

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 17, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MIKE TURZAI)  
PRESIDING**

#### PRAYER

HON. HAROLD A. ENGLISH, member of the House of Representatives, offered the following prayer:

Heavenly Father, thank You for bringing us here together safely this week and return us safely to our families.

You have blessed each of us with the opportunity to serve our neighbors in the local communities, whether they be city, suburban, or rural.

Remind us that our daily discussions of the many bills, amendments, policies, or programs that we read and talk over, affect people, Your people, the people of Pennsylvania.

Give us a moment in our day to pause and to think of You. Allow us the opportunity to prepare to hear You through others in those meetings, those e-mails, phone calls, discussions, revisions to amendments, for it is not our individual bill or law, but the law of You, for You, and by You, God Almighty, for all Your people here on earth during our time on earth.

Allow us in this great House to work together, to talk, comfort, strengthen, and together all of us improve the lives of our neighbors throughout this Commonwealth. Allow us to put our trust in You and not be afraid, for You, Heavenly Father, are our strength and friend. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, June 16, 2015, will be postponed until printed.

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

**HB 677, PN 1833** (Amended) By Rep. BARRAR

An Act amending the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act, in hazardous material protection, further providing for establishment and functions of local emergency planning committees and for emergency reporting requirements.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

**HB 784, PN 1834** (Amended) By Rep. BARRAR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for the Vets First tax credit to honor veterans for their service to our country and provide incentives for their employment.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

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

**SB 285, PN 163** By Rep. BARRAR

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Veterans' Trust Fund.

VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS.

#### SENATE MESSAGE

HOUSE BILL  
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 182, PN 1071**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned HB 911, PN 1800, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

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

HB 182, PN 1071

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for the authority to administer injectable medications, biologicals and immunizations.

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

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests a leave of absence for Jeff PYLE, Representative Pyle, of Armstrong County for the day. That leave of absence will be granted.

The minority whip, Mike Hanna, requests leaves of absence for Representative MAHONEY of Fayette County for the day; Representative BURNS of Cambria County for the day; and Representative DeLUCA of Allegheny County for the day. That request for leaves of absence will be granted.

MASTER ROLL CALL

The SPEAKER. Members, we are about to take the master roll. Please proceed to vote.

The following roll call was recorded:

PRESENT-193

Table with 4 columns of names: Acosta, Adolph, Baker, Barbin, Barrar, Benninghoff, Bishop, Bizzarro, Bloom, Boback, Boyle, Bradford, Briggs, Brown, R., Brown, V., Caltagirone, Carroll, Causer, Christiana, Evans, Everett, Fabrizio, Farina, Farry, Fee, Flynn, Frankel, Freeman, Gainey, Galloway, Gergely, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Greiner, Kortz, Kotik, Krieger, Lawrence, Lewis, Longietti, Mackenzie, Maher, Major, Maloney, Markosek, Marshall, Marsico, Masser, Matzie, McCarter, McGinnis, McNeill, Mentzer, Readshaw, Reed, Reese, Regan, Roae, Roebuck, Ross, Rozzi, Saccone, Sainato, Samuelson, Sankey, Santarsiero, Santora, Saylor, Schemel, Schlossberg, Schreiber, Schweyer

Table with 4 columns of names: Cohen, Conklin, Corbin, Costa, D., Costa, P., Cox, Cruz, Culver, Cutler, Daley, M., Daley, P., Davidson, Davis, Dawkins, Day, Dean, Deasy, DeLissio, Delozier, Dermody, Diamond, DiGirolamo, Donatucci, Driscoll, Dunbar, Dush, Ellis, Emrick, English, Evankovich, Grove, Hahn, Hanna, Harhai, Harhart, Harkins, Harper, Harris, A., Harris, J., Heffley, Helm, Hennessey, Hickernell, Hill, Irvin, James, Jozwiak, Kampf, Kaufner, Kauffman, Kavulich, Keller, F., Keller, M.K., Keller, W., Killion, Kim, Kinsey, Kirkland, Klunk, Knowles, Metcalfe, Metzgar, Miccarelli, Millard, Miller, B., Miller, D., Milne, Moul, Mullery, Murt, Mustio, Nesbit, Neuman, O'Brien, O'Neill, Oberlander, Ortitay, Parker, C., Parker, D., Pashinski, Payne, Peifer, Petrarca, Petri, Pickett, Quigley, Quinn, Rader, Rapp, Ravenstahl, Simmons, Sims, Snyder, Sonney, Staats, Stephens, Sturla, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Truitt, Vereb, Vitali, Ward, Warner, Watson, Wentling, Wheatley, Wheeland, White, Youngblood, Zimmerman, Turzai, Speaker

ADDITIONS-0

NOT VOTING-0

EXCUSED-5

Table with 4 columns: Burns, DeLuca, Gabler, Mahoney, Pyle

LEAVES ADDED-7

Table with 4 columns: Barrar, Day, Evans, Gingrich, Harper, Quinn, Simmons

LEAVES CANCELED-1

Gingrich

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

Members, if you will please take your seats. Members, please take your seats.

GUESTS INTRODUCED

The SPEAKER. I would like to introduce a special group that is with us here in the chamber today, and actually, with us throughout the Capitol. It is called the GirlGov program. Would all the young ladies who are members of the GirlGov program please stand at this time.

We are so pleased to make note of this group of young women who are participating in the GirlGov program. It is sponsored by the Women and Girls Foundation, and it is designed to provide girls with the opportunity to learn about civics, government, philanthropy, community involvement, women's history, and leadership. The program is open to all girls entering 9th grade to 12th grade who live in the Commonwealth of Pennsylvania. The young women who are

present here today are shadowing legislators – and these legislators I know for sure; there may be others – but Representatives Ortitay, Frankel, Markosek, Delozier, Harper, Wheatley, English, Culver, Hahn, Sturla, and myself.

So we are very honored to have you here today. If you get an opportunity, young ladies, please take the opportunity to meet many of the women legislators. They are leaders not only in their community, but certainly leaders here in this august hall, this august chamber. So if you have that opportunity, please take the opportunity to meet with a number of our outstanding women legislators. I think you will find it inspiring. Thank you for being with us today.

Located to the left of the rostrum, the Chair welcomes William and Rosemary Richards, and Len and Jason Frampton. Could you please stand. Nice to see you. They are here as guests of Representative Harry Lewis. So welcome. Thank you for being here.

Located to the left of the rostrum, the Chair welcomes Tom Burke. Tom, please stand. And you are with your wife, Sheri, and your son, Thomas. Tom is president of AOI Communications. That company is focused on scientific and medical communications. And he and his family are the guests of Representative Milne. Thank you for being here today.

Located in the rear of the House, the Chair welcomes Bodhi Childs. Bodhi, could you stand. He is the fourth grade winner of Representative Tom Murt's "There Ought to Be a Law" contest, and Bodhi is here with his family – Peter, Melissa, and Skyler Childs. Thank you so much for being here today.

In the rear of the House, we welcome Carlee Horgan. Carlee, are you here? Hey, Carlee, thank you. She is interning with Representative Warren Kampf this summer, and Colleen Eckman from the district office is seated with her. Thank you for being here today.

**UNCONTESTED CALENDAR**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. MASSER called up **HR 356, PN 1630**, entitled:

A Resolution designating the month of August 2015 as "Stevens-Johnson Syndrome Awareness Month" in Pennsylvania.

\* \* \*

Mr. HEFFLEY called up **HR 390, PN 1783**, entitled:

A Resolution recognizing the first responders who safely battled and contained the East Penn Township wildland fire on April 18 and 19, 2015.

\* \* \*

Mr. VITALI called up **HR 397, PN 1808**, entitled:

A Resolution recognizing the 100th anniversary of the founding of Harcum College in Bryn Mawr, Pennsylvania.

On the question,  
Will the House adopt the resolutions?

**LEAVE OF ABSENCE**

The SPEAKER. Representative SIMMONS of Lehigh County has requested to be marked on leave of absence for the day, just for the day, and that will be granted.

**CONSIDERATION OF RESOLUTIONS PURSUANT TO RULE 35 CONTINUED**

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

The following roll call was recorded:

**YEAS—191**

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

**NAYS—1**

Tallman

NOT VOTING—0

EXCUSED—6

Burns DeLuca Gabler Mahoney Pyle Simmons

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

The SPEAKER. Representative Doyle Heffley is recognized to speak on HR 390. He waives off. Thank you, sir.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. BENNINGHOFF called up HR 371, PN 1698, entitled:

A Resolution designating the month of September 2015 as "Childhood Cancer Awareness Month" in Pennsylvania, honoring those young people who have lost their lives to childhood cancer, expressing gratitude to the doctors and nurses who provide special care to patients and families affected by childhood cancer, and encouraging all residents to join the fight against childhood cancer in this Commonwealth.

On the question, Will the House adopt the resolution?

The SPEAKER. Representative Benninghoff is given the floor.

Members, if you will please take your seats. Members, if you will please take your seats.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I will try to keep my comments brief as we try to get to our June 30 deadline.

I appreciate the members' willingness to support HR 371, which would make the month of September Childhood Cancer Awareness Month. As you know, we will not be here at the beginning of that - at least we hope not - but I think it is only fitting to acknowledge those families that continue to struggle with their children with the diagnosis of cancer. Many of you may know that in the State of Pennsylvania we diagnose over 600 children a year. Now, you can do the math. In 365 days that is about 1 1/2 children every other day.

Sadly, childhood cancer is the leading cause of children's death under age 15, only exceeded by accidents, to a tune of about 1250 children expected to pass away from this horrible disease in 2015.

I am not here to dwell on the negative part of it, as we are very blessed to have many good organizations and providers and researchers here in Pennsylvania, and I think we need to exalt them for the work that they do and remember the doctors and families and the nurses, who are the great providers for our young people.

So I ask the members and thank them for their support of HR 371.

To the families that continue this battle, we are here to support you, we pray for you, we hope for the best outcome, and we are thankful for the advancements in today's technology

that is making possible for young children to live longer, keeping in mind that when we lose a young child, we lose years of future life. And we need to invest in childhood cancer research as much as we do in all the other resources.

Mr. Speaker and to the members of the great chamber, I thank you for your support.

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

The following roll call was recorded:

YEAS—192

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Burns DeLuca Gabler Mahoney Pyle Simmons

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

### **GUEST INTRODUCED**

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Bryan Crist, an intern in Representative Bizzarro's Harrisburg office. Please stand. Thank you, sir. Bryan, thank you. This gentleman is a veteran of the United States Marine Corps, having served on active duty from 2004 to 2008. He graduated from Shippensburg University with bachelor's degrees in political science and criminal justice, and is currently finishing his master's degree in organizational development and leadership. Thank you for being with us today, sir.

### **HEALTH COMMITTEE MEETING**

The SPEAKER. With respect to committee announcements, I call upon Chairman Matt Baker for a committee announcement.

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

There will be an immediate Health Committee meeting at the call of the Chair, as soon as we break, in room G-50 for consideration of HB 46 and HB 1164.

Thank you very much, Mr. Speaker.

The SPEAKER. Thank you, Representative Baker.

There will be a Health Committee meeting at the call of the Chair, as soon as we break, in room G-50.

### **STATE GOVERNMENT COMMITTEE MEETING**

The SPEAKER. Chairman Metcalfe, Chairman Daryl Metcalfe for a committee announcement.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the State Government Committee will reconvene at the break in room B-31 in the Main Capitol to continue the debate and consideration of HB 826 and any other business that comes before the committee, Mr. Speaker. So that is room B-31 here in the Main Capitol, State Government will reconvene from our recent recess.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Chairman Metcalfe.

The State Government Committee will reconvene at the break in room B-31 in the Main Capitol.

### **APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. I would like to call Chairman Adolph of the Appropriations Committee for an announcement.

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

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

The SPEAKER. Thank you, sir.

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

### **REPUBLICAN CAUCUS**

The SPEAKER. The majority caucus chair, Representative Sandy Major, for an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12:15. I would ask our Republican members to report to our caucus room at 12:15. We would be prepared to come back to the floor, Mr. Speaker, at 1:30. Thank you.

The SPEAKER. Thank you very much, Madam Chair.

### **DEMOCRATIC CAUCUS**

The SPEAKER. Representative Dan Frankel, the minority caucus chair, is recognized for an announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will also caucus at 12:15. Democrats will caucus at 12:15. Thank you.

### **ANNOUNCEMENT BY SPEAKER**

The SPEAKER. For an announcement by the Chair, all members, all members who have the young ladies shadowing them today, if you would please provide your names to Kelly. All legislators who have some of the GirlGov individuals shadowing you, please provide your name and we will make that announcement when we return to the floor. So please, anybody who has anybody shadowing them today, please give your name to our staff and we will make that announcement when we return to the floor. Thank you.

### **RECESS**

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

### **RECESS EXTENDED**

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.

### **AFTER RECESS**

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

### **LEAVES OF ABSENCE**

The SPEAKER. The majority whip has indicated that Representative GINGRICH of Lebanon County would like to be marked on leave for the day, and Representative QUINN of Bucks County would like to be marked on leave for the day. Both of those requests will be granted.

**BILLS REREPORTED FROM COMMITTEE****HB 97, PN 87**

By Rep. ADOLPH

An Act providing for the Pennsylvania Officer Down Advisory; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Officer Down Advisory; assessing costs; and providing for immunity and penalties.

APPROPRIATIONS.

**HB 235, PN 229**

By Rep. ADOLPH

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a public servant; and, in equipment of authorized and emergency vehicles, for visual and audible signals on emergency vehicles.

APPROPRIATIONS.

**HB 308, PN 1829**

By Rep. ADOLPH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage ceremony, further providing for persons qualified to solemnize marriages.

APPROPRIATIONS.

**HB 903, PN 1830**

By Rep. ADOLPH

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for building and housing regulations and repealing provisions relating to building and housing inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

APPROPRIATIONS.

**HB 904, PN 1124**

By Rep. ADOLPH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in corporate powers, further providing for powers of the board of township commissioners as to building and housing regulations and inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

APPROPRIATIONS.

**HB 906, PN 1103**

By Rep. ADOLPH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in general provisions relating to township officers, further providing for failure of officer to perform duties.

APPROPRIATIONS.

**HB 907, PN 1125**

By Rep. ADOLPH

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in short title and definitions, further providing for definitions.

APPROPRIATIONS.

**HB 908, PN 1104**

By Rep. ADOLPH

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township officers generally, further providing for removal for failure to perform duties.

APPROPRIATIONS.

**HB 909, PN 1126**

By Rep. ADOLPH

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

APPROPRIATIONS.

**HB 910, PN 1105**

By Rep. ADOLPH

An Act amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," further providing for removal of town officers and for vacancies.

APPROPRIATIONS.

**HB 1276, PN 1831**

By Rep. ADOLPH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for persons required to report suspected child abuse, for access to information in Statewide database, for release of information in confidential reports, for employees having contact with children and adoptive and foster parents, for information relating to certified or registered day-care home residents, for volunteers having contact with children, for continued employment or participation in program, activity or service, for certification compliance, for education and training and for mandatory reporting of children under one year of age.

APPROPRIATIONS.

**SB 397, PN 1058**

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, amending provisions relating to professional bondsmen and providing for authorization to conduct business within each county, for forfeited undertaking, for private cause of action and for third party sureties.

APPROPRIATIONS.

**SB 622, PN 644**

By Rep. ADOLPH

An Act providing for elimination of certain reporting duties of the Legislative Budget and Finance Committee.

APPROPRIATIONS.

**SB 699, PN 683**

By Rep. ADOLPH

An Act authorizing the disposition of certain lands situate in Plymouth Township, Luzerne County, subject to Project 70 restrictions.

APPROPRIATIONS.

**LEAVE OF ABSENCE**

The SPEAKER. The majority whip has indicated that Representative BARRAR of Delaware County would like to be marked on leave for the day. That request will be granted.

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

**HB 46, PN 1839** (Amended) By Rep. BAKER

An Act providing for unannounced inspections of certain facilities and persons that provide child day care; conferring powers and duties on the Department of Human Services; repealing provisions of the Public Welfare Code relating to registration provisions; and abrogating a regulation.

## HEALTH.

**HB 414, PN 1837** (Amended) By Rep. HARPER

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, in standards for municipal pension systems, further providing for definitions and providing for special procedures for certain professional services contracts.

## LOCAL GOVERNMENT.

**HB 826, PN 1841** (Amended) By Rep. METCALFE

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

## STATE GOVERNMENT.

**HB 838, PN 1006** By Rep. TAYLOR

An Act designating a bridge on that portion of Garrett Road over the Darby Creek, Upper Darby Township, Delaware County, as the Honorable Nicholas A. Micozzie Bridge.

## TRANSPORTATION.

**HB 905, PN 1102** By Rep. HARPER

An Act amending Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes, in recreation places, shade trees and forests, further providing for care, custody and control, for notice of work and for shade tree commission.

## LOCAL GOVERNMENT.

**HB 912, PN 1838** (Amended) By Rep. HARPER

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for definitions and for subjects of local taxation.

## LOCAL GOVERNMENT.

**HB 1040, PN 1490**

By Rep. HARPER

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates and distribution systems, further providing for standby charge prohibited.

## LOCAL GOVERNMENT.

**HB 1092, PN 1408**

By Rep. HARPER

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in county officers, further providing for incompatible offices.

## LOCAL GOVERNMENT.

**HB 1154, PN 1835** (Amended)

By Rep. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for registration and certificate of title required and for display of registration plate.

## TRANSPORTATION.

**HB 1164, PN 1840** (Amended)

By Rep. BAKER

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

## HEALTH.

**HB 1278, PN 1836** (Amended)

By Rep. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in other required equipment, further providing for television equipment.

## TRANSPORTATION.

**HB 1279, PN 1710**

By Rep. TAYLOR

An Act designating a section of Christopher Columbus Boulevard between Oregon Avenue and Washington Avenue in the City of Philadelphia, Philadelphia County, as the William J. Guarnere and Edward James Heffron Memorial Boulevard.

## TRANSPORTATION.

**RESOLUTION REPORTED  
FROM COMMITTEE**

**HR 370, PN 1697**

By Rep. METCALFE

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

## STATE GOVERNMENT.

**BILL SIGNED BY SPEAKER**

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

**SB 485, PN 425**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a notary public or a holder of a professional or occupational license.

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

**CALENDAR CONTINUED**

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS  
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 188, PN 1828**, as further amended by the House Rules Committee:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions and for the purchase of agricultural conservation easements.

On the question,  
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Moved by the gentleman, Representative Sonney, that the House concur in the amendments inserted by the Senate.

The Chair recognizes Representative Sonney for a brief description of the Senate amendments.

Mr. SONNEY. Thank you, Mr. Speaker.

Mr. Speaker, my House bill was amended in the Senate to require that any power generation company would have to conduct an assessment or a survey of endangered or threatened species, and if the installation will affect them, the company would then be required to implement measures to avoid, minimize, or mitigate adverse effects. It is my understanding that this language is consistent with the Federal Endangered Species Act.

Furthermore, Mr. Speaker, the bill was amended in our Rules Committee to add that failure by a wind power generation company to conduct the assessment or manage the effects will not result in the breach of the agricultural conservation easement by the landowner.

I would ask the members for a positive vote. Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative.

**POINT OF ORDER**

The SPEAKER. Representative Vitali.

Mr. VITALI. Point of order.

I have no problem with the bill itself, but this, as I understand it, is going back to the Senate again?

The SPEAKER. Correct.

Mr. VITALI. Got it. Okay. Thank you.

The SPEAKER. My understanding is, it was amended by the Senate and then it was amended in Rules here.

Mr. VITALI. Here.

The SPEAKER. So the bill will be going back to the Senate.

Mr. VITALI. Got it.

The SPEAKER. Any other comments on the bill?

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

**YEAS—189**

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

**NAYS—0**

**NOT VOTING—0**

**EXCUSED—9**

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			



The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 794, PN 1562**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, repealing provisions relating to authorization of excise tax and authorization of hotel tax; and providing for hotel room rental tax in third through eighth class counties and for certification of recognized tourist promotion agencies.

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

Mr. **GILLESPIE** offered the following amendment No. **A02056**:

Amend Bill, page 12, line 27, by inserting after "ACCOMMODATIONS."  
The term does not include yurts or walled tents.

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

The **SPEAKER**. On that question, Representative Gillespie. Mr. **GILLESPIE**. Thank you, Mr. Speaker. The **SPEAKER**. Yes, sir.

Mr. **GILLESPIE**. This amendment further requests that DCNR (Department of Conservation and Natural Resources) just will exempt yurts and walled tents from the bill.

The **SPEAKER**. Thank you very much, Representative. Any other members wish to be recognized?

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

The following roll call was recorded:

**YEAS—187**

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

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

**NAYS—1**

Marshall

**NOT VOTING—1**

Murt

**EXCUSED—9**

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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?

**VOTE CORRECTION**

The **SPEAKER**. Representative Murt, you are recognized. Mr. **MURT**. Mr. Speaker, I had a button malfunction on that last item, and I would like to be recorded in the affirmative, please.

The **SPEAKER**. Yes, sir. You will be marked in the affirmative.

Mr. **MURT**. Thank you, Mr. Speaker.

CONSIDERATION OF HB 794 CONTINUED

MOTION TO SUSPEND RULES

The SPEAKER. Representative Roae is called upon for a motion.

Mr. ROAE. Thank you, Mr. Speaker.

I would like to make a motion to run a late-filed amendment.

The SPEAKER. Yes, sir. On the motion, please.

Mr. ROAE. Okay. Thank you, Mr. Speaker.

My amendment would basically change the bill so that it would only apply to actual real—

The SPEAKER. Sir, if you will just hold for a moment.

You are moving to suspend the rules—

Mr. ROAE. Yes.

The SPEAKER. —to permit a vote on amendment 2242. Is that correct?

Mr. ROAE. Correct.

The SPEAKER. And on that motion, you would need two-thirds vote to get that suspension.

Please proceed.

Mr. ROAE. Okay. Thank you, Mr. Speaker.

I am seeking a suspension of the rules so that I can offer the amendment that would basically get the bill back to what it really should be, a hotel and motel tax, not a camper tax, not a cabin tax, anything like that.

The SPEAKER. Does anybody else wish to be recognized on the motion?

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—48

Table listing names of members who voted 'YEAS' (48 total). Includes Baker, Bloom, Brown, R., Causer, Christiana, Cox, Culver, Dunbar, Dush, Emrick, English, Evankovich, Gillen, Hahn, Harhart, Harper, Heffley, Hennessey, Jozwiak, Kaufer, Keller, F., Knowles, Krieger, Lawrence, Mackenzie, Maher, Maloney, Marshall, Masser, McGinnis, Metcalfe, Miccarelli, Millard, Miller, B., Murt, Ortitay, Parker, D., Rader, Rapp, Reese, Roae, Saccone, Sankey, Truitt, Warner, Watson, Wentling, Turzai, Speaker.

NAYS—141

Table listing names of members who voted 'NAYS' (141 total). Includes Acosta, Adolph, Barbin, Benninghoff, Bishop, Bizzarro, Boback, Boyle, Bradford, Briggs, Brown, V., Caltagirone, Carroll, Cohen, Conklin, Corbin, Evans, Everett, Fabrizio, Farina, Farry, Fee, Flynn, Frankel, Freeman, Gainey, Galloway, Gergely, Gibbons, Gillespie, Godshall, Goodman, Kinsey, Kirkland, Klunk, Kortz, Kotik, Lewis, Longietti, Major, Markosek, Marsico, Matzie, McCarter, McNeill, Mentzer, Metzgar, Miller, D., Reed, Regan, Roebuck, Ross, Rozzi, Sainato, Samuelson, Santarsiero, Santora, Saylor, Schemel, Schlossberg, Schreiber, Schweyer, Sims, Snyder.

