

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 14, 2023

SESSION OF 2023

207TH OF THE GENERAL ASSEMBLY

No. 54

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (JOANNA E. McCLINTON)  
PRESIDING**

#### PRAYER

HON. BRETT R. MILLER, member of the House of Representatives, offered the following prayer:

As we begin this morning, I would like to read from the Bible in the book of 1 Corinthians 13: 4-8. The apostle Paul writes the following:

"Love is patient and kind; love does not envy or boast; it is not arrogant or rude. It does not insist on its own way; it is not irritable or resentful; it does not rejoice at wrongdoing, but rejoices with the truth. Love bears all things, believes all things, hopes all things, endures all things...Love never ends."

With this in mind, please join me as I pray:

Father, thank You for Your love for us. Your love reaches to the heavens, and yet covers us and surrounds us. By You, we know love. Indeed, You are love, and You have taught us to love by teaching us to love You with all our heart, all our mind, all our soul, and all our strength, and then to love our neighbor as ourselves.

So today my prayer is that we all would fulfill the royal law and love one another from the very depths of our being. And in our role of governing, that each of us would be governed by love in our thoughts, words, and actions – that we would be patient and kind towards one another; that all envy and boasting would be cast aside; that instead of arrogance and rudeness, there would be humility and a willingness to listen and learn; that instead of seeking that which serves ourselves, we would seek that which serves others; that each of us would cast off all hostility and resentment that only breeds discord and disunity, and instead work to see all wrongdoing end and be replaced with the truth, the truth that sets us free.

I ask that our hearts would be so filled with Your love that we would bear patiently with one another and believe the best about one another, even though we may at times disagree; hoping the best and pressing on toward goodness because love never fails.

Father, Your love never ends and never fails. Your love endures forever. I ask that each of us would know the depths of Your love for us and walk in Your enduring and unfailing love as we undertake our work for today and in the days to come. I ask this in the name of Jesus. Amen.

### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, November 13, 2023, will be postponed until printed.

### GUESTS INTRODUCED

The SPEAKER. We have some very special guests here today.

In the front of the House, our colleague, Representative Kutz, has brought a guest page. Today we are thrilled to welcome Benjamin Snyder, who is a student at Boiling Springs High School. Benjamin, welcome to the floor of the House.

To the left of the Speaker's rostrum, Representative Mackenzie and myself are thrilled to welcome the Consul General of the Federal Republic of Germany, David Gill, and Anton Klix, the head of the political department. We will soon hear from the Consul General. Please stand. Welcome to the floor of the House.

We are also appreciative to our colleague, Representative Friel, who has brought a special guest that is also seated to the left of the Speaker's rostrum. This morning we have Magistrate Judge John Hipple. For 43 years His Honor has lived in and served his community in Chester County. District Judge Hipple was first elected as a D.J. in 2018. Prior to that, he served his community honorably as a police officer and detective in North Coventry Township. Please welcome His Honor to the floor of the House. Thank you for your service.

In the gallery, we have some very special guests. Representative Venkat brings Renee Narushoff, who is interning in his district office. And I met her in Pittsburgh not long ago. Welcome. So good to see you again.

Representative Cooper brings Jason Bauer and his children. They all live in Westmoreland County. They are visiting today. It is their first time to the Capitol. The children are students at Mother of Sorrows School and the Franklin Regional School in Murrysville. Welcome, family. So glad to have you in Harrisburg.

Representative Takac has brought Pennsylvania State University Park students here who are enrolled in Democracy in Practice, a political science course. Penn State, so glad to have you. Welcome.

Representative Shusterman has brought Kaleigh Quinnan, an artist from her district who is visiting today and holds a bachelor's degree in art from Pennsylvania State University. Kaleigh, welcome. So glad to have you.

Leader Bradford has both interns and staff from his district office in Montgomery County. They are seated in the gallery. Please stand. Thank you for your hard work back home. Welcome to the floor of the House.

Representative Kosierowski and other members from Lackawanna County have their district office staff here, along with Carlene Gula, the director of the Outreach Family Center. Carlene and district staff members from Lackawanna County, please stand. We are so glad to have you here.

### FORMER MEMBER WELCOMED

The SPEAKER. We are thrilled that we have a former member on the floor of the House. Representative Thom Welby, please stand. So good to see you today.

### GUEST INTRODUCED

The SPEAKER. Representative Hill-Evans has, in the gallery, Rebekah Boyer from the district office shadowing her today. Rebekah, please stand. So glad to have you up from York.

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

**HB 296, PN 252** By Rep. CONKLIN

An Act designating the first Monday in February each year as Emancipation Day in this Commonwealth.

STATE GOVERNMENT.

**HB 538, PN 511** By Rep. NEILSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in rules of the road in general, further providing for prohibiting use of hearing impairment devices.

TRANSPORTATION.

**HB 1777, PN 2181** By Rep. PASHINSKI

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements, for Agricultural Conservation Easement Purchase Fund and for Land Trust Reimbursement Program.

AGRICULTURE AND RURAL AFFAIRS.

**HB 1833, PN 2301 (Amended)** By Rep. NEILSON

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in transportation infrastructure, providing for design build best value.

TRANSPORTATION.

**SB 282, PN 304**

By Rep. CONKLIN

An Act preventing the Commonwealth from dealing with persons associated with the Government of Russia or the Government of Belarus; and imposing duties on the Treasury Department and the Attorney General.

STATE GOVERNMENT.

**SB 411, PN 360**

By Rep. KULIK

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for disabled veterans and former prisoners of war and for deployed Pennsylvania National Guard members and repealing provisions relating to reserve component of armed forces members.

GAME AND FISHERIES.

**SB 709, PN 841**

By Rep. KULIK

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in game or wildlife protection, further providing for the offense of unlawful taking and possession of protected birds and for endangered or threatened species.

GAME AND FISHERIES.

### RESOLUTIONS REPORTED FROM COMMITTEE

**HR 161, PN 1737**

By Rep. CONKLIN

A Resolution designating November 15, 2023, as "Articles of Confederation Day" in Pennsylvania; and recognizing the City of York, York County, for its important contribution to the forging of our nation.

STATE GOVERNMENT.

**HR 256, PN 2250**

By Rep. CONKLIN

A Resolution designating the month of November 2023 as "Ukrainian Holodomor-Genocide Remembrance Month" in Pennsylvania.

STATE GOVERNMENT.

The SPEAKER. The House will come to order. Members, please cease your conversations or take them off of the floor of the House. We have a very special guest who will be addressing this Assembly. Members, please take your seats.

The House will come to order. Sergeants at Arms, please clear the aisles of the House so we can prepare for our special guest.

### CONSUL GENERAL DAVID GILL PRESENTED

The SPEAKER. Located to the left of the rostrum, as mentioned initially this morning, we are so very honored to welcome David Gill, the Consul General of the Federal Republic of Germany in New York.

Consul General Gill was born in 1966 in the former East Germany. He was denied a higher education because of political reasons, and instead he trained and worked as a plumber before joining a preparatory Protestant school and later enrolling in the theological seminary of the Protestant Church in Berlin-Brandenburg.

In 1990 he was the chairman of Normannenstrasse Citizens' Committee, which initially oversaw the dissolution of the Ministry of State Security at the Stasi headquarters, and then served as the Secretary of the Special Committee for the dissolution of the Stasi of the East German Parliament.

After Germany's unification, Mr. Gill became a spokesman and head of the research division of the Federal Commissioner for the Stasi-Files before studying law in both Berlin and Philadelphia. After holding positions in the Federal Ministry of the Interior and the Commissioner for Data Protection and Freedom of Information in Berlin, he served as the Deputy Representative of the Council of the Protestant Church in Germany to the Federal Republic of Germany and the European Union. During Federal President Joachim Gauck's term from 2012 until 2017, he was the State secretary and chief of staff to the President. Since August of 2017, Consul General Gill has been the Consul General of the Federal Republic of Germany in New York.

Consul General Gill, we would be honored if you would join us on the rostrum to address the Pennsylvania House of Representatives.

CONSUL GENERAL GILL. Thank you, Madam Speaker.

Good morning, Honorable Representatives. It is good to be back here in Harrisburg.

Ladies and gentlemen, it is a distinct honor to speak to you, the Representatives of the Commonwealth of Pennsylvania, this morning. I would like to thank Speaker Joanna McClinton for allowing me to make some remarks, and my friend, Representative Ryan Mackenzie, for helping to facilitate my trip to the Capitol.

Over the last years I have traveled extensively through Pennsylvania, from Philadelphia to Pittsburgh, from the lush farmlands of Lancaster County to the industrial regions in Western Pennsylvania and its heartland to communities and business in between. I am grateful for many encounters with several of you and your colleagues in your districts, and for the hospitality I felt everywhere.

What struck me the most is how much Germany and Pennsylvania are connected. I learned from the German Society of Pennsylvania and the World Affairs Council about the strength of the sister cities program and the cultural exchange between our two countries. While waiting for an Amtrak train at the 30th Street Station in Philadelphia, I overheard a local Pennsylvania family speaking a German dialect that they grew up with and learned in this great Commonwealth.

I witnessed the close cooperation of high-tech research and innovation hubs from the Karlsruhe Institute of Technology in Germany and Carnegie Mellon University. I learned from the employees of Siemens in Harleysville, producing and selling innovative electronic products, about the German-American pride found while working for a German company in Pennsylvania.

I am looking forward to next year, when the Moravian settlements of Bethlehem in Pennsylvania and the German town Herrnhut in Saxony presumably will become joint World Heritage Sites.

Political consultants in Philadelphia told me that Germany is both one of Pennsylvania's largest international trading partners as well as one of its biggest sources of foreign investment. And just last week I learned that the German American Chamber of Commerce in Pittsburgh received a Federal grant of more than

\$1 million to extend their successful apprenticeship programs, designed after the German model, with mechatronics and electric vehicle technology.

What I also learned during all of my visits, many of them together with high-ranking politicians and business or academic leaders from Germany, is that our countries and States are connected by tremendous opportunities as well as shared challenges. We are both managing industrial transitions driven by science, digitalization, as well as technological and environmental innovations. I am always impressed by the resilience of the Commonwealth in tackling these developments and the success stories of transforming whole regions. And I would like to support even more exchange between Pennsylvania and Germany in order to learn retrospectively from the experiences of our societies and business in these transitions.

Ladies and gentlemen, as Pennsylvania looks towards opportunities in energy, technology, and a wave of tourism on the occasions of the 250th anniversary of the independence of the United States as well as the Soccer World Cup, I would like you to remember that you have a partner in Germany, a partner and friend. United by our past and our present, we will face the future together. Thank you so much.

The SPEAKER. The Chair thanks the Consul General from Germany for being here this morning.

## LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who indicates there are none.

The Chair recognizes the minority whip, who indicates there are none.

## MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

### PRESENT—203

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt
Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El

C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causer	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufner	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefer	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinthead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

ADDITIONS—0

NOT VOTING—0

EXCUSED—0

The SPEAKER. Two hundred and three members having voted on the master roll call, a quorum is present.

### ANNOUNCEMENT BY MR. CIRESI

The SPEAKER. For what purpose does the gentleman from Montgomery County, Representative Ciresi, rise?

Mr. CIRESI. Thank you, Madam Speaker.

I would like to wish the heir to my estate, the chooser of the nursing home where I will end up, my son, a happy quarter of a century, 25th birthday. Thank you. Happy birthday, Danny.

The SPEAKER. The Chair thanks the gentleman.

### APPROPRIATIONS COMMITTEE MEETING

#### DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Schlossberg, the majority caucus chair, for a caucus announcement.

Mr. SCHLOSSBERG. Thank you, Madam Speaker.

There will be an Appropriations Committee meeting in the majority caucus room immediately upon the break.

House Democrats will caucus at 1:30. We will be prepared to return to the floor at 2:30.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting in the majority caucus room immediately upon the break.

### REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentleman, Representative Dunbar, for a caucus announcement.

Mr. DUNBAR. Thank you, Madam Speaker.

Republicans will caucus at 1 o'clock. Republicans will caucus at 1 o'clock.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

### CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentledady from Philadelphia County, the majority chair of Children and Youth, Representative Bullock, for a committee announcement.

Mrs. BULLOCK. Thank you, Madam Speaker.

The House Children and Youth Committee will meet immediately at the break in room 523 in K. Leroy Irvis Office Building to consider HB 1746, HR 249, HR 255, and any other business before the committee. Thank you.

The SPEAKER. The Chair thanks the gentledady.

The Children and Youth Committee will meet immediately at the break in room 523, Irvis Office Building.

### ANNOUNCEMENT BY MR. KINSEY

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, the majority chair for Human Services, for a committee announcement, Representative Kinsey.

Mr. KINSEY. Thank you, Madam Speaker.

Madam Speaker, this will not be a committee announcement, but I am announcing to the members asking them to join me and the Pennsylvania Health Care Association for lunch in 60 East Wing. All are welcome.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman. Lunch for 203 guests. Impressive.

### ANNOUNCEMENT BY MR. MALAGARI

The SPEAKER. The Chair recognizes the gentleman from Montgomery County for a committee announcement, Representative Malagari.

Mr. MALAGARI. Not a committee announcement, Madam Speaker.

Madam Speaker, thank you. I rise to wish the individual, one of the two that brought me into this world, my father, a 77th happy birthday. So happy birthday, Dad.

The SPEAKER. The Chair thanks the gentleman and wishes the young Ciresi and the senior Mr. Malagari happy birthdays.

### RECESS

The SPEAKER. The House stands in recess until 2:30, unless sooner recalled by the Speaker.

**RECESS EXTENDED**

The time of recess was extended until 2:45 p.m.

**AFTER RECESS**

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

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 264** By Representatives KAZEEM, MADDEN, VITALI, KINSEY, SANCHEZ, CURRY and N. NELSON

A Resolution designating November 1, 2023, as "State Correctional Institution Day" in Pennsylvania.

Referred to Committee on JUDICIARY, November 13, 2023.

**No. 265** By Representatives N. NELSON and HANBIDGE

A Resolution urging the Congress of the United States to establish a regulatory framework for cryptocurrency at the Federal level.

Referred to Committee on COMMERCE, November 13, 2023.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 1837** By Representatives KEPHART, CONKLIN, STAATS, JAMES, CAUSER, KAUFFMAN, SCHMITT, MOUL, ROWE, KAZEEM, SMITH, NEILSON and GILLEN

An Act designating a bridge, identified as Bridge Key 9755, carrying State Route 3027 over the Moshannon Creek in Rush Township, Centre County, as Memorial Bridge.

Referred to Committee on TRANSPORTATION, November 13, 2023.

**No. 1838** By Representatives KAUFER, PICKETT, COOK and RADER

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, providing for Commonwealth Economic Development Action Team.

Referred to Committee on COMMERCE, November 13, 2023.

**No. 1840** By Representatives WARNER, R. MACKENZIE, SCIALABBA, GREINER, M. MACKENZIE, METZGAR, KEEFER, HAMM, TOPPER, STAATS, KAUFFMAN, JOZWIAK, GLEIM, MOUL, ROWE, GILLEN, LEADBETER, ZIMMERMAN and BERNSTINE

An Act amending Title 29 (Federal Relations) of the Pennsylvania Consolidated Statutes, providing for immigration preemption and cooperation.

Referred to Committee on JUDICIARY, November 13, 2023.

**No. 1841** By Representatives ABNEY, MADDEN, HANBIDGE, HILL-EVANS, SANCHEZ, A. BROWN, DONAHUE, GUENST, BOYD, VENKAT, ROZZI, SAPPEY, BOROWSKI, STEELE, KAZEEM, PARKER, FRANKEL, BRENNAN, PISCOTTANO, POWELL, DEASY, CEPEDA-FREYITZ, DALEY, GREEN, FLEMING, SHUSTERMAN, MAYES, KINSEY, CURRY, STURLA, WEBSTER, HOWARD, SMITH-WADE-EL and KHAN

An Act authorizing the Commonwealth of Pennsylvania to join the Social Work Licensure Compact; and providing for the form of the compact.

Referred to Committee on PROFESSIONAL LICENSURE, November 13, 2023.

**No. 1843** By Representatives DONAHUE, KLUNK, MADDEN, GALLAGHER, HILL-EVANS, SANCHEZ, HANBIDGE, HADDOCK, DELOZIER, ECKER, BOYD and CERRATO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in depositions and witnesses, providing for sentencing considerations for child victim offenders.

Referred to Committee on JUDICIARY, November 13, 2023.

**No. 1844** By Representatives ADAMS and MARSHALL

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in membership, contributions and benefits, providing for supplemental annuities commencing 2024; and, in benefits, providing for supplemental annuities commencing 2024.

Referred to Committee on STATE GOVERNMENT, November 13, 2023.

**No. 1846** By Representatives B. MILLER, M. JONES, KAUFFMAN, BANTA, T. JONES and ZIMMERMAN

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for revocation, suspension or denial of license, permit or registration; and, in hunting and furtaking licenses, further providing for denial or revocation of licenses and for period of revocation.

Referred to Committee on GAME AND FISHERIES, November 14, 2023.

**No. 1847** By Representatives D'ORSIE, SCIALABBA, M. MACKENZIE, KRUPA, FLICK, STAATS, KEEFER and ZIMMERMAN

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

Referred to Committee on JUDICIARY, November 14, 2023.

**No. 1848** By Representatives COOPER, BRIGGS, MIHALEK and BRENNAN

An Act amending the act of March 10, 1949 (P.L.30, No. 14), known as the Public School Code of 1949, in terms and courses of study, further providing for dates and times of school terms and sessions and commencement.

Referred to Committee on EDUCATION, November 14, 2023.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 689, PN 713

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 14, 2023.

#### SB 690, PN 714

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 14, 2023.

#### SB 964, PN 1179

Referred to Committee on TRANSPORTATION, November 14, 2023.

### BILLS REREPORTED FROM COMMITTEE

#### HB 863, PN 2285 By Rep. HARRIS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, further providing for powers and duties of commission.

APPROPRIATIONS.

#### HB 1416, PN 1584 By Rep. HARRIS

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in membership, contributions and benefits, providing for supplemental annuity commencing 2023; and, in benefits, providing for supplemental annuity commencing 2023.

APPROPRIATIONS.

#### HB 1477, PN 1663 By Rep. HARRIS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in general provisions, providing for certain transmittals and submissions to governmental bodies.

APPROPRIATIONS.

#### HB 1567, PN 2286 By Rep. HARRIS

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for definitions and for compliance requirement.

APPROPRIATIONS.

#### HB 1768, PN 2287 By Rep. HARRIS

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in Pennsylvania Liquor Control Board, further providing for biennial reports; and making an interfund transfer.

APPROPRIATIONS.

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

#### HB 941, PN 2305 (Amended) By Rep. BRIGGS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for parental firearm liability for minor's negligence or willful misconduct.

JUDICIARY.

#### HB 1441, PN 1625 By Rep. BRIGGS

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for tenants' rights in cases of violence.

JUDICIARY.

#### HB 1629, PN 2306 (Amended) By Rep. BRIGGS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of access to firearms by minors; and imposing penalties.

JUDICIARY.

#### HB 1746, PN 2304 (Amended) By Rep. BULLOCK

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in departmental powers and duties as to licensing, further providing for definitions.

CHILDREN AND YOUTH.

#### HB 1781, PN 2191 By Rep. BRIGGS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for accelerated rehabilitative disposition and for drug and alcohol assessments.

JUDICIARY.

### RESOLUTIONS REPORTED FROM COMMITTEE

#### HR 249, PN 2208 By Rep. BULLOCK

A Resolution designating the month of November 2023 as "Infant Safe Sleep Month" in Pennsylvania.

CHILDREN AND YOUTH.

#### HR 255, PN 2249 By Rep. BULLOCK

A Resolution designating the week of November 13 through 17, 2023, as "Pennsylvania Education for Students Experiencing Homelessness Awareness Week" and November 15, 2023, as "Red Shirt Day" in Pennsylvania.

CHILDREN AND YOUTH.

**SENATE MESSAGE****HOUSE BILL  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, returned **HB 295, PN 251**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE****RECESS RESOLUTION  
FOR CONCURRENCE**

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

In the Senate,  
November 13, 2023

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene the week of Monday, December 11, 2023, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene the week of Monday, December 11, 2023, unless sooner recalled by the Speaker of the House of Representatives.

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

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

**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 295, PN 251**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, in soil and plant amendment, further providing for registration, for inspection fees, for tonnage reports and for disposition of funds.

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

**CALENDAR****RESOLUTIONS**

Mr. SANCHEZ called up **HR 253, PN 2219**, entitled:

A Resolution designating the week of November 13 through 17, 2023, as "Certified Public Accountant Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the maker of the resolution, the gentleman from Montgomery County, Representative Sanchez.

Mr. SANCHEZ. Thank you, Madam Speaker.

I rise today to urge my colleagues to support HR 253, a resolution that designates the week of November 13-17, 2023, as "Certified Public Accountant Week" in Pennsylvania. I wish to express my gratitude to the fellow members of the C.P.A. Caucus, namely Representatives Pisciotano, Dunbar, and Greiner for their support.

As many of my colleagues are aware, certified public accountants play a pivotal role in serving both taxpayers and businesses within our Commonwealth. My personal experience in public accounting prior to attending law school has given me insight into the invaluable contributions of C.P.A.s. These professionals actively foster economic growth in Pennsylvania and offer essential financial advisory services to countless individuals and businesses. C.P.A.s, in particular, provide indispensable consultative services to business owners, aiding them in managing their finances and improving the efficiency of their operations.

Moreover, C.P.A.s contribute significantly to the protection of small businesses by offering risk management assessments and guidance when facing challenging decisions. Our State's C.P.A.s are instrumental in ensuring the sustained growth of our businesses and the provision of essential services that enhance the daily lives of our fellow Pennsylvanians.

The Pennsylvania Institute of Certified Public Accountants – PICPA – stands as the preeminent organization representing certified public accountants in Pennsylvania. Established in 1897, the PICPA boasts a membership of over 20,000 professionals in the Commonwealth. This organization actively supports C.P.A.s by promoting the delivery of high-quality accounting services to the public and by offering continuing education resources to its members.

Madam Speaker, I respectfully request the support of my colleagues for HR 253. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

**YEAS—202**

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappay
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt

Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causer	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufer	Nelson, N.	Venkat
Davanzo	Kaufman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefer	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinthead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fleming	Krupa	Rader	Speaker

NAYS-1

Fink

NOT VOTING-0

EXCUSED-0

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

\* \* \*

Mr. WEBSTER called up **HR 185, PN 1932**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study on the feasibility of using geothermal energy technologies that utilize abandoned mining locations and operations in this Commonwealth and issue a report of its findings and recommendations to the House of Representatives.

On the question,  
Will the House adopt the resolution?

Mr. O'NEAL offered the following amendment No. **A02637**:

Amend Resolution, page 3, line 20, by striking out "and"  
Amend Resolution, page 3, line 24, by inserting after  
"Commonwealth;"  
and  
(6) identify and evaluate:  
(i) other potential use cases of geothermal  
deployment in Pennsylvania, including, but not limited  
to:

- (A) reconfiguration of abandoned oil and gas wells for geothermal production; and
- (B) use of geothermal heat for district heating and for commercial and industrial applications; and
- (ii) any technical, regulatory or statutory limitations to the applications under subparagraph (i);

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

The SPEAKER. On that question, the Chair recognizes the maker of the amendment, the gentleman from Washington, Representative O'Neal.

Mr. O'NEAL. Thank you, Madam Speaker.

Madam Speaker, amendment A2637 adds a requirement that the Joint State Government Commission identify and evaluate potential geothermal development, including reconfiguration of abandoned oil and gas wells for geothermal production, and the use of geothermal heat for district heating and for commercial and industrial applications, and to identify and evaluate technical, regulatory, or statutory limitations.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the maker of the resolution, the gentleman from Montgomery County, Representative Webster.

Mr. WEBSTER. Thank you, Madam Speaker.

I just want to make sure I, first of all, recognize my friend and colleague on his effort, the Representative from Luzerne County. And this is an agreed-to amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-203

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sapppey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt
Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causer	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele



Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufer	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefe	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinthead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

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 adopt the resolution as amended?

Mr. **VITALI** offered the following amendment No. **A02771**:

Amend Resolution, page 2, by inserting between lines 19 and 20  
WHEREAS, This Commonwealth has considerable infrastructure and a significantly trained workforce that may be employed in the geothermal sector; and

Amend Resolution, page 3, line 20, by striking out "and"

Amend Resolution, page 3, by inserting between lines 20 and 21

(5) identify the benefits and challenges of developing thermal utilities, including with the use of existing infrastructure; and

Amend Resolution, page 3, line 21, by striking out "(5)" and inserting

(6)

Amend Resolution, page 3, line 30, by inserting after "distribution,"

gas or thermal distribution,

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

The SPEAKER. On that question, the Chair recognizes the maker of the amendment, the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. This amendment – well, the underlying bill requires a study by the Joint State Government Commission with regard to a study of geothermal energy. This expands it a little bit to add that study, the concept of developing thermal utilities. This has been done in other jurisdictions such as Massachusetts, and it is my understanding it is an agreed-to amendment.

The SPEAKER. The Chair recognizes Representative O'Neal on the amendment.

Mr. O'NEAL. Thank you, Madam Speaker.

Yes, this is indeed an agreed-to amendment.

The SPEAKER. The Chair recognizes the maker of the resolution on the amendment.

Mr. WEBSTER. Thank you, Madam Speaker.

