generous golden parachutes and excessive bonuses when you are dealing in the private sector. It is when it is coming out of your tax dollars and my tax dollars and your citizens' tax dollars. No public employee— And let us be honest, these are not private institutions. Superintendents are public employees. It is not just me that is saying it; it is the Auditor General saying it. Public dollars should not be going to incentivize public employees. You are getting a salary; do your job, and do not expect anything more from it.

I urge an affirmative vote.

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

The following roll call was recorded:

YEAS—78

Barbin	DePasquale	Krieger	Petrarca
Barrar	DeWeese	Kula	Preston
Boyle, K.	DiGirolamo	Lawrence	Ravenstahl
Brennan	Donatucci	Mahoney	Readshaw
Brooks	Evankovich	Mann	Reese
Brown, R.	Fabrizio	Marsico	Reichley
Brownlee	Freeman	Masser	Sabatina
Burns	George	Matzie	Samuelson
Buxton	Gergely	McGeehan	Santarsiero
Caltagirone	Gibbons	Metcalfe	Santoni
Carroll	Godshall	Millard	Scavello
Christiana	Goodman	Mullery	Schroder
Cohen	Haluska	Mundy	Smith, K.
Conklin	Harkins	Murphy	Sonney
Costa, D.	Hornaman	Murt	Staback
Costa, P.	Hutchinson	O'Brien, D.	Sturla
Cruz	Kavulich	O'Brien, M.	Taylor
Daley	Keller, M.K.	Pashinski	Wagner
Deasy	Keller, W.	Peifer	Youngblood
DeLuca	Kotik		

NAYS—118

Adolph	Everett	Knowles	Rock
Aument	Farry	Longiotti	Roebuck
Baker	Fleck	Maher	Ross
Bear	Frankel	Major	Saccone
Benninghoff	Gabler	Maloney	Sainato
Bloom	Geist	Markosek	Saylor
Boback	Gerber	Marshall	Shapiro
Boyd	Gillen	Metzgar	Simmons
Bradford	Gillespie	Miccarelli	Smith, M.
Briggs	Gingrich	Micozzie	Stephens
Brown, V.	Grell	Miller	Stern
Causar	Grove	Milne	Stevenson
Clymer	Hackett	Mirabito	Swanger
Cox	Hahn	Moul	Tallman
Creighton	Hanna	Myers	Thomas
Culver	Harhai	Neuman	Tobash
Curry	Harhart	O'Neill	Toepel
Cutler	Harper	Oberlander	Toohil
Davidson	Harris	Parker	Truitt
Davis	Heffley	Payne	Turzai
Day	Helm	Payton	Vereb
DeLissio	Hennessey	Perry	Vitali
Delozier	Hickernell	Petri	Vulakovich
Denlinger	Johnson	Pickett	Waters
Dermody	Josephs	Pyle	Watson
Dunbar	Kampf	Quigley	White
Ellis	Kauffman	Quinn	Williams
Emrick	Keller, F.	Rapp	
Evans, D.	Killion	Reed	Smith, S.,
Evans, J.	Kirkland	Roae	Speaker

NOT VOTING—0

EXCUSED—7

Bishop	Galloway	Kortz	Wheatley
Boyle, B.	Hess	Mustio	

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

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

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

Mr. CRUZ. Mr. Speaker, I had an amendment, 2705, and I am withdrawing that amendment with the agreement of the majority leader and the chairman of Education to have public hearings on that amendment. It was previously HB 1550.

Thank you, Mr. Speaker.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

For the information of the members – I know it has been a relatively long day, or at least we can all agree it has not been a short day – we have about three more bills to do.

* * *

The House proceeded to second consideration of **HB 1441, PN 1731**, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, in codification and publication of documents, providing for electronic publication of municipal codes; and making an inconsistent repeal.

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

* * *

The House proceeded to second consideration of **HB 1451, PN 1956**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for additional costs for rehabilitation and maintenance.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1304, PN 1955**, entitled:

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for powers of the authority.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

NAYS—3

Dermody	Frankel	Gergely
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NOT VOTING—0

EXCUSED—7

Bishop	Galloway	Kortz	Wheatley
Boyle, B.	Hess	Mustio	

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

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

The SPEAKER. For the information of the members, there will be no more votes.

COMMITTEE MEETING CANCELED

The SPEAKER. For the purpose of making an announcement? The gentleman, Mr. Hutchinson, is recognized for the purpose of making an announcement.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Just to announce that the Environmental Resources and Energy Committee scheduled for tomorrow at 10 a.m. has been canceled.

Thank you, Mr. Speaker.

VOTE CORRECTIONS

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

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

The SPEAKER. The gentleman may state his correction.

Mr. KIRKLAND. Thank you, Mr. Speaker.

On amendment 2588, I was mistakenly recorded in the affirmative. I would like to be recorded "no," a "no" vote.

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

Mr. KIRKLAND. Thank you, Mr. Speaker.

The SPEAKER. For what purpose does the lady, Ms. Brownlee, seek recognition?

Ms. BROWNLEE. Mr. Speaker, on amendment 2593, my button malfunctioned. I am a "no" on that vote.

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

Ms. BROWNLEE. Thank you, Mr. Speaker.

BILLS RECOMMITTED

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

HB 139;
HB 1441; and
HB 1451.

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

BILLS REMOVED FROM TABLE

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

HB 1164;
HB 1173;
HB 1436;
HB 1546;
HB 1567; and
SB 1006.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 395 be removed from the tabled calendar and placed on the active calendar.

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

BILL TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 395 be removed from the active calendar and placed on the tabled calendar.

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

CALENDAR CONTINUED

RESOLUTION

Mr. TURZAI called up **HR 177, PN 1392**, entitled:

A Resolution requesting the Legislative Budget and Finance Committee to study county human services program mandate relief.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 177 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 177 be removed from the tabled calendar and placed on the active calendar.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Speaker recognizes the gentleman, Mr. Dunbar, from Westmoreland County, who moves that this House do adjourn until Wednesday, June 8, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 4:33 p.m., e.d.t., the House adjourned.