Table listing names of members who were present but did not vote. Includes Costa, D., Costa, P., Cruz, Cutler, Daley, M., Daley, P., Davidson, Davis, Dawkins, Day, Dean, Deasy, DeLissio, Delozier, Dermody, Diamond, DiGirolamo, Donatucci, Driscoll, Ellis, Greiner, Grove, Hanna, Harhai, Harkins, Harris, A., Harris, J., Helm, Hickernell, Hill, Irvin, James, Kampf, Kauffman, Kavulich, Keller, M.K., Keller, W., Killion, Kim, Milne, Moul, Mullery, Mustio, Nesbit, Neuman, O'Brien, O'Neill, Oberlander, Parker, C., Pashinski, Payne, Peifer, Petrarca, Petri, Pickett, Quigley, Ravenstahl, Readshaw, Sonney, Staats, Stephens, Sturla, Tallman, Taylor, Thomas, Tobash, Toepel, Toohil, Topper, Vereb, Vitali, Ward, Wheatley, Wheeland, White, Youngblood, Zimmerman.

NOT VOTING—0

EXCUSED—9

Table listing names of members who were excused. Includes Barrar, Burns, DeLuca, Gabler, Gingrich, Mahoney, Pyle, Quinn, Simmons.

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

On the question recurring,

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1276, PN 1831, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for persons required to report suspected child abuse, for access to information in Statewide database, for release of information in confidential reports, for employees having contact with children and adoptive and foster parents, for information relating to certified or registered day-care home residents, for volunteers having contact with children, for continued employment or participation in program, activity or service, for certification compliance, for education and training and for mandatory reporting of children under one year of age.

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 Chair recognizes the chairperson, Kathy Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

The SPEAKER. Please suspend.

Would all members please take their seats. Members, please.

On HB 1276, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker, and I do have remarks I will submit for the record.

I will briefly say, Mr. Speaker, it was always my intent that because this bill, and of course, what preceded it, Act 153, affects so many of us and our constituents, I wanted a full discussion on the House floor. And what is very uncharacteristic for me – I indeed moved it out of our committee – we did not do a lot to the bill. We let you have your say. Indeed, it is the will of the House, the bill you have in front of you.

I would suggest and strongly recommend that you vote in favor of HB 1276 and we move it to the Senate so that indeed they can concur with the will of the House.

Thank you, Mr. Speaker.

The SPEAKER. Thank you very much.

### REMARKS SUBMITTED FOR THE RECORD

Mrs. WATSON submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

I stand to urge members to support HB 1276 on third consideration. This bill makes a number of changes to the Commonwealth's Child Protective Services Law to further clarify the intent of the milestone amendments this General Assembly made during the last legislative session.

When we passed the comprehensive child protection package last session, we knew that as the laws began to take effect, there might be instances in which we would need to revisit the law to clarify definitions or make requirements more practical and less onerous.

Over the last few months, the administration, key State agencies, the Senate, and the House discussed at length many of the unintended consequences resulting from these new laws. With so much confusion and misinformation circulating among Pennsylvania employers and volunteer organizations, our goal became clear: to make these clearance requirements reflect life in the real world while also ensuring children are protected. The consensus of the working group, those things on which the working group could agree, became part of HB 1276 as it was originally introduced and passed out of committee.

HB 1276 is designed to more clearly define who is and who is not subject to the background check requirements. Where possible, the bill makes the requirements less onerous for adult volunteers. The objective is to strike a better balance between protecting children and not making the requirements for volunteers so onerous that the result is losing both volunteers, and consequently, programs that benefit children.

Under this bill, only those volunteers who are "responsible for the child's welfare" or have "direct contact" with a child as part of a "child-care service, a school or a program, activity or service" would need to obtain the clearances. Further, this legislation makes it clear that volunteers who participate in such programs on an infrequent basis are not required to go through the background check process when they are supervised by a person who has gotten the background checks. For example, a Sunday School teacher and Scout leader would need the clearances, while a cook at a youth camp, a parent dropping off baked goods at a school, or a guest reader/performer would not.

On the employment side, we make a number of clarifications to the law to ensure that the Commonwealth's employers continue to offer our children the real-world experience they need to enter the marketplace

after high school. We do this by clarifying who is required to get background checks and under what conditions.

Other provisions of the legislation include exempting volunteers from the \$10 fees for the DHS (Department of Human Services) child abuse clearances and State Police criminal history background checks; allowing background check clearances for employees to apply to all paid positions in which they work directly with children. The portability is already in law for volunteers; permitting employers or organizations to accept copies of the required documents on file, rather than the original copies to be maintained by the employer or the organization.

Members should be aware that some of the volunteer clearance requirements kick in on July 1, 2015. All new volunteers, those that will be volunteering after July 1 of this year, that fall within the background check requirements must get them prior to having contact with children, but existing volunteers, those volunteers who were with the organization prior to July 1, 2015, have until July 1, 2016, to complete their background checks.

As I said, this legislation is the product of months of discussion and negotiation. Yesterday this House had its say by offering amendments and deliberating over their adoption.

To be blunt, HB 1276 is not all things to all people. Certainly it does not contain everything that I would like to see in it, and I am sure some members feel the same way, but by passing this bill today, we move one step further in the process. As the bill heads to the Senate, I am sure we will see further refinements to better clarify who needs these background checks. The House and Senate must work towards the common goal of sending a bill to the Governor's desk by July 1. By supporting HB 1276, you allow this process to continue.

Please vote "yes" on HB 1276.

The SPEAKER. Representative Heffley.

Mr. HEFFLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 1276.

If I look back at the history of this bill and how it was proposed and this whole situation, we had atrocities that were committed and we set up a task force to study those atrocities. They made recommendations. We put forth a proposal and we voted on those recommendations and put them into a law. Some people feel that we went overboard, so we wanted to readdress that to cut a break for our fire company volunteers and our ladies that volunteer at the church, and I felt we were doing that with 1276. Unfortunately, yesterday an amendment went into this bill which changed that and exempted the exact people whom we were trying to address in the first place. So now our fire company volunteers are still going to have to go, if they have a youth fire company program, for the background check; our church volunteers are still going to have to go for the background check, but yet we are creating a safe haven on our college campuses and universities for people because they are not going to have to have those background checks. So now if you wanted to gain access to those vulnerable citizens, those children 16 or 17 years old or maybe even younger, the place to do that is on your college campus. We have set up now a two-tiered system of academic elite who fall above the law.

I think it sets a bad precedent. I do not think it is something that we should do. Unfortunately, there are some really good things in HB 1276. So I will be a "no" vote, because I do not believe in a two-tiered system, and I believe that those university and college employees should be subject to the same laws as everybody else.

Thank you, Mr. Speaker.

**THE SPEAKER PRO TEMPORE  
(JOHN MAHER) PRESIDING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maloney, on the question of final passage.

Mr. MALONEY. Thank you, Mr. Speaker.

I did rise yesterday twice in opposition to the amendments to this bill that, very troubling to me, did make it into this bill. So now, as was explained by the two former speakers, all the hard work, all the things that we tried to protect our young people from, we have protected an elite class of people.

Let me remind you where this situation developed so much public outcry – in a State university. So as we get these notices almost on a weekly basis of the atrocities done to our young children, we now are going to have a bill that will protect them. I am going to repeat that: You are now going to have a bill that will protect them.

I would very, very strongly have you to reconsider what we are now passing.

Thank you for your time. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Montgomery County, Representative Stephens.

Mr. STEPHENS. Thank you, Mr. Speaker.

Mr. Speaker, I rise just to echo the last couple of speakers' sentiments. I will say I would like to see this bill move over to the Senate and hope that they will reconsider that provision that was added yesterday regarding the 16-year-olds that might be up at a university. For many of the reasons that have been stated, I think that was a mistake. I think it rolls back some of the protections that the task force intended, and frankly, this legislature intended when we adopted the bills last session, and I certainly would hope that the Senate would take action to remove that provision when they consider this bill over in the Senate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Representative Lawrence.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the bill, if she will stand for interrogation?

The SPEAKER pro tempore. The gentlelady indicates she will receive your interrogation. You may proceed.

Mrs. WATSON. Thank you.

Mr. LAWRENCE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask just a few questions to establish legislative intent here of the language in front of us here in HB 1276, just a couple very simple real-life examples.

So under the legislation that is being proposed here, would a parent of a schoolchild who volunteers to chaperone a school class field trip on an occasional basis, say, two or three times a year, would they need to go through the background check process?

Mrs. WATSON. According to the way the law is written as we send it, if we do, to the Senate, no. However – important "however" there – and that would be that if the school district decides that they require that to be a chaperone, that is up to the school district. And I would have to tell you, sir, Mr. Speaker,

that most, at least where we come from in the southeast, most school districts already require a background check, and by that I mean usually that you get the child abuse clearance from the Department of Human Services, at the very least, and usually the other two.

Mr. LAWRENCE. Thank you.

Mr. Speaker, let us say a parent of a high school student chaperones an after-prom event, or perhaps maybe a kindergarten graduation reception at a school. They are not generally volunteers at the school, but they volunteer at an event like that. There are teachers, there are district administrators present who have undergone background checks. Would that parent chaperone who is participating in that after-school prom event or kindergarten graduation event, would that parent chaperone need to go through a background check under the provision of HB 1276?

Mrs. WATSON. Under what we have currently for 1276, no, Mr. Speaker, they would not, because indeed, when you clarified and said that while they are there on an occasional or one-time basis, you also said that there would be those who are required in their employment to have a background check – the teacher, the school administrator – and indeed, we clarified that as long as they are within sight of, I will call it, that professional who has to have a background check, they do not need one.

Mr. LAWRENCE. Thank you.

Just one more, if I may, Mr. Speaker. Would a parent of a Girl Scout who stands outside of a grocery store with several Girl Scouts selling Girl Scout cookies to the public but otherwise does not volunteer with the Girl Scouts, would that individual require a background check under HB 1276?

Mrs. WATSON. And again, the answer would be no, they do not. It is a one-time kind of an episodic thing that they do not need a background check. They probably need stamina, Mr. Speaker, to stand there for a long time and sell those cookies because it is always in the month of February, but they would not need a background check.

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

That concludes my interrogation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question of final passage, the Chair recognizes the gentleman from Adams County, Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I, too, want to echo some comments that were made in hopes that the Senate might be listening to this. I felt to carve out our institutions of higher education, where they are not required to get background checks, is sending optics from this legislature that could be very hurtful to our communities because of where this all did start. This all started with the Jerry Sandusky case. Whether he had anything to do with Penn State University at the time of the Second Mile or not does not really matter. The optics are, it tied him to Penn State. It is a university, and now we are carving out universities.

I can only hope that the Senate revokes that amendment that went in, but I do support the bill itself, so I will be voting in the affirmative today.

Thank you, Mr. Speaker.

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1276 as amended.

Mr. Speaker, the bill as amended adequately addresses the concerns raised yesterday on the floor regarding children's safety by the Representative from Warren County as well as the Representative from Berks County.

As we have seen under Act 153, the one-size-fits-all approach is not effective. HB 1276 would help clarify many issues that have arisen since Act 153's enactment.

As mentioned yesterday by the Representative from Bucks County, the point of this legislation is not to lessen in any way the importance of background checks; rather, I believe the importance of this legislation is to strengthen our background check laws by illustrating consistency on both the State and Federal levels.

I would again remind the membership that FERPA (Family Educational Rights and Privacy Act), the Federal statute, treats 16-year-olds as adults with respect to higher education. Mr. Speaker, any suggestion that there is a blanket exemption for higher education institutions is inaccurate. In fact, the legislation simply says that those students at higher education facilities, or prospective students, do not trigger the need for background checks for those who are dealing with those students.

Mr. Speaker, I ask for an affirmative vote for HB 1276. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—180

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

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

NAYS—9

Culver	Kaufner	Masser	Toepel
Diamond	Maloney	Rapp	Vereb
Heffley			

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 97, PN 87**, entitled:

An Act providing for the Pennsylvania Officer Down Advisory; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Officer Down Advisory; assessing costs; and providing for immunity and penalties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Acosta	Evans	Kortz	Readshaw
Adolph	Everett	Kotik	Reed
Baker	Fabrizio	Krieger	Reese
Barbin	Farina	Lawrence	Regan

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 235, PN 229**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of impersonating a public servant; and, in equipment of authorized and emergency vehicles, for visual and audible signals on emergency vehicles.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Barrar            Gabler            Mahoney            Quinn  
 Burns            Gingrich            Pyle            Simmons  
 DeLuca

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

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

\* \* \*

The House proceeded to third consideration of **HB 308, PN 1829**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in marriage ceremony, further providing for persons qualified to solemnize marriages.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **SB 397, PN 1058**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bonds and recognizances, amending provisions relating to professional bondsmen and providing for authorization to conduct business within each county, for forfeited undertaking, for private cause of action and for third party sureties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Acosta	Evans	Kortz	Readshaw
Adolph	Everett	Kotik	Reed
Baker	Fabrizio	Krieger	Reese
Barbin	Farina	Lawrence	Regan
Benninghoff	Farry	Lewis	Roae
Bishop	Fee	Longietti	Roebuck
Bizzarro	Flynn	Mackenzie	Ross
Bloom	Frankel	Maher	Rozzi

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 903, PN 1830**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for building and housing regulations and repealing provisions relating to building and housing inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

NAYS-0

NOT VOTING-0

EXCUSED-9



Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 904, PN 1124**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in corporate powers, further providing for powers of the board of township commissioners as to building and housing regulations and inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

VOTE CORRECTION

The SPEAKER pro tempore. For what purpose does the gentleman from Beaver County, Representative Marshall, seek recognition?

Mr. MARSHALL. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARSHALL. On amendment A02056 I was recorded in the negative; I would like to be recorded in the affirmative.

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

Mr. MARSHALL. Thank you, Mr. Speaker.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 906, PN 1103**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in general provisions relating to township officers, further providing for failure of officer to perform duties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—188

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

NAYS—1

Maloney

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 907, PN 1125**, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in short title and definitions, further providing for definitions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

Delozier	Kaufer	Parker, C.	Warner
Dermody	Kauffman	Parker, D.	Watson
Diamond	Kavulich	Pashinski	Wentling
DiGirolamo	Keller, F.	Payne	Wheatley
Donatucci	Keller, M.K.	Peifer	Wheeland
Driscoll	Keller, W.	Petrarca	White
Dunbar	Killion	Petri	Youngblood
Dush	Kim	Pickett	Zimmerman
Ellis	Kinsey	Quigley	
Emrick	Kirkland	Rader	Turzai,
English	Klunk	Rapp	Speaker
Evankovich	Knowles	Ravenstahl	

NAYS-0

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **SB 622, PN 644**, entitled:

An Act providing for elimination of certain reporting duties of the Legislative Budget and Finance Committee.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-189

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

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

NAYS-0

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **SB 699, PN 683**, entitled:

An Act authorizing the disposition of certain lands situate in Plymouth Township, Luzerne County, subject to Project 70 restrictions.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Luzerne County, Representative Mullery.

Mr. MULLERY. Thank you, Mr. Speaker.

I rise in support of SB 699, which authorizes the disposition of approximately 700 acres in Luzerne County from the county to DCNR (Department of Conservation and Natural Resources).

This property has fallen into great disrepair, as our county could no longer meet maintenance standards under Project 70. Passage of this bill will aid in restoring this property to its intended use as a park, a recreation area, and conserved land in accordance with Project 70, and open up a wonderful portion of Penn's Woods for use by all Pennsylvanians.

I urge all of my colleagues for an affirmative vote on SB 699.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

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

Dermody	Kauffman	Parker, D.	Watson
Diamond	Kavulich	Pashinski	Wentling
DiGirolamo	Keller, F.	Payne	Wheatley
Donatucci	Keller, M.K.	Peifer	Wheeland
Driscoll	Keller, W.	Petrarca	White
Dunbar	Killion	Petri	Youngblood
Dush	Kim	Pickett	Zimmerman
Ellis	Kinsey	Quigley	
Emrick	Kirkland	Rader	Turzai,
English	Klunk	Rapp	Speaker
Evankovich	Knowles	Ravenstahl	

NAYS—0

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

\* \* \*

The House proceeded to third consideration of **HB 908, PN 1104**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township officers generally, further providing for removal for failure to perform duties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—188

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

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

NAYS-1

Maloney

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 909, PN 1126**, entitled:

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

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-188

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

NAYS-1

Metzgar

NOT VOTING-0

EXCUSED-9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

\* \* \*

The House proceeded to third consideration of **HB 910, PN 1105**, entitled:

An Act amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," further providing for removal of town officers and for vacancies.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—187

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

DeLissio	Kampf	Parker, C.	Ward
Delozier	Kaufert	Parker, D.	Warner
Dermody	Kauffman	Pashinski	Watson
Diamond	Kavulich	Payne	Wentling
DiGirolamo	Keller, F.	Peifer	Wheatley
Donatucci	Keller, M.K.	Petrarca	Wheeland
Driscoll	Keller, W.	Petri	White
Dunbar	Killion	Pickett	Youngblood
Dush	Kim	Quigley	Zimmerman
Ellis	Kinsey	Rader	
Emrick	Kirkland	Rapp	Turzai,
English	Klunk	Ravenstahl	Speaker
Evankovich			

NAYS—2

Maloney Metzgar

NOT VOTING—0

EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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

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

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 805, PN 1424**, entitled:

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

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

Mr. **ROEBUCK** offered the following amendment **No. A01211**:

Amend Bill, page 1, line 10, by inserting after "suspension;" in certification of teachers, further providing for granting of provisional college certificates and providing for provisional vocational education certificates;  
Amend Bill, page 10, by inserting after line 30  
Section 5. Section 1204 of the act, amended October 21, 1965 (P.L.601, No.312), is amended to read:

Section 1204. Granting Provisional College Certificates.—The [Superintendent of Public Instruction] Secretary of Education may grant a provisional college certificate to every person who presents to [him] the Department of Education satisfactory evidence of good moral character, and of being a graduate of an approved college or university, who has completed such work in education as may be required by the standards of the State Board of Education, and to every person who presents to [him] the Department of Education satisfactory evidence of

good moral character, and of being a graduate of music, with the degree of bachelor of music of an approved college or university, who has during such musical course completed the prescribed number of hours of professional studies, which certificate shall entitle [him] the individual to teach for three annual school terms, and may be renewed for one additional three-year period in accordance with standards to be established by the State Board of Education.

Section 6. The act is amended by adding a section to read:

Section 1204.2. Provisional Vocational Education Certificate.—The Secretary of Education may grant a provisional vocational education certificate to every person who presents to the Department of Education satisfactory evidence of good moral character, and who has completed such work in vocational education as may be required by the standards of the State Board of Education, which certificate shall entitle the individual to teach for eight annual school terms.

Amend Bill, page 11, line 1, by striking out "5" and inserting  
7

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

The SPEAKER pro tempore. Is there anyone seeking recognition on this amendment? Is the gentleman, Mr. Roebuck, seeking recognition?

On the question of the amendment, the gentleman, Mr. Roebuck, is recognized.

Mr. ROEBUCK. Thank you, Mr. Speaker.

This amendment provides for provisional certificates to allow an individual to teach for eight annual school terms.

Currently the timeframe to get a Vocational II certificate is 6 years, or 78 credits total, but 60 of these credits are required for Vocational II, where 18 credits are required only for Vocational I within 6 years. The requirement under Pennsylvania Code does not coincide with requirements of current legislation. It is unrealistic for someone to gain 60 credits needed within a short time period while employed.

The amendment would spread out the years to allow a total of 78 credits needed for Vocational II to be obtained in an 8-year period. I would ask for the support of my colleagues for this amendment.

Thank you, Mr. Speaker.

### THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. Representative Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, I would urge the members to vote "no" on the Roebuck amendment, A01211.

Mr. Speaker, the amendment is not germane to the subject matter and it violates the single-subject rule. It should be vetted separately. It is unrelated to the core matters of the bill, so we would ask for a negative vote, Mr. Speaker. Thank you.

The SPEAKER. Does anybody else wish to be recognized on the amendment?

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

The following roll call was recorded:

#### YEAS—84

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

#### NAYS—105

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

#### NOT VOTING—0

#### EXCUSED—9

Barrar	Gabler	Mahoney	Quinn
Burns	Gingrich	Pyle	Simmons
DeLuca			

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. **CARROLL** offered the following amendment No. **A01212**:

Amend Bill, page 1, line 10, by inserting after "suspension;" in certification of teachers, further providing for State certificates; in charter schools, further providing for school staff;

Amend Bill, page 10, by inserting after line 30

Section 5. Section 1202 of the act, amended December 21, 1967, P.L.874, No.387), is amended to read:

Section 1202. State Certificates.—State certificates shall be issued as herein provided. Each such certificate shall set forth the branches which its holder is entitled to teach. No teacher shall teach, in any public school including any charter school, any branch which he has not been properly certificated to teach. Charter schools shall have one hundred percent(100%) teachers certified in appropriate State certification.

A certificate to teach shall not be granted or issued to any person not a citizen of the United States, except in the case of exchange teachers not permanently employed and teachers employed for the purpose of teaching foreign languages.

In the case of a resident foreign national holding an immigrant visa who has declared, in writing, to the Department of Public Instruction the intention of becoming a citizen of the United States, such person shall be eligible for a provisional college certificate.

Section 6. Section 1724-A(a) of the act, amended June 19, 1997, (P.L.225, No.22), is amended to read:

Section 1724-A. School Staff.—(a) The board of trustees shall determine the level of compensation and all terms and conditions of employment of the staff except as may otherwise be provided in this article. [At least seventy-five per centum of the professional staff members of a charter school shall hold appropriate State certification.] Employees of a charter school may organize under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." The board of trustees of a charter school shall be considered an employer for the purposes of Article XI-A. Upon formation of one or more collective bargaining units at the school, the board of trustees shall bargain with the employes based on the provisions of this article, Article XI-A and the "Public Employe Relations Act." Collective bargaining units at a charter school shall be separate from any collective bargaining unit of the school district in which the charter school is located and shall be separate from any other collective bargaining unit. A charter school shall be considered a school entity as provided for in section 1161-A for the purpose of the secretary seeking an injunction requiring the charter school to meet the minimum requirements for instruction as provided for in this article.

\*\*\*

Amend Bill, page 11, line 1, by striking out "5" and inserting

7

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

The SPEAKER. On that question, the Chair recognizes Representative Carroll.

Mr. **CARROLL**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is an effort to try and get uniformity with respect to teacher certification in our 500 school districts and in the world of charter schools.

The SPEAKER. Mr. Bloom.

Mr. **BLOOM**. Thank you, Mr. Speaker.

Mr. Speaker, again, amendment A01212 is something that should be vetted separately by the Education Committee. It is not directly related to the subject matter of the bill, and I would respectfully urge the members to vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Do any other members wish to be recognized on this amendment?

Representative Wheatley, you have the floor.

Mr. **WHEATLEY**. Thank you, Mr. Speaker.

May I ask the maker of this amendment a purpose of inquiry?

The SPEAKER. Interrogation, Mr. Wheatley?

Mr. **WHEATLEY**. Yes. Thank you, Mr. Speaker.

The SPEAKER. Mr. Bloom, will you stand for interrogation?

The good gentleman has indicated he will stand for—

Mr. **WHEATLEY**. I am sorry. The maker of the amendment, Mr. Speaker. Sorry.

The SPEAKER. Representative Carroll, will you stand for interrogation?

Yes. Sir, please go right ahead. You may proceed.

Mr. **WHEATLEY**. Just one question: Is there a time period by which these schools would be given the ability to get up to 75percent certification?

Mr. **CARROLL**. You are going to have to give us a minute to look at the effective date of that compared to the effective date of the bill, so just one second.

Mr. Speaker, the answer is, the effective date of the bill. So depending on when the bill were to become law and the Governor were to sign it, then the effective date would be prescribed as a result of the language in the bill.

Mr. **WHEATLEY**. Okay. Thank you.

May I interrogate the maker of the bill for a question, Mr. Speaker?

The SPEAKER. Yes, sir. You want to interrogate—

Mr. **WHEATLEY**. —the maker of the—

The SPEAKER. Mr. Bloom, will you stand for interrogation? Representative? Yes, he will.

Mr. **WHEATLEY**. Thank you, Mr. Speaker.

Mr. Speaker, can you explain to me, when is the effective date of the bill?

Mr. **BLOOM**. Mr. Speaker, the effective date of the bill, as not amended, is June 30th of 2015.