And yes, this is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—198

Abney	Flood	Kutz	Rapp
Adams	Frankel	Kuzma	Rigby
Armanini	Freeman	Labs	Roae
Barton	Friel	Lawrence	Rossi
Bellmon	Fritz	Leadbeter	Rowe
Benham	Gallagher	Mackenzie, M.	Rozzi
Benninghoff	Galloway	Mackenzie, R.	Ryncavage
Bernstine	Gaydos	Madden	Salisbury
Bizzarro	Gergely	Madsen	Samuelson
Bonner	Gillen	Major	Sanchez
Borowski	Giral	Mako	Sappay
Boyd	Gleim	Malagari	Schemel
Boyle	Green	Maloney	Scheuren
Bradford	Gregory	Marcell	Schlegel
Brennan	Greiner	Markosek	Schlossberg
Briggs	Grove	Marshall	Schmitt
Brown, A.	Guenst	Matzje	Schweyer
Brown, M.	Guzman	Mayes	Scott
Bullock	Haddock	McAndrew	Shusterman
Burgos	Hanbidge	McNeill	Siegel
Burns	Harkins	Mehaffie	Smith
C Freytiz	Harris	Mentzer	Smith-Wade-El
Cabell	Heffley	Mercuri	Solomon
Causer	Hogan	Merski	Staats
Cephas	Hohenstein	Metzgar	Stambaugh
Cerrato	Howard	Mihalek	Steele
Ciresi	Irvin	Miller, B.	Stehr
Conklin	Isaacson	Miller, D.	Stender
Cook	James	Moul	Struzzi
Cooper	Jones, M.	Mullins	Sturla
Curry	Jones, T.	Munroe	Takac
Cutler	Jozwiak	Mustello	Tomlinson
D'Orsie	Kail	Neilson	Topper
Daley	Kaufer	Nelson, E.	Twardzik
Davanzo	Kauffman	Nelson, N.	Venkat
Davis	Kazeem	O'Mara	Vitali
Dawkins	Keefe	O'Neal	Warner
Deasy	Kenyatta	Oberlander	Warren
Delloso	Kephart	Ortitay	Watro
Delozier	Kerwin	Otten	Waxman
Diamond	Khan	Owlett	Webster
Donahue	Kim	Parker	Wentling
Dunbar	Kinthead	Pashinski	White
Ecker	Kinsey	Pickett	Williams, C.
Emrick	Klunk	Pielli	Williams, D.
Evans	Kosierowski	Pisciottano	Young
Fee	Krajewski	Powell	Zimmerman
Fiedler	Krueger	Probst	
Fleming	Krupa	Rabb	McClinton,
Flick	Kulik	Rader	Speaker

NAYS—5

Banta	Fink	Hamm	Scialabba
Borowicz			

NOT VOTING—0

EXCUSED—0

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 adopt the resolution as amended?

The SPEAKER. The new printer's number is 2307.

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

The following roll call was recorded:

YEAS—199

Abney	Frankel	Kuzma	Rigby
Adams	Freeman	Labs	Roae
Armanini	Friel	Lawrence	Rossi
Barton	Fritz	Leadbeter	Rowe
Bellmon	Gallagher	Mackenzie, M.	Rozzi
Benham	Galloway	Mackenzie, R.	Ryncavage
Benninghoff	Gaydos	Madden	Salisbury
Bernstine	Gergely	Madsen	Samuelson
Bizzarro	Gillen	Major	Sanchez
Bonner	Giral	Mako	Sappey
Borowski	Gleim	Malagari	Schemel
Boyd	Green	Maloney	Scheuren
Boyle	Gregory	Marcell	Schlegel
Bradford	Greiner	Markosek	Schlossberg
Brennan	Grove	Marshall	Schmitt
Briggs	Guenst	Matzie	Schweyer
Brown, A.	Guzman	Mayes	Scialabba
Brown, M.	Haddock	McAndrew	Scott
Bullock	Hanbidge	McNeill	Shusterman
Burgos	Harkins	Mehaffie	Siegel
Burns	Harris	Mentzer	Smith
C Freytiz	Heffley	Mercuri	Smith-Wade-El
Cabell	Hogan	Merski	Solomon
Causer	Hohenstein	Metzgar	Staats
Cephas	Howard	Mihalek	Stambaugh
Cerrato	Irvin	Miller, B.	Steele
Ciresi	Isaacson	Miller, D.	Stehr
Conklin	James	Moul	Stender
Cook	Jones, M.	Mullins	Struzzi
Cooper	Jones, T.	Munroe	Sturla
Curry	Jozwiak	Mustello	Takac
Cutler	Kail	Neilson	Tomlinson
D'Orsie	Kaufner	Nelson, E.	Topper
Daley	Kauffman	Nelson, N.	Twardzik
Davanzo	Kazeem	O'Mara	Venkat
Davis	Keefer	O'Neal	Vitali
Dawkins	Kenyatta	Oberlander	Warner
Deasy	Kephart	Ortitay	Warren
Delloso	Kerwin	Otten	Watro
Delozier	Khan	Owlett	Waxman
Diamond	Kim	Parker	Webster
Donahue	Kinthead	Pashinski	Wentling
Dunbar	Kinsey	Pickett	White
Ecker	Klunk	Pielli	Williams, C.
Emrick	Kosierowski	Pisciottano	Williams, D.
Evans	Krajewski	Powell	Young
Fee	Krueger	Probst	Zimmerman
Fiedler	Krupa	Rabb	
Fleming	Kulik	Rader	McClinton,
Flick	Kutz	Rapp	Speaker
Flood			

NAYS—4

Banta                      Borowicz                      Fink                      Hamm

NOT VOTING—0

EXCUSED—0

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 775, PN 1357**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in neighborhood blight reclamation and revitalization, further providing for definitions and providing for vacant and blighted property registration; and imposing penalties.

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

\* \* \*

The House proceeded to second consideration of **HB 1481, PN 2186**, entitled:

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

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

\* \* \*

The House proceeded to second consideration of **HB 1786, PN 2196**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in bases of jurisdiction and interstate and international procedure, further providing for assistance to tribunals and litigants outside this Commonwealth with respect to service and for issuance of subpoena; in commencement of proceedings, further providing for authority of officers of another state to arrest in this Commonwealth; and, in detainers and extradition, further providing for definitions, for duty of Governor with respect to fugitives from justice and for presigned waiver of extradition.

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

\* \* \*

The House proceeded to second consideration of **HB 221, PN 2220**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in Pennsylvania Liquor Control Board, further providing for enforcement.

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

Ms. **MIHALEK** offered the following amendment No. **A02814**:

Amend Bill, page 2, by inserting between lines 27 and 28  
(ii) Compliance checks shall include Pennsylvania Liquor

Stores.

Amend Bill, page 2, line 28, by striking out "(II)" and inserting  
(iii)

Amend Bill, page 3, line 4, by striking out "(III)" and inserting  
(iv)

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

(4) By January 31 of each year, the Pennsylvania State Police shall submit a report to the chairperson and minority chairperson of the Law and Justice Committee of the Senate and the chairperson and minority chairperson of the Liquor Control Committee of the House of Representatives on the number of compliance checks performed in the previous calendar year and whether the result of each compliance check was compliant or noncompliant.

Amend Bill, page 3, line 11, by striking out "(4)" and inserting  
(5)

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

The SPEAKER. On that question, the Chair recognizes the gentlelady from Allegheny County, Representative Mihalek.

Ms. MIHALEK. Thank you, Madam Speaker.

Today I rise to encourage my colleagues to support amendment A02814. This amendment would require the State Police to conduct compliance checks at our State stores. The underlying legislation requires these checks to be performed at private licensees, and in the interest of fairness, the LCB (Liquor Control Board) should also be conducting these compliance checks.

Furthermore, the amendment would require the State Police to provide data to the chairs of the Senate Law and Justice Committee, as well as the House Liquor Control Committee. I would ask my colleagues for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—203

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson

Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt
Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causar	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufner	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefe	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinhead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciotto	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 1706, PN 2018**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in Office of State Inspector General, further providing for definitions and for powers, purpose and duties.

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

The SPEAKER. The Chair rules the following amendments out of order for violating House rule 20: A02850, A02867, A02886.

Mr. LAWRENCE offered the following amendment No. **A02857**:

Amend Bill, page 2, lines 29 and 30; page 3, lines 1 through 3; by striking out "individual holds a" in line 29, all of line 30 on page 2 and all of lines 1 through 3 on page 3 and inserting  
firearm is approved by the Governor.

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

#### AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the maker of the amendment, the gentleman from Chester County, Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

I will be withdrawing that amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAWRENCE offered the following amendment No. **A02858**:

Amend Bill, page 3, line 3, by striking out "State Inspector General" and inserting  
Governor

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

#### AMENDMENT WITHDRAWN

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

Mr. LAWRENCE. Thank you, Madam Speaker.

I will also be withdrawing that amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LAWRENCE offered the following amendment No. **A02859**:

Amend Bill, page 2, line 29, by striking out "unless that" and inserting

unless:  
(i) the Governor has authorized the purchase of the firearm to be carried prior to its purchase; and  
(ii) that

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

The SPEAKER. The Chair recognizes Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

Madam Speaker, I appreciate the good gentleman from Centre County bringing the legislation, HB 1706, before the House. This proposal regards the State Office of Inspector General, a law enforcement agency that does important and necessary work, and specifically, the bill deals with firearms acquisition and training.

Now, Madam Speaker, this is not the first time this issue has surfaced. In fact, the Office of Inspector General purchased 145 Sig Sauer P320 handguns in 2018 to carry out law enforcement duties. According to an April 6, 2021, House Government Oversight Committee report, deployment of the firearms into the field was placed on hold when, quote, someone "at the highest level of a senior staffer in the Governor's office," end quote, dictated that the Inspector General should not move forward with issuing the firearms to their agents.

Now, this created an issue, as the Inspector General had purchased 145 handguns and over \$100,000 worth of ammunition that it was now forbidden to use by direct order of the Governor's administration. It took years for the Inspector General to dispose of the guns and the ammunition. I asked the Inspector General about the fate of these firearms during budget hearings earlier this spring, and he confirmed that his office had in fact disposed of all of the firearms that the Governor's Office had forbidden him to use.

Now, Madam Speaker, this amendment seeks to avoid a repeat of this embarrassing – and frankly, ridiculous – lack of communication and waste of taxpayer money by ensuring that the Governor authorizes the purchase of firearms by the Office of Inspector General prior to their purchase.

I would appreciate an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the maker of the bill, the gentleman from Centre County, the majority chair of State Government, Representative Conklin.

Mr. CONKLIN. Thank you, Madam Speaker.

And I want to thank the gentleman for bringing this amendment forward. And I understand why he believes that this Governor is more than capable of handling, choosing which guns and choosing how things would go forward. In fact, I understand what happens to many of the legislators when they have the opportunity to stand in the glow of this Governor and understand his ability to lock and load in every other aspect of a firearm. And as much as this Governor would probably love to check every weapon and enjoy the use of every one, more than he is qualified to do such a thing, I do not think it would be good policy.

I understand his worrying about the last Governor, and this is why I am going to bring this up. This Governor is more than capable of handling a firearm. This Governor is more than capable of deciding which firearms should be used. But what would happen if we put this into law, Madam Speaker? Then every Governor would have to do this, and the next Governor may give the same concern as other Governors had to this piece of legislation.

So not only is it bad policy, but the Office of Inspector General itself is asking for a "no" vote as well, Madam Speaker. So please, I am asking my colleagues, vote "no" to this. The fact that this would be ongoing, and using the maker's own reasoning, we may not be lucky enough to have a Governor that is this good, this understanding, and knowing this much about firearms.

Thank you, Madam Speaker. Please vote "no."

The SPEAKER. The Chair thanks the gentleman.

For the second time, the Chair recognizes the maker of the amendment, Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

And I appreciate the maker of the bill, the good gentleman from Centre. I appreciate his remarks. The amendment, frankly, has nothing to do with the Governor's ability to handle a firearm, whether he can lock and load or some of the other comments mentioned there. What this has to do with is that the exact measure that is being contemplated before the House took place just 4 years ago under the prior Governor's administration. Over six figures' worth of taxpayer money was wasted when firearms were purchased, ammunition was purchased, and then the Governor's Office said, hey, guess what? You are not going to use them.

The amendment that I am proposing is about 12 words long. It says, "the Governor has authorized the purchase of the firearm to be carried prior to its purchase; " The bill is not really even asking him to review the firearm; it is just to review the purchase of them. And again, this is to prevent the exact same thing that we saw 3 years ago under the prior Governor's administration. This is about transparency and accountability and good government, and I would encourage an affirmative vote.

Thank you, Madam Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causar	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufner	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

NAYS—102

Abney	Evans	Kosierowski	Rabb
Bellmon	Fiedler	Krajewski	Rozzi
Benham	Fleming	Krueger	Salisbury
Bizzarro	Frankel	Kulik	Samuelson
Borowski	Freeman	Madden	Sanchez
Boyd	Friel	Madsen	Sappey
Boyle	Gallagher	Malagari	Schlossberg
Bradford	Galloway	Markosek	Schweyer

Brennan	Gergely	Matzie	Scott
Briggs	Giral	Mayes	Shusterman
Brown, A.	Green	McAndrew	Siegel
Bullock	Guenst	McNeill	Smith-Wade-El
Burgos	Guzman	Merski	Solomon
Burns	Haddock	Miller, D.	Steele
C Freytiz	Hanbidge	Mullins	Sturla
Cephas	Harkins	Munroe	Takac
Cerrato	Harris	Neilson	Venkat
Ciresi	Hohenstein	Nelson, N.	Vitali
Conklin	Howard	O'Mara	Warren
Curry	Isaacson	Otten	Waxman
Daley	Kazeem	Parker	Webster
Davis	Kenyatta	Pashinski	Williams, D.
Dawkins	Khan	Pielli	Young
Deasy	Kim	Pisciottano	
Delloso	Kinkead	Powell	McClinton,
Donahue	Kinsey	Probst	Speaker

NOT VOTING—0

EXCUSED—0

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. LAWRENCE offered the following amendment No. **A02860**:

Amend Bill, page 2, line 23, by inserting after "shall"  
, upon written authorization from the Governor.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, that Chair recognizes Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

I will be pulling that amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. GROVE offered the following amendment No. **A02870**:

Amend Bill, page 1, line 22, by striking out "and" where it occurs the first time and inserting a comma

Amend Bill, page 1, line 22, by inserting after "duties" and for appropriation

Amend Bill, page 2, line 12, by striking out "Section 503-A(a)(5) of the act is" and inserting

Sections 503-A(a)(5) and 508-A of the act are

Amend Bill, page 3, by inserting between lines 4 and 5

Section 508-A. Appropriation.

(a) Line item and jurisdiction.—The appropriation for the office shall be in a separate line item and shall be under the jurisdiction of the State Inspector General.

(b) Transfer.—Any money used to purchase firearms by the State Inspector General in accordance with section 503-A(a)(5) shall be

transferred from amounts appropriated to the Governor's Office.

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

The SPEAKER. The Chair recognizes the minority chair of Appropriations, Representative Grove, the gentleman from York.

Mr. GROVE. Thank you, Madam Speaker.

This debate right now we are having on this amendment is not whether OIG (Office of Inspector General) should or should not have guns. Personally, I agree with the prime sponsor: OIG should have firearms. The issue is, they purchased those firearms in 2018, and then they gave them away at the expense of taxpayers.

Now, the OIG is our – the executive branch's – our main goal in rooting out waste, fraud, and abuse. Because of an action of a, quote, high "level...staffer" within the previous administration, they barred OIG from having those firearms, thus creating government waste. And while you think \$60,000 maybe is not that much, well, you continue to make those errors and continue to make those decisions, it will add up over time.

So the amendment I am proposing, 2870, is simply requiring the money to purchase the firearms be transferred from the Governor's Office. Obviously, the Governor's Office has prior year funds from the previous administration. I think the previous administration should be paying for them, not adding additional new costs to the taxpayers or inhibiting the ability of OIG to do their work, critically important to the taxpayers of the Commonwealth, by adding these new costs to their bottom line.

So I would appreciate an affirmative vote on this to make sure we provide the good gentleman's wish to provide firearms to OIG. Personally, the more handguns in the Commonwealth of Pennsylvania, the better off we are for law-abiding citizens. But I do not think OIG should be penalized financially for a decision they did not make originally. So I would appreciate an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the maker of the bill on the amendment, Representative Conklin.

Mr. CONKLIN. Thank you, Madam Speaker.

Just for the individuals in the room to know, those guns were intertransfers to other agencies, so the taxpayers lost no money on the weapons themselves. And the reason we are doing this bill, as brought forth by the good gentleman, is to make sure that that does not happen again. But as much as, again, I appreciate the individuals, you know, going forward, and I do really do appreciate this debate, and I appreciate the fact that everyone is watching out for each dollar as they went back and forth – as I said, they were interagencies selling them back and forth, and I am sure if members would like to know, we can give them the statistics and exactly how that happened – but at the end of the day, Madam Speaker— Again, I love the trust that my colleagues have in this Governor. This Governor deserves that trust. This Governor has illuminated their lives with such a brilliance that there is no other view that anybody could have but to turn to our illustrious Governor. But sadly to say, he will not be here forever.

And I am sure the Governor – although the Governor's Office does not fund the State Police weapons or fund any other weapons – I am sure he would be more than happy to go out and choose those weapons and inspect each one of them, and again, I am happy to know that they have that much trust in this

Governor. I want to put on the record that they love this Governor because they trust this Governor. They want this Governor to have these great decisions. But it is just bad policy, Madam Speaker. Really, it is. So sometimes we have to turn away from our infatuation with somebody that we adore and go straight to what is best public policy.

So for that, I am going to have to request another "no" vote.

The SPEAKER. The Chair thanks the gentleman.

For the first time on this amendment, the Chair recognizes Representative Lawrence.

Mr. LAWRENCE. Thank you, Madam Speaker.

I would encourage an affirmative vote for the good gentleman from York's amendment.

There has been quite a bit of conversation about what has happened 3 years ago, 4 years ago. I would like to submit for the record some comments specifically as it relates to the Government Oversight Committee's review into the matter, just for the record.

Thank you, Madam Speaker.

**REPORT SUBMITTED FOR THE RECORD**

Mr. LAWRENCE submitted a report for the Legislative Journal.

(For report, see Appendix.)

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

The following roll call was recorded:

**YEAS—101**

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causar	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufer	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

**NAYS—102**

Abney	Evans	Kosierowski	Rabb
Bellmon	Fiedler	Krajewski	Rozzi
Benham	Fleming	Krueger	Salisbury
Bizzarro	Frankel	Kulik	Samuelson
Borowski	Freeman	Madden	Sanchez

Boyd	Friel	Madsen	Sappey
Boyle	Gallagher	Malagari	Schlossberg
Bradford	Galloway	Markosek	Schweyer
Brennan	Gergely	Matzie	Scott
Briggs	Giral	Mayes	Shusterman
Brown, A.	Green	McAndrew	Siegel
Bullock	Guenst	McNeill	Smith-Wade-El
Burgos	Guzman	Merski	Solomon
Burns	Haddock	Miller, D.	Steele
C Freytiz	Hanbidge	Mullins	Sturla
Cephas	Harkins	Munroe	Takac
Cerrato	Harris	Neilson	Venkat
Ciresi	Hohenstein	Nelson, N.	Vitali
Conklin	Howard	O'Mara	Warren
Curry	Isaacson	Otten	Waxman
Daley	Kazeem	Parker	Webster
Davis	Kenyatta	Pashinski	Williams, D.
Dawkins	Khan	Pielli	Young
Deasy	Kim	Pisciottano	
Delloso	Kinthead	Powell	McClinton,
Donahue	Kinsey	Probst	Speaker

NOT VOTING—0

EXCUSED—0

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. **CONKLIN** offered the following amendment  
No. **A02935**:

Amend Bill, page 2, lines 4 through 10, by striking out all of said lines and inserting

"Enforcement officer." An individual who meets all of the following:

(1) Is an individual listed under the term as defined under 71 Pa.C.S. § 5102 (relating to definitions).

(2) Is employed by the office.

(3) Whose duties include the enforcement or supervision of the powers specified under section 506-A.

Amend Bill, page 2, lines 29 and 30; page 3, lines 1 and 2; by striking out "that individual holds a" in line 29, all of line 30 on page 2 and all of lines 1 and 2 on page 3 and inserting

the enforcement officer has successfully completed basic firearms training and annual firearms training or other similar

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

The **SPEAKER**. On that question, the Chair recognizes the maker of the bill and the amendment, Representative Conklin.

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

This is a simple cleanup amendment requested by the State Police. I am asking for a "yes" vote.

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

The following roll call was recorded:

YEAS—203

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt
Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causar	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufner	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefer	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinthead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

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

Bill as amended was agreed to.

The **SPEAKER**. The bill as amended will be reprinted.

\* \* \*

The House proceeded to second consideration of **HB 1752, PN 2131**, entitled:

An Act providing for the annual designation and holiday observance of the first day of the Islamic lunar month of Shawwal as Eid al-Fitr Day in this Commonwealth.

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

The SPEAKER. For what purpose does the gentleman from Perry, Representative Stambaugh, rise?

Mr. STAMBAUGH. Thank you, Madam Speaker.

At this time, as much I believe that Flag Day on June 14 and Constitution Day on September 17 and Charter Day on March 4 are holidays that unite us as Pennsylvanians and celebrate everything American, I will not ask for a suspension of the rules on my late-filed amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

\* \* \*

The House proceeded to second consideration of **SB 773, PN 1191**, entitled:

An Act amending the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, in preliminary provisions, further providing for definitions; in medical marijuana organizations, further providing for application and issuance, for limitations on permits and providing for additional dispensary and grower/processor permits authorized, for application and issuance of additional permits and for limitations on other additional permits or licenses; and, in academic clinical research centers and clinical registrants, further providing for definitions.

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

The SPEAKER. It is the Chair's understanding that Representative Kaufer withdraws A02819, and Representative Bizzarro withdraws amendment A02838. The Chair thanks the gentlemen.

Representative Bizzarro offers amendment A02820. It is the Chair's understanding that all of Representative Bizzarro's amendments are withdrawn.

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

Mrs. **KEEFER** offered the following amendment No. **A02829**:

Amend Bill, page 6, line 1, by striking out "**TWO**" and inserting 10

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

Amend Bill, page 9, line 22, by striking out "**ONE YEAR**" and inserting

seven years

Amend Bill, page 14, line 23, by striking out "**ONE YEAR**" and inserting

seven years

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

The SPEAKER. On that question, the Chair recognizes the gentledady from York, Representative Keefer.

Mrs. KEEFER. Thank you, Madam Speaker.

This amendment would simply change the timeframe that would allow the change of control, limiting the control to 7 years after a permit holder becomes operational if the transaction occurs between a permit holder and a diverse group, and then it would also change the limits of change of control to 10 years after the permit holder becomes operational if that transaction is between a permit holder and a non-diverse group.

This just gives a little bit more stability to this controlled market so that we continue to have access to the market and we help our independent growers and processors get established in this business, and the way that we set up the laws – the rules initially – this helps to reenforce that and gives everybody a chance to get up and going. So I would ask for a "yes" vote on this.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the maker of the amendment.

On that question, the Chair recognizes the gentleman from Allegheny County, the Chair of the Health Committee, Representative Frankel.

Mr. FRANKEL. Thank you, Madam Speaker.

I genuinely appreciate the gentledady from York's intention here. She has identified, clearly, a problem that we have in the original medical cannabis legislation. And our hope is that we were going to move forward to address this as we look at adult use. This will not be the last time we take a look at some of the issues that have come to the floor since we instituted medical marijuana in Pennsylvania. But this bill is narrowly drafted to address one of the issues in particular, and at this point I am going to ask the members to oppose this amendment.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

## YEAS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causer	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender



Davanzo	Kaufer	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

NAYS—102

Abney	Evans	Kosierowski	Rabb
Bellmon	Fiedler	Krajewski	Rozzi
Benham	Fleming	Krueger	Salisbury
Bizzarro	Frankel	Kulik	Samuelson
Borowski	Freeman	Madden	Sanchez
Boyd	Friel	Madsen	Sappey
Boyle	Gallagher	Malagari	Schlossberg
Bradford	Galloway	Markosek	Schweyer
Brennan	Gergely	Matzie	Scott
Briggs	Giral	Mayes	Shusterman
Brown, A.	Green	McAndrew	Siegel
Bullock	Guenst	McNeill	Smith-Wade-El
Burgos	Guzman	Merski	Solomon
Burns	Haddock	Miller, D.	Steele
C Freytiz	Hanbidge	Mullins	Sturla
Cephas	Harkins	Munroe	Takac
Cerrato	Harris	Neilson	Venkat
Ciresi	Hohenstein	Nelson, N.	Vitali
Conklin	Howard	O'Mara	Warren
Curry	Isaacson	Otten	Waxman
Daley	Kazeem	Parker	Webster
Davis	Kenyatta	Pashinski	Williams, D.
Dawkins	Khan	Pielli	Young
Deasy	Kim	Pisciottano	
Delloso	Kinkead	Powell	McClinton,
Donahue	Kinsey	Probst	Speaker

NOT VOTING—0

EXCUSED—0

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?

Mrs. **KEEFER** offered the following amendment  
No. **A02830**:

Amend Bill, page 1, line 18, by striking out "and" and inserting a comma

Amend Bill, page 1, line 19, by inserting after "licenses" and for limitations on locations of dispensaries

Amend Bill, page 15, by inserting between lines 3 and 4

Section 620. Limitations on locations of dispensaries.

Notwithstanding any other provision of this act, a dispensary may not be located within 25 miles of an existing dispensary on the effective date of this section. This section shall apply to dispensary permits issued on or after the effective date of this section.

Amend Bill, page 15, line 19, by striking out "in 120 days." and inserting

as follows:

- (1) The addition of section 620 of the act shall take effect in 60 days.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 120

days.

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

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

Mrs. **KEEFER**. Thank you, Madam Speaker.

When medical marijuana was passed in the Commonwealth, the General Assembly was very thoughtful and set it up so that licenses were very descriptive and were very specific for each – the grower/processors and the dispensaries – on who could own what, where they should be located, and how they should be operated.

Since that time there have been actors that are involved that have taken advantage of the rules that are quite clear in the statute. Unfortunately, the Department of Health has not enforced the rules as they were dictated in statute regarding who can own what and how the industry is structured. So we are continuing to move in the direction of a vertically integrated system. Everybody can be growers, everybody processors, and everybody can be dispensaries, and it does not keep the market separate in what needs to be a controlled market.

So this amendment would just say, similar to our casino language, that a dispensary could not be in the location with greater – or less than 25 miles of another dispensary. This would just be for any new dispensary licensees, not any existing ones. So again, this is just a good measure that would help our grower/processors.

Thank you, Madam Speaker.

The **SPEAKER**. The Chair thanks the gentlelady.

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

The following roll call was recorded:

YEAS—101

Adams	Gaydos	Lawrence	Rigby
Armanini	Gillen	Leadbeter	Roae
Banta	Gleim	Mackenzie, M.	Rossi
Barton	Gregory	Mackenzie, R.	Rowe
Benninghoff	Greiner	Major	Ryncavage
Bernstine	Grove	Mako	Schemel
Bonner	Hamm	Maloney	Scheuren
Borowicz	Heffley	Marcell	Schlegel
Brown, M.	Hogan	Marshall	Schmitt
Cabell	Irvin	Mehaffie	Scialabba
Causer	James	Mentzer	Smith
Cook	Jones, M.	Mercuri	Staats
Cooper	Jones, T.	Metzgar	Stambaugh
Cutler	Jozwiak	Mihalek	Stehr
D'Orsie	Kail	Miller, B.	Stender
Davanzo	Kaufer	Moul	Struzzi
Delozier	Kauffman	Mustello	Tomlinson
Diamond	Keefer	Nelson, E.	Topper
Dunbar	Kephart	O'Neal	Twardzik
Ecker	Kerwin	Oberlander	Warner
Emrick	Klunk	Ortitay	Watro
Fee	Krupa	Owlett	Wentling
Fink	Kutz	Pickett	White
Flick	Kuzma	Rader	Williams, C.
Flood	Labs	Rapp	Zimmerman
Fritz			

NAYS—102

Abney	Evans	Kosierowski	Rabb
Bellmon	Fiedler	Krajewski	Rozzi
Benham	Fleming	Krueger	Salisbury
Bizzarro	Frankel	Kulik	Samuelson
Borowski	Freeman	Madden	Sanchez
Boyd	Friel	Madsen	Sappey
Boyle	Gallagher	Malagari	Schlossberg
Bradford	Galloway	Markosek	Schweyer
Brennan	Gergely	Matzie	Scott
Briggs	Giral	Mayes	Shusterman
Brown, A.	Green	McAndrew	Siegel
Bullock	Guenst	McNeill	Smith-Wade-El
Burgos	Guzman	Merski	Solomon
Burns	Haddock	Miller, D.	Steele
C Freytiz	Hanbidge	Mullins	Sturla
Cephas	Harkins	Munroe	Takac
Cerrato	Harris	Neilson	Venkat
Ciresi	Hohenstein	Nelson, N.	Vitali
Conklin	Howard	O'Mara	Warren
Curry	Isaacson	Otten	Waxman
Daley	Kazeem	Parker	Webster
Davis	Kenyatta	Pashinski	Williams, D.
Dawkins	Khan	Pielli	Young
Deasy	Kim	Pisciottano	
Delloso	Kinhead	Powell	McClinton,
Donahue	Kinsey	Probst	Speaker

NOT VOTING—0

EXCUSED—0

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. **A02914**:

Amend Bill, page 1, lines 1 through 21, by striking out all of lines 1 through 20 and "definitions." in line 21 and inserting Amend Bill, page 1, line 21, by inserting before " The"

Amending the act of April 17, 2016 (P.L.84, No.16), entitled "An act establishing a medical marijuana program; providing for patient and caregiver certification and for medical marijuana organization registration; imposing duties on the Department of Health; providing for a tax on medical marijuana organization gross receipts; establishing the Medical Marijuana Program Fund; establishing the Medical Marijuana Advisory Board; establishing a medical marijuana research program; imposing duties on the Department of Corrections, the Department of Education and the Department of Human Services; and providing for academic clinical research centers and for penalties and enforcement," in preliminary provisions, further providing for definitions; in medical marijuana organizations, further providing for application and issuance, for limitations on permits and providing for additional dispensary and grower/processor permits authorized, for application and issuance of additional permits and for limitations on other additional permits or licenses; and, in academic clinical research centers and clinical registrants, further providing for definitions.

Amend Bill, page 1, lines 24 through 26; pages 2 through 14, lines 1 through 30; page 15, lines 1 through 19; by striking out all of said lines on said pages

Amend Bill, page 15, by inserting after line 19

Section 1. Section 103 of the act of April 17, 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is amended by adding definitions to read:

Section 103. Definitions.

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

\* \* \*

"Change of control transaction." The consolidation, merger or acquisition by a person or group of persons acting in concert of more than 20% of:

(1) a medical marijuana organization's securities or other ownership interests, with the exception of any ownership interest of the person that existed:

(i) at the time of the issuance of the initial medical marijuana organization's permit and payment of the initial permit; or

(ii) prior to the effective date of this subparagraph; or

(2) the securities or other ownership interests of a corporation or other form of business entity which owns directly or indirectly 20% of the securities or other ownership interests of the medical marijuana organization.

\* \* \*

"Diverse group." The term shall mean the same as under section 615(d).

\* \* \*

"Independent dispensary." A dispensary issued a permit to operate in this Commonwealth and that meets all of the following:

(1) Has not had the dispensary's permit revoked.

(2) Has not entered into a change of control transaction with any other person that was issued a grower/processor permit, dispensary permit or clinical registrant permit in this Commonwealth.

(3) Is not materially the same as another medical marijuana organization in this Commonwealth through a parent company, subsidiary or shared affiliation with another entity that holds a permit from the department under this act or through the sharing of principals, officers or directors, employees, facilities, equipment, finances or capital.

"Independent grower/processor." A grower/processor awarded a permit to operate in this Commonwealth that meets all of the following criteria as of the effective date of this definition:

(1) Has not had its permit revoked.

(2) Has not entered into a change of control transaction with any other person that was issued a grower/processor permit, dispensary permit or clinical registrant permit in this Commonwealth.

(3) Is not materially the same as another medical marijuana organization in this Commonwealth through a parent company or subsidiary of another entity that holds a permit from the department under this act or through the sharing of principals, officers or directors, employees, facilities, equipment, finances or capital.

\* \* \*

"Materially the same." A person who shares any of the following with another person:

(1) Profits or losses.

(2) Common valuation, in the case of a publicly traded company.

(3) Common ownership of more than 5%, including subsidiaries.

(4) Common ownership of 5% or less if the persons with voting rights to elect or appoint one or more members of the board of directors or other governing board.

(5) Common management, policies, principals, officers, directors, employees, equipment, finances or capital.

\* \* \*

"Parent company." A company which directly or indirectly controls any other permittee under this act.

\* \* \*

"Person." A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

\* \* \*

Section 2. Sections 606(a)(1) and 616(5) of the act are amended to read:

Section 606. Application and issuance.

(a) Duty to report.—An applicant to be a grower/processor or to operate a dispensary is under a continuing duty to:

(1) Report to the department any change in facts or circumstances reflected in the application or any newly discovered or occurring fact or circumstance which is required to be included in the application, including a change in control or change of control transaction of the medical marijuana organization.

\* \* \*

Section 616. Limitations on permits.

The following limitations apply to approval of permits for grower/processors and dispensaries:

\* \* \*

(5) [No] Except as provided under section 617, no more than five grower/processors may be issued permits as dispensaries. [If the number of growers/processors is increased under section 1202, no more than 20% of the total number of growers/processors may also be issued permits as dispensaries.]

\* \* \*

Section 3. The act is amended by adding sections to read:

Section 617. Additional dispensary and grower/processor permits authorized.

(a) Authorization.—

(1) An independent grower/processor that applies and meets the requirements under section 618 shall be issued one dispensary permit.

(2) An independent dispensary that applies and meets the requirements under section 618 shall be issued one grower/processor permit.

(b) Rights and privileges.—The permits issued under this section shall carry the same rights, privileges and obligations as permits issued under this chapter.

(c) Suspension or revocation prohibited.—The department may not suspend or revoke the permit of an entity that receives a permit under this section due to the entity entering into a change of control transaction with any person at least one year after the holder of the dispensary permit becomes operational in this Commonwealth. Nothing in this section shall prohibit the department from taking action for a violation of section 618(a)(4).

(d) Permit for clinical registrant.—Notwithstanding subsection (c) or section 619, an independent grower/processor or independent dispensary that applies for a permit to convert to a clinical registrant under section 2002 shall surrender a grower/processor permit or dispensary permit, or both, previously issued to the independent grower/processor or independent dispensary.

Section 618. Application and issuance of additional permits.

(a) Applications.—

(1) The department shall develop a standard application form and open applications for permits authorized under section 617 within 30 days of the effective date of this paragraph.

(2) Applicants under this section shall submit applications for permits authorized under section 617.

(3) The department shall review applications for permits authorized under section 617 within 45 days of receipt of an application under paragraph (1) from an eligible independent grower/processor or independent dispensary.

(4) An application for a permit authorized under section 617 shall require:

(i) Supporting documentation and certification to the department that the applicant qualifies as an independent grower/processor or independent dispensary.

(ii) Certification to the department that the applicant will not enter into a change of control transaction with any other person for a duration of one year from the date the first dispensary location or grower/processor location is deemed operational by the department, unless the change of control transaction occurs after the holder of the permit becomes operational and is between the applicant and a diverse group.

(iii) Any information required under section 602 that has significantly changed since the applicant received an initial permit.

(b) Issuance.—

(1) Except as provided under paragraph (3), the department shall issue permits under section 617 within 60 days of the application submission deadline under subsection (a)(2) to all applicants that meet the minimum requirements for permitting under this chapter. The department shall notify an applicant for permits authorized under section 617 of the approval of an application by certified mail or email.

(2) If an application under this section is incomplete, the following apply:

(i) The department shall, within 15 days of reviewing the application, notify the applicant by certified mail or email of the missing application materials.

(ii) An applicant shall have 15 days from when the notice is received under this paragraph to provide missing materials to the department.

(iii) An applicant's failure to complete the application by the deadline under subparagraph (ii) shall be grounds for denial of a permit.

(3) If an application under this section is complete but does not meet the minimum criteria for a permit, the department shall notify the applicant by certified mail or email of the deficiencies in the application and the following apply:

(i) An applicant shall have 30 days from the date the notice is received under this paragraph to provide supplemental application materials to the department.

(ii) An applicant's failure to provide the supplemental application materials to the department by the deadline will be grounds for denial of the issuance of a permit.

(iii) An applicant's failure to meet the minimum criteria for a permit after providing supplemental application materials to the department shall be grounds for denial of the issuance of a permit.

(iv) The department may use up to 30 additional days to issue dispensary permits to applicants that meet the minimum criteria for a permit after providing supplemental application materials to the department.

(4) If the department denies an application for a dispensary permit authorized under section 617, the department shall notify the applicant of the denial by certified mail or email. The notice shall include each deficiency in the application that does not meet the minimum criteria to be issued a dispensary permit.

(5) If an independent grower/processor or independent dispensary receives a denial under paragraph (4), the independent grower/processor or independent dispensary may reapply for a permit authorized under section 617 30 days after receiving notice of a denial.

(6) Appeals to the issuance or denials of dispensary permits under this section must be responded to by the

department within 45 days of submittal.

(7) An independent grower/processor or independent dispensary issued a permit under section 617 shall notify the department when the independent grower/processor or independent dispensary location is operational.

(8) Upon notification under paragraph (7), the department shall schedule an inspection to determine if the medical marijuana organization facility is operational to the satisfaction of the department. Nothing in this section shall prohibit the department from determining that the inspected location fails to be operational.

(c) Fees.—

(1) An independent grower/processor applying for a dispensary permit shall pay:

(i) An initial application fee in the amount of \$5,000. The fee is nonrefundable.

(ii) A permit fee of \$30,000 for each dispensary location. The period of the permit shall be one year. An applicant shall submit the permit fee at the time of submission of the application. The fee shall be returned if the application is not granted.

(iii) A renewal fee for the permit as a dispensary in the amount of \$5,000. The fee shall be returned if the renewal is not granted and shall cover renewal for all locations. An application to renew a permit must be filed with the department not more than six months nor less than four months prior to expiration.

(iv) A fee of \$250 when amending the application to indicate relocation within this Commonwealth or the addition or deletion of approved activities by the medical marijuana organization.

(2) An independent dispensary applying for a grower/processor permit shall pay:

(i) An initial application fee in the amount of \$10,000. The fee is nonrefundable.

(ii) A permit fee of \$200,000. The period of the permit is one year. An applicant shall submit the permit fee at the time of submission of the application. The fee shall be returned if the application is not granted.

(iii) A renewal fee for the permit as a grower/processor in the amount of \$10,000. The fee shall cover the renewal for all locations. The renewal fee shall be returned if the renewal is not granted. An application to review a permit must be filed with the department not more than six months nor less than four months prior to expiration.

(iv) A fee of \$250 when amending the application to indicate relocation within this Commonwealth or the addition or deletion of approved activities by the medical marijuana organization.

(3) All fees under this subsection shall be paid by certified check or money order.

(4) Fees payable under this subsection shall be deposited into the fund.

(d) Regions.—An independent grower/processor may apply for a dispensary permit under this section in any region established under section 603(d).

(e) Certification violation.—If an independent grower/processor or independent dispensary enters into a change of control transaction with another entity in violation of this act, the contract or agreement executed with the other entity for the change of control transaction shall be void, unless the change of control transaction occurs at least one year after the permittee becomes operational or the merger is between a permit holder and a diverse group.

Section 619. Limitations on other additional permits or licenses.

Notwithstanding the provisions of section 617 or 618, nothing in section 617 or 618 shall be construed to limit an entity that qualifies as an independent grower/processor or independent dispensary from

applying for and receiving additional permits or licenses under any other provisions of this act upon the release of additional permits or licenses by the department or the Commonwealth.

Section 4. Section 2001 of the act is amended by adding a definition to read:

Section 2001. Definitions.

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

\* \* \*

"Accredited medical school." An institution located within this Commonwealth that is accredited by the Liaison Committee of Medical Education or the Commission on Osteopathic College Accreditation or has gained pre-accreditation or provisional accreditation so that the institution is authorized to enroll students and is affiliated with an accredited institution of higher education located within this Commonwealth.

\* \* \*

Section 5. This act shall take effect in 120 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Erie, the majority chair of Gaming, Representative Harkins.

Mr. HARKINS. Thank you, Madam Speaker.

Madam Speaker, the intent of Pennsylvania's medical marijuana law was to create separate manufacturers and retailers so that patients would have access to a wide variety of products from different growing processors, not to only allow Pennsylvania-based grower/processors to sell medical marijuana directly to patients, but to only sell to an authorized distributor and dispensary, which then sells products to the patient.

As the program has evolved and expanded, a loophole has allowed certain growers and processors to own affiliated dispensaries. That has resulted in an unfair system where dispensaries primarily carry their own products. Some manufacturers have no way to sell their products to patients. This now has also created an unfair system for dispensing products to patients and has allowed for some grower/processors to monopolize the industry. This amendment will help rectify that situation, and I ask for a positive vote.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—103

Abney	Fiedler	Krajewski	Rabb
Bellmon	Fleming	Krueger	Rozzi
Benham	Frankel	Kulik	Salisbury
Bizzarro	Freeman	Madden	Samuelson
Borowski	Friel	Madsen	Sanchez
Boyd	Gallagher	Malagari	Sappery
Boyle	Galloway	Markosek	Schlossberg
Bradford	Gergely	Matzie	Schweyer
Brennan	Giral	Mayes	Scott
Briggs	Green	McAndrew	Shusterman
Brown, A.	Guenst	McNeill	Siegel
Bullock	Guzman	Mehaffie	Smith-Wade-El
Burgos	Haddock	Merski	Solomon

Burns	Hanbidge	Miller, D.	Steele
C Freytz	Harkins	Mullins	Sturla
Cephas	Harris	Munroe	Takac
Cerrato	Hohenstein	Neilson	Venkata
Ciresi	Howard	Nelson, N.	Vitali
Conklin	Isaacson	O'Mara	Warren
Curry	Kazeem	Otten	Waxman
Daley	Kenyatta	Parker	Webster
Davis	Khan	Pashinski	Williams, D.
Dawkins	Kim	Pielli	Young
Deasy	Kinthead	Pisciottano	
Delloso	Kinsey	Powell	McClinton,
Donahue	Kosierowski	Probst	Speaker
Evans			

NAYS—100

Adams	Fritz	Labs	Rigby
Armanini	Gaydos	Lawrence	Roae
Banta	Gillen	Leadbeter	Rossi
Barton	Gleim	Mackenzie, M.	Rowe
Benninghoff	Gregory	Mackenzie, R.	Ryncavage
Bernstine	Greiner	Major	Schemel
Bonner	Grove	Mako	Scheuren
Borowicz	Hamm	Maloney	Schlegel
Brown, M.	Heffley	Marcell	Schmitt
Cabell	Hogan	Marshall	Scialabba
Causar	Irvin	Mentzer	Smith
Cook	James	Mercuri	Staats
Cooper	Jones, M.	Metzgar	Stambaugh
Cutler	Jones, T.	Mihalek	Stehr
D'Orsie	Jozwiak	Miller, B.	Stender
Davanzo	Kail	Moul	Struzzi
Delozier	Kaufner	Mustello	Tomlinson
Diamond	Kauffman	Nelson, E.	Topper
Dunbar	Keefer	O'Neal	Twardzik
Ecker	Kephart	Oberlander	Warner
Emrick	Kerwin	Ortitay	Watro
Fee	Klunk	Owlett	Wentling
Fink	Krupa	Pickett	White
Flick	Kutz	Rader	Williams, C.
Flood	Kuzma	Rapp	Zimmerman

NOT VOTING—0

EXCUSED—0

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. **HARKINS** offered the following amendment No. **A02949**:

Amend Bill, page 2, line 11, by striking out all of said line and inserting

ownership interest of the person that existed:

(i) at the time of

Amend Bill, page 2, by inserting between lines 13 and 14

(ii) prior to the effective date of this

subparagraph; or

Amend Bill, page 2, line 27, by striking out the period after "**PERSON**" and inserting

that was issued a grower/processor permit, dispensary permit or clinical registrant permit in this Commonwealth.

Amend Bill, page 2, line 28, by striking out "**A**" and inserting

another

Amend Bill, page 3, line 12, by striking out the period after

"**PERSON**" and inserting

that was issued a grower/processor permit, dispensary permit or clinical registrant permit in this Commonwealth.

Amend Bill, page 3, line 14, by striking out "**A**" and inserting another

Amend Bill, page 6, line 1, by striking out "**TWO YEARS**" and inserting

one year

Amend Bill, page 9, lines 4 and 5, by striking out "WITHIN 60 DAYS AFTER APPLICATIONS ARE POSTED."

Amend Bill, page 9, lines 18 and 19, by striking out "**TWO YEARS**" and inserting

one year

Amend Bill, page 9, line 22, by striking out "**AT LEAST ONE YEAR**"

Amend Bill, page 11, lines 14 through 21, by striking out all of said lines and inserting

(5) If an independent grower/processor or independent dispensary receives a denial under paragraph (4), the independent grower/processor or independent dispensary may reapply for a permit 30 days after receiving notice of a denial.

Amend Bill, page 14, line 23, by striking out "**AND**" and inserting

or

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. **HARKINS**. Thank you, Madam Speaker. We are going to pull that amendment.

The **SPEAKER**. The Chair thanks the gentleman for withdrawing the amendment.

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.

\* \* \*

The House proceeded to second consideration of **SB 843, PN 963**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for Interstate Teacher Mobility Compact.

On the question,

Will the House agree to the bill on second consideration?

Mr. **SCHWEYER** offered the following amendment No. **A02942**:

Amend Bill, page 1, lines 5 and 6, by striking out "providing for Interstate Teacher" in line 5 and all of line 6 and inserting in preliminary provisions, further providing for Basic Education Funding Commission and for special provisions applicable to limited school years and providing for public job posting database, for instructional vacancy data and for data

transparency; in grounds and buildings, further providing for limitation on new applications for Department of Education approval of public school building projects; in intermediate units, further providing for school safety and security enhancements; in certification of teachers, further providing for substitute teaching permit for prospective teachers, for locally issued temporary certification for substitute teachers and for permit for classroom monitors; providing for Interstate Teacher Mobility Compact and for Educator Pipeline Support Grant Program; in safe schools, further providing for definitions and for Office for Safe Schools, repealing provisions relating to regulations and to reporting, further providing for policy relating to bullying and for maintenance of records, repealing provisions relating to safe schools advocate in school districts of the first class, to standing, to enforcement and to construction of article and other laws; in school safety and security, further providing for definitions and for School Safety and Security Committee, providing for duties of committee, further providing for School Safety and Security Grant Program, providing for Targeted School Safety Grants for Nonpublic Schools and School Entities Program, for standardized protocols, for county safe schools' collaborative and for school mental health grants for 2023-2024 school year, further providing for school safety and security coordinator training and providing for reporting and memorandum of understanding, for safe schools advocate in school districts of the first class and for enforcement; in school security, further providing for definitions, for school police officers, for annual report and for school security guards; in drug and alcohol recovery high school program, further providing for scope of program and selection of students, providing for enrollment of students and repealing provisions relating to academic programs; in early learning programs, providing for quarterly reporting; in high schools, further providing for attendance in other districts; in community colleges, further providing for financial program and reimbursement of payments; in funding for public libraries, providing for State aid for fiscal year 2023-2024; in reimbursements by Commonwealth and between school districts, further providing for payments on account of pupils enrolled in career and technical curriculums, for payments to intermediate units, for assistance to school districts declared to be in financial recovery status or identified for financial watch status, for Ready-to-Learn Block Grant and for payment of required contribution for public school employees' Social Security; and making an editorial change.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Sections 123(k)(2) and 129 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, are amended to read:

Section 123. Basic Education Funding Commission.—\* \* \*

(k) \* \* \*

(2) Notwithstanding paragraph (1), the commission shall be reconstituted July 1, 2022, and shall issue the report to the recipients listed in subsection (i)(12) not later than [November 30, 2023] January 11, 2024.

\* \* \*

Section 129. Special Provisions Applicable to Limited School Years.—Notwithstanding any provision of law or regulation to the contrary, [for the 2021-2022 and 2022-2023 school years,] if, in the judgment of a school employer, an emergency or shortage of day-to-day substitute teachers exists under 24 Pa.C.S. § 8346(b) (relating to termination of annuities), the school employer may hire an annuitant, as defined in 24 Pa.C.S. § 8102 (relating to definitions), regardless of whether the school employer first attempts to secure nonretired personnel, except that the school employer shall comply with section 1125.1(d)(2) by first offering the work to any certified professional employe on a recall list. The provisions of 24 Pa.C.S. § 8346(b) regarding the continuation of annuity or distributions to an annuitant

who returns to school service during an emergency shall apply to annuitants hired under this section. Nothing under this section shall supersede or preempt a provision of an existing collective bargaining agreement between a school employer and an exclusive representative of the employes under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employee Relations Act."

Section 1.1. The act is amended by adding sections to read:

Section 130. Public Job Posting Database.—(a) The department shall establish and maintain a public database for school entities or nonpublic schools to voluntarily advertise employe vacancies on the department's publicly accessible Internet website. The database shall, at a minimum:

(1) Allow a school entity or nonpublic school to post in real time an employe vacancy. The department shall determine information to be required as part of a posting.

(2) Provide for a time-limited expiration of a posting made by a school entity or nonpublic school.

(3) Be searchable by, at a minimum, county, intermediate unit, school entity, grade level, employe type and academic content area.

(4) Be made available at no cost to a school entity, nonpublic school or prospective employe.

(b) A school entity or nonpublic school may submit a posting to the database established under subsection (a) for an open position or an anticipated open position.

(c) The department may contract with a third party to operate the database established under subsection (a).

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"Employe." The following:

(1) A "professional employe" as defined in section 1101(1).

(2) A paraprofessional or educational interpreter as described under 22 Pa. Code § 14.105 (relating to personnel).

(3) Any other employe in a school entity or nonpublic school as determined by the department.

"Nonpublic school." As defined in section 923.3-A(b).

"School entity." A school district, charter school, regional charter school, intermediate unit or area career and technical school operating within this Commonwealth.

Section 131. Instructional Vacancy Data.—(a) The department shall require a school entity to submit certain information relating to instructional vacancies, including, at a minimum, the number of instructional vacancies, the number of emergency permits utilized by a school entity and the number of positions occupied by long-term substitutes. The department shall determine the form and manner in which the information is to be submitted by a school entity. To the best extent possible, the department shall utilize existing reporting methods to collect this data. By August 31, 2024, and each August 31 thereafter, each school entity shall report the following to the department:

(1) The total budgeted complement of instructional employes for that fiscal year and vacancies included in the final adopted budget of a board of school directors.

(2) The quarterly average number of instructional employe vacancies the school entity had during the school year.

(b) The department shall maintain the information collected under subsection (a) on its publicly accessible Internet website.

(c) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"School entity." A school district, charter school, regional charter school, intermediate unit or area career and technical school operating within this Commonwealth.

Section 132. Data Transparency.—(a) To the extent that funding is made available, no later than December 31 of each year, the

department shall post on its publicly accessible Internet website data related to the educator workforce in this Commonwealth that allows members of the public to view, disaggregate and manipulate the following data if collected by the department:

(1) Educator supply data, including educator preparation provider enrollment and completion data and education professional certificates issued by the department, disaggregated by categories, including program, certification area and demographic information.

(2) Educator demand data, including current educator workforce numbers, unfilled positions and rates, new hires and emergency permits or out-of-field educators, disaggregated by categories, including school entity, school, specific assignment, certification area, type of emergency permit and demographic information.

(3) Educator preparation program outcomes data, including data on percentage of program enrollees who:

(i) Complete the program.

(ii) Pass the certification test on the first time and overall.

(iii) Receive certification.

(iv) Are employed by a school entity in years one through five.