Mr. **WHEATLEY**. Thank you. So, Mr. Speaker, just so I am getting this clear – if I may speak on the amendment?

The SPEAKER. Yes, you may speak on the amendment.

Mr. **WHEATLEY**. So if I am clear, based on what I just learned, that would mean basically by the upcoming school year, these schools would have to have 75 percent of their teachers who are in the building under these conditions. I am not sure what that means, but I do know that would be very challenging to gear up under such – under the current environment to gear up for the upcoming school year, and I am not sure what the additional costs might be. But if I am understanding it correctly, I just do not believe that is enough time to give for these institutions; even if it is a valid argument to make, I do not think it is enough time to have to support that.

So I would ask my colleagues to not support that part of it because I think that is an undue burden on these schools. Thank you.

The SPEAKER. Representative Harris. Representative Harris.

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

I waive off. The good gentleman is going to ask the same question, so I will let him ask.



The SPEAKER. Representative Harris waives off.

Representative Boyle.

Mr. BOYLE. Thank you, Mr. Speaker.

My concern about this bill – or excuse me, this amendment, is specifically the Teach For America program. Teach For America is a nationally acclaimed program that has brought high-achieving – many Ivy League graduates into inner-city schools in the city of Philadelphia, and many have stayed on to be teachers.

My wife is a University of Pennsylvania grad, graduated in 2009 with a political science degree, and now she is a teacher in an inner-city school in the city of Philadelphia. She began her teaching program as a Teach For America corps volunteer and then a teacher and now has a career in teaching.

So I think that the undue burden this would put on Teach for America is the reason to oppose this amendment. Thank you.

The SPEAKER. Representative Barbin, on the amendment, sir.

Mr. BARBIN. Thank you, Mr. Speaker.

We have just had an explanation of the fact that we are supposed to be voting on something, and all this amendment does is to say, whatever it is we are going to require to be done, it should be done for all those things that we have decided to call public schools. I do not think a charter school is the same as the 500 schools, but according to the law that the maker of this bill would have us believe is that somehow it is okay to take part of the public schools and have a separate rule for them. And what the maker of the amendment is doing is just saying, no, whatever the rules are, they need to be the same for all public schools.

Now, we started down a path that has led us to the point that we are now spending \$1.3 billion on charter schools and we refuse to provide the same rules. All this amendment does today is to say that if we are going to spend \$1.3 billion on extra schools, they should have the same rules. So I support the amendment.

The SPEAKER. Do any other members wish to be recognized on the amendment?

Representative Harris.

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

May I interrogate the maker of the amendment, please?

The SPEAKER. Sir, the gentleman has indicated he will stand for interrogation. Yes, sir.

Mr. J. HARRIS. Thank you.

Mr. Speaker, does this include emergency certifications – or how would emergency certifications be dealt with under this bill?

Mr. CARROLL. The amendment does not speak to emergency certifications.

Mr. J. HARRIS. Okay. So, Mr. Speaker, does that mean that a person would not – a person with an emergency certification would not qualify?

Mr. CARROLL. Yes.

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

On the amendment?

The SPEAKER. Yes, sir, on the amendment, please.

Mr. J. HARRIS. Mr. Speaker, I do know that a lot of district-run public schools do have teachers who use emergency certifications in order to teach in their schools, not just Teach For America, but other teachers in our district-run public schools do use emergency certifications. So if emergency certifications will not be acceptable in this, I think you might

see school districts, district-run schools who will have problems meeting this benchmark because some of their teachers are using an emergency certification while they are finishing a master's degree, while they are finishing student teaching, or while they are finishing other things.

So because emergency certifications are not included in this, I would not be able to support this, because not only would it cause an undue burden on some of our district-run schools, I think it would disqualify a lot of professionals who are coming out of the professional world, who are stepping into the classroom, who are in master's level programs, who receive emergency certifications to teach while they are finishing up their master's program or doing student teaching so that they can get certified.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, Representative Harris.

Any other members who wish to be recognized on the amendment?

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

### LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Gingrich is marked back onto the record. Representative Gingrich is back on the record.

### CONSIDERATION OF HB 805 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—70

Acosta	Dean	Kavulich	Pashinski
Barbin	Deasy	Keller, W.	Petrarca
Bishop	DeLissio	Kim	Rader
Bizzarro	Dermody	Kortz	Ravenstahl
Boback	Donatucci	Kotik	Readshaw
Bradford	Driscoll	Lewis	Roebuck
Briggs	Fabrizio	Longietti	Rozzi
Brown, R.	Farina	Markosek	Sainato
Brown, V.	Flynn	Matzie	Samuelson
Carroll	Frankel	McCarter	Santarsiero
Cohen	Freeman	McNeill	Schlossberg
Conklin	Gergely	Millard	Schreiber
Costa, D.	Goodman	Miller, D.	Sims
Costa, P.	Hanna	Mullery	Snyder
Cruz	Harhai	Neuman	Sturla
Daley, M.	Harkins	O'Brien	Tobash
Daley, P.	Heffley	Parker, C.	Toohil
Davis	Kaufer		

#### NAYS—119

Adolph	Gillespie	Major	Ross
Baker	Gingrich	Maloney	Saccone
Benninghoff	Godshall	Marshall	Sankey
Bloom	Greiner	Marsico	Santora
Boyle	Grove	Masser	Saylor
Caltagirone	Hahn	McGinnis	Schemel
Causer	Harhart	Mentzer	Schweyer
Christiana	Harper	Metcalfe	Sonney

Corbin	Harris, A.	Metzgar	Staats
Culver	Harris, J.	Miccarelli	Stephens
Cutler	Helm	Miller, B.	Tallman
Davidson	Hennessey	Milne	Taylor
Dawkins	Hickernell	Moul	Thomas
Day	Hill	Murt	Toepel
Delozier	Irvin	Mustio	Topper
Diamond	James	Nesbit	Truitt
DiGirolamo	Jozwiak	O'Neill	Verbe
Dunbar	Kampf	Oberlander	Vitali
Dush	Kauffman	Ortitay	Ward
Ellis	Keller, F.	Parker, D.	Warner
Emrick	Keller, M.K.	Payne	Watson
English	Killion	Peifer	Wentling
Evankovich	Kinsey	Petri	Wheatley
Evans	Kirkland	Pickett	Wheeland
Everett	Klunk	Quigley	White
Farry	Knowles	Rapp	Youngblood
Fee	Krieger	Reed	Zimmerman
Gainey	Lawrence	Reese	
Galloway	Mackenzie	Regan	Turzai,
Gibbons	Maher	Roae	Speaker
Gillen			

NOT VOTING-1

Cox

EXCUSED-8

Barrar	DeLuca	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons

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. **ROEBUCK** offered the following amendment No. **A01222**:

Amend Bill, page 1, line 10, by inserting after "suspension;" in certification of teachers, further providing for continuing professional development; providing for access to advanced placement for all students;

Amend Bill, page 10, by inserting after line 30

Section 5. Section 1205.1(c.1)(3) of the act amended October 22, 2014 (P.L.2624, No.168), is amended to read:

Section 1205.1. Continuing Professional Development.\*\*\*

(c.1) The continuing professional education plan shall specify the professional education needs that will be met by completion of each continuing professional education option and how it relates to areas of assignment and certification or potential administrative certification. The options may include, but shall not be limited to:

\*\*\*

(3) Other programs, activities or learning experiences taken for credit or hourly, to include:

(i) curriculum development and other program design and delivery activities at the school entity or grade level as determined by the school entity and approved by the board of directors;

(ii) participation in professional conferences and workshops;

(iii) education in the workplace, where the work relates to the professional educator's area of assignment and is approved by the board of directors;

(iv) review, redesign and restructuring of school programs, organizations and functions as determined by the school entity and approved by the board of directors;

(v) in-service programs that comply with guidelines established by the department;

(vi) early childhood and child development activities for professional educators whose area of assignment includes kindergarten through third grade;

(vii) special education activities for professional educators whose area of assignment includes students with special needs;

(viii) successful completion of department training for service as a Distinguished Educator if the professional educator participates in and completes at least one assignment in the Distinguished Educators Program;

(ix) other continuing professional education courses, programs, activities or learning experiences sponsored by the department; [or]

(x) visits by educators to a manufacturing workplace for orientation and demonstrations to give the professional educator a greater understanding of job opportunities in manufacturing for students[.]; or

(xi) access to the Advanced Placement Course for All Students program.

\*\*\*

Section 6. The act is amended by adding an article to read:

ARTICLE XVII-D

ACCESS TO ADVANCED PLACEMENT COURSES FOR ALL STUDENTS

Section 1701-D. Scope of article.

This article relates to access to advanced placement courses for all students.

Section 1702-D. Definitions.

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

"Advanced placement course." A high school-level preparatory course for a college advanced placement test that:

(1) incorporates all topics specified by the college board on its standards syllabus for a given subject area; and

(2) is authorized by the college board.

"Department." The Department of Education of the Commonwealth.

"Eligible teacher." A professional employee that is certified in the subject area of the advanced placement course that the teacher will be teaching.

"Four core academic areas." Advanced placement courses in mathematics, English language arts, science and social science.

"Poverty level." The percentage of students in a school district eligible for free or reduced price lunch.

"Program." The Advanced Placement Teacher Training Program.

"School entity." Any public school district, intermediate unit, area vocational-technical school, charter school or cyber charter school.

"Teacher training entities." Institutions of higher education, intermediate units or organizations endorsed by the college board to train teachers to teach advanced placement courses.

"Virtual learning instruction." Providing academic courses to students via the Internet and the use of technology in providing instruction to students.

Section 1703-D. Advanced Placement Teacher Training Program.

(a) Purpose.—The purpose of the Advanced Placement Teacher Training Program is to provide access to advanced placement courses in the four core academic areas for all students by training teachers in advanced placement course instruction at all high schools that do not presently provide advanced placement courses in one or more of these disciplines. The importance of providing access to advanced placement courses for all students is evident in the fact that the Pennsylvania School Performance Profiles established in 2012 include advanced placement participation and performance of a high school as an indicator of academic achievement that determines a high school's academic performance score.

(b) Establishment.—Beginning in the 2016-2017 school year, the

Advanced Placement Teacher Training Program shall be established in the department to train teachers in eligible school entities to teach advanced placement courses in the four core academic areas.

(c) Eligible school entities.—Eligible school entities are those that do not have in each of their high schools at least one advanced placement course in the four core academic areas or will no longer have an advanced placement course in one of the four core academic areas due to the retirement or loss of a teacher who teaches an advanced placement course.

(1) A school entity that has an advanced placement course in one or more of the four core academic areas but not in all four core academic areas is only eligible to have a teacher trained in those core academic areas in which the school entity does not have an advanced placement course.

(2) No more than one teacher per core academic area in each high school of an eligible school entity shall be trained under this program.

(3) More than one eligible school entity may apply jointly to the program to train a teacher in advanced placement course instruction if that teacher is to provide such instruction in more than one school entity either through classroom instruction or through virtual learning instruction.

(d) Application requirements for eligible school entities.—The application by an eligible school entity seeking funding for the program shall include the following:

(1) The subject areas that currently have advanced placement courses in each of the school entity's high schools.

(2) The subject areas among the four core academic areas that the school entity does not have an advanced placement course in each of the school entity's high schools.

(3) The names of the eligible teachers, including:

(i) the high schools where they are teaching;

(ii) the advanced placement academic subject area that each of the teachers will be providing instruction; and

(iii) whether the instruction will be in a classroom, through virtual learning instruction, or both.

(4) The names of the eligible teacher training entities that shall be providing the training for teachers in advanced placement instruction.

(5) Agreement to offer the advanced placement course for high school students for at least three years.

(6) Guidelines the school entity will use in determining which students may be eligible to enroll in an advanced placement course. In developing the guidelines, a school entity shall utilize data and information on the academic performance of students, which may include the academic performance of students on the Pre-Scholastic Aptitude Test and the Scholastic Aptitude Test in consultation with the college board, and shall eliminate barriers that restrict access to advanced placement courses for student populations that have been traditionally underserved and shall make every effort to ensure that advanced placement classes reflect the diversity of the student population. The school entity shall not discriminate on any basis in enrollment of the students that is illegal under Federal or State law.

(7) Any school entity offering advanced placement courses to students must publish on the school's publicly accessible Internet website the advanced placement courses offered and notify parents of the availability and guidelines.

(8) Agreement to annually report to the department for each of the four core academic areas that were taught by teachers whose training was funded by this program. The agreement shall include the following information:

(i) the number of students taking advanced placement courses;

(ii) the grade levels where advanced placement is being taught;

(iii) the number of students who took advanced placement examinations; and

(iv) the number of students scoring a three or higher on advanced placement examinations.

(9) Agreement to annually report to the department for each of the four core academic areas the following information:

(i) the number of students taking advanced placement courses;

(ii) the grade levels where advanced placement is being taught;

(iii) the number of students who took advanced placement examinations;

(iv) the number of students scoring a three or higher on advanced placement examinations; and

(v) the number of teachers teaching advanced placement courses.

Section 1704-D. Powers and duties of department.

(a) Guidelines.—The department shall promulgate rules, regulations and procedures necessary for the implementation of this article, including the following:

(1) In consultation with the college board, certify those teacher training entities that are endorsed by the college board to provide training of teachers to teach advanced placement courses in the four core academic areas.

(2) In certifying teacher training entities for this program, the department shall ensure that the training times and locations will be geographically accessible for teachers from eligible school entities to attend.

(3) The department, in consultation with the college board, shall ensure that training provided by teacher training entities must provide teachers of advanced placement courses with the necessary content knowledge and instructional skills to prepare students for success in advanced placement courses and examinations.

(4) Starting at the end of the first year of the program and every year thereafter the department shall issue a report to the General Assembly on the program that shall include:

(i) The number of teachers receiving training in advanced placement instruction in school entities, school districts and high schools in each of the four core academic areas.

(ii) The number and percentage of high schools that offer advanced placement courses in all four core academic areas.

(iii) The number and percentage of high schools that offer advanced placement courses in each of the four core academic areas.

(iv) The number and percentage of students taking advanced placement courses at school entities in each of the four core academic areas.

(v) The number and percentage of students scoring a three or more on an advanced placement examination at school entities in each of the four core academic areas.

(vi) The names of school entities and high schools that do not offer advanced placement courses.

(vii) The number of teachers trained outside the four core academic areas teaching other advanced placement courses.

(b) (Reserved).

Section 1705-D. Funding to teacher training entities.

To the extent funds are appropriated for this program, the department shall allocate the funds based on per teacher attendance to each certified teacher training entity that provides training to a teacher to teach advanced placement courses upon completion of the training program.

Section 1706-D. Program funding.

(a) Funding.—Funding for this program shall be made from

annual appropriations made by the General Assembly to the department for that purpose.

(b) Funding priorities.—In the event that insufficient moneys are appropriated in any fiscal year to provide funding for all eligible school entities applying to the program, the department shall prioritize funding of eligible school entities based on the poverty level of the school districts in which high school students who will be taking the advanced placement courses reside.

Amend Bill, page 11, line 1, by striking out "5" and inserting 7

Amend Bill, page 11, line 4, by striking out all of said line and inserting

(2) The following provisions shall take effect immediately:

- (i) The amendment or addition of section 1205.1 (c.1)(3) and Article XVII-D of the act.
- (ii) This section.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I offer amendment A01222, which promotes high school students' access to Advanced Placement, or AP, courses in public schools by providing school districts with the opportunity to apply for funds that will train a teacher in an Advanced Placement course in one of four core academic areas of mathematics, English language arts, science, and social studies, where there are currently none offered by the school district. This amendment would allow more students to have access to AP and have the faculty trained who could deliver those services to those students.

I would ask for a favorable vote. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

Once again, this amendment, A01222, is not germane to the underlying subject matter of the bill and should be vetted separately by the Education Committee; therefore, I would urge the members to vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Neuman, on the amendment.

Mr. NEUMAN. Thank you, Mr. Speaker.

The maker of the bill claims that this is not germane, but before us is an amendment – the merits of the amendment, not a motion for germaneness. So I would ask that people look at the merits of the amendment, and if the maker of the bill would like to make a motion that this is nongermane, he may do so, but this is a vote on the merits of the amendment, word for word. If you support the amendment, the words of the amendment, then please vote "yes."

Thank you, Mr. Speaker.

The SPEAKER. Do any other members wish to be recognized?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—77

Acosta	Dean	Harkins	Pashinski
Barbin	Deasy	Harris, J.	Petrarca
Bishop	DeLissio	Kavulich	Ravenstahl
Bizzarro	Dermody	Keller, W.	Readshaw
Boyle	Donatucci	Kim	Roebuck
Bradford	Driscoll	Kinsey	Rozzi
Briggs	Evans	Kirkland	Sainato
Brown, V.	Fabrizio	Kortz	Samuelson
Caltagirone	Farina	Kotik	Santarsiero
Carroll	Flynn	Longietti	Schlossberg
Cohen	Frankel	Markosek	Schreiber
Conklin	Freeman	Matzie	Schweyer
Costa, D.	Gainey	McCarter	Sims
Costa, P.	Galloway	McNeill	Snyder
Cruz	Gergely	Miller, D.	Sturla
Daley, M.	Gibbons	Mullery	Thomas
Daley, P.	Goodman	Neuman	Vitali
Davidson	Hanna	O'Brien	Wheatley
Davis	Harhai	Parker, C.	Youngblood
Dawkins			

#### NAYS—113

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

#### NOT VOTING—0

#### EXCUSED—8

Barrar	DeLuca	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons

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. **HARKINS** offered the following amendment  
No. **A01226**:

Amend Bill, page 1, line 9, by striking out "and" and inserting a comma

Amend Bill, page 1, line 10, by inserting after "suspension" and for payment of salaries in cases of sickness, injury or death

Amend Bill, page 10, by inserting after line 30

Section 5. Section 1154(c) of the act amended December 22, 1965 (P.L.1180, No.467), is amended to read:

Section 1154. Payment of Salaries in Cases of Sickness, Injury or Death.—\* \* \*

(c) Whenever a professional or temporary professional employe is absent because of the death of a near relative, there shall be no deduction in the salary of said employe for absence on the day of the funeral. The board of school directors may extend the period of absence with pay in its discretion as the exigencies of the case may warrant. A near relative shall be defined as a first cousin, grandfather, grandmother, grandchild, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

\* \* \*

Amend Bill, page 11, line 1, by striking out "5" and inserting 6

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

Amend Bill, page 11, line 3, by inserting after "1125.1(g)" and 1154(c)

On the question,

Will the House agree to the amendment?

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

Mr. **HARKINS**. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does, it allows for bereavement for grandparents. The law was written back in 1949; much has changed since then. Currently professional employees are allowed paid bereavement leave for an immediate family member or near relative, which includes first cousin, grandmother, mother, aunt, uncle, niece, nephew, son, daughter-in-law, brother- and sister-in-law.

This has passed the last three sessions of the House. It was an agreed-to amendment. I would appreciate a positive vote. Thank you.

The **SPEAKER**. Representative Bloom, on the amendment.

Mr. **BLOOM**. Thank you, Mr. Speaker.

This amendment, A01226, is essentially the same as HB 982 introduced by Representative Harkins, which has already passed through the Education Committee as a separate bill. It has been considered and reported and is not germane to the underlying subject matter of this bill, but should be considered on its own merits.

Therefore, I would ask the members for a negative vote on the amendment.

The **SPEAKER**. Do any other members wish to be recognized on the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—104

Acosta	Deasy	James	Parker, C.
Barbin	DeLissio	Kaufert	Pashinski
Bishop	Dermody	Kavulich	Peifer
Bizzarro	DiGirolamo	Keller, W.	Petrarca
Boback	Donatucci	Kim	Petri
Boyle	Driscoll	Kinsey	Ravenstahl
Bradford	Dush	Kirkland	Readshaw
Briggs	English	Kortz	Roebuck
Brown, R.	Evans	Kotik	Rozzi
Brown, V.	Fabrizio	Longietti	Sainato
Caltagirone	Farina	Mackenzie	Samuelson
Carroll	Farry	Maher	Santarsiero
Christiana	Flynn	Markosek	Santora
Cohen	Frankel	Marshall	Schlossberg
Conklin	Freeman	Masser	Schreiber
Corbin	Gainey	Matzie	Schweyer
Costa, D.	Galloway	McCarter	Sims
Costa, P.	Gergely	McNeill	Snyder
Cruz	Gibbons	Metzgar	Sonney
Culver	Gillen	Millard	Stephens
Daley, M.	Goodman	Miller, D.	Sturla
Daley, P.	Hanna	Mullery	Thomas
Davidson	Harhai	Mustio	Vitali
Davis	Harkins	Neuman	Wentling
Dawkins	Harris, J.	O'Brien	Wheatley
Dean	Heffley	O'Neill	Youngblood

#### NAYS—86

Adolph	Harhart	McGinnis	Saccone
Baker	Harper	Mentzer	Sankey
Benninghoff	Harris, A.	Metcalfe	Saylor
Bloom	Helm	Miccarelli	Schemel
Causar	Hennessey	Miller, B.	Staats
Cox	Hickernell	Milne	Tallman
Cutler	Hill	Moul	Taylor
Day	Irvin	Murt	Tobash
Delozier	Jozwiak	Nesbit	Toepel
Diamond	Kampf	Oberlander	Toohil
Dunbar	Kauffman	Ortity	Topper
Ellis	Keller, F.	Parker, D.	Truitt
Emrick	Keller, M.K.	Payne	Verab
Evankovich	Killion	Pickett	Ward
Everett	Klunk	Quigley	Warner
Fee	Knowles	Rader	Watson
Gillespie	Krieger	Rapp	Wheeland
Gingrich	Lawrence	Reed	White
Godshall	Lewis	Reese	Zimmerman
Greiner	Major	Regan	
Grove	Maloney	Roae	Turzai,
Hahn	Marsico	Ross	Speaker

#### NOT VOTING—0

#### EXCUSED—8

Barrar	DeLuca	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons

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. O'NEILL offered the following amendment No. A01242:

Amend Bill, page 1, lines 6 and 7, by striking out "for temporary professional employees, for contracts, execution and form,"

Amend Bill, page 1, lines 8 through 10, by striking out "and to receive tenure, for" in line 8, all of line 9 and "suspension" in line 10

Amend Bill, page 1, lines 13 through 19; pages 2 through 10, lines 1 through 30; page 11, lines 1 through 6; by striking out all of said lines on said pages and inserting

Section 1. Section 1124 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended June 30, 2012 (P.L.684, No.82), is amended to read:

Section 1124. Causes for Suspension.—(a) Any board of school directors may suspend the necessary number of professional employees, for any of the causes hereinafter enumerated:

(1) substantial decrease in pupil enrollment in the school district;

(2) curtailment or alteration of the educational program on recommendation of the superintendent and on concurrence by the board of school directors, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of [Public Instruction] Education;

(3) consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees; [or]

(4) when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employees[.]; or

(5) economic reasons, as part of a plan to reduce or control school district costs. A school district may not use costs as the sole factor in determining which professional employees to suspend.

(b) Notwithstanding an existing or future provision in a collective bargaining agreement or other similar employment contract to the contrary, suspension of a professional employe due to the curtailment or alteration of the educational program as set forth in subsection (a)(2) may be effectuated without the approval of the curtailment or alteration of the educational program by the Department of Education, provided that, where an educational program is altered or curtailed as set forth in subsection (a)(2), the school district shall notify the Department of Education of the actions taken pursuant to subsection (a)(2). The Department of Education shall post all notifications received from a school district pursuant to this subsection on the Department of Education's publicly accessible Internet website.

(c) In the case of a suspension under subsection (a)(5), the following shall apply to any suspension of a professional employe assigned to provide instruction directly to students:

(1) A board of school directors may suspend the necessary number of professional employes assigned to provide instruction directly to students only if the board of school directors also suspends at least an equal percentage proportion of administrative staff.

(2) The Secretary of Education may grant a board of school directors a waiver of paragraph (1) if the following apply:

(i) the Secretary of Education determines that compliance with paragraph (1) is likely to cause significant harm to the operations of the school district;

(ii) the Secretary of Education submits the determination to the State Board of Education; and

(iii) the State Board of Education approves the determination by a majority of its members.