(v) Are retained by a school entity in years one through five.

(4) Educator retention at one-year, three-year and five-year rates, disaggregated by categories, including school entity, school, specific assignment, certification area, type of emergency permit and demographic information.

(b) The department may contract with an outside organization to meet the requirements of this section.

(c) No later than December 15, 2023, and each December 15 thereafter, the department, in consultation with the Department of Labor and Industry, shall issue a report to the Governor and General Assembly on the educator workforce in this Commonwealth. The report shall be posted on the department's publicly accessible Internet website. The report shall include information on:

(1) Trends in educator supply and educator preparation provider effectiveness, including recommendations for attracting more high-quality and diverse teacher candidates and improving the quality of educator preparation in this Commonwealth.

(2) The educator positions, by certification area, in high demand in this Commonwealth and the location of existing vacancies by school entity.

(3) Projections of shortage areas and subjects in the upcoming three to five years and recommendations for addressing these shortages.

(4) Overall and disaggregated trends in educator retention, including recommendations for improving retention.

(d) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

"School entity." A school district, cyber charter school, charter school, regional charter school, area career and technical school or intermediate unit.

Section 1.2. Section 732.1(a) of the act, amended July 8, 2022 (P.L.620, No.55), is amended to read:

Section 732.1. Limitation on New Applications for Department of Education Approval of Public School Building Projects.—(a) For the 2012-2013 fiscal year, 2013-2014 fiscal year, 2017-2018 fiscal year, 2018-2019 fiscal year, 2019-2020 fiscal year, 2020-2021 fiscal year, 2021-2022 fiscal year [and], 2022-2023 fiscal year and each fiscal year thereafter, the Department of Education shall not accept or approve new school building construction or reconstruction project applications under this article.

\* \* \*

Section 2. The definition of "school safety and security enhancements" in section 923.3-A(b) and subsection (c) of the act are amended to read:

Section 923.3-A. School Safety and Security Enhancements.—\* \* \*

\*

(b) Definitions. As used in this section:

\* \* \*

"School safety and security enhancements" means programs which are designed to address school safety and security and listed in section [1302-A(c)] 1306.1-B(j), which are secular and nonideological in nature.

(c) Program of School Safety and Security Enhancements. A program of school security enhancements shall be provided by an intermediate unit in which a nonpublic school is located, in accordance with standards developed by the [Secretary of Education in consultation with the Office of Safe Schools and the Pennsylvania Commission on Crime and Delinquency.] School Safety and Security Committee established under section 1302-B in consultation with the Department of Education. Through the program, an intermediate unit shall make application for school safety and security enhancements upon the request of a nonpublic school or combination of nonpublic schools located within the intermediate unit. School safety and security enhancements for which grants are received shall be provided for or contracted for directly by the intermediate unit or loaned by the intermediate unit to the nonpublic school.

\* \* \*

Section 3. Section 1201.1(3) of the act is amended and the section is amended by adding a paragraph to read:

Section 1201.1. Substitute Teaching Permit for Prospective Teachers.—An individual who does not hold a certificate under section 1201 shall be eligible to teach as a substitute in a school district, an area career and technical school or an intermediate unit provided that:

\* \* \*

(3) An individual receiving a Substitute Teaching Permit for Prospective Teachers may serve as a substitute teacher for no more than ten (10) days per school year for a single professional employe or temporary professional employe, provided that the individual may serve as a substitute for multiple professional employes or temporary professional employes for no more than twenty (20) days per school year. [For the 2021-2022 and 2022-2023] Subject to paragraph (3.1), for the 2023-2024, 2024-2025 and 2025-2026 school years, the number of days or hours per school year for which an individual receiving a permit under this section may serve as a substitute teacher shall not be limited, except for an individual who is undertaking a student teacher program as required under 22 Pa. Code § 354.25(f) (relating to preparation program curriculum) for educator preparation programs.

(3.1) During an individual's student teacher program required under 22 Pa. Code § 354.25(f) (relating to preparation program curriculum) for educator preparation programs, the individual may serve as a substitute teacher for no more than ten (10) days in the individual's assigned classroom or classrooms or for other teachers within the building or buildings in which the individual has been placed as a student teacher.

\* \* \*

Section 4. Section 1215 of the act is amended to read:

Section 1215. Locally Issued Temporary Certification for Substitute Teachers.—A temporary substitute teacher certificate may be issued by a public school entity to an individual who presents a letter from a college or university verifying that the individual has completed an approved teacher preparation program, has successfully completed the certification testing requirements or is in the process of scheduling the required certification testing and has completed all requirements for the awarding of a bachelor's degree on a date certain. The temporary substitute teacher certificate shall only be used for day-to-day assignments and shall expire upon the termination of any summer school conducted in the summer which follows the date of issuance or upon the receipt of Instructional I certification by the individual. [For the 2021-2022 and 2022-2023 school years, the] The temporary substitute teacher certificate issued under this section may be used for assignments of more than twenty (20) consecutive days to fill a position due to the absence of professional certified personnel.

Section 5. Section 1218 of the act, expired June 30, 2023, is repealed:

[Section 1218. Permit for Classroom Monitors.—(a) A school entity may request that the department issue a classroom monitor permit to allow an individual to deliver to students assignments that are preplanned by a professional employe or temporary professional employe. A classroom monitor may not plan lessons or create or grade student work.

(b) An individual receiving a permit under subsection (a) shall satisfy all of the following:

(1) Has completed at least sixty (60) semester hours or the equivalent of courses at a college or university located in this Commonwealth and accredited by a regional accrediting agency, or has at least three (3) years' experience as a paraprofessional in a school entity and is currently employed as a paraprofessional in a school entity.

(2) Has met the requirements under sections 111, 111.1 and 1109(a) and 23 Pa.C.S. Ch. 63 Subch. C (relating to powers and duties of department).

(3) Has attained a minimum age of twenty-five (25) years.

(4) Has completed training on classroom management provided by an intermediate unit and approved by the department.

(c) An individual receiving a permit under this section who is already employed by the school entity as a paraprofessional shall receive the higher of the individual's existing contractual compensation or the compensation established by the school entity for day-to-day substitute teachers.

(d) Each school entity that uses the services of a classroom monitor under this section shall ensure that each student who receives services under an Individualized Education Program under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) receives a free and appropriate public education as required under the Individuals with Disabilities Education Act.

(e) Each school entity shall report to the department the following by March 31, 2023:

(1) The number of individuals who served as classroom monitors under this section and the number of days on which the school entity used the services of classroom monitors.

(2) The school entity's day-to-day substitute teacher compensation rates in the 2020-2021, 2021-2022 and 2022-2023 school years. For a school entity that uses a third-party entity to provide substitute teachers, the rate reported by the school entity shall be the take-home amount received by an individual, excluding the portion paid to the third-party entity. The department shall issue rules necessary to effectuate this subsection.

(f) By April 15, 2023, the department shall issue a report on the effectiveness of the classroom monitor permit and recommendations for improvement or continuation of the permit. The report shall include, but not be limited to, the information reported to the department under subsection (e) and a formal evaluation of the permit and its effectiveness by an independent research organization which may include a college or university accredited by a regional accrediting agency. The report shall be submitted to the General Assembly and the State Board and shall be posted on the department's publicly accessible Internet website.

(g) This section shall expire on June 30, 2023.]

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

Section 1218.1. Permit for Classroom Monitors.—(a) A school entity may request that the department issue a classroom monitor permit to allow an individual to deliver to students assignments that are preplanned by a professional employe or temporary professional employe. A classroom monitor may not plan lessons or create or grade student work.

(b) An individual receiving a permit under subsection (a) shall satisfy all of the following:

(1) Has completed at least sixty (60) semester hours or the equivalent of courses at a college or university located in this Commonwealth and accredited by a regional accrediting agency or has at least three (3) years' experience as a paraprofessional in a school entity and is currently employed as a paraprofessional in a school

entity.

(2) Has met the requirements under sections 111, 111.1 and 1109(a) and 23 Pa.C.S. Ch. 63 Subch. C (relating to powers and duties of department).

(3) Has attained a minimum age of twenty-five (25) years.

(4) Has completed training on classroom management provided by an intermediate unit and approved by the department.

(c) An individual receiving a permit under this section who is already employed by the school entity as a paraprofessional shall receive the higher of the individual's existing contractual compensation or the compensation established by the school entity for day-to-day substitute teachers.

(d) Each school entity that uses the services of a classroom monitor under this section shall ensure that each student who receives services under an Individualized Education Program under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) receives a free and appropriate public education as required under the Individuals with Disabilities Education Act.

(e) Each school entity shall report to the department the following by March 31, 2026:

(1) The number of individuals who served as classroom monitors under this section and the number of days on which the school entity used the services of classroom monitors.

(2) The school entity's day-to-day substitute teacher compensation rates in each of the school years from 2020-2021 through 2025-2026. For a school entity that uses a third-party entity to provide substitute teachers, the rate reported by the school entity shall be the take-home amount received by an individual, excluding the portion paid to the third-party entity. The department shall issue rules necessary to effectuate this subsection.

(f) By April 15, 2026, the department shall issue a report on the effectiveness of the classroom monitor permit and recommendations for improvement or continuation of the permit. The report shall include, but not be limited to, the information reported to the department under subsection (e) and a formal evaluation of the permit and its effectiveness by an independent research organization which may include a college or university accredited by a regional accrediting agency. The report shall be submitted to the General Assembly and the State Board and shall be posted on the department's publicly accessible Internet website.

(g) This section shall expire on June 30, 2026.

Section 7. The act is amended by adding articles to read:  
Amend Bill, page 25, line 2, by striking out all of said line and inserting

#### ARTICLE XII-C

##### EDUCATOR PIPELINE SUPPORT GRANT PROGRAM

Section 1201-C. Scope of article.

This article relates to educator workforce.

Section 1202-C. 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:

"Agency." The Pennsylvania Higher Education Assistance Agency.

"Approved educator preparation program." A sequence of courses and experiences offered by an institution of higher education that is reviewed and approved by the department.

"Cooperating teacher." An individual who satisfies all of the following:

(1) Holds a certification under section 1201 in the subject area in which the individual will be providing guidance to the student teacher.

(2) Has received at least three years of satisfactory ratings as a certified teacher.

(3) Has at least one year of certificated teaching experience in the school entity where the student teacher is placed.

"Department." The Department of Education of the



Commonwealth.

"Institution of higher education." A college or university that offers a program approved by the department to prepare professional personnel for employment in a school entity in accordance with 22 Pa. Code Ch. 49 (relating to certification of professional personnel).

"Nonpublic school." As defined in section 923.3-A(b).

"Program." The Educator Pipeline Support Grant Program established under section 1203-C.

"School entity." A school district, intermediate unit, area career and technical school, charter school, regional charter school or cyber charter school operating within this Commonwealth.

"Student teacher." An individual participating in a classroom teaching experience who, as part of an approved educator preparation program for the initial or advanced preparation of professional educators, performs classroom teaching or assists in a school entity's or nonpublic school's education program under the supervision of a cooperating teacher.

Section 1203-C. Program establishment and duties of agency.

(a) Establishment.—The Educator Pipeline Support Grant Program is established within the agency.

(b) Duties.—The agency, in consultation with the department, shall administer the program and, in the agency's sole discretion, award a grant to an individual who submits a completed application and satisfies the eligibility requirements under section 1204-C.

(c) Application.—No later than 120 days after the effective date of this subsection, the agency shall develop and make available an application form that an individual who is seeking placement as a student teacher may use to apply for a grant under the program.

(d) (Reserved).

(e) Grant amount.—

(1) A student teacher shall receive a minimum grant of \$10,000.

(2) A payment received by an individual under this article shall not be included in classes of income under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(f) Additional grant amount for certain areas.—

(1) An eligible student teacher who completes required student teaching in a school entity in an area of this Commonwealth that attracts few student teachers or that has a high rate of open teaching positions shall, in addition to the amount awarded under subsection (e)(1), receive a minimum grant amount of \$5,000. The agency, in consultation with the department, shall utilize data from the department to determine the areas identified in this paragraph.

(2) For the purposes of computing the tax under Article III of the Tax Reform Code of 1971, the classes of income under section 303 of the Tax Reform Code of 1971 shall not include a payment received by an individual under this article.

(g) Funding.—

(1) The agency shall use money appropriated for the purpose of the program and may accept funding from public and private sources, including the Federal Government, for the payment of grants under this section.

(2) If the agency determines that the demand for the program exceeds the available resources, the agency may request additional funding as part of the agency's budget request for the next fiscal year in accordance with section 610 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

(h) Additional duties.—When the agency awards a grant to a student teacher under this article, the agency shall also award a grant payment to the student teacher's cooperating teacher. The cooperating teacher shall receive a minimum grant of \$2,500. The agency may reduce the grant award amount to a cooperating teacher if the cooperating teacher receives compensation from an institution of higher education for serving as a cooperating teacher. An institution of higher education may not charge a student teacher who receives a grant

for the cost of paying a cooperating teacher.

(i) Dissemination of information.—The agency shall annually provide information about the program on the department's publicly accessible Internet website and to all approved educator preparation programs and public and nonpublic secondary schools. An approved educator preparation program shall annually disseminate information about the program, including information identifying the school entities that qualify the student for an additional grant award amount under subsection (f).

(j) Payment.—The agency shall establish a method for paying grant awards under the program to a school entity or nonpublic school. The school entity or nonpublic school shall use all of the money received under the program for payment to student teachers and cooperating teachers as required by this section and the agency.

(k) Administrative fee.—The agency may take a reasonable administrative fee for direct costs associated with the implementation, administration and servicing of the program. The fee shall be taken from the funding received under subsection (g) and may not exceed 5%.

Section 1204-C. Eligibility.

(a) Eligibility.—For an individual to be eligible for a grant as a student teacher under the program, the individual shall meet all of the following:

(1) Be currently enrolled in an institution of higher education located in this Commonwealth.

(2) Be currently enrolled in an approved educator preparation program.

(3) Meet the minimum grade point average established under 22 Pa. Code § 354.24 (relating to academic performance).

(4) Be placed in a position as a student teacher at a school entity or nonpublic school located in this Commonwealth.

(5) Have obtained the necessary clearances required under section 111 and 23 Pa.C.S. § 6344(a.1) (relating to employees having contact with children; adoptive and foster parents).

(6) Agree to work as a teacher at a school entity or nonpublic school in this Commonwealth for a period of no less than three years, unless the agency determines that there are extenuating circumstances.

(b) Construction.—Nothing in this section shall be deemed to create a right of an individual to receive a grant under the program.

(c) Limitation.—An individual may not receive more than one grant from the agency under the program as a student teacher. This subsection shall not apply to grants received by a cooperating teacher.

Section 1205-C. Report.

(a) General rule.—The agency shall prepare and submit to the Governor, the Secretary of Education and the General Assembly no later than December 31, 2024, and each December 31 thereafter, to the extent that funds are available, a report detailing the operation of the program. The report shall, at a minimum, include:

(1) The number of applicants.

(2) The number of applicants who received a grant under the program.

(3) The number of applicants who received an additional award under section 1203-C(f).

(4) A list of school entities or nonpublic schools where an applicant served as a student teacher.

(5) A list of approved educator preparation programs where applicants who were awarded a grant were enrolled.

(6) A list of school entities where grantees are employed following certification.

(7) The number of applicants who did not fulfill the requirements under section 1204-C(a)(6).

(8) Any other information the agency determines.

(b) Coordination.—The department and the Department of Labor and Industry shall assist the agency by providing necessary data to determine outcomes related to the program.

Section 1206-C. Data collection.

(a) Student teaching placement data.—The department shall maintain a database of student teaching opportunities for the upcoming school year. The following shall apply to the database:

(1) A school entity or nonpublic school who is interested in hosting a student teacher may submit to the department the number of student teachers the school entity or nonpublic school is seeking for the upcoming school year. If a school entity's or nonpublic school's request for student teachers from the previous school year was not fulfilled, the school entity or nonpublic school may report the shortage of requested student teachers.

(2) Each approved educator preparation program shall submit to the department the number of student teachers placed by the approved educator preparation program in the previous school year. If the approved educator preparation program had more requests for student teachers than available student teachers, the approved educator preparation program shall report the shortage of available student teachers to the department.

(3) No later than July 31, 2024, and each July 31 thereafter, each approved educator preparation program shall report:

(i) The number of agreements between approved educator preparation programs and school entities or nonpublic schools for the purpose of placing student teachers.

(ii) The name of each school entity or nonpublic school with which an approved educator preparation program entered into an agreement.

(iii) The number of student teachers placed in the previous year by an approved educator preparation program and the school entity or nonpublic school at which the student teacher was placed.

(b) (Reserved).

#### Section 1207-C. Miscellaneous provisions.

(a) Institutions of higher education.—Within one year of the effective date of this section, if an institution of higher education requires a student enrolled in an approved educator preparation program to take a class or seminar as part of the student teaching experience while the student is participating in a student teaching program, the institution of higher education shall provide the student with the ability to participate in the class or seminar by virtual means.

(b) Credit.—If a student teacher receives a grant under the program, an approved educator preparation program may not prohibit the student teacher from receiving academic credit for participating in a student teacher experience if the student teacher successfully completes the student teaching experience.

Section 8. Article XIII-A heading and sections 1301-A and 1302-A of the act are amended to read:

#### ARTICLE XIII-A.

##### [SAFE SCHOOLS] STUDENT SUPPORTS.

Section 1301-A. Definitions.—As used in this article,

"Chief school administrator" shall mean the superintendent of a public school district, superintendent of an area career and technical school, executive director of an intermediate unit or chief executive officer of a charter school.

["Office" shall mean the Office for Safe Schools within the Department of Education.]

"School entity" shall mean any public school district, intermediate unit, area career and technical school or charter school.

"School-based diversion programs" shall mean programs [that, in partnership with other stakeholders, divert youth out of the juvenile justice system.] and interventions designed to redirect youth who commit minor offenses in school from exclusionary disciplinary practices or formal processing in the juvenile justice system, while still holding the student accountable for the student's actions. These programs include, but are not limited to, youth aid panels [in which a panel of community members decide an appropriate resolution to hold the student accountable for the student's actions by, among other options, requiring the student to complete educational activities,

community service, restitution and any other related program or service.], positive youth development programming, teen/youth courts, restorative justice interventions, truancy prevention and intervention programs, mentoring programs and intervention programs and educational practices to assist students with persistent disruptive and serious problem behaviors.

"School property" shall mean any public school grounds, any school-sponsored activity or any conveyance providing transportation to a school entity or school-sponsored activity.

"School-wide positive behavior support" means a school-wide, evidence-based [and data-driven approach to improving school behavior that seeks to reduce unnecessary student disciplinary actions and promote a climate of greater productivity, safety and learning] tiered framework for supporting students' behavioral, academic, social, emotional and mental health.

["Student with a disability" shall mean a student who meets the definition of "child with a disability" under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or who meets the definition of a "handicapped person" under section 504 of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 794) and its implementing regulations (34 C.F.R. § 104.3(j)). The term includes a student for whom an evaluation is pending under either the Individuals with Disabilities Education Act or Rehabilitation Act.]

"Weapon" shall include, but not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.

Section 1302-A. [Office for Safe Schools] Student Supports.—(a) [There is hereby established in the Department of Education an Office for Safe Schools.] (Reserved).

(b) The [office] Department of Education shall have the power and duty to implement the following:

(1) [To coordinate antiviolence efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(2) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school violence.

(2.1) To direct all school entities to submit annual school violence statistics and reports to the office no later than July 31 of each year.

(3) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs that support students, reduce unnecessary student disciplinary actions and promote an environment of greater productivity, safety and learning, including, but not limited to:

(i) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(ii) School-based diversion programs.

(iii) Classroom management.

(iv) Student discipline.

(v) Student codes of conduct.

(vi) Training to assess risk factors that increase the likelihood of problem behaviors among students.

(vii) Conflict resolution and dispute management.

(viii) Staff training programs in the use of positive behavior supports, de-escalation techniques, appropriate responses to student behavior that may require immediate intervention and trauma-informed treatment for mental health providers in schools.

(ix) Research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students, including, but not limited to, mental health early intervention, self-care, bullying and suicide awareness and prevention.

(x) Risk assessment, safety-related, violence prevention curricula, including dating violence curricula, restorative justice strategies, mental health early intervention, self-care and suicide

awareness and prevention curricula.

(xi) Evidence-based screenings for adverse childhood experiences that are proven to be determinants of physical, social and behavioral health and provide trauma-informed counseling services as necessary to students based upon the screening results.

(xii) Trauma-informed approaches that increase student and school employee access to quality trauma support services and behavioral health care.

(2) To provide direct training to school employees, parents, law enforcement officials and communities on effective measures to prevent and combat school violence.

(4) maintain and improve learning environments for students and staff.

(3) To [advise] assist in collaboration and coordination with the School Safety and Security Committee established under section 1302-B school entities and nonpublic schools on the development of policies to be used regarding possession of weapons by any person, acts of violence and protocols for coordination with and reporting to law enforcement officials and the Department of Education.

[(4.1)] (4) To verify the existence of corrective action plans to reduce incidents of violence as required in the [No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425).] Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(5) To develop in collaboration and coordination with the School Safety and Security Committee established under section 1302-B forms to be used by school entities and police departments for reporting incidents involving acts of violence and possession of weapons on school property. The forms shall be reviewed on a biennial basis and revised when necessary.

[(6) To verify that each school entity has a biennially updated and reexecuted memorandum of understanding with local law enforcement and has filed such memorandum with the office on a biennial basis.

(7) To publish and post on the Department of Education's Internet website a School Safety Annual Report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1303-A and any school district that failed to submit a report under section 1303-A.

(8) To establish criteria, in consultation with the Pennsylvania State Police, for certifying approved vendors to provide school police officers to nonpublic schools for the purposes of awarding grants under subsection (c.1)(3).

(9) To publish and post on the Department of Education's publicly accessible Internet website a listing of all approved vendors under paragraph (8).]

(b.1) The [office] Department of Education shall process and tabulate the data on an annual basis to assist school administrators, the School Safety and Security Committee established under section 1302-B and law enforcement officials in their duties under this article.

[(c) In addition to the powers and duties set forth under subsection (b), the office is authorized to make targeted grants to school entities, and to intermediate units on behalf of nonpublic schools, to fund programs which address school violence, including:

(1) Conflict resolution or dispute management, including restorative justice strategies.

(1.1) School-wide positive behavior support that includes primary or universal, secondary and tertiary supports and interventions in school entities.

(1.2) School-based diversion programs.

(2) Peer helpers programs.

(3) Risk assessment, safety-related, violence prevention curricula, including, but not limited to, dating violence curricula and restorative justice strategies.

(4) Classroom management.

(5) Student codes of conduct.

(6) Training to undertake a districtwide assessment of risk factors that increase the likelihood of problem behaviors among students.

(7) Development and implementation of research-based violence prevention programs that address risk factors to reduce incidents of problem behaviors among students including, but not limited to, bullying.

(8) Comprehensive, districtwide school safety, violence prevention, emergency preparedness and all-hazards plans, including revisions or updates to such plans and conducting emergency preparedness drills and related activities with local emergency responders.

(9) Security planning, purchase of security-related technology which may include metal detectors, protective lighting, surveillance equipment, special emergency communications equipment, electronic locksets, deadbolts and theft control devices and training in the use of security-related technology. Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of directors.

(10) Institution of student, staff and visitor identification systems, including criminal background check software.

(12) Provision of specialized staff and student training programs, including training for Student Assistance Program team members in elementary, middle and high schools in the referral of students at risk of violent behavior to appropriate community-based services, including mental health services.

(13) Alternative education programs provided for in Article XIX-C.

(14) Counseling services for students enrolled in alternative education programs.

(15) An Internet web-based system for the management of student discipline, including misconduct and criminal offenses.

(16) Staff training programs in the use of positive behavior supports, de-escalation techniques and appropriate responses to student behavior that may require immediate intervention.

(17) The implementation of Article XIII-E.

(c.1) (1) In addition to the powers and duties set forth under subsections (b) and (c), the office is authorized to make targeted grants to school entities, municipalities, local law enforcement agencies and approved vendors to fund programs which address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school resource officers and school police officers. Municipalities or local law enforcement agencies that receive grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school.

(2) Municipalities or local law enforcement agencies may not receive grant funds under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers pursuant to this subsection, municipalities shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) Nonpublic schools are authorized to apply to the office for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of a school police officer from a list of approved vendors certified by the office. Grant awards for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. Nonpublic schools may not apply for grant funding under this section for any purpose other than obtaining the services of a school police officer under this paragraph.

(d) The office shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the office. School entities must satisfy the requirements of this section and section 1303-A to be eligible for grants. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant shall be utilized;

(ii) information indicating need for the targeted grant, including, but not limited to, school violence statistics;

- (iii) an estimated budget;
  - (iv) methods for measuring outcomes; and
  - (v) any other criteria as the office may require.
- (2) The office shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (c) to school entities with the greatest need to establish safety and order.

(iii) To the greatest extent possible, ensure that grant funding is geographically dispersed to school entities and municipalities throughout this Commonwealth.

(iv) For school entities, municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school resource officers and school police officers under subsection (c.1), give priority to school entities, municipalities, local law enforcement agencies and nonpublic schools that utilize school resource officers or school police officers who have completed additional training recommended by the Department of Education relating to interaction with all children and adolescents within a school setting.

(v) For school entities or nonpublic schools that apply for funding for school police officers under subsection (c.1), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.

(D) Have completed such annual training as shall be required by the Municipal Police Officers' Education and Training Commission pursuant to 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) Are in satisfaction of the requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity pursuant to 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this clause.

Nothing in this clause shall be construed to impact on grant decisions for school entities, municipalities or local law enforcement agencies that apply for funding for hiring of school resource officers pursuant to subsection (c.1).