(3) Any three administrative staff positions selected by the board of school directors shall be exempt from the requirements of paragraphs (1) and (2).

(d) A board of school directors may suspend professional employes under subsection (a)(5) only if the board of school directors adopts, at a public meeting at which an opportunity for public comment

regarding the proposed suspension has been provided, a resolution setting forth all of the following:

(1) The reason the suspension is necessary.

(2) The number and percentage of employes to be suspended who are assigned to provide instruction directly to students.

(3) The number and percentage of employes to be suspended who are administrative staff.

(4) The number and percentage of positions eliminated and a description of each position eliminated.

(5) The academic subjects, courses or electives and nonacademic activities that will be affected by the suspension.

(6) A description of other cost-saving actions undertaken by the school district.

(7) The measures the school district will undertake to minimize the impact on student achievement, if any, caused by a suspension of professional employes assigned to provide instruction directly to students.

(e) For purposes of subsections (c) and (d), "administrative staff" shall include, but not be limited to, superintendents, assistant superintendents, deputy superintendents, principals, assistant principals, supervisors, managers, directors and coordinators.

(f) Nothing in this section shall be construed to limit the causes for which a temporary professional employe may be suspended.

(g) Following the 2019-2020 school year, the Department of Education shall conduct a study of the effectiveness of the provisions of subsections (a)(5), (c), (d) and (e) and section 1125.1 and shall deliver a written report of its findings, including any recommendations for changes to subsections (a)(5), (c), (d) and (e) and section 1125.1, to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives by December 31, 2020.

Section 2. Section 1125.1 of the act, amended or added November 20, 1979 (P.L.465, No.97) and July 10, 1986 (P.L.1270, No.117), is amended to read:

Section 1125.1. Persons to be Suspended.—(a) Professional employes shall be suspended under section 1124 (relating to causes for suspension) in inverse order of seniority within the school entity of current employment, except as provided under subsection (a.1). Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes. Seniority shall continue to accrue during suspension and all approved leaves of absence.

(a.1) For professional employes suspended under section 1124(a)(5), a board of school directors may suspend without regard to seniority a professional employe whose two most recent consecutive performance ratings issued under section 1123 were unsatisfactory if the professional employe had an opportunity to complete a performance improvement plan prior to the most recent unsatisfactory rating.

(b) Where there is or has been a consolidation of schools, departments or programs, all professional employes shall retain the seniority rights they had prior to the reorganization or consolidation.

(c) [A] Except as otherwise provided under subsection (a.1), a school entity shall realign its professional staff so as to insure that more senior employes are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employes.

(d) (1) No suspended employe shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employes or professional employes demoted for the reasons set forth in section 1124(a)(1), (2), (3) and (4) shall be reinstated on the basis of their seniority within the school entity. No new appointment shall be made while there is such a suspended or demoted professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies. Professional

employees suspended for the reasons set forth under section 1124(a)(5) may be reinstated.

(3) To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

(e) Nothing contained in section 1125.1(a) through [(d)] (g) shall be construed to supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act";] and in effect on the effective date of subsection (g); however, no agreement shall prohibit the right of a professional employe who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.

(f) A decision to suspend in accordance with this section shall be considered an adjudication within the meaning of the "Local Agency Law."

(g) If a professional employe is suspended under this section, the professional employe's position shall remain vacant for at least one year; provided, that the school entity may reinstate at any time the professional employe who was suspended.

Section 3. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does is, it was an amendment that was agreed to in the Senate a couple of years ago when this bill was over there, and what it basically does is it – we hoped it would be agreed to and it would bring the question of economic furloughs and fairness to employees to bed.

And basically what it does is it permits professional employees with two consecutive unsatisfactory evaluations to be furloughed without regard to his or her seniority. It allows economic furloughs by creating an objective trigger to occur, and it is a plan that can help to reduce costs and control escalating costs. It ensures a balance of furloughs between professionals, educators, and administrators, and it promotes transparency by requiring the adoption of a suspension policy at a public meeting for all school boards. Thank you.

The SPEAKER. Representative Bloom, on the amendment.

Mr. BLOOM. Thank you, Mr. Speaker.

I rise to oppose the amendment, A01242.

The sponsor of the amendment mentioned that this was similar to an arrangement that was made on another bill back in the Senate, but that arrangement, that negotiated compromise was done back in 2011 prior to the time that the evaluation system was enacted by this body by 201 to 0. So that original compromise that was referred to is really not relevant at all to the discussion we are having today. That was a different time and place and different context.

Mr. Speaker, the process outlined for an economic furlough in this amendment is so complex, so convoluted, and so protracted as to render the whole process realistically impractical of execution. No school district is going to be able

to follow that in a timely manner, to actually make the decision it has to make when budgeting for the upcoming year.

Mr. Speaker, the amendment, again, is so burdensome and impractical, has so many different steps and requirements that it essentially would nullify the intent of the underlying bill. And also, it requires teachers who would be laid off to be reinstated without regard to performance rating status, so again, it would not help us keep the best teachers in the classroom, as the underlying bill would.

It would actually – this amendment – make it more difficult for school districts to make the decision to implement an economic furlough, and would essentially enshrine the status quo where we are forced, school districts are forced to eliminate entire programs rather than make sensible, individual choices with respect to teachers who are either failing or in the "needs improvement" category.

Mr. Speaker, this amendment would be illusory, ineffective, useless, and would lock in the status quo, and therefore, I would urge the members to vote "no" on amendment A1242.

Thank you, Mr. Speaker.

The SPEAKER. Representative Roebuck, on the amendment.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise in support of the O'Neill amendment. I would urge my colleagues also to support this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment A1242 offered by the gentleman from Bucks County.

Mr. Speaker, this amendment is the same language that was agreed upon in 2011. I stand today in support of this amendment because I believe allowing furloughs to be based on an education evaluation system that is in its infancy could open the door to potential abusive employer practices.

This amendment does work to eliminate the last-in, first-out and tenure provisions. It allows for furloughs without regard to seniority if the employee had the opportunity to complete an improvement plan prior to receiving their second unsatisfactory evaluation. It ensures a balance in furloughs between professional educators and administrators by requiring an equal percentage suspension of administrative staff.

Mr. Speaker, I believe in accountability. We are always stressing transparency in this legislature. This amendment would promote that transparency by requiring the adoption of the suspension at a public school board meeting.

Finally, Mr. Speaker, this amendment would bring resolution to the questions surrounding economic furloughs in ways that recognize the rights of employees and economic conditions facing our school districts.

I urge a "yes" vote on amendment 1242 because it is the true compromise amendment on the economic furlough issue.

Thank you, Mr. Speaker.

The SPEAKER. Representative Truitt.

Mr. TRUITT. Thank you, Mr. Speaker.

Mr. Speaker, the theologian Dietrich Bonhoeffer once said the measure "...of the morality of a society is what it does for its children."

If you look at the motivation of the underlying bill, HB 805 serves to keep our best teachers in our classrooms for the benefit of our children. The proposed amendment, while

well-intentioned, seeks to ensure that no teacher will be unfairly treated in this process. While that is a good thing to pursue, the facts are we are either choosing to err on the side of children or err on the side of teachers, and I think the only right thing for us to do is to err on the side of the children.

If there is a chance that a few teachers might get bumped out of teaching or lose their jobs because of a slight flaw in our system or bad timing in terms of them getting one bad evaluation at exactly the wrong time, I think that is a risk that we have to take to ensure that we keep our best teachers in the classroom to best serve over 1 million children in our State. Those are the people that we are here to defend and protect, and I encourage my colleagues to vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

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

The SPEAKER. Representative O'Neill, will you stand for interrogation?

Yes, he will. Thank you. Please proceed.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, several years ago the city of Pittsburgh, the School District of Pittsburgh went through some very hard economic decisions, and in that process over 117 teachers were let go.

If this amendment were to be passed and this bill were to be passed into law, how would the impacts of several of those 117 teachers who were distinguished-level teachers, who had less seniority than their counterparts – so their counterparts were effective, but they just were not the best and most effective teachers based on the rating system – under this current amendment, how would that process be impacted, where you have good and best, but good gets elevated based on solely seniority and not the best based on what is the outcome for the children, so how would this impact, if your amendment were to be passed?

Mr. O'NEILL. Thank you, Mr. Speaker.

Well, first, I cannot address exactly what happened in the city of Pittsburgh and their school system when they laid off 100-plus teachers. I was not there; I was not involved. I do not know each individual teacher's rating system, whether they were rated a good teacher, bad teacher, whatever. I can only take your word for it. Apparently you do know what the ratings were of every one of those teachers; how you got that information, I am not sure.

But I will say this, I constantly hear that under the underlying bill, economic furloughs will keep the best teachers in the classroom. What would keep the best teachers in the classroom is a system that has been in place for years and that is forcing administrators to do their job. It is that simple.

So in Pittsburgh, if you are saying certain teachers were allowed to stay because of seniority and they were not good teachers, blame the administrators of the Pittsburgh School District, because it is their job to evaluate the teachers.

I can tell you personally from my own 26 years of experience that there is a good-old-boy network amongst administrators and amongst some teachers, and in some cases, in collaboration with friendships in the community with political school boards, so I cannot address that.

All I can tell you is, under my amendment, it would put the onus on the school administrators to do their job, and if they find a teacher who has been rated unsatisfactory for two consecutive ratings, then they would be allowed to be dismissed under economic furloughs.

Mr. WHEATLEY. Mr. Speaker, if I can speak on the amendment?

The SPEAKER. Yes, you may, sir.

Mr. WHEATLEY. So I want to be clear. My statement and comment was for best and good. I do not get into bad or that type of thing. I think what we are trying to do, or at least where I have always tried to go, is to make sure the most qualified and most effective teacher is in front of our children at all times.

So in times of economic decisionmaking, when we have a system that has to differentiate between best and good, we want to make sure the best, most effective teacher, regardless of their years, irrespective of their salary, but that they are the most effective gets the highest priority. And where I am concerned with a system or the proposed amendment is, it is only dealing with those miniscule amount of teachers, if there are any, that are so unqualified that they should be outside of the classroom. I am saying, in times of economic decisionmaking, which because our districts are forced to do that when we do not put more money in their system – but that is off subject – if they have to make these decisions, I want to make sure they are making the decision to have the best, most effective teacher in the room.

You might have a good teacher who does not have an unsatisfactory rating, but they have more years than a better teacher, who gets to stay on job where the best, most effective teacher is let go, and I think that is unfair to our children and our system.

So because of that, I think we have to be very clear when we make these types of decisions, that we are making them in the interest of having the best, most effective, in front of our kids at all times. And because of that, I would ask my colleagues to vote down this amendment and allow for the best, most effective teacher to stay in our classrooms in times of economic decisionmaking.

The SPEAKER. Thank you, sir.

Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, this is a good-news/bad-news situation. Now, the good news is that the O'Neill amendment makes this bill remarkably better. The bad news, Mr. Speaker, is that we are discussing economic furloughs before we discuss economic relief for the 500 school districts of this Commonwealth.

The O'Neill amendment is a worthy effort to try and make a flawed piece of legislation better. Mr. Speaker, we should vote for the O'Neill amendment. But it is important to remember that the real effort that we need to undertake in this chamber is the effort to provide the economics that our school districts need to adequately educate children so that we do not have a default mechanism when it comes to budgets that the relief valve is simply to do economic furloughs, however we get there. The reality is, is that we have a dramatic need for additional funding in our 500 school districts. We should not default to just economic furloughs of teachers, regardless of how we get there. We need to solve that problem first.



In the absence of a bill on the calendar to do that, the O'Neill amendment is the right amendment for this bill. We should adopt it, but we must, absolutely must get to the solution relative to the financing of our school districts. Thank you.

The SPEAKER. Representative McCarter.

Mr. McCARTER. Thank you, Mr. Speaker.

I rise in support of amendment A01242.

As a former educator of 35 years, again one of the things that I have looked for many times being here in the chamber is rational compromise, and I think in this particular case, we are looking for rational compromise. As teachers, we often had to do that. And in this particular case, we are looking for a system that works.

Now, all of us, I think, as legislators, and surely as a former teacher I have heard the complaints endlessly over the last year in particular about the new evaluation system. That evaluation system has caused chaos in many of our school districts, and I do not think any of us can say that that is not true. It has caused all kinds of problems. And to use this evaluation system, to use it for layoffs of teachers and furloughs without even going into the actual aspect of economic furloughs is a difficulty that I think all of us need to address.

This amendment gives us a way to move forward on the underlying bill, and yet at the same time recognize that a system that was designed not for laying off teachers, not for laying off employees, but gives the opportunity to have a better evaluation system developed out of this.

As a result of that, again, when we look at this system – and again, we talk about value added as part of it – that was never meant to be used for economic furloughs. It was never meant to be used for furloughs at all. So when we take into consideration where our students need to be, what information our parents need, and what school districts need to be able to do their job and to have an effective system that professional employees can look to and believe is fair, this particular amendment helps move us in that direction.

For those reasons, Mr. Speaker, I will be supporting this amendment.

The SPEAKER. Representative Pashinski.

Mr. PASHINSKI. Thank you, Mr. Speaker.

Will the good gentleman from Bucks County stand for brief interrogation?

The SPEAKER. Representative O'Neill – the maker of the amendment? The maker of the amendment has indicated he will stand for interrogation.

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

Thank you for accepting interrogation.

Mr. O'NEILL. My pleasure.

Mr. PASHINSKI. Could we please clarify so that we are on the same footing, same foundation, as we try to make our decision today, what was the present system like before for evaluating teachers, prior to the new evaluation system that came in? What was that process like?

Mr. O'NEILL. There was a process in place where administrators would evaluate the teacher based on their classroom performance and other performances. There is a process in place now, what it basically does is it allows administrations to go through a system of evaluating their teachers on an individual basis based on their classroom performance and so forth, and if they deem they need improvement or whatever, an action plan is put together for the

teacher, that sort of thing. If they deem that they are nonproficient and they did not meet the goals of their action plan, then they can be deemed unsatisfactory. After so many unsatisfactoriness – I believe it is two—

Mr. PASHINSKI. Two.

Mr. O'NEILL. —then the school board can take action and the administration can take action to dismiss that teacher.

Mr. PASHINSKI. Okay. That is very important to clarify, because I think that is exactly right.

So a teacher is evaluated at least twice a year, and upon the end of the evaluation, it is reviewed with the principal. The principal gives them either an S or a U. It is my understanding that the reason why they wanted the system changed is because there were too many teachers getting S's. Is that correct?

Mr. O'NEILL. The last part? I am sorry, I did not hear you.

Mr. PASHINSKI. I said, is it correct that the reason why we were trying to change the evaluation system is because it appeared that too many teachers were receiving satisfactory ratings?

Mr. O'NEILL. That apparently is the claim and apparently some data does show that. That is why I stated earlier during the conversation that if that is the case, then you have no one to blame but the administration of the different school districts for allowing that to take place, if indeed they have teachers who are not highly qualified.

Mr. PASHINSKI. And concerning the elimination, the discontinuation of a teacher's employment, so after the two unsatisfactoriness, they would have a hearing with the board, their local board? Is that correct?

Mr. O'NEILL. I am not sure. That may be the case. But I do believe what happens is once they have those two unsatisfactoriness, it gives the administration the right to appeal to the board to dismiss that person from their contract and from employment.

Mr. PASHINSKI. And then if they are found unsatisfactory, they are dismissed.

Mr. O'NEILL. That is correct.

Mr. PASHINSKI. So tenure does not play a role in that process. Is that correct?

Mr. O'NEILL. Not in the evaluation process, to my knowledge. It is based on your performance.

Mr. PASHINSKI. Okay. And the new system that was devised has now created a series of different kinds of benchmarks where there will be a premeeting with the administrator and the teacher before the evaluation, there will be an actual evaluation within the classroom setting, and then there will be a postevaluation thereafter to determine the status of that evaluation. Is that correct?

Mr. O'NEILL. Yes, but there is more to it than that.

Unfortunately, you have teachers that are being evaluated based on a schoolwide assessment. For example, if you have a teacher who is teaching life skills students who are severely intellectually disabled, they apparently are being evaluated on the same basis as a teacher who is teaching an honors English course, on a schoolwide basis, and that metric is being put into that teacher of life skills performance. And these are some of the issues that the superintendents and administrators have brought up and that is why the evaluation process— We kind of passed it along before we dotted all the i's and crossed all the t's for the previous administration, so there are a lot of bugs that need to be worked out. So I think what we are doing here is pushing the cart before the horse.

Mr. PASHINSKI. Thank you. And in regards to the fact that you have had so many years teaching, and we have heard the term "best teachers" and those that are the "good teachers." What assignments are most of those best teachers and good teachers given within the school system?

Mr. O'NEILL. Well, I will speak for myself. I was somewhat of a behavior specialist. I worked with students who had severe behavior problems. One of my fortes was classroom management. I would have administrators come to me and ask me to mentor a young teacher or even sometimes maybe an older teacher who was having issues with classroom management. I would go into their classroom and help them. I would meet with them privately and help them through the process.

Mr. PASHINSKI. And again, I make that point and I want to make that point very clear, that so often within school systems, the teachers are approached by their principals and they are asked, could you please take an extra student? Could you please give some extra help here, or would you provide more help in some of these situations where they actually need a very experienced teacher, one who is knowledgeable not in just the subject matter, but in the whole process of teaching those children? And the principal would ask the best teachers to take the toughest classes because you needed the most experienced teacher in order to get the best out of those children. Would you agree to that?

Mr. O'NEILL. I not only would agree with it, I would tell you that I did not learn my trade as a behavior specialist within a year or two. It took a long time of experience and working and learning and developing my craft, and that is what I was asked to pass down on the younger teachers.

The SPEAKER. Members, if we could give the interrogator and the sponsor of the amendment some opportunity.

Although, Representative, if I might, interrogation, the purpose of it is to ask questions for which you do not have the answer. Now, if you want to speak on the merits, you are more than welcome to do so, but the whole purpose of interrogation is to clarify something in the bill itself, and we are getting a little far from there.

I do turn it over to you again. Let me know if you are going to continue with interrogation or if we are going to speak on the bill. Thank you.

Mr. PASHINSKI. Mr. Speaker, I appreciate the latitude you have provided me, and it has been my intent to make sure that everyone that is going to have to vote on this – which is going to directly affect literally a million children and hundreds of thousands of teachers – that we understand exactly what the evaluation system was about. I appreciate that latitude, sir.

On the bill, if I may.

The SPEAKER. Yes, sir. Representative Pashinski.

Mr. PASHINSKI. On the amendment.

The SPEAKER. On the amendment; yes, sir.

Mr. PASHINSKI. I would like to very much compliment the maker of the amendment in an attempt to bring forth a realistic solution to a problem that really, in many respects, does not exist under the system today.

I would like to remind everyone of past history when there was no tenure, when there was a system of just political hiring and firing, and that system was eliminated through the process of tenure and also trying to make sure we had the best qualified teachers through an evaluation system.

The only possible choice in this matter for HB 805 is to vote in favor of the good gentleman's amendment from Bucks County, that amendment, A01242. I stand in favor and I congratulate the maker of the amendment. Thank you, sir.

The SPEAKER. Representative Tallman.

Mr. TALLMAN. Thank you, Mr. Speaker.

I am going to cause some pain here. I like the good Representative, but having been a person that has had to do furloughs, you do not lay off your best people. You maintain those good people that allow you to do production, so you lay off your weaker employees; that is just a natural part of economic furlough in the private sector. You never lay off your highest paid people, typically, because you need those people.

And the other thing is, if you are going to be a supporter of this amendment, I guess you do not support the arts, phys ed, music, and all those other programs. So I am going to urge a "no" vote, just from my own practical experience.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Representative Parker.

Mrs. PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of amendment A01242, and I want to thank the gentleman for doing his best to add value to a bill that I believe had little value in getting to the heart of the matter that it professes to address.

I have stood extremely patiently, Mr. Speaker, listening to the debate about this issue, but felt compelled to stand up and share my perspective as a former certified secondary English teacher by profession, especially when we talk about this idea of how we are measuring what teachers are the best or what teachers are better.

Mr. Speaker, I would dare say to you today that this concept that we seem to be embracing is borne out of a performance management framework, Mr. Speaker, that is supposed to be performance driven and results oriented. But, Mr. Speaker, I will dare say to you, there is absolutely no one, Mr. Speaker, who can tell us that this new evaluation system has the ability to do in fact what it is supposed to do, and that is to determine which teachers are doing extremely well and enhancing student outcomes.

The new evaluation system, Mr. Speaker, does not do that, and do you know how we know it does not do that, Mr. Speaker? Because the rubric has not been tested. We do not know because we do not have the data. I mean, 5 or 10 – how many years do you make a determination about measuring students' performance as a result of the evaluation system used to measure the teachers, and then you take that many years and decide that you are going to create a framework to determine whether or not teachers should be rated as a good teacher, a bad teacher, and so forth?

So, Mr. Speaker, this system is not fully implemented. We should not be making decisions, economic decisions, Mr. Speaker, that have absolutely nothing to do with improving the educational outcomes of our teachers. And we trust these people, Mr. Speaker, you know, with the lives of our young people.

In addition to that, Mr. Speaker, for some odd reason, although we are in the business of government and politics, sometimes we get in this room and we act like politics in any other sector is not a reality. Mr. Speaker, if you do not think that political relationships take place in schools, that if a teacher

does not go along at times with the school superintendent, if they do not go along at times with the principal of that school, if you do not think teachers can be punished, if you do not think sometimes they are rated differently and/or graded harder than others, I will dare say to you, Mr. Speaker, go into a classroom and watch a teacher and see how they function.

The next thing I wanted to note for the record, in closing, is the gentleman who spoke before I did, Mr. Speaker, and the gentleman from Montgomery County, they really gave a sound argument as it relates to this issue when they talked about the economic investment that we are willing to make in public education in this Commonwealth.

So, Mr. Speaker, without the amendment No. A01242, HB 805, in no way, shape, or form, gets to where it purports to go, and that is to make sure that it is going to improve the workforce that is responsible for ultimately improving the educational outcomes of our students, because you are trying to measure them by a system that is not tested.

So with that in mind, I would encourage my colleagues to vote "no." I need to say for the record that I thank the gentleman on the other side of the aisle for attempting to add value to what I believe is a bad bill that does absolutely nothing to enhance the educational outcomes of the students in the Commonwealth of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Thank you.  
Representative Grove.

Mr. GROVE. Thank you, Mr. Speaker.

You know, so far I have heard a lot of arguments for the bill. Those arguments wrap around the incompetence of administrators and how horrible our school boards, elected officials, are at managing their school districts. I have heard arguments that the only successful, effective teachers are the more senior ones. So those of you with sons and daughters who are teachers who just entered the education realm, they are apparently incompetent and cannot do their job until they have years of experience in order to learn how to be a teacher. I think that is a fallacy, Mr. Speaker. I think we have great teachers at all levels, and the scope of the underlying bill is to ensure that those teachers, no matter what year they are, no matter where they are in the spectrum of their career, are kept working in case there is a decision to furlough teachers.

Mr. Speaker, we have heard a lot about the teacher effectiveness system. Before we had an effectiveness system, we had administrators go in and basically rate teachers based on 1 or 2 days. You could have a good day. You could have a bad day. And I think we have all experienced that just here in this chamber. We have had good days. We have had bad days. We have had some wins. We have had some losses.

The teacher effectiveness system looks at your entire breadth and scope of work throughout the entire school year. It is not set on a 1-day analysis. That is why we have a better system analyzing the effectiveness of our teachers in the school districts today than we did previously. This is modeled after that to give empirical data to make sure school boards, administrators are not letting people go – randomly or in some other way.

And, Mr. Speaker, this bill does protect education. Education is predicated on programs. How often have we heard discussions about programs being shut down time and time again? It is because our school boards do not have the management practices to actually manage their school districts,

Mr. Speaker. I would urge a "no" vote, Mr. Speaker. I have not heard really any major arguments why this amendment is better than the underlying bill. Actually, it weakens the bill, and I think it really hurts our education system to base a model off of strictly seniority, which there are only six States, six States in this entire country that are predicated off of seniority only, Mr. Speaker. Let us stand up for the educators doing their jobs, and make sure they are the most effective, quality ones, regardless of how long they have been there. And if it is true that seniority is predicated on how effective you are, they will be protected, built into the law.