(3) The office shall provide all targeted grant agreements to the Department of Education's comptroller for review and approval prior to awarding the grant. The school entity, municipality, local law enforcement agency or approved vendor shall provide the office with full and complete access to all records relating to the performance of the grant, and shall submit, at such time and in such form as may be prescribed, truthful and accurate information that the office may require. The office shall conduct a thorough annual evaluation of each program for which a grant under this section is made. The office shall seek repayment of funds if it determines that funds were not utilized for the original stated purpose.

(e) For any fiscal year prior to 2019-2020, the sum appropriated annually to the Department of Education for the purpose of making targeted grants under this section shall be allocated as follows:

(1) Twenty-five percent of the sum shall be allocated for grants under subsection (c).

(2) Seventy-five percent of the sum shall be allocated for grants under subsection (c.1).

(e.1) Any grant funding allocated under subsection (c.1) above the amount allocated in fiscal year 2017-2018 may be prioritized for nonpublic schools.

(e.2) Beginning in fiscal year 2019-2020, grants awarded under

subsection (c.1) shall not exceed the amount awarded in fiscal year 2018-2019 under that subsection and no less than \$3,200,000 shall be awarded to intermediate units on behalf of nonpublic schools under subsection (c).

(f) As used in this section, "school entity" shall have the same meaning given to it under section 222(c).]

Section 9. Sections 1302.1-A and 1303-A of the act are repealed:

[Section 1302.1-A. Regulations.—(a) Within one year of the effective date of this section, the State Board of Education shall promulgate final-omitted regulations pursuant to the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act," necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and local police departments. The model memorandum of understanding shall be reviewed on a biennial basis and revised where necessary. The State Board of Education may revise the model memorandum of understanding by publishing a notice in the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code in place of the existing model memorandum of understanding.

(2) Protocol for the notification of the police department when an offense listed under section 1303-A(b)(4.1) occurs on school property, which shall include a requirement that the local police department be notified immediately when such an offense occurs.

(3) Protocol for the notification of the police department at the discretion of the chief school administrator regarding an offense listed under section 1303-A(b)(4.2) or any other offense that occurs on school property.

(4) Protocol for emergency and nonemergency response by the police department, which shall include a requirement that the school district shall supply the police department with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols for the response and handling of students with a disability, including procedures related to student behavior as required by 22 Pa. Code §§ 14.104 (relating to special education plans) and 14.133 (relating to positive behavior support).

(b) (1) In promulgating the regulations required under subsection (a), the State Board of Education shall convene and consult with a Statewide advisory committee which shall include a police chief, juvenile public defender, school superintendent, school principal, district attorney, solicitor of a school district, special education supervisor, special education advocate and in-school probation officer and one designee from the Department of Education, the Pennsylvania Commission on Crime and Delinquency, the Municipal Police Officers' Education and Training Commission, the Juvenile Court Judges' Commission and the Pennsylvania State Police.

(2) Members of the committee shall be selected to be representative of the rural, suburban and urban school entities of this Commonwealth.

(3) The advisory committee shall be convened no later than sixty (60) days after the effective date of this section and shall meet regularly to fulfill the requirements of this section.

Section 1303-A. Reporting.—(a) The office shall conduct a one-time survey of all school entities to determine the number of incidents involving acts of violence on school property and all cases involving possession of a weapon by any person on school property which occurred within the last five (5) years. The survey shall be based on the best available information provided by school entities.

(b) Each chief school administrator shall report to the office by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic

Act," or possession, use or sale of alcohol or tobacco by any person on school property. The incidents to be reported to the office shall include all incidents involving conduct that constitutes a criminal offense listed under paragraphs (4.1) and (4.2). Reports on a form to be developed and provided by the office shall include:

- (1) Age or grade of student.
- (2) Name and address of school.
- (3) Circumstances surrounding the incident, including, but not limited to, type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship to the school entity.
  - (3.1) Race of student.
  - (3.2) Whether the student has an Individualized Education Plan under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), and if so, the type of disability.
  - (4) Sanction imposed by the school.
    - (4.1) A list of criminal offenses which shall, at a minimum, include:
      - (i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):
        - Section 908 (relating to prohibited offensive weapons).
        - Section 912 (relating to possession of weapon on school property).
        - Chapter 25 (relating to criminal homicide).
        - Section 2702 (relating to aggravated assault).
        - Section 2709.1 (relating to stalking).
        - Section 2901 (relating to kidnapping).
        - Section 2902 (relating to unlawful restraint).
        - Section 3121 (relating to rape).
        - Section 3122.1 (relating to statutory sexual assault).
        - Section 3123 (relating to involuntary deviate sexual intercourse).
        - Section 3124.1 (relating to sexual assault).
        - Section 3124.2 (relating to institutional sexual assault).
        - Section 3125 (relating to aggravated indecent assault).
        - Section 3126 (relating to indecent assault).
        - Section 3301 (relating to arson and related offenses).
        - Section 3307 (relating to institutional vandalism) when the penalty is a felony of the third degree.
        - Section 3502 (relating to burglary).
        - Section 3503(a) and (b)(1)(v) (relating to criminal trespass).
        - Section 5501 (relating to riot).
        - Section 6110.1 (relating to possession of firearm by minor).
      - (ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in "The Controlled Substance, Drug, Device and Cosmetic Act."
      - (iii) Attempts, solicitation or conspiracy to commit any of the offenses listed in subclauses (i) and (ii).
      - (iv) An offense for which registration is required under 42 Pa.C.S. § 9795.1 (relating to registration).
    - (4.2) The following offenses under 18 Pa.C.S., and any attempt, solicitation or conspiracy to commit any of these offenses:
      - Section 2701 (relating to simple assault).
      - Section 2705 (relating to recklessly endangering another person).
      - Section 2706 (relating to terroristic threats).
      - Section 2709 (relating to harassment).
      - Section 3127 (relating to indecent exposure).
      - Section 3307 (relating to institutional vandalism) when the penalty is a misdemeanor of the second degree.
      - Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2) (relating to criminal trespass).
      - Chapter 39 (relating to theft and related offenses).
      - Section 5502 (relating to failure of disorderly persons to disperse upon official order).
      - Section 5503 (relating to disorderly conduct).
      - Section 6305 (relating to sale of tobacco).
      - Section 6306.1 (relating to use of tobacco in schools prohibited).
      - Section 6308 (relating to purchase, consumption, possession or

transportation of liquor or malt or brewed beverages).

- (5) Notification of law enforcement.
- (6) Remedial programs involved.
- (7) Parental involvement required.
- (8) Arrests, convictions and adjudications, if known.
  - (b.1) Prior to submitting the report required under subsection (b), each chief school administrator and each police department having jurisdiction over school property of the school entity shall do all of the following:
    - (1) No later than thirty (30) days prior to the deadline for submitting the report to the office required under subsection (b), the chief school administrator shall submit the report to the police department with jurisdiction over the relevant school property. The police department shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects police incident data.
    - (2) No later than fifteen (15) days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the police department shall notify the chief school administrator, in writing, whether the report accurately reflects police incident data. Where the police department determines that the report accurately reflects police incident data, the chief of police shall sign the report. Where the police department determines that the report does not accurately reflect police incident data, the police department shall indicate any discrepancies between the report and police incident data.
    - (3) Prior to submitting the report required under subsection (b), the chief school administrator and the police department shall attempt to resolve discrepancies between the report and police incident data. Where a discrepancy remains unresolved, the police department shall notify the chief school administrator and the office in writing.
    - (4) Where a police department fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the police department failed to take action as required under paragraph (2) or (3).
  - (c) Each chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school resource officers, guidance counselors and special education administrators, to assist in the development of a memorandum of understanding pursuant to this section. In consultation with the advisory committee, each chief school administrator shall enter into a memorandum of understanding with police departments having jurisdiction over school property of the school entity. Each chief school administrator shall submit a copy of the memorandum of understanding to the office by June 30, 2011, and biennially update and re-execute a memorandum of understanding with local law enforcement and file such memorandum with the office on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the police department with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated by the State Board of Education under section 1302.1-A and shall also include:
    - (1) The procedure for police department review of the annual report required under subsection (b) prior to the chief school administrator filing the report required under subsection (b) with the office.
    - (2) A procedure for the resolution of school violence data discrepancies in the report prior to filing the report required under subsection (b) with the office.
    - (3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the police department.
    - (d) Pursuant to section 615 of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1415(k)(6)), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the

application of Federal and State law to crimes committed by a child with a disability.

(e) (1) Notwithstanding any provision of law to the contrary, the Department of Education may initiate disciplinary action before the Professional Standards and Practices Commission pursuant to the act of December 12, 1973 (P.L.397, No.141), known as the "Professional Educator Discipline Act," against a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense listed under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section.

(2) In addition to any other disciplinary actions set forth in the "Professional Educator Discipline Act," a chief school administrator or principal of a school entity who intentionally fails to submit the report as required under subsection (b) or enter into the memorandum of understanding with the police department with jurisdiction over the relevant school property, report an incident involving an act of violence, possession of a weapon or an offense cited under subsection (b)(4.1) that occurs on school property to a police department or submit a copy of the memorandum of understanding to the office as required under subsection (c) or who intentionally falsifies a report submitted as required under this section shall be subject to prosecution for violation of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The following civil penalties may be imposed by the Professional Standards and Practices Commission for violations of this article:

- (i) for a first violation, \$2,500;
- (ii) for a second violation, \$3,500; or
- (iii) for a third or subsequent violation, \$5,000.

Any penalty imposed under this paragraph shall be paid to the Department of Education and used for the support of the office.]

Section 10. Sections 1303.1-A(c) and (d) and 1307-A of the act are amended to read:

Section 1303.1-A. Policy Relating to Bullying.—\* \* \*

(c) Each school entity shall review its policy every three (3) years and annually provide the [office] Department of Education with a copy of its policy relating to bullying, including information related to the development and implementation of any bullying prevention, intervention and education programs. The information required under this subsection shall be attached to or made part of the annual report required under section [1303-A(b)] 1319-B(b).

(d) In its policy relating to bullying adopted or maintained under subsection (a), a school entity shall not be prohibited from defining bullying in such a way as to encompass acts that occur outside a school setting if those acts meet the requirements contained in subsection (e)(1), (3) and (4). If a school entity reports acts of bullying to the [office] Department of Education in accordance with section [1303-A(b)] 1319-B(b), it shall report all incidents that qualify as bullying under the entity's adopted definition of that term.

\* \* \*

Section 1307-A. Maintenance of Records.—All school entities and private schools within this Commonwealth shall maintain updated records of all incidents of violence, incidents involving possession of a weapon and convictions or adjudications of delinquency for acts committed on school property by students enrolled therein on both a district-wide and school-by-school basis. Records maintained under this section shall be contained in a format developed by the Pennsylvania State Police in cooperation with the [office within ninety (90) days of the effective date of this section] Department of Education. A statistical summary of these records shall be made accessible to the public for examination by the public during regular business hours.

Section 11. Sections 1310-A, 1311-A, 1312-A and 1313-A of the act are repealed:

[Section 1310-A. Safe Schools Advocate in School Districts of the First Class.—(a) The Executive Director of the Pennsylvania Commission on Crime and Delinquency shall establish, within the commission, a safe schools advocate for each school district of the first class. The advocate shall not be subject to the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act." The advocate shall establish and maintain an office within the school district.

(b) The safe schools advocate shall have the power and its duties shall be:

(1) To monitor the school district's compliance with this article, including:

(i) the school district's reporting to the office of incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or possession, use or sale of alcohol or tobacco by any person on school property;

(ii) obtaining copies of the school district's reports to the office and reviewing and analyzing them;

(iii) the school district's compliance with the procedures set forth in the memorandum of understanding with the appropriate police department regarding incidents involving acts of violence and possession of weapons; and

(iv) obtaining documentation, on a weekly basis during those times when school is in session, of all written or verbal contacts by school district personnel with the appropriate police department consistent with the requirements of the memorandum of understanding.

(2) To monitor the school district's compliance with the mandatory expulsion requirements of sections 1317.2 and 1318.1.

(3) To receive inquiries from school staff and parents or guardians of students who are victims of acts of violence on school property.

(4) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent pursuant to 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims of acts of violence by a student are protected.

(5) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of acts of violence on school property, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(6) To review and analyze Federal and State statutes which may be an impediment to school safety and the imposition of discipline for the commission of acts of violence on school property and to prepare, by April 30, 2001, and as necessary from time to time thereafter, reports making recommendations for changes to the statutes which would promote school safety and facilitate effective and expedient disciplinary action. The reports shall be submitted to the secretary and the Executive Director of the Pennsylvania Commission on Crime and Delinquency.

(7) To review and analyze court decisions applicable to the school district's disciplinary process and procedures, to make recommendations to the school district regarding any negative impact these decisions have upon the effective maintenance of school safety and to make recommendations relating to the existing provisions of consent decrees.

(8) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendations for remedial legislation, regulations or school district administrative reforms, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the Pennsylvania Commission on Crime and Delinquency, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

(9) To monitor infractions of the school district's code of conduct to identify students whose conduct would constitute an offense

under 18 Pa.C.S. § 2701 (relating to simple assault).

(c) The safe schools advocate shall, on behalf of victims of acts of violence on school property, victims of conduct that would constitute an act of violence and victims of students who have committed two or more infractions as set forth in subsection (b)(9):

(1) provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies;

(2) provide information to the parent or guardian of the student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the act of violence;

(3) in cases involving the possession or use of a weapon, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2;

(4) in cases where the advocate has received a request by the parent or guardian of the victim, to attend formal disciplinary proceedings;

(5) with the consent of the parent or guardian of the victim, present information in the disciplinary proceeding, which may include oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action and which may include direct or cross-examination of witnesses;

(6) where the perpetrator of an act of violence is returning to school after placement under a consent decree, adjudication of delinquency or conviction of a criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property;

(7) in cases where the district has failed to report the act of violence to the appropriate police department as required by the memorandum of understanding, to report such act of violence directly; and

(8) provide information and make recommendations to the office of the district attorney regarding the impact of the act of violence on the victim and the victim's family.

(d) Upon discovery of the commission of an act of violence upon a student, the school district of the first class shall immediately notify the victim's parent or guardian of the safe schools advocate. The form of this notice shall be developed by the advocate and provided to the school district. This form shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate. The principal of each school within the school district shall post a notice not less than 8 1/2 by 11 inches entitled "Safe Schools Advocate" at a prominent location within each school building, where such notices are usually posted. The form of this notice shall also be developed by the advocate and provided to the school district.

(e) It shall be the duty of each school administrator in a school district of the first class to cooperate with the safe schools advocate to implement this section and to provide the advocate, upon request, with all available information authorized by State law. In regard to individual cases of acts of violence, only information permitted to be shared under subsection (f) shall be disclosed.

(f) The advocate and all employees and agents of the safe schools advocate shall be subject to and bound by section 444 of the General Education Provisions Act (Public Law 90-247, 20 U.S.C. § 1232g) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) This section shall not apply to the extent that it would conflict with the requirements of the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) or other applicable Federal statute or regulation.

(h) As used in this section:

"Act of violence" shall mean the possession of a weapon on school property or an offense, including the attempt, solicitation or conspiracy to commit the offense, under any of the following provisions of 18 Pa.C.S. (relating to crimes and offenses):

(1) Section 2501 (relating to criminal homicide).

(2) Section 2702 (relating to aggravated assault).

(3) Section 3121 (relating to rape).

(4) Section 3122.1 (relating to statutory sexual assault).

(5) Section 3123 (relating to involuntary deviate sexual intercourse).

(6) Section 3124.1 (relating to sexual assault).

(7) Section 3125 (relating to aggravated indecent assault).

(8) Section 3126 (relating to indecent assault).

(9) Section 3301 (relating to arson and related offenses).

(10) Section 3701 (relating to robbery).

(11) Section 3702 (relating to robbery of motor vehicle).

"School district" shall mean school district of the first class.

(i) At least eighty per centum (80%) of all appropriations for the Office of Safe Schools Advocate in fiscal year 2006-2007 shall be expended by June 30, 2007, and the remaining balance of the appropriation shall be committed or encumbered by June 30, 2007.

Section 1311-A. Standing.—(a) If a student in a school district of the first class is a victim of an act of violence involving a weapon on school property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(b) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district of the first class to modify, clarify or eliminate a consent decree that is related to discipline in the district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(c) (1) The Executive Director of the Pennsylvania Commission on Crime and Delinquency in consultation with the General Counsel may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under sections 1310-A(c)(5) and 1312-A(a).

(2) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(3) Designated funds which are not expended under this subsection shall lapse to the General Fund.

(d) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(e) As used in this section, "low-income parent or guardian" shall mean a parent whose family income is no greater than two hundred fifty per centum (250%) of the Federal poverty level.

Section 1312-A. Enforcement.—(a) (1) If the school district of the first class fails to comply with requirements to provide information to the safe schools advocate under section 1310-A, the advocate shall provide documentation of the failure to the Secretary of Education and the Pennsylvania Commission on Crime and Delinquency.

(2) If the secretary determines that there is noncompliance, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to enforce section 1310-A.

(3) If the secretary determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate under section 1310-A, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(b) Legal proceedings under subsection (a) shall be conducted by an attorney designated by the Office of General Counsel in

consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

Section 1313-A. Construction of Article and Other Laws.— Nothing in this article or any other provision of law shall be construed as granting a right of status for or participation by the safe schools advocate in a grievance or arbitration proceeding arising out of a collective bargaining agreement.]

Section 12. Section 1301-B of the act is amended by adding definitions to read:

Section 1301-B. Definitions.

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

"Chief school administrator." The superintendent of a public school district, superintendent of an area career and technical school, executive director of an intermediate unit or chief executive officer of a charter school.

\* \* \*

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

\* \* \*

"School property." As defined in section 1301-A.

\* \* \*

"Student with a disability." A student who meets the definition of "child with a disability" under 20 U.S.C. Ch. 33 (relating to education of individuals with disabilities) or who meets the definition of a "handicapped person" under 29 U.S.C. § 794 (relating to nondiscrimination under Federal grants and programs) and its implementing regulations (34 CFR 104.3(j)). The term includes a student for whom an evaluation is pending under either 20 U.S.C. Ch. 33 or 29 U.S.C. Ch. 16 (relating to vocational rehabilitation and other rehabilitative services).

"Weapon." The term shall include, but not be limited to, a knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and other tool, instrument or implement capable of inflicting serious bodily injury.

Section 13. Section 1302-B(e) of the act, amended July 8, 2022 (P.L.620, No.55), is amended, subsection (b)(12) is amended by adding a subparagraph and the section is amended by adding a subsection to read:

Section 1302-B. School Safety and Security Committee.

\* \* \*

(b) Composition.—The committee shall consist of a chairperson and the following members:

\* \* \*

(12) The following members appointed by the Governor:

\* \* \*

(xi) The Homeland Security Director of the Office of Homeland Security under 4 Pa. Code Ch. 6 Subch. LL (relating to Office of Homeland Security), who shall be a nonvoting member.

\* \* \*

(e) Term.—Members appointed under subsection (b)(5), (6), (7), (8), (11) and (12) shall serve for a four-year term and may be appointed for no more than one additional consecutive term. The terms of those members who serve by virtue of the public office they hold shall be concurrent with their service in the office from which they derive their membership.

\* \* \*

(j) Executive committee.—

(1) The committee shall establish an executive committee which shall meet, at a minimum, every two months to identify and review current and emerging school safety issues, including, but not limited to:

(i) data on issues and incidents reported through the Safe2Say Program;

(ii) information arising from county safe schools' collaboratives under section 1310.1-B;

(iii) identification, prevention and mitigation of potential threats of targeted violence in educational settings;

(iv) utilization of best practices among school entities related to threat assessment, bystander intervention and reporting, crisis intervention and emergency preparedness and response; and

(v) other incidents and issues impacting school safety in this Commonwealth.

(2) The executive committee shall provide guidance and recommendations for consideration by the committee. Any action relating to guidance or recommendations provided by the executive committee to the committee shall require a vote of a majority of the members of the committee. Any decisions relating to awarding of grants under this article shall be the sole and exclusive responsibility of the committee.

(3) The executive committee shall include, at a minimum, the chair of the committee and the members appointed under subsection (b)(1), (2), (3), (4), (5), (6), (7) and (8).

(4) (i) Except as provided under subparagraph (ii), meetings of the executive committee shall not be subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(ii) Public notice of a meeting of the executive committee shall be provided as required under 65 Pa.C.S. § 709(a) (relating to public notice). The public notice under this subparagraph shall include the agenda of the topics the executive committee will discuss.

(iii) At the next scheduled meeting of the committee, the chair of the executive committee shall provide a summary of any meetings of the executive committee that occurred since the last meeting of the committee.

(5) The member appointed under subsection (b)(2) shall serve as chair of the executive committee.

(6) The executive committee may add other members of the committee as necessary.

Section 14. The act is amended by adding a section to read:

Section 1302.1-B. Duties of committee.

The committee shall advance practices to improve the safety and security of school entities within this Commonwealth, including developing policies and providing resources, training, guidance and assistance to schools and their partners. In addition to other duties given to the committee under this article, the committee shall have the following powers and duties:

(1) To establish, periodically review and, if necessary, update baseline criteria for physical security and behavioral health in coordination with the department for school entities in this Commonwealth.

(2) To coordinate antiviolence and school safety efforts between school, professional, parental, governmental, law enforcement and community organizations and associations.

(3) To collect, develop and disseminate information, policies, strategies and other information to assist in the development of programs to impact school and community violence and other school-safety-related issues.

(4) To provide training to school employees, school safety and security coordinators and communities on effective measures to prevent and combat school and community violence as well as school safety and security training under section 1310-B and coordinator training under section 1316-B.

(5) In collaboration and coordination with the department, to assist school entities and nonpublic schools on the development of policies to enhance safety and security, including policies addressing possession of weapons, acts of violence, protocols for coordination with law enforcement officials and reporting under section 1319-B.

(6) In collaboration and coordination with the



department, to verify that each school entity has complied with reporting and memorandum of understanding requirements under section 1319-B.

(7) In collaboration and coordination with the department, to publish and post on the commission's publicly accessible Internet website a school safety annual report no later than November 1 of each calendar year outlining all incidents required to be reported under section 1319-B and school entities that failed to submit a report under section 1319-B.

(8) In collaboration and consultation with the Pennsylvania State Police, to establish criteria for certifying approved vendors to provide school police officers to nonpublic schools for the purpose of awarding grants under section 1306.1-B(k).

(9) To publish and post on the commission's publicly accessible Internet website a listing of approved vendors under paragraph (8).

(10) In consultation with the department, to develop, review and promulgate regulations under section 1306.2-B(b).

(11) To request data related to school safety and security collected by the department to fulfill the duties of the committee. The department shall provide requested data no later than 10 days after the request is made.

Section 15. Section 1306-B(i)(1), (j)(4) and (12), (k) and (l) of the act, amended July 8, 2022 (P.L.620, No.55), are amended, subsection (h) is amended by adding paragraphs and the section is amended by adding a subsection to read:

Section 1306-B. School Safety and Security Grant Program.

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(h) School Safety and Security Fund.—

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(10) For fiscal year 2023-2024, the committee shall commit funds relating to school safety and security and school mental health to school entities that receive a grant award under this section no later than March 31, 2024.

(11) For fiscal year 2024-2025 and each fiscal year thereafter, the committee shall commit funds relating to school safety and security and school mental health to school entities that receive a grant award under this section no later than December 31 of each calendar year in which funds are available.

(12) Notwithstanding any other provision of law, during the 2023-2024 fiscal year, money appropriated for COVID Relief - ARPA - School Mental Health Grants shall be transferred to the fund and shall be used as follows:

(i) Ninety percent shall be used for grants under section 1315.1-B.

(ii) Five percent shall be transferred to the department for training of school based mental health professionals and to establish pathways to certification for school based mental health professionals.

(iii) Five percent shall be transferred to the Pennsylvania Higher Education Assistance Agency for the program under section 1318-B.

(i) Community violence prevention programs.—

(1) [Municipalities] Notwithstanding subsection (h)(7), the committee shall use money appropriated to the commission for violence intervention and prevention for grants and technical assistance to municipalities, district attorneys, institutions of higher education, community-based organizations and other entities approved by the committee [are the only eligible applicants] for programs under subsection (j)(22).

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(j) Specific purposes.—The committee shall provide grants to school entities for programs that address school mental health and safety and security, including:

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(4) School-based diversion programs[,] as defined in section 1301-A, including costs associated with the hiring of

qualified professional staff members to provide assistance and services related to the programs.

\*\*\*

(12) Security planning and purchase of security-related technology, which may include metal detectors, protective lighting, specialty trained canines, surveillance equipment, special emergency communications equipment, automated external defibrillators, electronic locksets, deadbolts, trauma kits and theft control devices and training in the use of security-related technology. [Security planning and purchase of security-related technology shall be based on safety needs identified by the school entity's board of school directors.]

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(k) Coordination of grant distribution.—The [department] committee shall coordinate the distribution of grants under [Article XIII-A with the committee] section 1306.1-B to ensure the most effective use of resources.

(l) Audits.—

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with [the provisions of] subsection (d).

(2) The Auditor General [shall] may not perform audits related to school safety and security assessments, survey instruments and grant applications.

(m) Procurement procedures.—An applicant shall be required to comply with all applicable State and local procurement requirements, policies and procedures when expending grant funds.

Section 16. The act is amended by adding sections to read:  
Section 1306.1-B. Targeted School Safety Grants for Nonpublic Schools and School Entities Program.

(a) Reestablishment.—The Targeted School Safety Grants for Nonpublic Schools and School Entities Program is reestablished in the committee to make nonpublic schools and school entities within this Commonwealth safer places.

(b) Continuation.—The targeted grants issued in fiscal year 2022-2023 and in any previous fiscal year to school entities and to intermediate units on behalf of nonpublic schools through the department under Article XIII-A shall continue to be administered by the department. Targeted grants for fiscal year 2023-2024 and each year thereafter shall be awarded and administered by the committee.

(c) Functions generally.—The committee shall perform all functions related to the direct approval, disbursement and administration of grants under the program.

(d) Diversity.—The committee shall ensure that grant funding under the program is geographically dispersed throughout this Commonwealth.

(e) Supplement and not supplant.—

(1) Grant money allocated through the program shall be used to supplement and not supplant existing nonpublic school entity spending on school safety and security.

(2) Nothing in this section shall be construed to preclude a nonpublic school entity from making an application in a subsequent year for the same purpose and amount awarded in a prior year.

(f) Whole or partial awards.—The committee, in its discretion, may award, in whole or in part, a request made by a nonpublic school entity in its grant application based upon the merit of a specific item requested.

(g) Sustainability planning.—Sustainability planning is not a necessary component of an application under this section.

(h) Confidentiality.—Information submitted by a nonpublic school entity as part of the grant application, the disclosure of which would be reasonably likely to result in a substantial and demonstrable risk of physical harm or the personal security of students or staff, shall remain confidential and shall not be accessible for inspection and duplication under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The committee may release aggregate data at its discretion.

(i) (Reserved).

(j) Uses.—Targeted grants to school entities and to intermediate units on behalf of nonpublic schools shall be used to fund programs that address school violence and school mental health. Eligible uses of the funds shall include any use under section 1306-B(j) and to fund programs that address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school security personnel.

(k) Other grant recipients.—

(1) The committee may award targeted grants to municipalities, law enforcement agencies and approved vendors to fund programs that address school violence by establishing or enhancing school security, including costs associated with the training and compensation of school security personnel.

(2) A municipality or law enforcement agency that receives grants under this subsection shall, with the prior consent of the governing board of the school entity or nonpublic school, assign school resource officers to carry out their official duties on the premises of the school entity or nonpublic school. A municipality or law enforcement agency may not receive grant money under this subsection for any purpose other than for costs associated with school resource officers and are not eligible for other grants provided to school entities under this section. In assigning school resource officers under this subsection, a municipality shall take into consideration the proportion of students enrolled in each school entity or nonpublic school.

(3) A nonpublic school may apply to the committee for grant funding under paragraph (1) to be used for the costs associated with obtaining the services of school security personnel from a list of approved vendors certified by the committee. A grant award for this purpose shall be awarded and paid directly to the approved vendor with which the nonpublic school contracts for services. A nonpublic school may not apply for grant funding under this subsection for any purpose other than obtaining the services of school security personnel under this paragraph.

(k.1) Administrative fee.—An intermediate unit may take a reasonable administrative fee for direct costs associated with the administration of a grant award on behalf of a nonpublic school. The fee shall be taken from the money received under subsection (j) and may not exceed 6%.

(l) Other duties.—The committee shall have the following duties as to targeted grants:

(1) Targeted grants shall be allocated through a competitive grant review process established by the committee. A school entity must satisfy the requirements of this section. The application for a targeted grant shall include:

(i) the purpose for which the targeted grant will be utilized;

(ii) information indicating the need for the targeted grant, including, but not limited to, school violence statistics;

(iii) an estimated budget;

(iv) methods for measuring outcomes; and

(v) other criteria as the committee may require.

(2) The committee shall:

(i) Give priority in grant funding under subsection (c) to a school entity designated as a persistently dangerous school as defined in 22 Pa. Code § 403.2 (relating to definitions).

(ii) Give priority in grant funding under subsection (j) to school entities with the greatest need related to safety and order.

(iii) For municipalities, local law enforcement agencies and nonpublic schools that apply for funding for the training and compensation of school security personnel under subsection (j) or (k), give priority to municipalities, local law enforcement agencies and

nonpublic schools that utilize school security personnel who have completed the training and qualifications required under Article XIII-C.

(iv) For school entities or nonpublic schools that apply for funding for school police officers under subsection (j) or (k), give priority to school entities and nonpublic schools that utilize school police officers who satisfy all of the following:

(A) Are retired Federal agents or retired State, municipal or military police officers.

(B) Are independent contractors of the school entity or nonpublic school.

(C) Are compensated on an hourly basis and receive no other compensation or fringe benefits from the school entity or nonpublic school.

(D) Have completed annual training as required by the Municipal Police Officers' Education and Training Commission under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

(E) The requirements of section 111.

(F) In the case of a school entity, have been indemnified by the school entity under 42 Pa.C.S. § 8548 (relating to indemnity).

(G) Are utilized by a school entity or nonpublic school that has not employed a school police officer within the three years immediately preceding the effective date of this section. Nothing in this section shall be construed to impact grant decisions for school entities, municipalities or law enforcement agencies that apply for funding for hiring of school resource officers under subsection (j) or (k).

(3) For fiscal year 2023-2024 and each fiscal year thereafter, the combined amount of grants awarded to intermediate units on behalf of nonpublic schools under subsection (j) and grants awarded for costs associated with a nonpublic school obtaining the services of school security personnel under subsection (k) shall be no less than \$14,551,000.

(m) Audits.—

(1) The commission may randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with the provisions of subsection (d).

(2) The Auditor General may not perform audits related to school safety and security assessments, survey instruments and grant applications.

(n) Procurement procedures.—An applicant shall be required to comply with all applicable State and local procurement requirements, policies and procedures when expending grant money.

(o) Transfer.—Within 90 days of the effective date of this section, from the amount appropriated to the Department of Education for the Safe Schools Initiative, the Department of Education shall transfer the sum of \$20,700,000 to the commission for distribution by the committee in accordance with this section.

(p) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Program." The Targeted School Safety Grants for Nonpublic Schools and School Entities Program reestablished in this section, Section 1306.2-B. Standardized protocols.

(a) Continuation of regulations.—A regulation adopted under section 1302.1-A and in effect as of the effective date of this section shall be enforced by the committee in collaboration and coordination with the department and the State Board of Education and shall continue to have the same force and effect until modified or revised under this section.

(b) Regulations.—No later than three years after the effective date

of this section, the committee shall promulgate final-omitted regulations under the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, in consultation with the department, necessary to implement this article. The regulations shall include the following:

(1) A model memorandum of understanding between school entities and law enforcement. The model memorandum of understanding shall be reviewed at least once every three years and revised where necessary. The committee may revise the model memorandum of understanding by transmitting a notice to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin that contains the complete revised model memorandum of understanding. The revised model memorandum of understanding shall be incorporated into the Pennsylvania Code and replace the existing model memorandum of understanding.

(2) A protocol for the notification of the law enforcement agency when an offense listed under section 1319-B(b)(7) occurs on school property. The protocol shall include a requirement that the school entity immediately notify the law enforcement agency when an offense occurs.

(3) A protocol for the notification of the law enforcement agency at the discretion of the chief school administrator regarding an offense listed under section 1319-B(b)(8) or other offense that occurs on school property.

(4) A protocol for emergency and nonemergency response by the law enforcement department. The protocol shall include a requirement that the school entity notify and supply the law enforcement agency with a copy of the comprehensive disaster response and emergency preparedness plan as required by 35 Pa.C.S. § 7701(g) (relating to duties concerning disaster prevention).

(5) Procedures and protocols if a student with a disability commits an incident listed under section 1319-B(b)(7) and (8), including procedures related to student behavior as required by 22 Pa. Code § 14.104 (relating to special education plans) and 14.133 (relating to positive behavior supports). Protocols may include, but need not be limited to, training in the use of positive behavior supports and de-escalation techniques for students with disabilities.

Section 1310.1-B. County safe schools' collaborative.

(a) Establishment.—A county, or multicounties acting jointly, may establish a safe schools' collaborative to distribute, promote and develop best practices applicable to emergency response involving school safety and security through an emergency preparedness planning approach. The collaborative shall provide assistance to school entities, law enforcement and emergency responders and shall meet at least quarterly to develop safe and secure schools. The collaborative shall identify and promote strategies, practices that align with those identified by the committee and programs that support safe schools for all students and staff and recommend implementation as part of a countywide or multicounty safe schools' plan.

(b) Technical assistance.—The Pennsylvania Emergency Management Agency in collaboration with the Pennsylvania State Police and the Office of Homeland Security shall provide technical assistance to a county or several counties to establish a safe schools' collaborative under subsection (a) to provide school districts, emergency responders and all relevant school safety partners with quality information, resources, consultation and training services.

(c) Reports.—The Pennsylvania Emergency Management Agency in collaboration with the Pennsylvania State Police and the Office of Homeland Security shall report to the committee annually beginning September 1, 2024, and September 1 of each year thereafter, the number of counties that have requested technical assistance under subsection (b).

(d) Confidentiality of reports.—Reports to the committee under this section shall remain confidential and shall not be subject to inspection and duplication under the act of February 14, 2008 (P.L.6,

No.3), known as the Right-to-Know Law.

(e) Confidentiality of meetings.—Meetings of a county safe schools' collaborative are not subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 1315.1-B. School mental health grants for 2023-2024 school year.

(a) Funding.—For the 2023-2024 school year, the amount of money allocated under section 1306-B(h)(12)(i) shall be used by the committee to award school mental health grants to school entities in accordance with this section.

(b) Purpose of grants.—

(1) A school entity shall be eligible for school mental health grants to meet the level 1 baseline criteria for behavioral health and school climate criteria established by the committee.

(2) A school entity that has met the level 1 baseline criteria shall be eligible for school mental health grants for the purposes outlined in section 1306-B(j)(6), (10), (15), (17), (19), (20), (21), (23), (24), (25), (26), (27), (28), (29) and (30).

(c) Amount of grants.—The committee shall award school mental health grants in the following amounts to any school entity that submits an application:

(1) A school district shall receive \$100,000 plus an amount determined in paragraph (3).

(2) An intermediate unit, area career and technical school, charter school, regional charter school, cyber charter school, approved private school or chartered school for the education of the deaf or the blind shall receive \$70,000.

(3) An amount determined as follows:

(i) Multiply the 2021-2022 adjusted average daily membership for each school district by the difference between the amount allocated in subsection (a) and the sum of the amounts distributed under paragraphs (1) and (2).

(ii) Divide the product from subparagraph (i) by the 2021-2022 adjusted average daily membership for all school districts.

(d) Availability of applications.—The committee shall make an application for grants under this section available to school entities no later than 45 days after the effective date of this section. The application requirements shall be limited to the school entity's contact information, the specific purpose of the grant based upon the categories specified in subsection (b) with boxes on the application for the applicant to indicate the school entity's anticipated use and certification by the applicant that the funds will be used for the stated purpose.

(e) Effect of revenue received.—Grant money received under this section may not be included when calculating the amount to be paid under section 1725-A.

(f) Audit and monitoring.—The committee shall randomly audit and monitor grant recipients to ensure the appropriate use of grant funds and compliance with provisions of the grant program.

(g) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"School entity." A school district, area career and technical school, intermediate unit, charter school, regional charter school and cyber charter school.

Section 17. Section 1316-B(b) of the act, added July 8, 2022 (P.L.620, No.55), is amended to read:

Section 1316-B. School safety and security coordinator training.

\*\*\*

(b) Required training.—

(1) The committee shall adopt the required training hours for the training developed under subsection (a). The committee may not require more than seven hours of training for the school safety and security coordinator annually. The training shall be in addition to other training requirements for school administrators.

(2) Employees required to undergo continuing

professional education under section 1205.2 and 1205.5 shall receive credit toward their continuing professional education requirements.

\* \* \*

Section 18. The act is amended by adding sections to read:  
Section 1319-B. Reporting and memorandum of understanding.

(a) Data reporting and access.—In collaboration and coordination with the committee, the department shall collect information as required by this section. The committee may request information collected by the department under this section. The department shall provide the information requested no later than 10 days after the request date to the extent permitted by law.

(b) Reporting by chief school administrator.—A chief school administrator shall report to the department by July 31 of each year all new incidents involving acts of violence, possession of a weapon or possession, use or sale of controlled substances as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or possession, use or sale of alcohol or tobacco by any person on school property. The report shall include all incidents involving conduct that constitutes a criminal offense listed under subsection (b)(7) and (8). Reports, on a form to be developed and provided by the department, in collaboration and coordination with the committee, shall include:

(1) The age or grade of the students involved.

(2) The name and address of school.

(3) The circumstances surrounding the incident, including, but not limited to, the type of weapon, controlled substance, alcohol or tobacco, the date, time and location of the incident, if a person other than a student is involved in the incident and any relationship of the person to the school entity.

(4) The race of the students involved.

(5) Whether the students have an Individualized Education Plan under 20 U.S.C. Ch.33 (relating to education for individuals with disabilities) and, if so, the type of disability.

(6) Any sanction imposed by the school.

(7) A list of criminal offenses which may, at a minimum, include:

(i) The following offenses under 18 Pa.C.S. (relating to crimes and offenses):

Section 908 (relating to prohibited offensive weapons).

Section 912 (relating to possession of weapon on school property).

Chapter 25 (relating to criminal homicide).

Section 2702 (relating to aggravated assault).

Section 2709.1 (relating to stalking).

Section 2901 (relating to kidnapping).

Section 2902 (relating to unlawful restraint).

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3124.2 (relating to institutional sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3301 (relating to arson and related offenses).

Section 3307 (relating to institutional vandalism) when the offense is a felony of the third degree.

Section 3502 (relating to burglary).

Section 3503(a) and (b)(1)(v) (relating to criminal trespass).

Section 5501 (relating to riot).

Section 6110.1 (relating to possession of firearm

by minor).

(ii) The possession, use or sale of a controlled substance or drug paraphernalia as defined in The Controlled Substance, Drug, Device and Cosmetic Act.

(iii) An attempt, solicitation or conspiracy to commit an offense listed in subclauses (i) and (ii).

(iv) An offense for which registration is required under 42 Pa.C.S. § 9799.55 (relating to registration).

(8) The following offenses under 18 Pa.C.S. and any attempt, solicitation or conspiracy to commit any of these offenses:

Section 2701 (relating to simple assault).

Section 2705 (relating to recklessly endangering another person).

Section 2706 (relating to terroristic threats).

Section 2709 (relating to harassment).

Section 3127 (relating to indecent exposure).

Section 3307 when the offense is a misdemeanor of the second degree.

Section 3503(b)(1)(i), (ii), (iii) and (iv), (b.1) and (b.2),

Chapter 39 (relating to theft and related offenses),

Section 5502 (relating to failure of disorderly persons to disperse upon official order).

Section 5503 (relating to disorderly conduct).

Section 6305 (relating to sale of tobacco products).

Section 6306.1 (relating to use of tobacco products in schools prohibited).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

(9) Notification of law enforcement.

(10) Remedial programs involved.

(11) Parental involvement required.

(12) Arrests, convictions and adjudications, if known.

(c) Duties.—Prior to submitting the report required under subsection (b), each chief school administrator and each law enforcement agency having jurisdiction over school property of the school entity shall comply with the following:

(1) No later than 30 days prior to the deadline for submitting the report to the department required under subsection (b), the chief school administrator shall submit the report to the law enforcement agency with jurisdiction over the relevant school property. The law enforcement agency shall review the report and compare the data regarding criminal offenses and notification of law enforcement to determine whether the report accurately reflects law enforcement incident data.

(2) No later than 15 days prior to the deadline for the chief school administrator to submit the report required under subsection (b), the law enforcement agency shall notify the chief school administrator, in writing, whether the report accurately reflects law enforcement incident data. Where the law enforcement agency determines that the report accurately reflects law enforcement incident data, the chief of police shall sign the report. If the law enforcement agency determines that the report does not accurately reflect law enforcement incident data, the law enforcement agency shall indicate any discrepancy between the report and law enforcement incident data.

(3) Prior to submitting the report required under subsection (b), the chief school administrator and the law enforcement agency shall attempt to resolve any discrepancy between the report and law enforcement incident data. If a discrepancy remains unresolved, the law enforcement agency shall notify the chief school administrator and the department in writing.

(4) If a law enforcement agency fails to take action as required under paragraph (2) or (3), the chief school administrator shall submit the report required under subsection (b) and indicate that the law enforcement agency failed to take

action as required under paragraph (2) or (3), as applicable.

(d) Advisory committee.—A chief school administrator shall form an advisory committee composed of relevant school staff, including, but not limited to, principals, security personnel, school safety and security coordinator, emergency services personnel, school security personnel, guidance counselors and special education administrators to assist in the development of a memorandum of understanding under this section. In consultation with the advisory committee, the chief school administrator shall enter into a memorandum of understanding with law enforcement agencies having jurisdiction over school property of the school entity. The chief school administrator shall submit a copy of the memorandum of understanding to the department by June 30, 2024, and biennially update and re-execute a memorandum of understanding with law enforcement and file the memorandum with the department on a biennial basis. The memorandum of understanding shall be signed by the chief school administrator, the chief of police of the law enforcement agency with jurisdiction over the relevant school property and principals of each school building of the school entity. The memorandum of understanding shall comply with the regulations promulgated under section 1306.2-B and shall also include:

(1) A procedure for law enforcement agency review of the annual report required under subsection (b) prior to the chief school administrator filing the report with the department.

(2) A procedure for the resolution of a school violence data discrepancy in the report prior to filing the report required with the department.

(3) Additional matters pertaining to crime prevention agreed to between the chief school administrator and the law enforcement agency.

(e) Construction.—Pursuant to 20 U.S.C. § 1415(k)(6) (relating to procedural safeguards), nothing in section 1302.1-A or this section shall be construed to prohibit a school entity from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(f) Noncompliance.—If a school entity or law enforcement agency fails to comply with the provisions of this section, the school entity or law enforcement agency may not be awarded any grant administered by the committee until such time as the school entity or law enforcement agency has complied with this section.

(g) Report to the General Assembly.—

(1) The committee shall review and make recommendations in a report to the General Assembly relating to the following:

(i) All required reporting under this section, including consideration of the criminal offenses under subsection (b)(7) and (8).

(ii) All required reporting under this article and Article XIII-C.

(2) The recommendations shall, at a minimum, include whether the appropriate amount of data is being collected and, if applicable, proposed elimination of any duplicative reporting requirements.

(3) The committee shall transmit notice of the reports under subparagraphs (1) and (2) to the department and the General Assembly. The committee shall transmit notice of the reports to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

Section 1320-B. Safe schools advocate in school districts of the first class.

(a) Establishment.—The Executive Director of the commission shall establish, within the commission, a safe schools advocate for each school district. The safe schools advocate shall not be subject to 71 Pa.C.S. Pt. III (relating to civil service reform). The advocate shall establish and maintain an office within the school district.

(b) Powers and duties.—The safe schools advocate shall have the

power and its duties shall be:

(1) To monitor on an annual basis, the school district's compliance with this section and the memorandum of understanding with the appropriate local law enforcement agency by selecting, reviewing and analyzing a sample of the school district's reporting under section 1319-B.

(2) For the purposes of victim advocacy and to assist in the annual monitoring process under paragraph (1), to have direct access to the school district's internal document supporting the information required to be reported under section 1319-B.

(3) To monitor the school district's compliance with the mandatory expulsion requirements of sections 1317.2 and 1318.1.

(4) To receive inquiries from school staff and parents or guardians of students who are victims of conduct that constitutes a criminal offense on school property or to or from school.

(5) To establish a protocol, in consultation with the Juvenile Court Judges' Commission, to assure timely receipt by the school district of information regarding students who have been adjudicated delinquent under 42 Pa.C.S. § 6341(b.1) (relating to adjudication) and to monitor the school district's use of that information to ensure that victims are protected.

(6) To establish a program to assure extensive and continuing public awareness of information regarding the role of the advocate on behalf of victims of conduct that constitutes a criminal offense on school property or to or from school, which may include the mailing of information to the parents or guardians of students in the school district or other forms of communication.

(7) To prepare an annual report regarding the activities of the advocate during the prior fiscal year and any recommendation for remedial legislation, regulation or school district administrative reform, which shall be submitted to the school district superintendent, the secretary, the Executive Director of the commission, the chairperson of the Education Committee of the Senate and the chairperson of the Education Committee of the House of Representatives by August 15 of each year.

(c) Additional duties.—A safe schools advocate shall, on behalf of victims of conduct that constitutes a criminal offense on school property or victims of at least two infractions of the school district's code of conduct:

(1) Provide assistance and advice, including information on support services provided by victim assistance offices of the appropriate district attorney and through local community-based victim service agencies.

(2) Provide information to the parent or guardian of a student victim regarding the disciplinary process and any action ultimately taken against the student accused of committing the conduct that constitutes a criminal offense.

(3) If the possession or use of a weapon is involved, advise the parent or guardian of the victim whether the school district properly exercised its duty under section 1317.2.

(4) If the advocate has received a request by the parent or guardian of the victim, attend formal disciplinary proceedings.

(5) With the consent of the parent or guardian of the victim, participate and present information in the disciplinary proceeding, which may include:

(i) making oral or written presentations, including testimony by the victim or the parent or guardian of the victim, regarding the impact on the victim and the victim's family and the appropriate disciplinary action; and

(ii) conducting direct or cross-examination of witnesses.

(6) If the perpetrator of conduct that constitutes a criminal offense returns to school after placement under a consent decree, adjudication of delinquency or conviction of a

criminal offense, assist the parent or guardian of the victim in providing input to the school district and the appropriate juvenile or criminal justice authority to ensure the victim's safety on school property.

(7) If a school district has failed to report to the appropriate law enforcement agency as required by the memorandum of understanding, report the act directly.

(8) Provide information to the office of the district attorney regarding the impact of the conduct that constitutes a criminal offense on the victim and the victim's family.

(d) Notification.—

(1) Upon discovery of the commission of conduct that constitutes a criminal offense upon a student, the school district shall immediately notify the safe schools advocate of the incident, including the details of the incident and all of the individuals involved, and immediately notify the victim, the victim's parent or legal guardian.

(2) The form of the notice to the victim or the victim's parent or legal guardian shall be developed by the advocate and provided to the school district and shall include the address and telephone number of the advocate and a brief description of the purposes and functions of the safe schools advocate.

(3) The principal of each school within the school district shall post a notice not less than 8 1/2" by 11" entitled "Safe Schools Advocate" at a prominent location within each school building, where notices are usually posted.

(4) The form of the notice shall also be developed by the safe schools advocate and provided to the school district.

(e) Cooperation.—School administrators in a school district shall cooperate with the safe schools advocate to implement this section and provide the advocate, upon request, with all available information authorized by State law.

(f) Applicable provisions.—The advocate and all employees and agents of the safe schools advocate shall be subject to and 20 U.S.C. § 1232g (relating to family educational and privacy rights) and 34 CFR Pt. 99 (relating to family educational rights and privacy).

(g) Limitation.—This section shall not apply to the extent that it would conflict with the requirements of 20 U.S.C. Ch. 33 (relating to education of individuals with disabilities) or other applicable Federal statute or regulation.

(h) Standing.—

(1) If a student in a school district is a victim of an act of violence involving a weapon on school district property and the student who possessed the weapon was not expelled under section 1317.2, the parent or guardian of the victim shall have standing to institute a legal proceeding to obtain expulsion of the student.

(2) The Office of General Counsel shall have standing to bring an action on behalf of a victim or the parent or guardian of a victim of an act of violence in a school in a school district to modify, clarify or eliminate a consent decree that is related to discipline in the school district if, in consultation with the advocate, the Office of General Counsel believes that the action is in the best interests of the students of the school district.

(3) The Executive Director of the commission, in consultation with the General Counsel, may designate a portion of the funds provided for the safe schools advocate:

(i) For contracts for legal services to assist low-income parents or guardians of victims to obtain legal services for proceedings under subsection (a).

(ii) To challenge a consent decree under subsection (b) or to bring an action under this act.

(4) The designation of attorneys to receive funds under this subsection shall be within the discretion of the Office of General Counsel after consultation with the safe schools advocate.

(5) Designated funds not expended under this subsection shall lapse to the General Fund.

(6) Legal proceedings under this section shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(i) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Low-income parent or guardian." A parent whose family income is no greater than 250% of the Federal poverty level.

"School district." A school district of the first class.

"Victim." An individual against whom a crime has been committed or attempted and who, as a direct result of the criminal act or attempt, suffers physical or mental injury, death or the loss of earnings as those terms are defined under section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act. The term may include an individual exercising self-defense when assaulted.

Section 1321-B. Enforcement.

(a) Procedure.—

(1) If a school district of the first class fails to comply with the requirement to provide information to the safe schools advocate under section 1320-B, the advocate shall provide documentation of the failure to the Secretary of Education and the commission.

(2) If the Secretary of Education determines that there is noncompliance, the secretary shall direct the school district of the first class to take corrective action. If the school district of the first class fails to take corrective action within 60 days, the secretary shall notify the advocate and the Office of General Counsel. The Office of General Counsel, in consultation with the safe schools advocate, shall designate an attorney to bring an action in a court of competent jurisdiction to obtain compliance.

(3) If the Secretary of Education determines that the school district of the first class has complied with the requirements to provide information to the safe schools advocate, the secretary shall convene a public hearing at which the safe schools advocate shall be permitted to testify regarding the alleged noncompliance.

(4) Legal proceedings under this subsection shall be conducted by an attorney designated by the Office of General Counsel in consultation with the safe schools advocate. The attorney must be a member of the bar in good standing.

(b) Construction of article and other laws.—Nothing in this article or any other provision of law shall be construed as granting a right of status for or participation by the safe schools advocate in a grievance or arbitration proceeding arising out of a collective bargaining agreement.

Section 19. The definition of "third-party vendor" in section 1301-C of the act is amended and the section is amended by adding a definition to read:

Section 1301-C. 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:

\* \* \*

"Committee." The School Safety and Security Committee established under section 1302-B.

\* \* \*

"Third-party vendor." A company or entity approved by [the Office for Safe Schools under section 1302-A(b)(8) or] the commission under section 1315-C(2) that provides school security services.

Section 20. Section 1302-C of the act is amended by adding a subsection to read:

Section 1302-C. School police officers.

\* \* \*

(c) Reporting.—

(1) A school entity or nonpublic school that has applied to the court to appoint a person or persons to act as school police officers under subsection (a) on or after the effective date of this

subsection shall, within 30 days of approval of the appointment from the court, submit a copy of the court's order to the committee.