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

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for brief interrogation?

The SPEAKER. Sir, you are asking the maker of the amendment?

Mr. STURLA. Yes.

The SPEAKER. The maker of the amendment will stand for interrogation.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I heard some of the other speakers talk about performance and how the current system works, and one of the problems that I have with the underlying bill is that I think it does something that will be harmful to teachers, and I think your amendment corrects some of that. So let me lay out a scenario, and then tell me whether you believe I am correct in my assumption.

I will go back to when my kids were in an elementary school that at the time was deemed a distressed elementary school. The reason it was deemed distressed was because of the poor—

The SPEAKER. Members, if you will please suspend. The maker of the amendment is having a difficult time hearing the questions.

Please, members, if we could give the gentleman an opportunity to ask his questions and for the maker of the amendment to hear them. Thank you.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the reason for the school at the time being labeled distressed was because their PSSA (Pennsylvania System of School Assessment) scores were low. And as I understand it, the current evaluation system takes into consideration the school in which the teacher teaches in. And so, if as was the case with this school, they were in the bottom quartile of statewide averages, that would lower the teacher's evaluation under the current evaluation system.

Now, here is the sort of catch to this. When I, at the time, approached the principal of the school and said, "Gosh, do I want to pull my kids from this elementary school?" – because I could put them in any elementary school within the district that I lived in – he explained to me that when you disaggregated the scores, the test scores of those kids, that of the 87 fifth graders that had taken the PSSAs, only 12 had been in that school since first grade, and that those 12 test scores were actually in the top quartile of statewide averages. And in fact the teachers that were teaching in that school had been placed in that school specifically because there was a high turnover rate in that school. It was a tough school to teach in. It served the homeless shelters. Those teachers had to be the best teachers that there were in the school district. So I should not be concerned for my kids because my kids were going to be there.

My sense is that under the current rating system, a teacher who is a seasoned teacher, who the school district deems to be one of their best teachers, is still willing to go into that school and say, "Yes, I will teach in that school even though my rating will be a little lower, because I am a seasoned teacher. I have 20 years. I will have seniority. That will protect me in the end." But if we adopt the bill and not your amendment, if we reject your amendment and just go with the bill, I am going to have those seasoned teachers say, "Under no circumstances will I agree to go into the toughest school in your district. I want the easiest school in your district. I want the school that already has the highest test scores, because that is the only one I am willing to teach in in the district because otherwise you might take my job away next week." Does that seem like a fair evaluation of what your amendment would do versus what the bill does?

Mr. O'NEILL. Yes, it is a fair assessment.

And I would also add to it, as the gentleman said earlier from, I believe, Wilkes-Barre, I can tell you from my own experience as a former special education teacher. When I would – back in those days they called it mainstreaming – put my students into regular classrooms based on their IEP (individualized education program) and their other experiences, I would look for the best teachers, and I can tell you now that some of my former colleagues have 24 students in their class and 16 of them will have IEPs. And under the current system that you are now referring to, those teachers are going to be graded on the test scores. And given that those 16 kids might, because of whatever disability they might have, might pull down the other 8 or 9 kids in the class's scores, and that teacher will be evaluated on that.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could on the amendment.

The SPEAKER. Yes, on the amendment, please.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of this amendment, A01242, because I actually do trust our administrators, and I do trust our teachers in our schools that they will make the best judgments for that school. I do trust that they will place the best teachers in the toughest schools and the teachers that might need a little help in the schools and in the classrooms where they might have an easier go of it to try to bring them along. That is counter to what the bill does. The bill basically says to any teacher that is concerned about working in a district that may fall on hard economic times, you better try and get the easiest assignment you can because you want to get the highest rating possible because if you do not, come hard economic times, somebody is going to come get you. That is not the message you want to send to our teachers. You want to encourage them to take on the toughest task.

It is like with a hospital system. You do not want to punish them because they took on the tough cases and lost a few patients. You want to reward them for taking on the toughest cases.

The current evaluation system does not do that, but at least seniority gives the protection that says unless all they care about is making sure they get a high rating, they are willing to take on the toughest tasks. In the underlying bill without this amendment, you will see teachers competing to get in to the easiest school possible.

I encourage a "yes" vote on the O'Neill amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Barbin. This is for the second time on the amendment. My fault, first time on the amendment.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment. This amendment takes a situation that is bad, that is anti-public education – if you define "public education" as the 500 school districts – and tries to make it better by keeping the best teachers in those 500 districts. Now, it has been said before in our discussions leading up to where we are right now that we want the best teachers. Well, I know where the best teachers are. If you really look back to 2 years ago when this amendment went into the Senate and the Senate looked at it and said, "This is a good compromise." They knew, because the best teachers, 20,000 of them, were furloughed because we took a billion dollars and we deleted it from the 500 schools because we needed it to pay for the special public schools.

Now, we have an amendment today that says we will at least try to keep the very best of the teachers that have been teaching the longest period of time in the most difficult schools, if we adopt the amendment. And if we do not adopt the amendment, what we basically said is, for all those schools that have run out of building surpluses, you are out of luck, and we are going to finish you off. And the way we are going to finish you off is if your school has low scores, we are getting rid of the people that have the highest salaries. Guess who those are? Those people are the people that have worked 30 years in the district, trying to take a difficult task and give a public school student in a difficult district a chance for the American dream.

Now, you can hide behind what we are doing here, but the bottom line is, this bill without this amendment will allow all of the rural school districts – not just Philadelphia, not just Pittsburgh; it is going to include Johnstown, it is going to include Monessen, it is going to include Reading, it is going to include Allentown – all of those schools will lose their very best teachers and nobody will care, and they will say, "Well, that is a different subject." It is not a different subject.

You either put the money back into the schools or, with no building surpluses and with a school not being able to meet a budget, they are going to economic furlough the schoolteachers that have been there the longest, who have the highest salaries, and they are going to do it because they have to. This is a bad bill. This amendment corrects it and at least gives the people in the urban districts a chance to have a good teacher. Now, if that teacher is tenured and they are not a good teacher, we have a system to get rid of that teacher, but the good teachers all left 4 years ago when we got rid of a billion dollars from the real public schools.

I urge support for this amendment.

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I rise in support of the gentleman, Mr. O'Neill's amendment, Mr. Speaker. This is the true compromise amendment if you are looking for a compromise amendment, Mr. Speaker. This amendment is fair. This amendment is balanced. I absolutely trust the gentleman from Bucks County's judgment. He has 25 years' experience in the school district as a teacher, as a local elected official. This amendment brings resolution to the question of economic furlough. It is fair to the employees. It is fair to the teachers. It is fair to the economic situation of the school district.

Again, this is the compromise amendment if you are looking for a compromise, and I ask an affirmative vote on the O'Neill amendment.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

There are two speakers who have already spoken that want to be recognized a second time, which I will do. Are there any other members who wish to be recognized on this amendment who have not had that opportunity? And then of course the maker of the amendment and the maker of the bill will get the opportunity to speak again as well.

Curtis Thomas. Representative Thomas. Thank you, sir.

Mr. THOMAS. Thank you, Mr. Speaker.

I am not going to take a whole lot of time. I just say on behalf of teachers, students, the community, and our friend, Representative O'Neill, I am standing to support his amendment. Support his amendment.

The SPEAKER. Thank you.

Representative Truitt, for the second time.

Mr. TRUITT. Thank you, Mr. Speaker.

Mr. Speaker, I just wanted to rise to correct some misrepresentations in some earlier comments. It was suggested that teachers who go into tougher schools or have tougher students to teach are at a disadvantage in the current teacher performance system, but that is actually not the case, because while the teachers' performances are measured based on multiple measures of student performance, critically we do not actually look at students' absolute scores. We look at the growth in their scores.

I have actually had teachers who teach gifted students come to me to complain about the new teacher evaluation system because they say the kids that come into their class are already at the top of the scale, and it is impossible for them to get them any higher on the scale. They cannot show any growth. Meanwhile a teacher who gets a batch of students who come in at the bottom or with low test scores has the opportunity to show massive growth and make themselves look like heroes in the current teacher evaluation system.

So it is just patently wrong that certain teachers who encounter a tougher batch of students or a tougher school are at a disadvantage with the teacher evaluation system. But then I want to emphasize again that this is all irrelevant because here what we keep talking about are teachers and adults, and what are we going to do to make this system fair for adults? I do not care about making it all that fair for adults if the counterbalance is that we have to make things less good or not as good for our children.

Again, I cannot emphasize this enough: This is about keeping the best teachers in our classrooms so that our kids get the best education possible so that they can compete in the modern world against kids from other countries who are taught in completely different ways.

Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

The SPEAKER. The minority whip has indicated that Representative EVANS would like to be marked on leave. That request will be granted.

### CONSIDERATION OF HB 805 CONTINUED

The SPEAKER. Representative Wheatley, for the second time.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I normally would not belabor this point because I think members probably want to get on with the business of voting, but I also believe the prior speaker touched on a couple of points that I just want to also echo. First and foremost, I represent an urban district, and in that urban district, I represent some very high-quality schools, but I represent some very challenged schools.

When I spoke about Pittsburgh a couple years ago, the reason why I could talk to you definitively about their rating system is because, unlike the rest of the State, Pittsburgh had gone through an initial internal process, working with their teachers union, to develop their own internal evaluation system. And internally, they were, for the last 4 or more years, working on a system that they educated internally their educators about where they were, what was going on in their classrooms, and what was happening districtwide. But when we make financial decisions, and I will concede the point that this is hand in hand with the financial decisions we make here, whether we will invest more or not into our current system. But take that conversation for the moment and put it on the shelf and talk about right now we have various districts throughout the Commonwealth that are making financial decisions about their resources, their limited resources, and if we are going to put students first into the conversation and try to evaluate what is the best outcome for students in a difficult financial environment, and we take, for example, a system that we all agreed to and passed as an evaluation process, we can talk about the evaluation or not. But in this current amendment, prior speakers talked about the unfairness of the process, about politics in the process. Well, this current amendment that is being proposed is really inviting politics, because you take the current system, put the principals in charge of doing evaluations, and if they like a teacher or do not like a teacher, they can then determine, "I am just going to do two unsatisfactory evaluations and I know this will put the teacher out of my building."

Under the evaluation component, if we do that right, then at least the teacher will have some definitive data to say, this is the impact I am having with this child, because I have moved this child from where they were when they came into my classroom, and 8 months later or whatever, I have moved them now to where they are. So when we start talking about this particular issue, it is more than just getting caught up in the factum of I want to be for teachers or against teachers. This is about how can we create a system that keeps the student first, and then develop a fairness around, if we are not going to make all the investments that we need to into the educational system, how do we make sure when it comes time to cut we are keeping the best and most effective in the classroom? To me this is not about good versus poor. This is not about teachers versus administrators or school boards versus us in this Capitol. This is about real lives of kids who are being left out. And we have the abilities to make sure that if in fact they have to make a decision around cutting, we are going to err on the side of keeping the best, most effective teachers in a measurable, in a definitive,

data-driven, measurable context, and not based on someone's decision, because under this amendment, even when we hire them back, we have to hire them back based on seniority. And what I am telling you is, seniority by itself will not get us the outcome of the system that we want.

So all I am asking for us to do is to not rush an amendment in a process to think that we are protecting an entity of teachers at the expense of the students.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

If there are no other members who wish to be recognized, I will offer the maker of the amendment and the maker of the bill the opportunity to speak last.

Any other members wish to be recognized?

The maker of the amendment, Representative O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, a lot of things have been thrown around, a lot that we agree with, we disagree with. And I do not think there is anybody here that wants to hurt any children, but I also believe there is no one here that wants to hurt families and put people out of work just for economic reasons because someone is making more money than someone else.

I understand why the school boards want this, but I will tell you some of the rhetoric that has been going on. Furloughs and being RIFed (reduction in force) in a school district is based on student count. It is based on curriculum. It is based on State standards. It is not based on, "We are just going to arbitrarily get rid of a history teacher." You cannot do that.

The evaluation system. Everybody is hearing from their school districts and from their administrators. There was an article in an administration magazine of the problems with it because we pushed it out too fast. We heard that over and over again. The one gentleman from Chester County made a good point about a teacher who does great things in a classroom where the kids might be lower achieving and they rise to a certain level. That may be true, but then you can take a good teacher, like I said, who has multiple, 16, 17 students with IEPs in their class. Their IEPs dictate that teacher's performance, not the test result of that classroom. It is an unfair comparison.

So I understand if we are going to do economic furloughs, I believe that this is the best compromise. It gives the school districts what they need. It gives transparency to the public as to what your school districts are doing as it pertains to the staffing. But most of all, it protects teachers who are truly doing the proper job.

They keep saying that economic furloughs will keep the good teachers in the classroom. I heard in my caucus room that a teacher who was teacher of the year was RIFed, was laid off, but does anybody know what surrounded that? Maybe that teacher of the year is in a department with five other math teachers who are all really good teachers and are very good teachers. And maybe some of those teachers were asked to become and apply to become teacher of the year, but teacher of the year is a very political process. You have to fill out essays, you have to do a video, and some people just do not want to do that. I know teachers in my school district who were offered to do that. They asked them to apply because they were such gifted teachers. They did not want to be bothered with it.

There are a lot of dynamics that go into this. I just believe that this amendment is fair. I believe that it gets us to where the

school districts want to be while protecting good employees. I ask that you support amendment 1242.

Thank you, Mr. Speaker.

The SPEAKER. On the amendment, Representative Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, it was stated that all of us in this chamber care about our kids and their education, and I wholeheartedly agree with that. And I do not doubt the motives of anyone in the chamber, that we do want the best for our kids. But, Mr. Speaker, the practical effect of enacting this amendment before us now would be to force the continuation of the wholesale program eliminations and last-in, first-out teacher layoffs that do not respect and honor the work of our best teachers, and therefore, leave our kids without the best teachers in the classroom.

Mr. Speaker, back in June of 2012 this House passed HB 1980, which set up the current comprehensive, balanced teacher evaluation system, by a vote of 201-0. It was a true compromise: 201-0. We now have access to that data. We have got basically 2 school years now under our belts of collecting the evaluation data on our teachers. What we found – and not surprisingly, because we all do respect teachers – not surprisingly, the vast majority of our teachers are performing at either the distinguished, which is the highest level, or the proficient, which is the second highest level of teaching – well over 90 percent of our teachers.

The only teachers who would be affected by the underlying bill in terms of priority for an economic furlough, if that became necessary, would be those very few teachers who are in the "needs improvement" or "failing" categories. Just this very week in an article in the Pittsburgh Post-Gazette, the spokesman for the Pennsylvania State Education Association stated, referring to the teacher evaluation results so far, "The results show that the vast percentage of educators in Pennsylvania are doing an outstanding job, and we're not surprised that is the case." Neither am I, and none of us in this room should be, but we want to make sure we are keeping those best teachers in the classroom.

Mr. Speaker, it was stated by one of the previous speakers that no one wants to see hardworking teachers being laid off, and no one does. The only time we ever see an economic furlough in Pennsylvania is when districts have made the very painful and difficult decision that they do not have the economic means, that their taxpayers are already overextended, they are already struggling and they cannot pay any more. And those difficult decisions have to be made, so if there is an economic furlough, it only means taxpayers are overextended and cannot possibly pay any more, but no one wants to see that. That is not the intention, but the reality is we do see that.

Some 41 percent of schools in the upcoming year do expect that they are going to be making staff reductions. When that happens, we need to be sure that the very best teachers stay in the classrooms with our kids. Mr. Speaker, this bill includes affirmative – the underlying bill, which would not be in the amendment – includes affirmative protections to make sure that no teacher is ever laid off as a result of his or her compensation package. That is affirmatively included in the bill.

Mr. Speaker, this amendment has been referred to as a compromise amendment, but as far as I know, the only statewide stakeholder groups that are in favor of it are the PSEA

and the AFT (American Federation of Teachers). There are a slew of other education groups, school board associations, school board administrators, school board business officials, business groups and educational foundations that are all in favor of a different compromise amendment, the Saylor amendment, which we will be considering later. But, Mr. Speaker, this is not a compromise amendment; this is an amendment that would gut the purpose and intention of this bill.

Mr. Speaker, if in fact we in this chamber want to have schools that teach in Pennsylvania, then we should vote "no" on this bill. I respectfully urge a "no" vote from my colleagues.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—108

Acosta	Donatucci	Keller, W.	Payne
Baker	Driscoll	Kim	Peifer
Barbin	Ellis	Kinsey	Petrarca
Bishop	English	Kirkland	Ravenstahl
Bizzarro	Fabrizio	Kortz	Readshaw
Boback	Farina	Kotik	Reese
Boyle	Farry	Longietti	Roebuck
Bradford	Flynn	Markosek	Rozzi
Briggs	Frankel	Marshall	Sainato
Brown, R.	Freeman	Masser	Samuelson
Caltagirone	Gainey	Matzie	Santarsiero
Carroll	Galloway	McCarter	Santora
Cohen	Gergely	McNeill	Schlossberg
Conklin	Gibbons	Metzgar	Schreiber
Costa, D.	Gillen	Miccarelli	Schweyer
Costa, P.	Gillespie	Miller, D.	Sims
Cruz	Godshall	Milne	Snyder
Daley, M.	Goodman	Moul	Stephens
Daley, P.	Hanna	Mullery	Sturla
Davis	Harhai	Murt	Taylor
Dawkins	Harkins	Mustio	Thomas
Day	Heffley	Neuman	Tobash
Dean	Hennessey	O'Brien	Toohil
Deasy	James	O'Neill	Verb
DeLissio	Kaufner	Parker, C.	Vitali
Dermody	Kavulich	Parker, D.	White
DiGirolamo	Keller, M.K.	Pashinski	Youngblood

NAYS—81

Adolph	Grove	Maher	Saccone
Benninghoff	Hahn	Major	Sankey
Bloom	Harhart	Maloney	Saylor
Brown, V.	Harper	Marsico	Schemel
Causar	Harris, A.	McGinnis	Sonney
Christiana	Harris, J.	Mentzer	Staats
Corbin	Helm	Metcalfe	Tallman
Cox	Hickernell	Millard	Toepel
Culver	Hill	Miller, B.	Topper
Cutler	Irvin	Nesbit	Truitt
Davidson	Jozwiak	Oberlander	Ward
Delozier	Kampf	Ortitay	Warner
Diamond	Kauffman	Petri	Watson
Dunbar	Keller, F.	Pickett	Wentling
Dush	Killion	Quigley	Wheatley
Emrick	Klunk	Rader	Wheeland
Evankovich	Knowles	Rapp	Zimmerman
Everett	Krieger	Reed	
Fee	Lawrence	Regan	Turzai,
Gingrich	Lewis	Roae	Speaker
Greiner	Mackenzie	Ross	

NOT VOTING—0

EXCUSED—9

Barrar	Evans	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons
DeLuca			

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

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

The SPEAKER. Representative O'Neill calls up amendment 1247. Will the House agree to the—  
That amendment has been withdrawn.

Representative Roebuck, I understand, calls up amendment 1270.

Representative Roebuck, my understanding is that is identical to amendment 1242. Will you be withdrawing that amendment, sir?

Mr. ROEBUCK. Mr. Speaker, I will withdraw it.

The SPEAKER. Thank you.

Okay. That amendment will be withdrawn.

Representative Carroll, amendment 1278 is withdrawn.

Representative Longietti has amendment 1280. Representative Longietti, 1280? The clerk will read that amendment, if you are still offering it. That is withdrawn. Thank you, sir.

Representative Conklin offers amendment 1281. Representative Conklin withdraws 1281.

Representative Pashinski has 1283. Representative Pashinski, 1283? Sir, are you going to withdraw that or are you still offering that?

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

Mr. PASHINSKI offered the following amendment No. A01283:

Amend Bill, page 1, line 7, by inserting after "form, " for rating system,

Amend Bill, page 1, line 10, by inserting after "suspension; " in charter schools, further providing for provisions applicable to charter schools and to cyber charter schools;

Amend Bill, page 4, line 27, by striking out "Section 1124" and inserting

Sections 1123(a) and (o) and 1124

Amend Bill, page 4, line 28, by striking out "is" and inserting are

Amend Bill, page 4, by inserting between lines 28 and 29

Section 1123. Rating System.—(a) In determining whether a professional employe shall be dismissed for incompetency or unsatisfactory teaching performance as provided for in section 1122(a) of this act, and in rating professional employes and temporary professional employes, all professional employes and temporary professional employes, including charter and cyber charter school employes, shall be rated through the use of an approved rating tool

developed by the Secretary of Education in consultation with education experts, parents of school-age children enrolled in a public school, teachers and administrators, including research and collaboration conducted by the department.

\* \* \*

(o) For purposes of this section:

(1) The term "assessment" shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

(2) The term "chief school administrator" shall include individuals who are employed as a school district superintendent, an executive director of an intermediate unit or a chief school administrator of an area vocational-technical school or charter or cyber charter school.

(3) The term "classroom teacher" shall mean a professional employe or temporary professional employe or charter or cyber charter school employe who provides direct instruction to students related to a specific subject or grade level.

(4) The term "department" shall mean the Department of Education of the Commonwealth.

(5) The term "education specialist" shall have the meaning given to it under the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act."

(6) The term "nonteaching professional employe" shall mean an education specialist or a professional employe or temporary professional employe or charter or cyber charter school employe who provides services other than classroom instruction.

(7) The term "performance improvement plan" shall mean a plan, designed by a district or charter or cyber charter school with input of the employe, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the contents of the rating tool provided for under this section.

(8) The term "principal" shall include a building principal, an assistant principal, a vice principal or a director of vocational education or charter or cyber charter school administrator.

\* \* \*

Amend Bill, page 10, by inserting after line 30

Section 5. Sections 1732-A(a) and 1749-A(a)(1) of the act, amended or added June 29, 2002 (P.L.524, No.88), are amended to read:

Section 1732-A. Provisions Applicable to Charter Schools.—(a) Charter schools shall be subject to the following:

Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1123, 1301, 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1330, 1332, 1303-A, 1513, 1517, 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article XIV.

Act of July 17, 1961 (P.L.776, No.341), known as the "Pennsylvania Fair Educational Opportunities Act."

Act of July 19, 1965 (P.L.215, No.116), entitled "An act providing for the use of eye protective devices by persons engaged in hazardous activities or exposed to known dangers in schools, colleges and universities."

Section 4 of the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning, making an appropriation, and providing for the administration of this act."

Act of July 12, 1972 (P.L.765, No.181), entitled "An act relating to drugs and alcohol and their abuse, providing for projects and

programs and grants to educational agencies, other public or private agencies, institutions or organizations."

Act of December 15, 1986 (P.L.1595, No.175), known as the "Antihazing Law."

\* \* \*

Section 1749-A. Applicability of other provisions of this act and of other acts and regulations.

(a) General requirements.—Cyber charter schools shall be subject to the following:

(1) Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443, 510, 518, 527, 708, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1123, 1205.1, 1205.2, 1301, 1302, 1310, 1317.2, 1318, 1330, 1332, 1303-A, 1518, 1521, 1523, 1531, 1547, 1702-A, 1703-A, 1714-A, 1715-A, 1716-A, 1719-A, 1721-A, 1722-A, 1723-A(a) and (b), 1724-A, 1725-A, 1727-A, 1729-A, 1730-A, 1731-A(a)(1) and (b) and 2014-A and Articles XII-A, XIII-A and XIV.

\* \* \*

Amend Bill, page 11, line 1, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Pashinski.

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

I rise to present A01283 because it deals directly with teacher evaluation. So if we are going to pursue evaluating teachers and determine whether that will take precedence over whether they have a job or not, then I believe that this amendment is certainly in order. I think many of you will recall when we attempted to make sure that if we are going to evaluate public school teachers, then all public school teachers need to have the same evaluation system, and right now in the charter school system, they do not have to have this evaluation system.

This is inherently unfair and therefore does not allow for the actual evaluation system that has been touted today as being the answer to making sure that we have qualified teachers. It would not work if we do not have this system within the entire public school education system; therefore, I am asking for consideration that we make this unified throughout both public school systems and the public charter school systems.