(2) A school entity or nonpublic school that has previously applied to the court to appoint a person or persons to act as school police officers prior to the effective date of this subsection shall, within 120 days of the effective date of this paragraph, submit a copy of the court's order relating to the appointment of each school police officer to the committee.

(3) The provisions of section 1305-B(e) shall apply to any data provided to the committee under this subsection.

Section 21. Sections 1303-C and 1314-C(b)(3)(i)(C) of the act are amended to read:

Section 1303-C. Annual report.

A school entity or nonpublic school which employs or contracts for a school police officer shall report annually to the department, the committee and the commission the following information regarding school police officers receiving training as required under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training):

(1) The identity of the school entity or nonpublic school and the number of school police officers employed or contracted by the school entity or nonpublic school.

(2) The municipalities comprising the school entity or in which the nonpublic school is located.

(3) The date and type of training provided to each school police officer.

Section 1314-C. School security guards.

\* \* \*

(b) Training.—The following shall apply:

\* \* \*

(3) An armed school security guard who is employed or contracted by a school entity or nonpublic school before September 2, 2019, shall have until February 28, 2020, to complete the instruction under paragraph (1) unless an extension is approved through the following process:

(i) The governing body of a school entity or nonpublic school may approve an extension of the deadline specified in this paragraph for armed school security guards to complete the required instruction due to a hardship in complying with the deadline. The deadline may be extended to no later than the beginning of the 2020-2021 school year. The following shall apply:

\* \* \*

(C) The school entity or nonpublic school shall submit the approved hardship extension to [the Office of Safe Schools within] the department not later than 15 days from the date of approval. Any documentation submitted under this clause may not be subject to inspection and duplication under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

\* \* \*

Section 22. Section 1403-A(c)(1), (d) and (e) of the act, amended July 8, 2022 (P.L.620, No.55), are amended to read: Section 1403-A. Scope of program and selection of students.

\* \* \*

(c) Student requirements.—A student may enroll in the recovery high school under the program if the following apply:

(1) (i) Subject to subparagraph (ii), the student resides in a school district of the first class, which has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.

(ii) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time under

subparagraph (i), a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's resident school district has approved the student's enrollment in the recovery high school under the program and, with the written consent of the student's parent or guardian, has applied for enrollment in the recovery high school on the student's behalf.]

\* \* \*

[(d) Approval or disapproval by resident school district.—Within 15 days after a student's parent or guardian submits a written request to the resident school district seeking the student's enrollment in the recovery high school under the program, the resident school district shall issue written notice to the parent or guardian approving or disapproving the request.

(e) Hearing.—If a parent or guardian disagrees with a resident school district's disapproval of the student's enrollment in the recovery high school under the program, the following shall apply:

(1) For a student with an IEP, the due process hearing requirements of 22 Pa. Code Ch. 14 (relating to special education services and programs) shall apply.

(2) For a student without an IEP, the resident school district shall follow a notice and hearing process that the department shall develop and post on its publicly accessible Internet website.

(3) If a student's enrollment in the recovery high school under the program is not approved by the student's resident school district or if the student's parent or guardian chooses not to participate in the program established under section 1402-A, the student's parent or guardian may pay the student's tuition to enroll in the recovery high school, provided that the recovery high school has approved the student's enrollment in the recovery high school.]

Section 23. The act is amended by adding a section to read:

Section 1403.1-A. Enrollment of students.

(a) Conditions.—A student may enroll in the recovery high school under the program established in section 1402-A if the following apply:

(1) Subject to paragraph (2), the student resides in a school district of the first class and the student's parent or guardian has applied for enrollment in the recovery high school on the student's behalf.

(2) If fewer than 20 students residing in a school district of the first class enroll in the recovery high school under the program at any time, a student who resides in a school district other than a school district of the first class may enroll in the recovery high school under the program if the student's parent or guardian has applied for enrollment in the recovery high school on the student's behalf.

(b) Payment.—The Department of Education shall pay any tuition due from the student's school district of residence under section 1405-A to the recovery high school by subtracting the amount from State subsidies payable to the student's school district of residence.

Section 24. Section 1404-A of the act is repealed:

[Section 1404-A. Academic programs.

(a) Assessments.—The recovery high school shall administer to all students enrolled in the recovery high school under the program any assessments that are required under 22 Pa. Code Ch. 4 (relating to academic standards and assessment). Student scores on any required assessments shall be attributed to the student's resident school district for purposes of compliance with the Every Student Succeeds Act (Public Law 114-95, 129 Stat. 1802).

(b) Certification.—At least 75% of the professional staff members of the recovery high school shall hold appropriate State certification, provided that all professional staff members of the recovery high school who are responsible for providing special education services to students enrolled in the recovery high school under the program shall hold appropriate State certification in special education.

(c) Licensure.—If a student enrolled in the recovery high school is subject to an IEP, the recovery high school must be licensed to provide any services required to be provided under the student's IEP.]

Section 25. The act is amended by adding a section to read:  
Section 1517-D. Quarterly reporting.

(a) Amendment of system.—No later than March 31, 2024, the department shall amend the department's system to allow for collection of information required under this subsection.

(b) Information to be collected.—Beginning on April 1, 2024, an approved provider shall provide to the department:

(1) Notice and information on an eligible student enrolled in a program-funded slot in the approved provider's program within 15 days of the enrollment.

(2) Notice and information on an eligible student's removal from enrollment in a program-funded slot in the approved provider's program within 15 days from the removal of enrollment.

(c) Report.—By July 31, 2024, and each quarter thereafter, the department shall, from the information reported by the approved providers under subsection (b), report to the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives the following:

(1) The total number of eligible students enrolled in a program-funded slot for each approved provider organized by month in the previous quarter.

(2) The number of eligible students newly enrolled in a program-funded slot for each approved provider organized by month in the previous quarter.

(3) The number of eligible students removed from enrollment in a program-funded slot for each approved provider organized by month in the previous quarter.

(4) The number of eligible students enrolled for 90% of the month in a program-funded slot for each approved provider organized by month in the previous quarter.

(5) A listing by county of the total number of requested program-funded slots for students from eligible providers in the county and the total number of slots approved for all approved providers in the county for the current fiscal year.

(6) Other information the department deems necessary.

(d) Duty of secretary.—By the July 31, 2024, report and each quarterly report thereafter, the Secretary of Education shall meet in person with the chairperson, or a designee, and minority chairperson, or a designee, of the Appropriations Committee of the Senate and the chairperson, or a designee, and minority chairperson, or a designee, of the Appropriations Committee of the House of Representatives to report on the information collected under this section. The requirement under this subsection may be waived by agreement in writing of the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives.

Section 26. Section 1607(b) of the act is amended by adding a paragraph and the section is amended by adding a subsection to read:

Section 1607. Attendance in Other Districts.—\* \* \*

(b) If a third class school district operating under a special board of control pursuant to section 692 has, with the approval of the Secretary of Education, curtailed its educational program by eliminating its high school and has not assigned its high school pupils to another school district and provided adequate transportation in a manner under subsection (a), the secretary shall have the following authority:

\* \* \*

(5) For the 2023-2024 school year and each school year thereafter, the per pupil tuition rate that a school district designated under paragraph (1) shall receive for each reassigned student in a regular or special education program shall be the sum of:

- (i) the tuition rate established for the prior school year; and
- (ii) the product of:

(A) the tuition rate established for the prior school year; and  
(B) the average of the most recent percentage increase in the Statewide average weekly wage and the employment cost index as defined in the "Taxpayer Relief Act."

\* \* \*

(b.2) (1) A school district that eliminated its high school under subsection (b) shall not reopen its high school without the approval of the Secretary of Education.

(1.1) The distressed school district subject to this section may submit a plan to reopen its high school to the Secretary of Education.

(2) Upon receipt of a plan, the Secretary of Education may consider the following information as a basis for approval:

(i) The financial sustainability of the plan to reopen the high school.

(ii) The demographic trends of the distressed school district subject to this section.

(iii) Proposed faculty levels and curriculum offerings.

(iv) The contents of the most recent report required under subsection (i)(2).

(v) The involvement of the school districts identified under subsection (b)(1) in the plan to reopen the high school.

(vi) Any other information as determined by the Secretary of Education.

\* \* \*

Section 27. Section 1913-A(b)(1.6) of the act is amended by adding a subparagraph to read:

Section 1913-A. Financial Program; Reimbursement of Payments.—\* \* \*

(b) \* \* \*

(1.6) For the 2006-2007 fiscal year and each fiscal year thereafter, the payment for a community college shall consist of the following:

\* \* \*

(xviii) For the 2023-2024 fiscal year, each community college shall receive an amount equal to the following:

(A) An amount equal to the reimbursement for operating costs received in fiscal year 2022-2023 under subparagraphs (xvi)(A) and (C) and (xvii).

(B) An amount equal to the economic development stipend received in fiscal year 2022-2023 under subparagraph (xvi)(B).

(C) For each community college that receives funding under clauses (A) or (B), an additional amount for operating costs determined for each community college, as follows:

(I) Multiply the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for the community college by \$5,130,000.

(II) Divide the product in subclause (I) by the sum of the audited full-time equivalent enrollment as verified under subsection (k.1) for the most recent year available for all community colleges that receive funding under subparagraphs (A) and (B).

\* \* \*

Section 28. The act is amended by adding a section to read:  
Section 2327. State Aid for Fiscal Year 2023-2024.

Notwithstanding any other provision of law to the contrary, from money appropriated for a subsidy to public libraries, funds shall be distributed in fiscal year 2023-2024 as follows:

(1) The State Librarian shall distribute \$6,717 to each district library center that received less than the amount specified under 24 Pa.C.S. § 9338(b)(2) (relating to district library center aid) in fiscal year 2022-2023 from funds allocated under section 2326(1).

(2) All funds remaining after the distribution under paragraph (1) shall be distributed to each library under the following formula:

(i) Divide the sum of the amount of funding the library received in fiscal year 2022-2023 under section 2326(1) and paragraph (1) by the sum of the total amount of State aid provided under section 2326(1) and



paragraph (1).

(ii) Multiply the quotient under subparagraph (i) by \$70,422,981.

(3) Following distribution of funds appropriated for State aid to libraries under paragraphs (1) and (2), any remaining funds may be distributed at the discretion of the State Librarian.

(4) If funds appropriated for State aid to libraries in fiscal year 2023-2024 are less than funds appropriated in fiscal year 2002-2003, the State Librarian may waive standards as prescribed in 24 Pa.C.S. Ch. 93 (relating to Public Library Code).

(5) Each library system receiving State aid under this subsection may distribute the local library share of that aid in a manner as determined by the board of directors of the library system.

(6) In the case of a library system that contains a library operating in a city of the second class, changes to the distribution of State aid to the library shall be made by mutual agreement between the library and the library system.

(7) In the event of a change in district library center population prior to the effective date of this section as a result of:

(i) a city, borough, town, township, school district or county moving from one library center to another; or

(ii) a transfer of district library center status to a county library system; funding of district library center aid shall be paid based on the population of the newly established or reconfigured district library center.

(8) In the event of a change in direct service area from one library to another, the State Librarian, upon agreement of the affected libraries, may redistribute the local library share of aid to the library currently servicing the area.

Section 29. Sections 2502.8(b)(1), 2509.1(c.2)(1) and 2510.3(a)(2) of the act, amended July 8, 2022 (P.L.620, No.55), are amended to read:

Section 2502.8. Payments on Account of Pupils Enrolled in Career and Technical Curriculums.—\* \* \*

(b) For the 1981-1982 school year through the 1984-1985 school year, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in career and technical curriculums; for the 1985-1986 school year through the 1999-2000 school year, each school district and area career and technical school shall be paid an amount on account of students enrolled in career and technical curriculums; for the 2000-2001 school year and each school year thereafter, each school district, area career and technical school and charter school shall be paid an amount on account of students enrolled in career and technical curriculums, determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in career and technical curriculums in area career and technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school district and charter school career and technical curriculums by seventeen hundredths (.17); except[, for]:

(i) for the 2021-2022 school year [and each fiscal year thereafter], determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in career and technical curriculums in area career and technical schools by two thousand two hundred seventy-six ten thousandths (.2276) and the number of students in average daily membership in school district and charter school career and technical curriculums by one thousand eight hundred forty-four ten thousandths (.1844).

(ii) For the 2022-2023 school year and each fiscal year thereafter, determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in career and technical curriculums in area career and technical schools by two thousand four hundred seventy-two ten

thousandths (.2472) and the number of students in average daily membership in school district and charter school career and technical curriculums by two thousand eleven ten thousandths (.2011).

\* \* \*

Section 2509.1. Payments to Intermediate Units.—\* \* \*

(c.2) The following apply:

(1) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 [and], 2022-2023 and 2023-2024 school years, five and five-tenths percent (5.5%) of the State special education appropriation shall be paid to intermediate units on account of special education services.

\* \* \*

Section 2510.3. Assistance to School Districts Declared to be in Financial Recovery Status or Identified for Financial Watch Status.—(a) The following apply:

\* \* \*

(2) For the 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 [and], 2022-2023 and 2023-2024 fiscal years, the Department of Education may utilize up to seven million dollars (\$7,000,000) of undistributed funds not expended, encumbered or committed from appropriations for grants, subsidies and assessments made to the Department of Education to assist school districts declared to be in financial recovery status under section 621-A, identified for financial watch status under section 611-A or identified for financial watch status under section 694-A; except that the funds must be first utilized to accomplish the provisions contained in section 695-A. The funds shall be transferred by the Secretary of the Budget to a restricted account as necessary to make payments under this section and, when transferred, are hereby appropriated to carry out the provisions of this section.

\* \* \*

Section 30. Section 2599.6 of the act is amended by adding a subsection to read:

Section 2599.6. Ready-to-Learn Block Grant.—\* \* \*

(a.4) For the 2023-2024 school year and each school year thereafter, each school entity shall receive a Ready-to-Learn Block Grant in an amount not less than the amount received by the school entity from the appropriation for the Ready-to-Learn Block Grant during the 2022-2023 fiscal year.

\* \* \*

Section 31. Section 2599.7(b), (c) and (d) of the act are amended to read:

Section 2599.7. Payment of Required Contribution for Public School Employees' Social Security.—\* \* \*

(b) For the fiscal year beginning July 1, 2019, through the fiscal year ending June 30, 2023, payment of the amounts calculated under 24 Pa.C.S. § 8329 for school districts shall be made from the appropriation for basic education funding.

(c) For the fiscal year beginning July 1, 2019, through the fiscal year ending June 30, 2023, if insufficient funds are available for payment of the amounts calculated under 24 Pa.C.S. § 8329 for school districts, the Department of Education shall notify the Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of the insufficiency. An amount equal to the insufficiency may only be paid to school districts from a supplemental appropriation in the general appropriations act.

(d) For the fiscal year beginning July 1, 2019, through the fiscal year ending June 30, 2023, if the amount calculated for payments to school districts under 24 Pa.C.S. § 8329 exceeds the amount necessary, the Department of Education shall notify the Governor, the chairperson and minority chairperson of the Appropriations Committee of the Senate and the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives of the amount of the excess. An amount equal to the excess shall be distributed to school districts as a supplemental payment calculated under the formula contained in section 2502.53.

\* \* \*

Section 32. This act shall take effect as follows:
(1) The addition of Article XII-B of the act shall take effect in 60 days.
(2) The remainder of this act shall take effect immediately.

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

The SPEAKER. On that question, the Chair recognizes the maker of the amendment, the gentleman from the Lehigh, the majority chair of Education.

Mr. SCHWEYER. Thank you, Madam Speaker.

I rise to offer amendment 2942, ask for an affirmative vote from our colleagues. This amendment does a number of things, including allowing us to distribute already approved funds for our career and technical schools, for our distressed schools, State aid for libraries, Ready-to-Learn Block Grant, and a number of other key things.

Again, it is important to point out, we have already approved all of this funding. This is stuff that we typically do. It makes some changes to the school mental health grants and school safety grants. Lastly, includes two pieces of legislation that we are going to incorporate into this: one introduced, and approved by this chamber, by the good gentleman from Indiana County which helps us address our substitute teacher issue by providing flexibility, as well as the good lady from Chester County regarding the student teacher stipend program.

Again, Madam Speaker, I ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the gentleman from Bedford, the minority chair of Education, Representative Topper.

Mr. TOPPER. Thank you, Madam Speaker.

I rise to concur with my friend, the gentleman from Lehigh, and encourage an affirmative vote on the Schweyer amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—203

Table listing names of members who voted 'YEAS' (203 total). Includes names like Abney, Adams, Armanini, Banta, Barton, Bellmon, Benham, Benninghoff, Bernstine, Bizzarro, Bonner, Borowicz, Borowski, Boyd, Boyle, Bradford, Brennan, Briggs, Brown, A., Flick, Flood, Frankel, Freeman, Friel, Fritz, Gallagher, Galloway, Gaydos, Gergely, Gillen, Giral, Gleim, Green, Gregory, Greiner, Grove, Guenst, Guzman, Kulik, Kutz, Kuzma, Labs, Lawrence, Leadbeter, Mackenzie, M., Mackenzie, R., Madden, Madsen, Major, Mako, Malagari, Maloney, Marcell, Markosek, Marshall, Matzie, Mayes, Rapp, Rigby, Roae, Rossi, Rowe, Rozzi, Ryncavage, Salisbury, Samuelson, Sanchez, Sappery, Schemel, Scheuren, Schlegel, Schlossberg, Schmitt, Schweyer, Scialabba, Scott.

Table listing names of members who were present or voted. Includes names like Brown, M., Bullock, Burgos, Burns, C Freytiz, Cabell, Causer, Cephas, Cerrato, Ciresi, Conklin, Cook, Cooper, Curry, Cutler, D'Orsie, Daley, Davanzo, Davis, Dawkins, Deasy, Delloso, Delozier, Diamond, Donahue, Dunbar, Ecker, Emrick, Evans, Fee, Fiedler, Fink, Fleming, Haddock, Hamm, Hanbidge, Harkins, Harris, Heffley, Hogan, Hohenstein, Howard, Irvin, Isaacson, James, Jones, M., Jones, T., Jozwiak, Kail, Kaufner, Kauffman, Kazeem, Keefer, Kenyatta, Kephart, Kerwin, Khan, Kim, Kinhead, Kinsey, Klunk, Kosierowski, Krajewski, Krueger, Krupa, McAndrew, McNeill, Mehaffie, Mentzer, Mercuri, Metzgar, Mihalek, Miller, B., Miller, D., Moul, Mullins, Munroe, Mustello, Neilson, Nelson, E., Nelson, N., O'Mara, O'Neal, Oberlander, Ortitay, Otten, Owlett, Parker, Pashinski, Pickett, Pielli, Pisciotano, Powell, Probst, Rabb, Rader, Shusterman, Siegel, Smith, Smith-Wade-El, Solomon, Staats, Stambaugh, Steele, Stehr, Stender, Struzzi, Sturla, Takac, Tomlinson, Topper, Twardzik, Venkat, Vitali, Warner, Warren, Watro, Waxman, Webster, Wentling, White, Williams, C., Williams, D., Young, Zimmerman, McClinton, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—0

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

The SPEAKER. The House will temporarily be at ease.

The House will come to order.

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 863, PN 2285, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, further providing for powers and duties of commission.

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 maker of the bill, the gentleman from Chester County, Representative Dan Williams.

Mr. D. WILLIAMS. Madam Speaker, thank you so much.

I understand that much of the decisions made in this building require the wisdom of Solomon. I do not think 863 rises to that level.

Let me suggest that one of the greatest dangers to citizens, as well as our law enforcement officers, is not enough officers, and so the motive behind this bill is very simple. This legislation is designed to remediate the recruitment issues we have throughout the Commonwealth. This legislation will not reduce the requirements for police officers at all. It will reduce requirements for recruits who will still have to achieve the current requirements in order to graduate and become officers. And so, respectfully, I would request members to provide an affirmative vote.

Thank you, Madam Speaker.

### **THE SPEAKER PRO TEMPORE (ROBERT F. MATZIE) PRESIDING**

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady from York, Representative Keefer.

Mrs. KEEFER. Thank you. I would like to correct the record for SB 843—

The SPEAKER pro tempore. The gentledady will suspend.

After debate on this bill is concluded we will recognize you for that purpose.

The Chair thanks the gentledady.

The Chair recognizes the gentleman from Berks, Representative Jozwiak.

Mr. JOZWIAK. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to HB 863. I serve on the Municipal Police Officers' Education and Training Commission as the representative for the House of Representatives, and this is the commission that sets the standards to become a police officer in Pennsylvania. Lowering the physical and reading standards just to allow candidates to enter the training academy is a big mistake. Originally, the physical standards for entry to the police academy was 50 percent of the Cooper standards. Several years ago it was lowered to 30 percent.

Currently when a candidate applies to become a police officer, a background investigation is conducted. Society expects police officers to be the best of the best – at least better than the average citizen. To accomplish that, we set standards – high standards – in our police academies, expecting to have the very best cadets graduating. To give applicants the best chance to succeed, we have developed entrance standards or entry prerequisites, and these would include physical tests, drug tests, psychological, criminal history, the Cooper 30th percentile physical fitness test, and the Nelson-Denny Reading Test.

Prerequisite entrance standards are not meant to be barriers. Police academy costs time and money to individuals or police departments. Entrance requirements are meant to keep people

from wasting their time and money trying to do something that they are not prepared to do or would not be eligible to do.

The desire to lower standards is a knee-jerk reaction to the lack of people applying for policing jobs. Since there are not that many people applying, we lower our standards to allow more people to get on the job that should not just to fill a number. Policing is not the only occupation to feel the lack of people that want to work these days.

Presently the physical fitness curriculum is such that cadets at least maintain the 30 percent percentile throughout the 5 months of the academy. They have three tests associated with the end of each academic module. The first test is within 30 days of the entrance to the academy. The physical fitness training instructors advise it is physically impossible for a person to enter the academy at 15 percent physical fitness standards and then in 30 days be at the 30 percent percentile.

Every applicant goes through a background investigation prior to acceptance to the police academy. These investigations require a lot of time and money to be spent on a candidate. Why would a police department use resources to have a candidate enter the police academy at the 15th percentile only to have his first physical test within 30 days and fail the test and then be expelled from the academy? Time and money wasted, and it set the candidate up to fail.

Police officers want to know, when a new officer is hired in their department, that that officer is physically able to help with physical confrontations when criminals are apprehended and when they resist arrest. This is now an officer safety issue.

We do not need to lower standards to become a police officer. There are other suggestions on attracting people to become police officers, such as bonuses after they serve for a couple of years or reimbursing them for the cost of the police academy after they served a year or two.

The Municipal Police Officers' Education and Training Commission is not in favor of this bill. The police academies, the police academies around the State are not in favor of this bill. This bill will not entice people to become police officers. People who want to work as a police officer have to want to work in policing and make it their career. I am asking for a "no" vote on HB 863.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester, Representative Dan Williams.

Mr. D. WILLIAMS. Mr. Speaker, let me just correct the record. We have worked directly with MPOETC on this legislation. Once again, just to be crystal clear. This alters the recruiting requirement for those coming into the academy in similar ways that we do this in the military. We bring people in; we whip them into shape. And once again, this provides a better sense of security both for law enforcement officers and for the citizenry. I would respectfully request an affirmative vote on 863.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes, for the second time, Representative Jozwiak.

Mr. JOZWIAK. Thank you, Mr. Speaker.

I spoke to MPOETC yesterday and they are not in favor of this. They are not— There is nothing in the curriculum that changes anything to become a police officer even if this bill passes. After 30 days, if you cannot do the physical test, they will

expel you from the program. There is not even a plan to, if you show improvement, to remove you to let you stay there. You must meet the requirements. This is critical for police officers today to be sure that the person that they are with, their partner or trying to arrest somebody, that they have the physical capability of apprehending somebody that is a criminal.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

This bill has been considered on three different days— The Chair thanks the gentleman for waiving off.

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—115

Abney	Frankel	Kulik	Rigby
Bellmon	Freeman	Labs	Rozzi
Benham	Friel	Leadbeter	Salisbury
Bizzarro	Fritz	Madden	Samuelson
Borowski	Gallagher	Madsen	Sanchez
Boyd	Galloway	Malagari	Sappey
Boyle	Gergely	Marcell	Schlossberg
Bradford	Giral	Markosek	Schweyer
Brennan	Green	Matzie	Scott
Briggs	Guenst	Mayes	Shusterman
Brown, A.	Guzman	McAndrew	Siegel
Bullock	Haddock	McNeill	Smith-Wade-El
Burgos	Hanbidge	Merski	Solomon
Burns	Harkins	Miller, D.	Steele
C Freytiz	Harris	Mullins	Struzzi
Cephas	Hogan	Munroe	Sturla
Cerrato	Hohenstein	Mustello	Takac
Ciresi	Howard	Neilson	Tomlinson
Conklin	Isaacson	Nelson, N.	Venkat
Curry	Kail	O'Mara	Vitali
Daley	Kazeem	Oberlander	Warren
Davis	Kenyatta	Otten	Waxman
Dawkins	Khan	Parker	Webster
Deasy	Kim	Pashinski	White
Deloso	Kinthead	Pielli	Williams, D.
Donahue	Kinsey	Pisciottano	Young
Ecker	Kosierowski	Powell	
Evans	Krajewski	Probst	McClinton,
Fiedler	Krueger	Rabb	Speaker
Fleming			

#### NAYS—88

Adams	Flick	Kutz	Rapp
Armanini	Flood	Kuzma	Roae
Banta	Gaydos	Lawrence	Rossi
Barton	Gillen	Mackenzie, M.	Rowe
Benninghoff	Gleim	Mackenzie, R.	Ryncavage
Bernstine	Gregory	Major	Schemel
Bonner	Greiner	Mako	Scheuren
Borowicz	Grove	Maloney	Schlegel
Brown, M.	Hamm	Marshall	Schmitt
Cabell	Heffley	Mehaffie	Scialabba
Causar	Irvin	Mentzer	Smith
Cook	James	Mercuri	Staats
Cooper	Jones, M.	Metzgar	Stambaugh
Cutler	Jones, T.	Mihalek	Stehr
D'Orsie	Jozwiak	Miller, B.	Stender
Davanzo	Kaufner	Moul	Topper
Delozier	Kauffman	Nelson, E.	Twardzik
Diamond	Keefer	O'Neal	Warner

Dunbar	Kephart	Ortitay	Watro
Emrick	Kerwin	Owlett	Wentling
Fee	Klunk	Pickett	Williams, C.
Fink	Krupa	Rader	Zimmerman

NOT VOTING—0

EXCUSED—0

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 CORRECTIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Representative Hamm.