The SPEAKER. Representative Bloom, on the amendment.

Mr. BLOOM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment, amendment A01283. Mr. Speaker, this amendment would address cyber and charter schools, and, Mr. Speaker, they already have the flexibility to change their staffing as necessary. It would be redundant to add them to the provisions of the underlying bill that would provide our school districts with that flexibility to make those kinds of decisions.

And additionally, Mr. Speaker, cybers and charters are not already constrained by the requirement that they make any sort of a furlough based on inverse seniority of the teachers. This would handcuff our cybers and charters and be the opposite of the bill's intent and purpose.

Further, Mr. Speaker, this chamber passed in March, HB 530, which is a significant overhaul of charter schools, and that bill is now awaiting action over in the other chamber in the other end of the building. And this would not be appropriate for us to try to force that into this bill, which defeats the purpose of the underlying bill, and we have already enacted significant charter reform.



So I would urge a negative vote on this amendment, Mr. Speaker. Thank you.

The SPEAKER. Representative Pashinski, for the second time on the amendment.

Mr. PASHINSKI. Thank you very much.

And I certainly appreciate the maker of the bill's comments. However, 530 requested an equivalent system, and at this point, there is no evidence that demonstrates that the charter schools have an equivalent evaluation system. There is no documentation that can substantiate that. Therefore, the only way that we can make for a unified effort on behalf of all the children in school, in public schools here in Pennsylvania – because that was our concern; we wanted to make sure that we are providing the very best education possible and that this evaluation system would determine the very best teachers. And if that be the case, then this amendment is certainly germane, and it certainly belongs within HB 805.

I would certainly recommend a strong support of this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise in support of the Pashinski amendment. This language was actually adopted by the House 3 years ago by a vote of 193-7. You remember that day. It was the day we were debating the teacher evaluation system, and the House of Representatives— The Senate had sent over a bill, I think it was without charters, and I think it was the Education Committee, when it released the bill, did not have cyber teachers and charter teachers included. But this House of Representatives said, by a vote of 193-7, we should. If we are going to have a rigorous, comprehensive teacher evaluation system, it should apply to all public school teachers. It should apply to traditional public school teachers, it should apply to vocational-technical teachers, it should apply to intermediate unit teachers, it should apply to cyber school teachers, and it should apply to charter school teachers.

So this vote affirmatively stated that we want this new teacher evaluation system to apply to all public school teachers. Well, you know what happened. Two days later the Senate took that language out. They exempted the cyber and charter school teachers, and then we were met with a concurrence vote. I know the prime sponsor has referred to that concurrence vote several times. He said this bill passed 201 to nothing. He forgot the affirmative vote that this House said that we need all public school teachers to be treated the same. Enough of these two tiers, where some teachers have rigorous standards and others do not.

Representative Pashinski is seeking to make the change to say that all public school teachers should be treated the same. We should have a rigorous and comprehensive teacher evaluation system for all public school teachers. We voted once before to require that here in the House of Representatives. Let us support the Pashinski amendment and state our will that all teachers should be included in the evaluation system.

Thank you, Mr. Speaker.

The SPEAKER. Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to oppose the Pashinski amendment. Simply, it is not necessary. It is not germane to this bill. As the maker of the bill said earlier, we have sent to the Senate HB 530. HB 530 is expected back here in the House before long. It creates a commission to look at charter schools and the changes that need

to be made over the next year, and that commission will make their recommendation.

But more importantly, this has nothing to do with the base of this bill, and the base of this bill is about layoffs for teachers and how we do that in our public schools. And I am going to repeat something that was said earlier. It seems to me like there are a lot of people here who want to have it both ways. "We have terrible school boards. We have terrible administrators." And you are going to go back home tomorrow and you are going to shake hands and have dinner with the same people today you are criticizing who cannot make good management decisions, who are also elected to public office.

Now, you cannot have it both ways. Either our school boards in this State are horrible and our administrators are horrible, or they are good people. Do I believe there are bad school boards out there? Sure. I think there are some. Absolutely, and I have been critical of those. And do I think there are some administrators that have not done their job? Yes. But the bottom line is, what I find here today are constant excuses to give our local school boards who have been clamoring for years to be able to manage their school districts locally. The PSEA spokesperson this week said that the teacher evaluation system is working and it is exactly what they expect it to be, and that is that most of our teachers, almost 98 percent of our teachers are highly proficient or proficient.

What is the fright around here about an evaluation system that the PSEA said, their spokesman said is working exactly how they had hoped to? And they had agreed to that evaluation system, by the way, to this General Assembly. It was not something that we put onto the PSEA or any other teachers. They agreed to it as part of how to evaluate it. We ran it as a pilot program, and it showed that it could work, and that is why this General Assembly instituted that evaluation system.

So today let us be honest about what we are talking about here. You cannot have it both ways. You cannot go back home to your friends who are school board members and administrators and say, "You are a great guy, but I just said you were incompetent on the House floor." We have good teachers. I am proud of Pennsylvania's education system. We have one of the finest education systems in the country, but at the same time, as we know, it needs improvement if we are going to stay one of the top five or six States in this country in education. The school boards of this State need this tool.

I ask for a negative vote on the Pashinski amendment simply because HB 530 will be back here, and we will have an opportunity to make a judgment on charter schools later this month. Thank you.

The SPEAKER. Anybody else wishing to be recognized on the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—85

Acosta	Deasy	Kaufer	O'Neill
Barbin	DeLissio	Kavulich	Parker, C.
Bishop	Dermody	Keller, W.	Pashinski
Bizzarro	DiGirolamo	Kim	Peifer
Boback	Donatucci	Kinsey	Petrarca
Boyle	Driscoll	Kirkland	Petri

Bradford	Emrick	Kortz	Ravenstahl
Briggs	Fabrizio	Kotik	Readshaw
Brown, R.	Farina	Longietti	Roebuck
Caltagirone	Farry	Markosek	Rozzi
Carroll	Flynn	Marshall	Sainato
Cohen	Frankel	Masser	Samuelson
Conklin	Freeman	Matzie	Santarsiero
Costa, D.	Gainey	McCarte	Schlossberg
Costa, P.	Galloway	McNeill	Schreiber
Cruz	Gergely	Millard	Schweyer
Daley, M.	Gibbons	Miller, D.	Sims
Daley, P.	Goodman	Mullery	Snyder
Davidson	Hanna	Murt	Sturla
Davis	Harhai	Neuman	Vitali
Dawkins	Harkins	O'Brien	Youngblood
Dean			

## NAYS—103

Adolph	Hahn	Maloney	Sankey
Baker	Harhart	Marsico	Santora
Benninghoff	Harper	McGinnis	Saylor
Bloom	Harris, A.	Mentzer	Schemel
Brown, V.	Harris, J.	Metcalfe	Sonney
Causier	Heffley	Metzgar	Staats
Christiana	Helm	Miccarelli	Stephens
Corbin	Hennessey	Miller, B.	Tallman
Cox	Hickernell	Milne	Taylor
Culver	Hill	Moul	Tobash
Cutler	Irvin	Mustio	Toepel
Day	James	Nesbit	Toohil
Delozier	Jozwiak	Oberlander	Topper
Diamond	Kampf	Ortitay	Truitt
Dunbar	Kauffman	Parker, D.	Vereb
Dush	Keller, F.	Payne	Ward
Ellis	Keller, M.K.	Pickett	Warner
English	Killion	Quigley	Watson
Evankovich	Klunk	Rader	Wentling
Everett	Knowles	Rapp	Wheatley
Fee	Krieger	Reed	Wheeland
Gillen	Lawrence	Reese	White
Gillespie	Lewis	Regan	Zimmerman
Gingrich	Mackenzie	Roae	
Godshall	Maher	Ross	Turzai,
Greiner	Major	Saccone	Speaker
Grove			

## NOT VOTING—1

Thomas

## EXCUSED—9

Barrar	Evans	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons
DeLuca			

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. Amendment 1285 has been ruled out of order.

On the question recurring,

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

Mr. **ROEBUCK** offered the following amendment  
No. **A01286**:

Amend Bill, page 8, by inserting between lines 9 and 10

(c.1) Notwithstanding the provisions of subsection (a):

(1) Unless all professional and temporary professional employees serving as classroom teachers for purposes of section 1123 subject to suspension were assigned to the same building during the period covered by the evaluations, no building level data as described in section 1123(b)(1)(ii)(A) shall be used in comparing the evaluations of those employees subject to suspension.

(2) Unless all professional and temporary professional employees serving as classroom teachers for purposes of section 1123 subject to suspension were assigned to the same building, grade and content area, no student performance data as described in section 1123(b)(1)(ii)(B) and no elective data as described in section 1123(b)(1)(ii)(C) shall be used in comparing the evaluation of those employees subject to suspension.

(3) Unless all professional and temporary professional employees serving as nonteaching professional employees for purposes of section 1123 subject to suspension were assigned to the same building during the period covered by the evaluations, no building level data as described in section 1123(d)(1)(v) shall be used in comparing the evaluations of those employees subject to suspension.

(4) If both professional or temporary professional employees serving as classroom teachers for purposes of section 1123 and employees serving as nonteaching professionals for purposes of section 1123 are subject to suspension, no student performance data as described in section 1123(b)(1)(ii)(B) and no elective data as described in section 1123(b)(1)(ii)(C) shall be used to compare the evaluations between those employees subject to suspension.

On the question,

Will the House agree to the amendment?

## AMENDMENT WITHDRAWN

The SPEAKER. It is my understanding that that amendment has been withdrawn; 1286 has been withdrawn.

On the question recurring,

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

The SPEAKER. Representative Longietti calls up amendment 1290. That amendment has been withdrawn. Thank you, Representative.

Representative O'Neill calls up amendment 1342. That amendment has been withdrawn. That amendment is withdrawn.

On the question recurring,

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

Mr. **SAYLOR** offered the following amendment  
No. **A02223**:

Amend Bill, page 1, lines 13 through 19; pages 2 through 10, lines 1 through 30; page 11, lines 1 through 6; by striking out all of said lines on said pages and inserting

Section 1. Sections 1108 and 1121(b) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended March 29, 1996 (P.L.47, No.16), are amended to read:

Section 1108. Temporary Professional Employees.—(a) It shall be

the duty of the district superintendent to notify each temporary professional employe, at least twice each year during the period of his or her employment, of the professional quality, professional progress, and rating of his or her services. No temporary professional employe shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished to the employe within ten (10) days following the date of such rating. The rating of a temporary professional employe shall be done as provided in section one thousand one hundred twenty-three of this act.

(b) (1) A temporary professional employe initially employed by a school district prior to June 30, 1996, whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the second year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article.

(2) A temporary professional employe initially employed by a school district, on or after June 30, 1996, but prior to June 30, 2015, whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the third year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article.

(2.1) A temporary professional employe initially employed by a school district, on or after June 30, 2015, whose work has been certified by the district superintendent to the secretary of the school district, during the last four (4) months of the third year of such service, or, in the case of a temporary professional employe whose temporary professional status was extended for one additional year by the district superintendent pursuant to paragraph (2.2), during the last four (4) months of the fourth year of such service, as being satisfactory shall thereafter be a "professional employe" within the meaning of this article.

(2.2) The district superintendent may extend the temporary professional status of an employe by one additional year when, in the professional judgment of the district superintendent, further evaluation of the temporary professional employe is necessary prior to certifying the work of the temporary professional employe as satisfactory. To extend the temporary professional status of an employe under this paragraph, the district superintendent must provide the temporary professional employe, during the last four (4) months of the third year of the temporary professional employe's service, with a written statement, signed by the district superintendent, setting forth the specific reason for the extension.

(3) The attainment of the status under paragraph (1) [or], (2) or (2.1) shall be recorded in the records of the board and written notification thereof shall be sent also to the employe. The employe shall then be tendered forthwith a regular contract of employment as provided for professional employes. No professional employe who has attained tenure status in any school district of this Commonwealth shall thereafter be required to serve as a temporary professional employe before being tendered such a contract when employed by any other part of the public school system of the Commonwealth.

(c) (1) Any temporary professional employe employed by a school district prior to June 30, 1996, who is not tendered a regular contract of employment at the end of two years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal.

(2) Any temporary professional employe employed by a school district after June 30, 1996, but prior to June 30, 2015, who is not tendered a regular contract of employment at the end of three years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal.

(3) Any temporary professional employe employed by a school district on or after June 30, 2015, who is not tendered a regular contract of employment at the end of three (3) years of service, or, in the case of a temporary professional employe whose temporary professional status was extended for one additional year by the district superintendent

pursuant to subsection (b)(2.2), at the end of four (4) years of service, rendered as herein provided, shall be given a written statement signed by the president and secretary of the board of school directors and setting forth explicitly the reason for such refusal.

(d) Temporary professional employes shall for all purposes, except tenure status, be viewed in law as full-time employes, and shall enjoy all the rights and privileges of regular full-time employes.

Section 1121. Contracts; Execution; Form.—\* \* \*

(b) (1) Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employe initially employed by a school district prior to June 30, 1996, who has satisfactorily completed two (2) years of service in any school district of this Commonwealth.

(2) Each board of school directors in all school districts shall hereafter enter into contracts, in writing, with each professional employe initially employed by a school district, on or after June 30, 1996, but prior to June 30, 2015, who has satisfactorily completed three (3) years of service in any school district of this Commonwealth.

(3) Each board of school directors in all school districts shall only hereafter enter into contracts, in writing, with each professional employe initially employed by a school district, on or after June 30, 2015, who has satisfactorily completed three (3) years of service or, in the case of a temporary professional employe whose temporary professional contract is extended by the district superintendent for one additional year and who has satisfactorily completed four (4) years of service, in any school district of this Commonwealth and received overall performance ratings of "distinguished" or "proficient" on both of the professional employe's two (2) most recent end-of-year performance evaluations pursuant to section 1123 at the school district of current employment.

\* \* \*

Section 2. Section 1124 of the act, amended June 30, 2012 (P.L.684, No.82), is amended to read:

Section 1124. Causes for Suspension.—(a) Any board of school directors may suspend the necessary number of professional employes, for any of the causes hereinafter enumerated:

(1) substantial decrease in pupil enrollment in the school district;

(2) curtailment or alteration of the educational program on recommendation of the superintendent and on concurrence by the board of school directors, as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Department of [Public Instruction] Education;

(3) consolidation of schools, whether within a single district, through a merger of districts, or as a result of joint board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employes; [or]

(4) when new school districts are established as the result of reorganization of school districts pursuant to Article II., subdivision (i) of this act, and when such reorganization makes it unnecessary to retain the full staff of professional employes[.]; or

(5) economic reasons that require a reduction in professional employes, provided that a professional employe who received an overall performance rating of "distinguished" on at least two (2) of the professional employe's most recent three (3) end-of-year performance ratings may not be suspended for economic reasons under this paragraph.

(a.1) A school district may not use an employe's compensation in determining which professional employes to suspend, but shall use the procedures in section 1125.1 to determine the order in which professional employes are suspended.

(b) Notwithstanding an existing or future provision in a collective bargaining agreement or other similar employment contract to the contrary, suspension of a professional employe due to the curtailment or alteration of the educational program as set forth in subsection (a)(2) may be effectuated without the approval of the curtailment or alteration of the educational program by the Department of Education, provided that, where an educational program is altered or

curtailed as set forth in subsection (a)(2), the school district shall notify the Department of Education of the actions taken pursuant to subsection (a)(2). The Department of Education shall post all notifications received from a school district pursuant to this subsection on the Department of Education's publicly accessible Internet website.

(c) The following shall apply in the case of a suspension under subsection (a)(5) in which a board of school directors suspends professional employees who are assigned to provide instruction directly to students:

(1) A board of school directors may suspend the necessary number of professional employees assigned to provide instruction directly to students only if the board of school directors also suspends at least an equal percentage proportion of administrative staff.

(2) The Secretary of Education may grant a board of school directors a waiver of paragraph (1) if the following apply:

(i) the Secretary of Education determines that the school district's operations are already sufficiently streamlined;

(ii) the Secretary of Education submits the determination to the State Board of Education; and

(iii) the State Board of Education approves the determination by a majority of its members.

(3) Any five administrative staff positions selected by the board of school directors shall be exempt from the requirements of paragraphs (1) and (2).

(d) In the case of a suspension under subsection (a)(5), a board of school directors may suspend the necessary number of professional employees only by a majority vote at a public meeting of the board of school directors.

(e) Following the 2019-2020 school year, the Legislative Budget and Finance Committee shall conduct a study of the effectiveness of the provisions of sections 1124(a)(5), (c) and (d) and 1125.1 and shall deliver a written report of its findings, including whether these provisions of law are being used effectively by school districts to improve school district efficiency, to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives by December 31, 2020.

(f) (1) A collective bargaining agreement negotiated by a school district and an exclusive representative of professional employees in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," after the effective date of this subsection may not prohibit the suspension of professional employes for economic reasons other than as provided for in this section.

(2) A provision in any agreement or contract in effect on the effective date of this subsection that prohibits the suspension of professional employes for economic reasons in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

Section 3. Section 1125.1 of the act, amended or added November 20, 1979 (P.L.465, No.97) and July 10, 1986 (P.L.1270, No.117), is amended to read:

Section 1125.1. Persons to be Suspended.—(a) Professional employes shall be suspended under section 1124 [(relating to causes for suspension) in inverse order of seniority within the school entity of current employment. Approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes.] as follows, within the area of certification required by law for the professional employee's current position:

(1) (i) Each professional employe who received an overall performance rating of "failing" on the professional employe's most recent end-of-year performance rating shall be suspended first.

(ii) After suspending professional employes under subclause (i), each professional employe who received an overall performance rating of "needs improvement" on the professional employe's most recent end-of-year performance rating shall be suspended second.

(iii) When more professional employes receive the same overall performance rating than there are suspensions, seniority within the

school entity shall be used to determine suspensions among professional employes with the same overall performance rating on the employe's most recent performance evaluation pursuant to section 1123, provided that approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes.

(2) After suspending professional employes under clause (1), each professional employe who received an overall performance rating of "proficient" or "distinguished" on the professional employe's most recent end-of-year performance rating shall be suspended in inverse order of seniority within the school entity of current employment, provided that approved leaves of absence shall not constitute a break in service for purposes of computing seniority for suspension purposes.

(a.1) Seniority shall continue to accrue during suspension and all approved leaves of absence.

(b) Where there is or has been a consolidation of schools, departments or programs, all professional employes shall retain the seniority rights they had prior to the reorganization or consolidation.

[(c) A school entity shall realign its professional staff so as to insure that more senior employes are provided with the opportunity to fill positions for which they are certificated and which are being filled by less senior employes.]

(d) (1) No suspended employe shall be prevented from engaging in another occupation during the period of suspension.

(2) Suspended professional employes or professional employes demoted for the reasons set forth in section 1124 shall be reinstated [on the basis of their seniority within the school entity.] as follows:

(i) Professional employes who received an overall performance rating of "proficient" or "distinguished" on their most recent end-of-year performance evaluations shall be reinstated first in order of seniority within the area of certification required for the vacancy being filled and within the school entity.

(ii) After reinstating professional employes under subclause (i), professional employes who received an overall performance rating of "needs improvement" on their most recent end-of-year performance evaluations shall be reinstated second in order of seniority within the area of certification required for the vacancy being filled and within the school entity.

(iii) After reinstating professional employes under subclause (ii), professional employes who received an overall performance rating of "failing" on their most recent end-of-year performance evaluations shall be reinstated last in order of seniority within the area of certification required for the vacancy being filled and within the school entity.

No new appointment shall be made while there is such a suspended or demoted professional employe available who is properly certificated to fill such vacancy. For the purpose of this subsection, positions from which professional employes are on approved leaves of absence shall also be considered temporary vacancies.

(3) To be considered available a suspended professional employe must annually report to the governing board in writing his current address and his intent to accept the same or similar position when offered.

(4) A suspended employe enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying his return to service until the end of the current semester.

(e) Nothing contained in [section 1125.1(a) through (d)] this section shall be construed to:

(1) limit the cause for which a temporary professional employe may be suspended; or

(2) supersede or preempt any provisions of a collective bargaining agreement negotiated by a school entity and an exclusive representative of the employes in accordance with the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act"; however, no agreement shall prohibit the right of a professional employe who is not a member of a bargaining unit from retaining seniority rights under the provisions of this act.

(f) A decision to suspend in accordance with this section shall be

considered an adjudication within the meaning of the "Local Agency Law."

(g) (1) No collective bargaining agreement negotiated by a school district and an exclusive representative of the employes in accordance with the "Public Employe Relations Act" after the effective date of this subsection shall provide for suspending, reinstating or realigning professional employes based on seniority other than as provided for in this section.

(2) Upon the expiration, amendment or adoption of any agreement or contract, a provision that provides for suspending, reinstating or realigning professional employes based on seniority in conflict with this section shall be discontinued in any new or renewed agreement or contract or during the period of status quo following an expired contract.

(h) If a professional employe is suspended under this section, the professional employe's position shall remain vacant for at least one year, provided that the school entity may reinstate at any time the professional employe who was suspended.

Section 4. Section 1131 of the act is amended to read:

Section 1131. Appeals to [Superintendent of Public Instruction] Secretary of Education.—In case the professional employe concerned considers himself or herself aggrieved by the action of the board of school directors, an appeal by petition, setting forth the grounds for such appeal, may be taken to the [Superintendent of Public Instruction] Secretary of Education at Harrisburg. Such appeal shall be filed within [thirty (30)] fifteen (15) days after receipt by registered mail of the written notice of the decision of the board. A copy of such appeal shall be served by registered mail on the secretary of the school board.

The [Superintendent of Public Instruction] Secretary of Education shall fix a day and time for hearing, which shall be not sooner than ten (10) days nor more than thirty (30) days after presentation of such petition, and shall give written notice to all parties interested.

The [Superintendent of Public Instruction] Secretary of Education shall review the official transcript of the record of the hearing before the board, and may hear and consider such additional testimony as he may deem advisable to enable him to make a proper order. At said hearing the litigants shall have the right to be heard in person or by counsel or both.

After hearing and argument and reviewing all the testimony filed or taken before him, the [Superintendent of Public Instruction] Secretary of Education shall enter such order, either affirming or reversing the action of the board of school directors, as to him appears just and proper.

Section 5. This act shall take effect as follows:

- (1) The amendment or addition of sections 1124(f) and 1125.1(g) of the act shall take effect immediately.
- (2) The amendment of sections 1108 and 1121 shall take effect June 30, 2015.
- (3) This section shall take effect immediately.
- (4) The remainder of this act shall take effect June 30, 2016.

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

The SPEAKER. On that question, the Chair recognizes Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I want to give a short explanation of my amendment. What my amendment does is it represents a compromise, the first compromise that we have major agreement from major groups here in the Commonwealth should be put into this bill.

It does the following. It strengthens the tenure law by giving superintendents an additional year to determine if a teacher qualifies for tenure. This helps both the school district and the teacher. It helps teachers who otherwise might be fired but will

be given another year to try and improve their skills to stay on as a teacher in that particular school district. It allows school districts facing financial difficulties to undertake economic furloughs, but contains safeguards against the possibility of a school district that may furlough teachers while retaining high levels of administration.

It keeps our best teachers in the classroom by allowing our school districts to undertake a furlough program for our poorest performing teachers. It retains seniority protections for the vast majority of teachers who are doing a good job in our education system for our children. And by extending the effective date of the furlough and seniority provisions, it allows additional time for our school districts and teachers to grow accustomed to the new evaluation system we have in place.

This amendment is supported by the Pennsylvania School Boards Association and the Pennsylvania School Administrators Association. It is supported by the Pennsylvania business administrators organization, the chamber of commerce, as well as the Pennsylvania Business Council. I ask for a positive vote on my amendment, Mr. Speaker.

The SPEAKER. Does anybody else wish to be recognized on the amendment? Representative Bloom.

Mr. BLOOM. Thank you, Mr. Speaker.

I rise to support the Saylor amendment. I actually cannot read the number real well, A02223, and would urge an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. Representative Longiotti, on the amendment.

Mr. LONGIETTI. Thank you, Mr. Speaker.

Mr. Speaker, here we are at the key vote in regard to this legislation. We just recently adopted the O'Neill amendment, and unfortunately, this amendment undoes, it undoes much of what was done in the O'Neill amendment. I will give you an example. This amendment would put back in the building level measures, so we are not looking, when we make furlough decisions, we are not going to look just at how well a teacher does in their classroom, but we are going to look at the building as a whole. We are going to judge teachers based upon the building.

Now, I am going to draw an analogy. Last night, unfortunately, I watched the Cleveland Cavaliers go down to defeat in game six of the finals. The team failed, but LeBron James had the highest collective average of any player in NBA (National Basketball Association) Finals history. He was the best in finals history. Did he fail? Do we judge him on the basis of the team? He did the best of any player in finals history. So should we judge our teachers based upon what happens in some other classroom and not look at their individual performance? I think not.

We know that the teacher evaluation formula that would be used in this amendment for furlough decisions is less than a year old. We know that the former Acting Secretary of the Department of Education indicated that it would take a good 2 to 3 years for that system, for us to fully understand how it works. And yet here we are in the infancy stages of that evaluative model, and this amendment wants to use that for furlough decisions. Part of that is what is called the value-added measurement, which is PVAAS (Pennsylvania Value-Added Assessment System). What do we know about the value-added measurement? It says more about student characteristics than teacher quality, and yet we are going to use that as a basis under

this amendment. The National Academy of Sciences, the American Statistical Association, two respected national organizations, have both warned, both of them have warned against using value-added measures and teacher evaluation because they are unsuitable and too unstable to be fair. So this is about fairness.

Those of us that voted for the O'Neill amendment, make no mistake, this is the key vote. If you vote for the amendment in front of us, you are voting to roll back much of what you just voted for. It is unfair. It does not make sense. It leads to a less valued public education system. It is imperative that we vote "no" on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Carroll.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, now we have before us the gut and replace, which is going to be the compromise to the real compromise, which was the Representative O'Neill amendment. So the adoption of this amendment, Mr. Speaker, would set in motion an economic furlough program nearly identical to the original bill. So we could get back to the question of economic furloughs, Mr. Speaker. Yesterday the Pittsburgh Post-Gazette had a story that relayed survey results of 346 of our 500 school districts. Seventy-one percent of those respondents will raise property taxes this year. Forty-one percent of those respondents will cut staff this year. Twenty-three percent of those respondents will cut programs this year. That will be the fifth straight year of such transactions for these school districts after having endured substantial cuts over the past 4 years.

So, Mr. Speaker, if our school directors in our 500 districts are faced with the prospects of raising property taxes, I, for one, will wonder how many will choose economic furloughs as a method to minimize increase in property taxes and take a step that does not seem too far-fetched in the world of casting votes in a political body.

As we all know, casting votes to raise taxes, and mercifully we do not raise property taxes here, we just give that responsibility to the school boards. My guess is this bill, with this amendment, will give them a tool to minimize property tax increases because they will take advantage of the opportunity to furlough highly paid teachers under the banner of meeting the budget needs of that school district.

Mr. Speaker, property tax increases and furloughs are symptoms of the larger problem. The larger ailment, Mr. Speaker, is that these school districts do not have enough finances from this Commonwealth to adequately operate those districts. It should be our responsibility to find the necessary funds and not do a gymnastics routine to find an economic furlough model that relieves the pressure that we should have on ourselves with respect to funding school districts.

Mr. Speaker, this amendment should be defeated. Let us at least use the O'Neill model, with respect to a furlough program, that has some common sense to it and not revert to a default system that allows for the release and furloughing of highly paid teachers in order to meet budgetary needs.

Thank you, Mr. Speaker.

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I respectfully stand in opposition to the Saylor amendment. I want the members on both sides of the aisle to realize that the Saylor amendment is a gut-and-replace amendment, and by me

saying that, I mean it takes out everything that Representative O'Neill's amendment just put into the bill a few minutes ago.

I am going to say it again: It is a gut-and-replace amendment that takes out what 108 members of this legislature voted for just a few minutes ago. If you agreed with the O'Neill amendment and what was in it – and again, 108 of you voted "yes" on the O'Neill amendment – the right thing to do, the fair and balanced thing to do, is to vote "no" on the Saylor amendment, because it guts and replaces.

If you believe that what Representative O'Neill did was fair and balanced for the teachers, for the employees, and also for the economic conditions of the school district, then you must, and again, very respectfully, vote "no" on the Saylor amendment. One hundred and eight members just voted "yes" on Representative O'Neill's amendment. That is fair. That is balanced. Let us leave that in the bill, and I ask for a "no" vote on the Saylor amendment. Thank you.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to amendment A02223 offered by the gentleman from York County, and of course the strongest reason to oppose the Saylor amendment was just articulated by the gentleman from Bucks County. We did adopt the true compromise amendment when we adopted the O'Neill amendment earlier today. That is the true compromise, and as stated by the gentleman from Bucks County, that is what resolves the economic furlough issue in this Commonwealth. So we have already addressed this problem, and we have addressed it correctly. If we now gut and replace the O'Neill amendment with the Saylor amendment, we are making a huge mistake.

Mr. Speaker, this amendment relies heavily on the untested and unverified results of our year-old educator evaluation system as a basis for high-stakes furlough decisions. This amendment does not even address issues with this bill. It includes provisions that teachers cannot be laid off if they have a distinguished rating, which, as we know, cannot be determined until the data actually starts to show whether or not the new education evaluation system is effective. So why would we base decisions on a system that is new and unproven?

Mr. Speaker, in addition to the untested results, the sunset implementation time of 1 year, as proposed in this amendment, is also based on unrealistic expectations that unforeseen circumstances surrounding the educator evaluation system will be resolved before this legislation would go into effect. That is absurd.

Mr. Speaker, the conversation today is as unproductive as the past 4 years have been with regards to Governor Corbett's education cuts. Not only does this amendment hurt our educators, it hurts our most valuable resource, our children.

Mr. Speaker, we should be talking about ways to restore education funding and improve student testing scores, neither of which can be accomplished if we are furloughing those who have a direct impact on our schools and our students. Mr. Speaker, this amendment is not a true compromise. We already adopted the true compromise when we adopted the O'Neill amendment.

Mr. Speaker, I urge a "no" vote on amendment A02223, and let us keep the O'Neill amendment as the way we resolve economic furloughs in this Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. Representative O'Neill.

Mr. O'NEILL. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise to oppose my good friend, Representative Saylor's amendment, amendment 02223. If I pronounced it— I got the same as Mr. Bloom. I do not have my glasses on.

Anyway, everybody said it: It is a gut-and-replace amendment. We just spent a long time discussing, debating my amendment. The majority here did decide, with 108 votes, to adopt it. And I am telling you, and I sincerely believe this, that if we are going to do economic furloughs, I really truly believe that my amendment, based on my personal experience, which is why I offered it, was the right way to go. So I would ask that everyone please oppose the Saylor amendment.

Thank you, sir.

The SPEAKER. Representative Dush.

Mr. DUSH. Thank you, Mr. Speaker.

I stand in support of the Saylor amendment. I have got to tell you, taking a stand of selecting the poorest educators over the neediest children, to me, I do not understand. In the military— People keep using this term "special," as in teachers are special, military is special, law enforcement is special. I am in the military. I am in the law enforcement. I have been through the reduction in force. I have been through an awful lot of things that happen over financial need. The thing that frustrates me, and it has frustrated me as a supervisor in the military, it has frustrated me in watching this kind of a discussion, is that people keep using that term "special" in order to protect themselves rather than to focus on the actual problems.

We have situations right now. Penns Manor School District, just outside of my district, teachers just received notice of receiving full or partial furloughs, effective immediately, after the school board voted Thursday night to cut programming in art, French, technology education, and physical education. They are gutting entire programs as a result of a fiscal problem.

Now, is it better to gut the whole doggone program, or is it better to select those people who maybe are not being effective within that classroom, who are not the best when you have got teachers in an entire program that are being eliminated that are effective teachers? You are not giving the school boards the latitude. You are not giving the administrations the latitude to make those effective decisions.

When I first moved back to my hometown, my wife heard a bunch of bad stories about one of the teachers that my oldest son was going into. She went over to talk to the superintendent of the school, who basically told her, "No, he is not getting changed." It turned out that was one of the most effective teachers for my son that he has ever had. Administrators stand up for good teachers. As a supervisor, I have stood up for my troops.

I respect good teachers. I respect good administrators. I expect that whenever they have the education and the training, when they have been properly selected by the people who make those selections, then they have got the ability to supervise, evaluate, and instruct, just like I expect a teacher to be able to go in and develop a curriculum and instruct and evaluate students based on the education and training that they have received. I have faith in those people to do that. But when we have to make decisions on where the cuts are, it should be, it should be on the basis of what is most effective for those students.

I think by not accepting the Saylor amendment, and I believe by taking that first amendment, we have shortchanged the students, and I stand in support of Representative Saylor's amendment. Thank you.

The SPEAKER. Members, before I call on others to speak, first of all, all other amendments have been withdrawn. This is the last amendment on the underlying bill. I have two more members that wish to speak other than perhaps the maker of the amendment and the maker of the bill. I have Representative Roebuck and Representative Sturla.

Does anybody else wish to be added to the list of speakers before I go to the maker of the amendment and maker of the bill? Okay. So right now Representative Roebuck, then Representative Sturla, and then we are going to go to the maker of the amendment and maker of the bill.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I rise to oppose amendment 02223.

We have just voted to change this legislation to make it comprehensive and fair, and now we have before us an amendment that will turn what 108 of us did upside down and revert to what was unacceptable and is not what we need to be doing.

If we are concerned about the welfare of our young people, concerned about our school districts, concerned about how we deliver education effectively, let us understand that what the Saylor amendment will do is put us back into the situation where you make a judgment on teachers that is based upon a system that has not even been fully implemented, a system that has not been in effect for a full year. What we are doing is that we are undermining the progress we are making in helping our children to learn. Understand that what the language inserted in the O'Neill amendment did was resolve the question of how to do economic furloughs in a fair way that recognizes the rights of employees, the rights of teachers, the economic interests of school districts, but most importantly, the best interests of our children.

What are we doing here? Why are we going to give to someone the power to arbitrarily make a decision about who is in the classroom? Now, maybe it is because we too often say anyone can teach; you know, it does not take much to teach and so we can do things arbitrarily that are not based on standards or logic or the academic foundations of the teaching profession, which is what this amendment will in effect go back to. We need to stick with the O'Neill language that is fair, that is in fact helpful to our children, and will provide them with a quality teacher in every classroom.

I urge you not to adopt the Saylor amendment. Do not reverse what we have done here today. Do not undermine the education of our children. Thank you.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise against the Saylor amendment.

The way this amendment is laid out, as best I can tell, it really does not have anything to do with how long a teacher has been in that district. It is simply based on an evaluation, part of which has to do with the particular school's evaluation that a teacher happens to be teaching in.

I guess what troubles me is that if a school district who knows they are going to have to do some economic paring decides that, in anticipation of that, they give out 30 1-month contracts to young teachers that are at the low end of the pay

scale, who had good ratings in a different school district even, and brings them in for 30 days and then says, oh, by the way, you know what? Now we are out of money. For next year we are going to need to do economic furloughs and we need to get rid of 30 teachers. And by the way, those 30 that we brought in for 1 month have a higher rating than 30 of our highest paid teachers. Let us get rid of 30 of our highest paid teachers, and there we go. Is that not a nice little formula for which we can do economic "gerrymandering," for lack of a better word?

Mr. Speaker, the O'Neill amendment that we all adopted not too long ago, this same day, ensured that those kinds of shenanigans would not go on, and I do not think that school districts do that kind of thing out of malice. I think, as was pointed out here earlier today, sometimes they do that because they are worried about economic survival because the State has failed to fund them. And so while I do not think that they have malice in their heart when they make those kinds of decisions, I do think that, in some cases, when you have the type of system that the Saylor amendment purports to put forward, you will have principals in their evaluations say, "We've already been told by the administration that next year there are going to be layoffs, so now I have a decision to make when I do evaluations. We have already been told the year after that there is going to be even more layoffs and the year after that even more, so I have been told that my building gets X amount of dollars and I better figure out how to best manage within those buildings. And so given the choice between two equal teachers, one making half of what the other one does, maybe I will give the other one, the one at the higher salary, not such a good evaluation so that I have a reason during an economic furlough to get rid of them so that I only have to get rid of one teacher instead of two in my building." Mr. Speaker, it places an incentive for evaluators that are under extreme economic pressure to make decisions based on economic reasons, not the true performance of teachers.

I urge a "no" vote on the Saylor amendment. Thank you.

The SPEAKER. Thank you.

The maker of the amendment and the maker of the bill will be the last individuals to speak on the amendment, unless somebody else wishes to be recognized.

Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I just wanted to comment that earlier people had suggested certain things that the O'Neill amendment did which it does not do. It does not take out the evaluation of the building-level evaluation, part of the teacher evaluation. It does not change the teacher evaluation at all. And the interesting thing is, we talk about this evaluation that keeps coming up and why everybody seems to be afraid of it. Even a PSEA spokesperson says that the evaluation system is working as they expect it to when they agreed to it and this House passed it, and the Governor signed that bill.

We are finding exactly what I think all of us know, and that is that we have a lot of good teachers in this Commonwealth. This is the compromise amendment. This was one that we had pulled groups together to try and get a more moderate-type bill to move forward.

You know, just a few weeks ago Mayor Nutter from Philadelphia invited me to come to Philadelphia. He wanted me to see the schools in Philadelphia, so I thought, sure, why not take a trip to Philadelphia and see what is going on. And when

I asked a teacher or, I should say, a principal in one of the better performing schools in Philadelphia, why was this school building in Philadelphia performing better than another school in Philadelphia, the comment from the principal was, "Because I am able to manage my building. I am able to manage the personnel."

If we want to restore quality education in the Commonwealth of Pennsylvania, you have got to give the management tools to administrators to do their job, not handcuff them. It is time for us to move forward and continue to get rid of mandates, continue to give back to local school districts the ability to manage back home. The bogeyman is not coming because of some teacher evaluation that is scared.

You know, we have heard all on this floor today about how this system is failing, yet the newspapers and PSEA agree that the system is working. Now we need to do our job and let the local school boards and administrators manage their school districts.

I have friends and I have family members who, over the last several years, have been laid off from their teaching positions in school districts in York County and elsewhere, but I will tell you this, they did not lose their job because the teacher evaluation system failed them. They did not lose their jobs because they were poor teachers, in some cases. It is because our system in Pennsylvania failed our good teachers; they failed our children.

So today you have an opportunity to choose between children and the good-old-boy network that has been working in this Commonwealth for generations. It is time to fix our education system. It is time to do the right thing today. I ask for a positive vote on my amendment.

Thank you, Mr. Speaker.

The SPEAKER. My understanding is the maker of the bill has waived off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—95

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



## NAYS—94

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

## NOT VOTING—0

## EXCUSED—9

Barrar	Evans	Mahoney	Quinn
Burns	Gabler	Pyle	Simmons
DeLuca			

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

On the question recurring,

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

Mr. DERMODY. Mr. Speaker?

The SPEAKER. The majority leader, Representative Dermody, please.

Mr. DERMODY. Thank you, Mr. Speaker.

I believe Chairman Roebuck is seeking recognition.

The SPEAKER. Representative Roebuck, on unanimous consent.

Mr. ROEBUCK. Mr. Speaker, I want to introduce amendment 1210 – 1270. I am sorry; 1270.

The SPEAKER. Sir, my understanding is that amendment was withdrawn, and that was withdrawn on the record.

Please proceed.

Mr. ROEBUCK. I changed my mind, Mr. Speaker, and I am allowed to do that. I am allowed to change my mind, sir.

## POINTS OF ORDER

The SPEAKER. Representative Dermody.

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

The SPEAKER. On the point of order, please proceed.

Mr. DERMODY. Point of order.

The SPEAKER. Yes, sir.

Mr. DERMODY. Point of order.

I believe that Chairman Roebuck withdrew his amendment, 1270. There was additional business that took place between the withdrawal and his current request to now offer that amendment, and that in prior rulings the Speaker of the House and the Parliamentarian have ruled that those amendments will now be in order and could be offered. We believe, and I think the precedent shows, that Chairman Roebuck's amendment is in order. He should be allowed to offer it right now.

The SPEAKER. Leader Dermody, order of amendments, decided by the majority leader, that was decided in 1991 under a precedent by Speaker O'Donnell. And we had called up that amendment. That amendment was withdrawn. It is not in order, and we will not be having a vote on that amendment.

Mr. DERMODY. Mr. Speaker? Mr. Speaker? Point of order.

The SPEAKER. Yes, sir. You absolutely may speak.

Mr. DERMODY. On May 10, 2004 – I believe it was Speaker Perzel and I believe Clancy was the Parliamentarian – the following discussion took place: "Mr. EACHUS. My recollection was that the gentleman withdrew that amendment. Was that correct or not?"

"The SPEAKER pro tempore. The gentleman did withdraw the amendment.

"Mr. EACHUS. Okay. So the question is, if we withdrew the amendment, did we go over it or was it withdrawn for the evening?"

"The SPEAKER pro tempore. The gentleman has indicated he wished to return to his amendment since the passage of other amendments." It stops there, and then it says, "The SPEAKER pro tempore. ...The member always has the right to change his mind, and there has been intervening business since that time which has taken place, and the gentleman has requested his amendment now be considered," and he was allowed to consider the amendment.

I believe that is more recent precedent. It was done by the current Parliamentarian and a Republican Speaker.

The SPEAKER. Representative Dermody, or Leader Dermody – excuse me – the ruling still stands on two grounds. In the first instance, the order, it is a separate rationale than what you are addressing here. The rationale is that the order of amendments is placed forth by the majority leader. That order had been put into place and that was withdrawn.

Secondarily, it is my understanding that given the passage of amendment 2223, I believe – let me just clarify that that is right – 2223, that this amendment is no longer in order with respect to the passage of amendment 2223. So on two particular grounds, this amendment is not in order.

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

The SPEAKER. Yes, you certainly may, Leader Dermody.

Mr. DERMODY. I am not disputing the order of the amendments. However, there was intervening business. The last amendment, the Saylor amendment, gutted and replaced. The O'Neill amendment no longer is part of the language of the bill, and I would submit that the precedent of May 10, 2004, controls here and is right on point, and the gentleman should be allowed to offer his amendment.

The SPEAKER. Again, there are two rationales with respect. First of all, the amendment, 2223, was passed. This amendment is not in order with respect to the bill as amended, given the adoption of amendment 2223. That is first.

Secondarily, the amendments were called in the order by the majority leader.

And, sir, with respect to the precedent that you are citing, it is my understanding that it is not clear that that was an amendment that was gone over versus an amendment that was specifically withdrawn.

So on those grounds I have ruled. You do have, certainly, motions to make, given that particular ruling, but the ruling is that the amendment is not in order.

### RULING OF CHAIR APPEALED

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Yes, sir. Leader Dermody is recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

In that case, Mr. Speaker, I would like to appeal the ruling of the Chair that the amendment is out of order.

The SPEAKER. Yes, sir. Okay.

The minority leader, Representative Dermody, has indicated that he is appealing the ruling of the Chair, which is a perfectly appropriate procedural route.

### LEAVES OF ABSENCE

The SPEAKER. It is my understanding that Representative HARPER and Representative DAY have indicated that they would like to be placed on leave for the day. That request will be granted.

### CONSIDERATION OF HB 805 CONTINUED

The SPEAKER. Members, if you will just give me a moment with respect to the motion to appeal the Chair's ruling.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will be voting "aye"; those opposed will be voting "no."

Representative Dermody, you wish to be recognized?

Mr. DERMODY. On the motion.

The SPEAKER. Yes, sir. Please proceed.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we should overturn the ruling of the Chair, because on May 10, 2004, we had precedent right on point, and as I have already stated, the Speaker at that time, the leader at that time, the Democratic leader, said his "...recollection was that the gentleman withdrew that amendment...."

"The SPEAKER pro tempore. The gentleman did withdraw the amendment."

So the amendment was withdrawn. There was intervening business, and because there was intervening business and this is a gut-and-replace amendment that we are talking about here, the gentleman was allowed to offer his amendment. Your ruling is in direct conflict with the precedent of May 10, 2004. It should be overturned. And this is exactly the same case right here, and Representative Roebuck should be allowed to offer his amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Dermody, if I might, do you have, with respect to the amendment 2223, because there are two rationales for the ruling, with respect to the ruling on the amendment that it is not in order given the passage of 2223, do you have a position on that?

Mr. DERMODY. According to our House rules, because it was a gut-and-replace amendment, our rules would allow that to be redrafted, and if that is the case, we will get it redrafted, and we want to comply with the House rules.

The SPEAKER. On the question in front of us, the majority leader, Dave Reed.

Mr. REED. Thank you, Mr. Speaker.

If you could, just one more time for the members, clarify what a "yes" vote means and what a "no" vote means.

The SPEAKER. Yes, sir.

Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "nay."

Mr. REED. Mr. Speaker, if I could continue?

The SPEAKER. Yes. The majority leader, Dave Reed.

Mr. REED. Mr. Speaker, we would just ask the members to sustain the ruling of the Chair and vote "aye." Thank you.

The SPEAKER. Thank you.

### POINT OF ORDER

Mr. DERMODY. Mr. Speaker?

The SPEAKER. Leader Dermody, you are recognized.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we are appealing the ruling of the Chair, but that does not include 21(d), the rule that would allow us to get this amendment redrafted. Is that correct?

The SPEAKER. Leader Dermody, on the point of order, will you repeat the question, please, and I apologize.

Mr. DERMODY. You have ruled, I believe, that the amendment is out of order because of the Saylor amendment replacing it. Is that correct?

The SPEAKER. One of the two bases for the ruling.

Mr. DERMODY. What was the second basis then? I guess I want clarification. Rule 21(d) would allow us to get this amendment redrafted. I want to make sure that is not an issue with this vote.

The SPEAKER. At the time that the amendment was placed in order by the majority leader, as established by precedent of Speakers, he would have been able to have it redrafted at that time, but he withdrew the amendment, so that option is no longer available.

The decision that is now in front of the body is, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "nay," and members will now proceed to vote—

Representative Sturla, do you wish to be recognized?

Yes, sir. You are recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would encourage a "no" vote. And I understand for some members it is very hard to vote against the Speaker, but for some of us who have been around for a little longer than others, one of the things that is I believe sacred about this House is that we establish rules as to how we are going to govern ourselves with our actions on the floor of the

House and we establish precedent and we follow that precedent, because without that, you have chaos.

Now, if you vote to sustain the ruling of the Chair, which you basically will be voting for, is to say, well, in one instance you can rule this way and in the same instance a year later or the next day you can rule a different way, and it really does not matter, because as long as the Speaker says it, well, then it is so.

But imagine the chaos that would ensue not just under this Speaker but under future Speakers if this kind of precedent of, it does not really matter as long as the Speaker says that is what the rule is today, that is what it is. And I know that there are some members that believe they will never be in the minority. I have been here long enough to see switches back and forth numerous times. It happens quicker than you think. And I would just caution you that if you vote to say that precedent does not matter and it is up to the whim of the Speaker on any given day, you will live in chaos for the rest of the time that you serve in this august body.

Mr. Speaker, this is more serious than I am for my team. This is, I am for a sense of decorum and order in this House of Representatives.

Thank you, Mr. Speaker.

The SPEAKER. Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

Mr. Speaker, the ruling that you had made is on two points. The second point being that this amendment is not in order is clearly, in my opinion, respectfully, inaccurate. If that was the case, then the Saylor amendment would have never been in order. This is a gut-and-replace amendment. So the second point I think is clearly inaccurate to even the proceedings that happened today.

To your first point, 1991 precedent claiming that the majority leader has the ability to say when the amendments are brought up, no one is challenging that. What we are challenging is, if there is intervening business by the time the amendment is withdrawn until the bill goes over on second, that you can bring your amendment back up. That is clearly what 2004 says.

Mr. Speaker, if we are going to surrender, if the Parliamentarian is going to surrender their power to the sways of the majority, then this chamber and this institution is in trouble. We need to change things. We need to focus on the precedent. We need to focus on what this institution is about, and this institution is about fair and equitable treatment of the majority and the minority when it comes to amendments. The 2004 precedent is clearly controlling here, and these two orders, these two rulings that the Speaker has made, in my opinion, are trending on allowing the majority party and the Parliamentarian to become one and there not be any precedent that is meaningful when the majority switches.

I request that people vote "no" and challenge the Chair on this issue for respect of this institution.

Thank you, Mr. Speaker.

The SPEAKER. Representative Neuman, thank you.

Before I call on others, just with respect to a particular point, since moving into the position of Speaker, with respect to the actions of the Speaker, I have gone out of my way to be completely fair and honorable.

The fact of the matter is, since the amendment had been withdrawn, that was the process. It was specifically withdrawn. I made sure it was done on the record. We did not withdraw that amendment unilaterally up here. The member was specifically

asked if he wanted to withdraw the amendment and specifically indicated on the record that he wanted to withdraw the amendment. Nobody is thwarting, in any way, the decision of the member to in fact withdraw his amendment.

In terms of opportunities to avail yourself of making amendments or to be heard with respect to positions on amendments or motions, we have been nothing but fair, and in terms of the opportunity to be heard, we have treated every member, regardless of party, similarly and the same with respect to the amendments. With respect to the integrity of the decision, it relies on rationale, but in terms of fairness, we have been nothing but fair to every single member and have respect for every single member.

The good gentleman did withdraw his amendment. Nobody questions the fact that he withdrew his amendment, and now we are going to take a vote with respect to the ruling of the Chair, given his decision to withdraw the amendment, not the decision of anybody else here.

Representative Freeman, you are recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to the Chair, I believe that we have conflicting precedents, as Minority Leader Dermody has pointed out, and as such, because there are conflicting precedents that have been set by previous Chairs, I think we as a body should err on the side of fairness. We have the amendment before us. Its content is known. The gentleman should be permitted to rebring the amendment up, to offer it before this body, and to let this body decide whether or not they wish to include this amendment in the body of the bill. That is a matter of fairness.

But in question to the other point raised by the Chair as far as it being out of order, I would direct the Chair's attention to rule 21, subrule (d), subsection (d), "In cases where an amendment alters a bill so as to effectively rule out of order an amendment which was timely filed pursuant to the provisions of this rule, a replacement amendment may be submitted to the Office of the Chief Clerk provided that the subject matter of the replacement amendment is not substantially different from the intent of the original amendment. The replacement amendment shall be deemed to have met the timely filed conditions provided for in this rule."

At the very least, the gentleman, Mr. Roebuck, has to be granted the right under our rules, as stipulated by rule 21(d), to resubmit the amendment because the Chair is ruling it out of order because the Saylor amendment knocked it out of order.

The very reason 21(d) was inserted in our rules after the Speaker's Reform Commission work was to prevent this kind of tactic from happening and to allow a member the opportunity to be able to present their concept and to call upon the membership of this body to vote on its merits. We should not be knocking this amendment out of order based on 21(d). That is a conflict with our rules.

I know this is a partisan body. I know that we have that tradition as well, but we lose the integrity of this institution if we so blatantly disregard our rules. They are what bind us together, Democrat and Republican, and allow for an orderly process to ensure fairness before our electorate. To violate that bond, to violate that common trust on these rules is really a disservice to this institution, and I urge the membership to rule against the Chair.

The SPEAKER. If all members could please take their seats, I will give all members an opportunity to speak on the motion to appeal the Chair in just a moment. If all members could please take their seats. If all members could please take their seats.

The minority leader and his staff have approached the Chair, and they have asked me to specifically review the precedent that they are citing. I want to just cite some of the language with respect to the discourse that took place back in 2004.

The Speaker at that time was not the Speaker but a Speaker pro tem, somebody who was substituting for the Speaker, and the good gentleman from Lancaster – actually, this was the quote: "I understand..." that "...in the 14 years that I have been here," – this is back in 2004, going back 14 years – "I can never remember an amendment having been withdrawn and then been allowed to run later...." That was the quote.

Now, at that time the Speaker pro tem did permit this amendment, although it was not in order, in terms of fundamental fairness with respect to the ruling that the majority leader sets the order of amendments and the fact that that specific amendment could have been offered, was asked of the member if he wanted to offer it, and that was withdrawn specifically on the record. That fundamental fairness and my ruling supports the ruling that I have already given on the other bases.

The fact of the matter is, for people to, for our members on either side of the aisle to be able to offer amendments and then specifically withdraw that opportunity to offer that amendment and to come back and to try to offer that amendment seems fundamentally unfair. That is also a basis with respect to the ruling here.

I will allow anybody who wishes to speak in favor of the appeal of the ruling from the Chair to have that opportunity to speak; everybody will have that opportunity to speak, and then we will take a vote on the ruling of the Chair.

I am going to call on Representative Thomas first, who was waiting to speak. I understand Representative Roebuck wants to speak.

Mr. DERMODY. Mr. Speaker?

The SPEAKER. And the leader, I will end with you, certainly. I will certainly end with the leader.

So, Representative Thomas, you have the floor at this time.

Representative Thomas has the floor first, and then Representative Roebuck.

Mr. THOMAS. Mr. Speaker, is it possible that I can yield—

The SPEAKER. Yes, you certainly may.

Mr. THOMAS. —to my chair—

The SPEAKER. Representative Roebuck—

Mr. THOMAS. —and then follow him—

The SPEAKER. Yes, you may, sir.

Mr. THOMAS. —and then follow him, and I want the majority leader to make—

The SPEAKER. I will go to Representative Roebuck first, and then we will go to Representative Thomas.

Representative Roebuck, you have the floor.

Mr. ROEBUCK. Mr. Speaker, I just wanted clarification on the statement that you just gave, because when you called on me and asked if I withdraw, you specifically put it in the context that the language of my amendment was the same language as the amendment that was just passed, and therefore, I think you put it in that context. Now, we have subsequently taken the language that was the same language out of the bill, and my

amendment should certainly still be in order under the rules that the House was operating to up to this very moment.

Thank you, Mr. Speaker.

The SPEAKER. Yes, sir. Thank you.

Representative Thomas, you are next.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I think you were correct in your conclusion that once a member withdraws an amendment, then that amendment is prohibited from reconsideration. The problem, however, the Saylor amendment should have been withdrawn and it was out of order, and because we started out with everything out of order, the Roebuck withdrawal was also out of order and therefore should have had an opportunity for reconsideration since the Saylor amendment then prompted – made the Roebuck amendment more relevant after the Saylor amendment than it was before the Saylor amendment.

And, Mr. Speaker, it is 25 minutes to 7. We are at a point that I do not think is good for Democrats or Republicans.

And I did not get up earlier because when you issued the ruling, some people, like myself, have been around here when we went through that, and when you apply the totality of circumstances which existed that led to that ruling, my friend, the Parliamentarian, would not have offered that as an answer to that question. So I understand why you might not want to respect it.

And so, Mr. Speaker, what I am saying, in essence, is, I would like to table this conversation to ask the minority leader, the majority leader, you, Representative Roebuck, and Representative Saylor to get together sometime between now and Monday and get this worked out so we do not have to get into this struggle of whether we stand with you or stand with our leader. We do not want to go down that road, and we are a week away from this budget situation, so I ask that, if it is possible, to table this or put it to the side and give each of you an opportunity to sit down and work this out so we do not have to get to whether or not we appeal the ruling of the Chair.

And my leader, the Democratic leader, I know that he is very familiar with circumstances surrounding that ruling and why that ruling was relevant for that time and should be applicable to this time, but only I do not think we need to do that in an open debate. I think that the four of you should get together and work that out, and I am confident, I am confident that the four of you can get this worked out so that we do not have to deal with this question almost 10 days before we have got to come up with a budget and get it done by June 30.

So, Mr. Speaker, is that the appropriate motion, to table this, or is the appropriate request to put this on the table and give you a chance to get this worked out?

The SPEAKER. Representative Thomas, are you making a formal, and I mean this sincerely, are you making a formal request or a motion to lay the appeal on the table?

Mr. THOMAS. Mr. Speaker, that sounds appropriate. So I officially move to lay on the table the Speaker's – appeal of the Speaker's ruling and the enclosed bill and all other documents related to it.

The SPEAKER. Sir, I want you to understand that a motion to lay the appeal on the table does not lay the underlying bill on the table. When an appeal is laid on the table, it does not carry the main subject with it, but the question out of which the appeal arose is still before the body. So you could take the appeal and lay it on the table, that can be done, but it does not put the bill on the table.

**PARLIAMENTARY INQUIRY**

Mr. THOMAS. Mr. Speaker, inquiry.

The SPEAKER. Yes, sir.

Mr. THOMAS. How can you really resolve the appeal question without giving attention to the substance which gave rise to the appeal?

The SPEAKER. Given your point of order, the vote on the appeal will decide that issue; the vote on the appeal will decide that issue. Now, if Leader Dermody wants to withdraw the appeal, but the appeal of the ruling needs to be decided by this body.

Mr. THOMAS. Mr. Speaker?

The SPEAKER. Yes, sir.

Mr. THOMAS. In order to get where I think we need to be, and that is at a point where we are working together rather than questioning our decisionmaking, and so to that end, I would like to withdraw the motion to table the appeal and make a motion, which is a substantive motion, to table the bill and all of the amendments associated with it, because if we can get that straightened out with a vote, then the appeal becomes moot.

The SPEAKER. Representative, if I might, the appeal is what is in front of the body right now, and you will, after a decision is made on the appeal, you would be in order to raise a motion to table the bill; you would be in order at that time, but it would not be in order now. The question before the body is the appeal of the Chair's ruling that you cannot reinsert an amendment after it has already been withdrawn, given the order of the amendments.

Mr. THOMAS. But, Mr. Speaker, I think you understand and my colleagues should understand, it is late. We have some business to take care of. This is not one of those issues that we need to be dealing with.

The SPEAKER. Representative Thomas—

Mr. THOMAS. And so I would like for you—

The SPEAKER. —if the leader—

Mr. THOMAS. —I would like for you and the embodiment of our leadership, the Democratic leader, to get together and find a way to work this out, and we will stay still for a minute until you can work that out.

The SPEAKER. Leader Dermody, my understanding is, you are not withdrawing your appeal, correct?

Mr. DERMODY. No.

The SPEAKER. Just at this time we will be taking a vote now on the motion made by Leader Dermody to appeal the Chair. If nobody else is going to be speaking, I am going to let Leader Dermody speak and I am going to let Leader Reed speak.

I am asking right now if anybody else wishes to speak. If not, then the two final speakers on the motion will be Leader Dermody and then Leader Reed, and then we are going to proceed to the vote.

Leader Dermody, you may proceed, sir.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, you spoke about fundamental fairness a little while ago, and I submit that fundamental fairness should require, should allow us, should allow us to rely on precedent on the rules of the House, and you have precedent before you with a ruling by the current Parliamentarian that would allow this amendment to be filed and allow us to vote it. Fundamental fairness absolutely should allow us to rely on precedent and the

rules. We are just asking that the rules and the precedent of the House be followed, and I submit to you that is fundamental fairness and that is what is required right here.

Thank you, Mr. Speaker.

The SPEAKER. Leader Reed, on the motion to appeal the Chair's ruling.

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

As was noted earlier in the discussion, the discretion on the order of the amendments sits with the position of the majority leader. We ran these amendments in order. We did not bait and switch. We did not put one ahead of another. We ran them in the same exact order that you all caucused them on. The moral of the story is, read the amendments if you have some concern over what one amendment may do to another amendment later on.

The gentleman had the option of requesting to temporarily go over his amendment while other amendments were considered. He did not choose that option. He chose to withdraw his amendment. When you withdraw your amendment, it is gone. You do not get to redraft it to another amendment because there is no amendment currently filed to the bill to be redrafted later on in the discussion.

We went in order. You had the order. We stuck to the House procedures. The gentleman withdrew the amendment. There is no reason to overturn the ruling of the Chair, and we would ask the members to uphold that ruling. Thank you.

Mr. DERMODY. Mr. Speaker? Mr. Speaker, just briefly, one point.

Fundamental fairness – we just heard—

The SPEAKER. Leader Dermody, please suspend.

Mr. DERMODY. The gentleman withdrew his amendment because he was relying on precedent of this House, and I am suggesting to you that is what happened. And to be able to rely on fundamental fairness, we had precedent of this House that says he can do just what we asked him to do, and yet we are not following that precedent; we are not following the rules. That is why he did that.

**PARLIAMENTARY INQUIRY**

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Parliamentary inquiry.

The SPEAKER. Yes, sir.

Mr. DALEY. Regardless of this vote on the decision of the Chair, it is my understanding, and correct me if I am wrong, that a motion has been filed for reconsideration of the Saylor amendment by the minority whip. Is that correct?

The SPEAKER. Yes. That was filed after the motion was made; yes.

Mr. DALEY. Yes. And that would be – whatever the outcome of this vote may be on the decision of the Chair, the next immediate vote then would be a motion for reconsideration of that last vote. Is that correct?

The SPEAKER. That motion will be before us next. Yes; that is correct.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. But it was filed after the motion to appeal the Chair was made.

Mr. DALEY. And it is in order because intervening business has now transpired for that to be done. Is that correct?

The SPEAKER. I have not even addressed it with the Parliamentarian. I have not even looked at it. I just know that it was filed.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. I do have in front of me, though, the motion to appeal the Chair.

Mr. DALEY. Thank you.

The SPEAKER. Members, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

#### YEAS—111

Adolph	Grove	Marsico	Roae
Baker	Hahn	Masser	Ross
Benninghoff	Harhart	McGinnis	Saccone
Bloom	Harris, A.	Mentzer	Sankey
Boback	Heffley	Metcalfe	Santora
Brown, R.	Helm	Metzgar	Saylor
Causar	Hennessey	Miccarelli	Schemel
Christiana	Hickernell	Millard	Sonney
Corbin	Hill	Miller, B.	Staats
Cox	Irvin	Milne	Stephens
Culver	James	Moul	Tallman
Cutler	Jozwiak	Murt	Taylor
Delozier	Kampf	Mustio	Tobash
Diamond	Kaufer	Nesbit	Toepel
DiGirolamo	Kauffman	O'Neill	Toohil
Dunbar	Keller, F.	Oberlander	Topper
Dush	Keller, M.K.	Ortitay	Truitt
Ellis	Killion	Parker, D.	Vereb
Emrick	Klunk	Payne	Ward
English	Knowles	Peifer	Warner
Evankovich	Krieger	Petri	Watson
Everett	Lawrence	Pickett	Wentling
Farry	Lewis	Quigley	Wheeland
Fee	Mackenzie	Rader	White
Gillen	Maher	Rapp	Zimmerman
Gillespie	Major	Reed	
Gingrich	Maloney	Reese	Turzai,
Godshall	Marshall	Regan	Speaker
Greiner			

#### NAYS—76

Acosta	Dawkins	Harkins	Pashinski
Barbin	Dean	Harris, J.	Petrarca
Bishop	Deasy	Kavulich	Ravenstahl
Bizzarro	DeLissio	Keller, W.	Readshaw
Boyle	Dermody	Kim	Roebuck
Bradford	Donatucci	Kinsey	Rozzi
Briggs	Driscoll	Kirkland	Sainato
Brown, V.	Fabrizio	Kortz	Samuelson
Caltagirone	Farina	Kotik	Santarsiero
Carroll	Flynn	Longietti	Schlossberg
Cohen	Frankel	Markosek	Schreiber
Conklin	Freeman	Matzie	Schweyer
Costa, D.	Gainey	McCarter	Sims
Costa, P.	Galloway	McNeill	Snyder
Cruz	Gergely	Miller, D.	Sturla
Daley, M.	Gibbons	Mullery	Thomas
Daley, P.	Goodman	Neuman	Vitali
Davidson	Hanna	O'Brien	Wheatley
Davis	Harhai	Parker, C.	Youngblood

NOT VOTING—0

EXCUSED—11

Barrar	DeLuca	Harper	Quinn
Burns	Evans	Mahoney	Simmons
Day	Gabler	Pyle	

Less than a majority of the members elected to the House having voted in the negative, the decision of the Chair stood as the judgment of the House.

The SPEAKER. Given the vote, the decision of the Chair stands as the judgment of the House.

Thank you, members, for your patience.

On the question recurring,

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

The SPEAKER. There are two motions to reconsider that were filed with respect to amendment 2223. One was filed by Representative Markosek and Representative Hanna, and one was filed by Representative DiGirolamo and Representative Carroll, I believe. If I am wrong about that, correct me. I am reading signatures here. They are essentially the same motion to reconsider. They are asking for reconsideration of the passage of amendment 2223.

#### MOTION TO RECONSIDER AMENDMENT A02223

The SPEAKER. We will take up the motion by Representative DiGirolamo and Representative Carroll to amend 2223 – to reconsider the vote that adopted amendment 2223 to HB 805, PN 1424.

Those in favor of the motion would be voting "aye"; those opposed would be voting "nay."

On the question,

Will the House agree to the motion?

The SPEAKER. Now, at this time Representative DiGirolamo and Representative Carroll, if you want to speak on your motion.

#### POINT OF ORDER

The SPEAKER. Representative DiGirolamo, the floor is yours.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

A point of order, Mr. Speaker.

The SPEAKER. Yes, sir. Please state your point of order.

Mr. DiGIROLAMO. Could you explain again one more time what a "yes" vote and a "no" vote means—

The SPEAKER. Yes. Absolutely; yes.

Mr. DiGIROLAMO. —on the motion.

The SPEAKER. Given the motion to reconsider the vote on amendment 2223, a "yes" vote means that you do want to reconsider it, which means there would be another vote on the amendment. A "no" vote would mean we do not want to

reconsider it and you do not want to vote again on the amendment.

Sir, you may proceed.

Mr. DiGIROLAMO. Thank you.

On the motion, Mr. Speaker.

The SPEAKER. Yes, sir; on the motion.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

I would ask the members of the legislature to vote "yes" on the motion to reconsider. I would like to see another vote. It was a very close vote. So I would ask for a "yes" vote on reconsideration.

The SPEAKER. On that motion, Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I rise to oppose the reconsideration motion. We have taken the vote. It is a compromise amendment that was put into this bill to make it a bill that we think is very reasonable to teachers, to our parents, to children – most critically, our children – and I ask for a negative vote on the reconsideration motion, Mr. Speaker. Thank you.

The SPEAKER. Representative Carroll, you are recognized.

Mr. CARROLL. Thank you, Mr. Speaker.

Mr. Speaker, I think it is fair to say there has been an amount of confusion here this afternoon and this evening with respect to the sequence of the amendments and then the ruling of the Chair that prevented the chair of the Education Committee for the House Democrats from offering his amendment. It is my belief, and I think the belief of many members on our side of the aisle, that that amendment, considering past precedent, was going to be able to be offered. The subsequent ruling of the Chair prevented that from happening. So I think the reconsideration motion gives this chamber the best opportunity to calibrate correctly how they should have proceeded in light of the most recent ruling of the Chair. So considering the confusion—

The SPEAKER. The gentleman will suspend.

This is on the motion to reconsider. The ruling of the Chair with respect to the – which has been upheld by the body, is not germane to the discussion on the motion to reconsider. The fact of the matter is, the good gentleman withdrew his amendment and then sought to unwithdraw an amendment and it was already ruled.

Representative Carroll, on the motion to reconsider.

Mr. CARROLL. Mr. Speaker, thank you.

Mr. Speaker, the reconsideration, the essence of the reconsideration motion is to give the chamber the ability to reexamine and recast a vote that needed further clarification, and subsequent events force us to do this reconsideration in light of all of the knowledge that we have now with respect to the sequencing of the activity and the amendments related to this bill. So, Mr. Speaker, I think there is no better opportunity and example of the need to reconsider a vote on an amendment than what we have before us right now. And for that reason, Mr. Speaker, I think it demands that we reconsider the vote by which the Saylor amendment was approved.

Thank you, Mr. Speaker.

The SPEAKER. Those in favor of the motion to reconsider the vote on amendment 2223 will be voting "aye"; those who are opposed to reconsideration of the amendment on 2223 will be voting "nay."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

#### YEAS–79

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

#### NAYS–108

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

#### NOT VOTING–0

#### EXCUSED–11

Barrar	DeLuca	Harper	Quinn
Burns	Evans	Mahoney	Simmons
Day	Gabler	Pyle	

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

On the question recurring,

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

**MOTION TO RECONSIDER  
AMENDMENT A01242**

The SPEAKER. I have a second motion to reconsider.

Representative Dermody and Representative Markosek have asked that amendment 1242 be reconsidered. The motion to reconsider 1242 is now in front of the House.

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

The SPEAKER. Representative Dermody, on your motion to reconsider.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, we should reconsider the O'Neill amendment because it just passed this House with 108 votes. There was a gut-and-replace amendment offered, the last amendment. We thought we would be able to revisit the issue; because of subsequent rulings, we were not. But we have an amendment here in language that this chamber thought was very important to have in this bill that solves many of the problems we are trying to solve with this bill and is what the majority of this chamber voted for with 108 votes. Therefore, we ought to give the chamber another chance, the members another chance to do the right thing for our children, for our teachers, for education in Pennsylvania and have another vote that will pass on the O'Neill amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reed, on the motion to reconsider, which is a procedural motion.

Mr. REED. Thank you, Mr. Speaker.

We would ask the members to vote against the motion to reconsider. Thank you.

The SPEAKER. Representative Markosek, on the motion to reconsider.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I cosigned the motion to reconsider mainly because of all the things that the minority leader has just mentioned, but also because that amendment represented the ultimate in compromise on a bill like this. I think we can show folks back home that we are here to compromise, get things done. We are not like Washington, as some people like to call us and refer to us as, and I think we should move forward with a reconsideration so that we can have another vote on the great amendment, the compromise amendment that was put forward by the gentleman from Bucks. Thank you.

The SPEAKER. Those in favor of the motion to reconsider, a procedural motion, will be voting "aye"; those opposed to the reconsideration will be voting "nay."

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

The following roll call was recorded:

**YEAS-79**

Acosta	Dean	Harris, J.	Pashinski
Barbin	Deasy	Kavulich	Petrarca
Bishop	DeLissio	Keller, W.	Ravenstahl
Bizzarro	Dermody	Kim	Readshaw
Boback	DiGirolamo	Kinsey	Roebuck
Boyle	Donatucci	Kirkland	Rozzi

Bradford	Driscoll	Kortz	Sainato
Briggs	Fabrizio	Kotik	Samuelson
Brown, V.	Farina	Longietti	Santarsiero
Caltagirone	Flynn	Markosek	Santora
Carroll	Frankel	Matzie	Schlossberg
Cohen	Freeman	McCarter	Schreiber
Conklin	Gainey	McNeill	Schweyer
Costa, D.	Galloway	Miccarelli	Sims
Costa, P.	Gergely	Miller, D.	Snyder
Cruz	Gibbons	Mullery	Sturla
Daley, M.	Goodman	Neuman	Thomas
Daley, P.	Hanna	O'Brien	Vitali
Davis	Harhai	O'Neill	Youngblood
Dawkins	Harkins	Parker, C.	

**NAYS-108**

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

**NOT VOTING-0**

**EXCUSED-11**

Barrar	DeLuca	Harper	Quinn
Burns	Evans	Mahoney	Simmons
Day	Gabler	Pyle	

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

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

**BILLS RECOMMITTED**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 794 and HB 805 be recommitted to the Committee on Appropriations.



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

#### **BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 603 and HB 204 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 Chair recognizes the majority leader, who moves that HB 204 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.

#### **ANNOUNCEMENT BY SPEAKER**

The SPEAKER. Members, it is a nonvoting session tomorrow. Tomorrow is a nonvoting session day. Thank you.

#### **BILLS AND RESOLUTIONS PASSED OVER**

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

#### **ADJOURNMENT**

The SPEAKER. Representative Julie Harhart moves that the House be adjourned until Thursday, June 18, 2015, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 7:01 p.m., e.d.t., the House adjourned.