Mr. HAMM. Thank you, Mr. Speaker.

I would like to amend the record.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. HAMM. On SB 843, amendment A02942, I was recorded in the affirmative and I would like to be a "no" vote. Thank you.

The SPEAKER pro tempore. The gentleman's comments will be spread across the record.

The Chair recognizes the gentlelady from York, Representative Fink.

Mrs. FINK. Thank you, Mr. Speaker.

I would like to correct my vote.

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

Mrs. FINK. For SB 843, amendment 02942, I was recorded as a "yes." I would like to be recorded as a "no."

The SPEAKER pro tempore. The gentlelady's remarks will be spread across the record.

The Chair recognizes the gentlelady from York, Representative Keefer.

Mrs. KEEFER. Thank you, Mr. Speaker.

I would like to correct the record.

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

Mrs. KEEFER. On SB 843, amendment 02942, I was recorded in the affirmative and I would like to be recorded as a negative.

The SPEAKER pro tempore. The gentlelady's remarks will be spread across the record.

Mrs. KEEFER. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Butler, Representative Scialabba.

Ms. SCIALABBA. Thank you. Thank you, Mr. Speaker.

I would like to correct the record.

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

Ms. SCIALABBA. On SB 843, amendment 02942, I was recorded in the affirmative. I would like to be recorded as a "no."

The SPEAKER pro tempore. The gentlelady's remarks will be spread across the record.

Ms. SCIALABBA. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Clearfield, Representative Kephart.

Mr. KEPHART. I would like to correct the record on SB 843, amendment 02942. I would like to be recorded in the negative.

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

The Chair recognizes the gentlelady from Fayette, Representative Krupa.

Mrs. KRUPA. Thank you, Mr. Speaker.

I would like the record to reflect and update my vote on SB 843, amendment 02942. I would like to correct the record to reflect a "no" vote.

The SPEAKER pro tempore. The gentlelady is in order, and her remarks will be spread across the record.

The Chair recognizes the Representative from Schuylkill, Representative Barton.

Mr. BARTON. Thank you, Mr. Speaker.

On SB 843, amendment 02942, I was recorded as affirmative. I would like to be recorded as a negative, please.

The SPEAKER pro tempore. The Chair thanks the gentleman. Remarks will be spread across the record.

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1416, PN 1584**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, in membership, contributions and benefits, providing for supplemental annuity commencing 2023; and, in benefits, providing for supplemental annuity commencing 2023.

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 Montgomery, Representative Malagari.

Mr. MALAGARI. Thank you, Mr. Speaker.

Mr. Speaker, I stand before you today to shed light on the merits of HB 1416. It is a crucial lifeline for retired educators and public servants in Pennsylvania. This bill addresses the long-standing issue of a missing cost-of-living adjustment, or a COLA, for SERS (State Employees' Retirement System) and PSERS (Public School Employees' Retirement System) retirees pre-2001. These dedicated individuals shaped our State's and children's futures, yet for two decades, for 20 years budgets have ignored their financial needs, leaving them in uncertainty.

Between the 1960s and 2002, there were eight COLAs for State and school retirees, but since then, they have had nothing while inflation has surged by 50 percent, diminishing their already modest pensions. While the 2001 act increased benefits for some, it left the pre-July 2001 retirees, like my constituent, Scott Brown, a longtime math teacher from Hatfield, without relief, and in many cases, struggling to make ends meet. We are talking about senior citizens who are now between their eighties and nineties.

HB 1416 proposes a practical and feasible solution: a 15 percent to 24 1/2 percent supplemental annuity based on their retirement date. It is a modest request to address the financial struggles of those who served our State. Our teachers, our public servants deserve a retirement reflecting their commitment and not to be marred by financial hardship.

This bill also is vital for addressing the ongoing teacher shortage. We have all heard the testimony of the need to attract and retain educators, but first we must assure them that their contributions will not be overlooked when they reach retirement. So failing to act now will only worsen the teacher shortage. While we work to change the certification process for future educators and create incentives for students to enter teaching careers, let us show them that they will not be forgotten about once they are done serving our communities.

All retirees deserve to live with dignity and financial security. HB 1416 is not extravagant; it is long overdue. It is a long overdue recognition of our retired teachers and public servants' dedicated service. So please join me. Join me in a "yes" vote. Join me in voting "yes" for HB 1416 to ensure former State and public school employees can live with dignity in their retirement. I urge a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Crawford, Representative Roae.

Mr. ROAE. Thank you, Mr. Speaker.

Mr. Speaker, I urge a "no" vote on this legislation. Mr. Speaker, this bill costs Pennsylvania taxpayers approximately \$1.8 billion. This legislation is so expensive, it cannot be funded in one year. So how the legislation is drafted, for 10 years in a row, \$177 million goes towards funding this COLA.

Mr. Speaker, keep in mind, the SERS and PSERS pension plans already have a \$60 billion unfunded liability; \$60 billion. To put that number in perspective, the entire General Fund budget is only \$45 billion. We could cancel government for a whole year – no funding for schools, no medical assistance, no courts, no State parks, nothing – and that would not even take care of the unfunded liability. We would have to actually go a year and a half without any other General Fund spending at all to put that money towards the unfunded pension liability to pay it off. That is how serious and that is how large the problem is.

An even equally alarming situation with this legislation, Mr. Speaker: local school districts would have to raise the school district property tax to fund this. Because this legislation creates an additional unfunded pension liability, the employer contribution rate would increase. The employer contribution rate – that is what school districts have to pay – that would go up about eight-tenths of 1 percent. So what that means, Mr. Speaker, a typical school district that has \$25 million of payroll, they would have to pay about \$200,000 a year more if this becomes law; 10 years in a row, that is \$2 million. So you are looking at a \$2 million school district property tax increase for a typical district if we pass this.

Mr. Speaker, it has been talked about how people need retirement security, and I agree. A few months back we passed legislation that significantly increased the property tax and rent rebate program. We increased the income limits of who qualifies for that, and we increased the dollar amounts that people qualify

for. In this chamber this year, Mr. Speaker, there has been a lot of talk about equality and treating people the same and being fair to everyone. That legislation we did for the property tax and rent rebate enhancements, that impacts all eligible low-income retirees, regardless of whether they worked in the private sector or the public sector. This legislation, Mr. Speaker, gives a COLA to about 68,000 people. There are another 300,000 people, approximately, getting SERS and PSERS pensions that would not get a COLA, and around a million people, maybe 2 million people that are retired, receiving Social Security, that do not get any State pension at all.

Mr. Speaker, another point I would like to make too. We all care about the financial well-being of our constituents, but people can take a little bit of ease in knowing that approximately 99 percent of the people who receive a SERS or a PSERS pension also receive Social Security. Most of our constituents only get Social Security. The retirees from the school systems and from the State, they also get Social Security, but on top of that, they get their SERS pension or their PSERS pension. Not to downplay anybody's financial plight, but there are a lot more people that never worked for the State, never worked for the school district, that have much worse financial situations in retirement than the retired school employees and State employees that we are trying to help here.

Again, the property tax and rent rebate enhancements that we passed – we almost all voted for that – that helped every retired senior in Pennsylvania that meets the income guidelines. This targeted legislation only helps a very small number of people.

But, Mr. Speaker, just to close things out, most people in this room do not want to see school property taxes increased. This legislation will do that. Most people in this room should not want to increase the unfunded pension liability, and as I mentioned before, this legislation does that. Mr. Speaker, the financially responsible vote would be a "no" vote, and I urge the members to vote "no." Thank you.

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

Mr. PIELLI. Thank you, Mr. Speaker, for giving me this opportunity to speak in support of HB 1416, and thank you to Representative Malagari for introducing this long overdue bill.

And overdue it is. It has been since 2002 since the last COLA increase for all the hardworking educators and staff and personnel.

I would like to give you an example – like retired West Chester University educator and World War II Army veteran, P-47 fighter pilot veteran, Ed Cottrell. Ed retired over 30 years ago and is living on the same rate, retirement today, and he is over 100 years old. Ed fought for his country. Ed worked hard as an educator. He remembers all of his students, including the past Senator Tomlinson. But he worked so hard; he deserves better. We failed folks like Ed, but we can do something today to change that.

I also speak on behalf of my father. Dad was a Navy veteran, a retired New York City firefighter, and later became a West Chester Area School District teacher. Dad and mom raised six kids. He retired in 2001, and he never got a COLA increase. In comparison, the New York City Fire Department, they did the right thing. They gave COLA increases every year, and raising six kids was not easy on a teacher's salary, so that helped.

Dad once told me – he was in the busiest engine company in the United States, Engine 290, Brownsville, Brooklyn, for several years running – he once told me a terrible story about a terrible fire, loss of life. And at the end of that story I said, "Dad, that must have been the hardest job you ever had." And he said, "No." He said, "Teaching was." Teaching was the most challenging job he ever had.

He worked hard, he cared a lot about his students, and after 20 years he retired. To this day I have past students coming up to me, telling me what a wonderful and caring man he was. Dad passed away on August 15, 2022, and he never got that raise. But I still feel him next to me, walking by me, by my side, and I am so proud to tell him, this one is for you, Dad, because today we are going to pass HB 1416, and we are going to pass it for all the moms and dads out there – the teachers, the staff, the maintenance, the administration workers. Today is the day we are going to do the right thing. We are not just going to care. We are going to do the right thing and we are going to pass HB 1416. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady from Delaware, Representative Borowski.

Mrs. BOROWSKI. Thank you, Mr. Speaker.

I rise today in support of HB 1416. Since joining this esteemed body, we have spent a lot of time and effort talking about ways to incentivize new teachers to join the profession and help retain the teachers that we have. We have even passed a few pieces of legislation to support those goals. I cannot think of a better way to show the teachers of today and tomorrow that we care about the teachers, that we care about their contributions to the future of our Commonwealth and our country, than by showing the ones that educated me, educated generations – educated those before me and those right after me – that we still care about them, that the work they did makes a difference and continues to make a difference.

So I am fully supportive of HB 1416. I fully support all of those constituents in my district who are former teachers, and I urge my colleagues to join me. And I thank Representative Malagari for making this bill and bringing it forward. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentlelady and recognizes the gentleman from Chester, Representative Friel.

Mr. FRIEL. Thank you, Mr. Speaker.

I rise in support of 1416 simply because I think it is only fair this body recognizes that our school districts have increased costs every year, and we have no problem allowing our property taxes of our local senior citizens and those who taught and retired every year to raise their property tax, yet – and so we recognize that. We allow that to happen. This body makes it so that property tax is the fundamental way that we continue to fund education. But at the same time, we are going to say, nope; we are going to take more of your money for school and property tax, but we are not going to give you a COLA. So we are going to allow you not only to— We are going to try to price you out of your homes even quicker. I think that is fundamentally unfair, and I would ask all my colleagues to support 1416. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman, and before recognizing the prime sponsor and the leaders, are there any other members wishing to be recognized?

Seeing none, the Chair recognizes the prime sponsor, the gentleman from Montgomery, Representative Malagari.

Mr. MALAGARI. Thank you, Mr. Speaker.

And, Mr. Speaker, I do understand the points from our esteemed colleague from Crawford County. I understand that and I respect it. I will say, though, that inflation has been very difficult over the past 20 years. I am going to tell you that, you know, just looking at a random thing online, the price of a pack of – we were having this conversation yesterday in another room – but the price of a pack of vacuum bags, for instance, Hoover vacuum bags, because we mentioned the brand name, in 2001 was \$8.62, and now, right now it is pushing \$15 for that same pack of vacuum bags in 2023. That is close to a 43-percent increase in cost. So while I understand the good gentleman's sentiments, I will say that for the over 69,000 residents within the Commonwealth that fit into this pre-Act 9 category, I think that we need to make sure that we are taking care of them moving forward and making sure that we do not forget them one more time like they did in 2001. So I ask for a "yes" vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the Republican leader, the gentleman from Lancaster, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Mr. Speaker, I would just like to clear up some misconceptions. We heard a lot of discussion about the need for this bill to recruit future employees. Future employees actually will not be impacted by this. In fact, this is what we define as "pre-Act 9 employees," which is before the recent pension enhancements at the beginning of the century.

And let me be clear, this bill could be done in a much more responsible manner. And I appreciate the gentleman, the prime sponsor's acknowledgment of the financial concerns that were raised by the gentleman from Crawford, because I do believe that this could be done with a prepayment proposal that is engrossed in it or reforms to pay as we go, because I personally was taught by some of these teachers that are impacted by this. So I am supportive of the concept; however, I cannot support it in its current implementation.

It was just 6 years ago today – excuse me, it was 6 years ago that we all stood together here in a bipartisan manner to discuss, debate, and ultimately sign historic pension reform. For years the General Assemblies of the past used the public pension system like an irresponsible teenager with a credit card. They did not pay down the balances when we should have. They did not pay their bills when they should have. They kept increasing the benefits and they turned a blind eye to the problem until it became almost too big to handle. Unfortunately, it has been the property tax payers who continue to pay the price for those past mistakes, and – this is the important part – they will continue to pay if this legislation is enacted in its current form.

And that is unfortunate, because we were finally starting to get better. We finally started making our actuarially required contributions, and the unfunded liability was in fact getting lower. Some lawmakers, including myself, put our actions where our votes and our legislation were and voluntarily moved into a 401(k)-style plan. However, this legislation will take us in a vastly different direction. Our actions to reform the system actually helped increase the financial solvency. This does exactly the opposite. According to the pension systems themselves, without a dedicated funding source, the cost-of-living adjustment proposal before us will simply add to the pension system's

unfunded liability. In addition, the Independent Fiscal Office has said if this legislation is enacted, both systems – and this is important, because we are in 2023 – both systems will spend more money than they take in for the remainder of the decade.

Mr. Speaker, the fact that we have paid down our State pension credit card just a little bit does not give us a license to max it out once again. We have worked hard and in a bipartisan manner to do better with our pension system, and thereby, do better for our taxpayers of Pennsylvania. We have worked hard to be fiscally responsible, creating a surplus and adding a historic amount of money to our Rainy Day Fund and our educational programs, which support the current employees which were mentioned previously. But our past success is not permission to now be irresponsible. And unfortunately, a proposal to simply increase it without a payment mechanism in place is what this legislation does.

Let us get our pension system fully funded, let us correct the mistakes of our past, and let us do right for all of Pennsylvania by ensuring that they, the property tax payers, are not responsible for the burden of deepening an already underfunded pension system – underfunding which jeopardizes the retirement of all retirees going forward.

The time for this proposal is not now. There is a way to get this done, but this is the improper way to do it. And I understand that it may pass, and it is my hope that the Senate will take a serious look at this before moving it and understanding the financial impacts on our property tax payers and what that means going forward. I will be a "no" vote.

Thank you, Mr. Speaker.

### **THE SPEAKER (JOANNA E. McCLINTON) PRESIDING**

The SPEAKER. The Chair thanks the gentleman.

On that question, the Chair recognizes the gentleman from Montgomery County, the other floor leader, Representative Bradford.

Mr. BRADFORD. Thank you, Madam Speaker.

And I want to thank the good gentleman for his words. It reminds me of why the urgency for this bill is now. I know the gentleman says now is not the right time to pass a COLA for our pre-Act 9 employees, but the simple reality is, for the 89-year-old pensioner who has gone literally a quarter century without any relief from this body while this body rightfully has gotten its act together in terms of pension payments – Democrats and Republicans worked together, and I was glad to be part of that. It was historic and it put us on the right track. But that should not be an excuse to delay one day longer.

Again, I mention those pensioners; I had the opportunity at my senior fair most recently. Mary is an 89-year-old pensioner, taught in the school district of which I send my own children. The idea that I would say with a good conscience and engage the whataboutism that has taken place on this issue for too long, that if you just wait a little longer, Mary, we will get it together.

The gentleman knows full well that the time to pass support for our pensioners is long past. We can do that today. We can tell that pensioner that we are going to help you a little bit with the cost of the electric bill and the prescriptions. We can do that today by putting up this vote in a responsible way, or we can say we support the concept, but we never put up the vote that actually

gets the help to that 89-year-old pensioner. My suggestion is we vote "yes" today and show we stand with our retired teachers and those who supported us when we need it most.

Thank you so much, Madam Speaker.

### REMARKS SUBMITTED FOR THE RECORD

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

As we consider this bill, I want the members to understand a bit about how we got here. Many of you knew and worked with Mark McKillop, who was a Senate staffer before making the jump to become the executive director of the Pennsylvania Association of School Retirees. Mark was a relentless and passionate advocate for these retired employees, advocating on their behalf year after year for this COLA legislation.

Unfortunately, Mark passed away last year. With this vote, I hope you join me in remembering Mark for all of his hard work. Let us vote "yes" and honor Mark for his commitment to our State's retired school employees. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

(Members proceeded to vote.)

### VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

### YEAS—140

Abney	Fiedler	Kulik	Powell
Adams	Fleming	Kutz	Probst
Armanini	Frankel	Kuzma	Rabb
Banta	Freeman	Labs	Rader
Bellmon	Friel	Mackenzie, M.	Rigby
Benham	Fritz	Mackenzie, R.	Rozzi
Benninghoff	Gallagher	Madden	Salisbury
Bizzarro	Galloway	Madsen	Samuelson
Borowski	Gergely	Major	Sanchez
Boyd	Gillen	Malagari	Sappey
Boyle	Giral	Marcell	Schlossberg
Bradford	Green	Markosek	Schweyer
Brennan	Guenst	Marshall	Scott
Briggs	Guzman	Matzie	Shusterman
Brown, A.	Haddock	Mayes	Siegel
Bullock	Hanbidge	McAndrew	Smith-Wade-El
Burgos	Harkins	McNeill	Solomon
Burns	Harris	Mehaffie	Steele
C Freytiz	Heffley	Merski	Sturla
Causar	Hogan	Metzgar	Takac
Cephas	Hohenstein	Mihalek	Tomlinson
Cerrato	Howard	Miller, D.	Topper
Ciresi	Irvin	Mullins	Venkat
Conklin	Isaacson	Munroe	Vitali
Cook	Jozwiak	Neilson	Warren
Curry	Kaufer	Nelson, E.	Watro

Daley	Kazeem	Nelson, N.	Waxman
Davanzo	Kenyatta	O'Mara	Webster
Davis	Kerwin	Ortitay	White
Dawkins	Khan	Otten	Williams, C.
Deasy	Kim	Parker	Williams, D.
Delloso	Kinhead	Pashinski	Young
Delozier	Kinsey	Pickett	
Donahue	Kosierowski	Pielli	McClinton,
Emrick	Krajewski	Pisciottano	Speaker
Evans	Krueger		

### NAYS—63

Barton	Gaydos	Leadbeter	Schemel
Bernstine	Gleim	Mako	Scheuren
Bonner	Gregory	Maloney	Schlegel
Borowicz	Greiner	Mentzer	Schmitt
Brown, M.	Grove	Mercuri	Scialabba
Cabell	Hamm	Miller, B.	Smith
Cooper	James	Moul	Staats
Cutler	Jones, M.	Mustello	Stambaugh
D'Orsie	Jones, T.	O'Neal	Stehr
Diamond	Kail	Oberlander	Stender
Dunbar	Kauffman	Owlett	Struzzi
Ecker	Keefer	Rapp	Twardzik
Fee	Kephart	Roae	Warner
Fink	Klunk	Rossi	Wentling
Flick	Krupa	Rowe	Zimmerman
Flood	Lawrence	Ryncavage	

### NOT VOTING—0

### EXCUSED—0

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 CORRECTIONS

The SPEAKER. For what purpose does the gentledady from Warren County rise, Representative Rapp?

Ms. RAPP. Thank you, Madam Speaker.

Madam Speaker, on SB 843, amendment 02942, I was recorded as a "yes," and, Madam Speaker, I request to be recorded as a "no" on that amendment.

Thank you, Madam Speaker.

The SPEAKER. The gentledady's request will be spread across the record.

For what purpose does the gentledady from Clinton County rise, Representative Borowicz?

Mrs. BOROWICZ. Thank you, Madam Speaker.

I would like to correct the record. I was a "yes" on SB 843 on the amendment, A02942. I would like to be recorded as a "no." Just on the amendment.

The SPEAKER. The gentledady's remarks will be spread across the record.

Mrs. BOROWICZ. Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentledady.

For what purpose does the gentledady from Westmoreland, Representative Rossi, rise?

Mrs. ROSSI. Thank you, Madam Speaker.

I was recorded for SB 843, amendment 02942, as a "yes," and I would like to change that to a "no."



The SPEAKER. The gentlelady's remarks will be spread across the record.  
Mrs. ROSSI. Thank you.

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1477, PN 1663**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in general provisions, providing for certain transmittals and submissions to governmental bodies.

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 maker of the bill, the gentleman from Lancaster, Representative Smith-Wade-El.  
Mr. SMITH-WADE-EL. Thank you, Madam Speaker.

The bill before us is extremely straightforward and yet extremely necessary. It amends the Municipalities Planning Code to allow for the electronic submission of planning documents. Now, while that may seem very simple, and indeed, many municipalities across the Commonwealth, including my own, have been doing this for years, it is a space in which the Commonwealth has not clarified and left our municipalities in a state of legal questioning, and we ought to reduce those for our municipalities as much as possible. Just the next simplest thing we can do to make life easier for our municipalities, and I request from all my colleagues an affirmative vote.

Thank you very much, Madam Speaker.  
The SPEAKER. The Chair thanks the Representative.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—203**

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg
Bradford	Greiner	Markosek	Schmitt

Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causer	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufer	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefer	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinhead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

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 1567, PN 2286**, entitled:

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for definitions and for compliance requirement.

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 maker of the bill, the gentleman from Montgomery County, Representative Malagari.

Mr. MALAGARI. Thank you, Madam Speaker.

Madam Speaker, I rise today in support of HB 1567. It is a critical piece of legislation. It is important that we address a long-standing injustice faced by tenants in our State. Under the current laws that we currently have, tenants are unfairly burdened when their home requires repairs due to code violations discovered at the time of a sale – so we will talk about a real estate transfer – and this often forces them out of their residences through no fault of their own at all.

This bill would address this concern and allow tenants to stay in their homes during repairs, provided that the property remains safe as affirmed by the local code enforcement officer. It does so by clarifying the Municipal Code and Ordinance Compliance Act to better define "temporary use certificates" related to renter-occupied properties which are transferring and subject to use and occupancy inspections. So this approach ensures that tenants are not threatened with displacement because the property in which they live in is changing owners. It encourages reporting of minor code violations. This bill ensures people stay in their homes, the transfer goes through, and code violations are remedied.

And also under the bill, to prevent complications and avoid potential hazards, new occupants would be prohibited from moving into a property undergoing repairs. So the legislation safeguards physical well-being and strengthens trust. It is a crucial step toward a Pennsylvania where residents live free from unsafe conditions and the stress of choosing between their homes and their safety.

So I urge a "yes" vote on this. I urge you to consider the human impact of your vote of a "yes" to create a State where the well-being of our citizens is paramount. Together we can build a society – and we should build a society – where safety, security, and the sanctity of home are preserved for every Pennsylvanian.

Thank you, Madam Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—203

Abney	Flick	Kulik	Rapp
Adams	Flood	Kutz	Rigby
Armanini	Frankel	Kuzma	Roae
Banta	Freeman	Labs	Rossi
Barton	Friel	Lawrence	Rowe
Bellmon	Fritz	Leadbeter	Rozzi
Benham	Gallagher	Mackenzie, M.	Ryncavage
Benninghoff	Galloway	Mackenzie, R.	Salisbury
Bernstine	Gaydos	Madden	Samuelson
Bizzarro	Gergely	Madsen	Sanchez
Bonner	Gillen	Major	Sappey
Borowicz	Giral	Mako	Schemel
Borowski	Gleim	Malagari	Scheuren
Boyd	Green	Maloney	Schlegel
Boyle	Gregory	Marcell	Schlossberg

Bradford	Greiner	Markosek	Schmitt
Brennan	Grove	Marshall	Schweyer
Briggs	Guenst	Matzie	Scialabba
Brown, A.	Guzman	Mayes	Scott
Brown, M.	Haddock	McAndrew	Shusterman
Bullock	Hamm	McNeill	Siegel
Burgos	Hanbidge	Mehaffie	Smith
Burns	Harkins	Mentzer	Smith-Wade-El
C Freytiz	Harris	Mercuri	Solomon
Cabell	Heffley	Merski	Staats
Causer	Hogan	Metzgar	Stambaugh
Cephas	Hohenstein	Mihalek	Steele
Cerrato	Howard	Miller, B.	Stehr
Ciresi	Irvin	Miller, D.	Stender
Conklin	Isaacson	Moul	Struzzi
Cook	James	Mullins	Sturla
Cooper	Jones, M.	Munroe	Takac
Curry	Jones, T.	Mustello	Tomlinson
Cutler	Jozwiak	Neilson	Topper
D'Orsie	Kail	Nelson, E.	Twardzik
Daley	Kaufner	Nelson, N.	Venkat
Davanzo	Kauffman	O'Mara	Vitali
Davis	Kazeem	O'Neal	Warner
Dawkins	Keefer	Oberlander	Warren
Deasy	Kenyatta	Ortitay	Watro
Delloso	Kephart	Otten	Waxman
Delozier	Kerwin	Owlett	Webster
Diamond	Khan	Parker	Wentling
Donahue	Kim	Pashinski	White
Dunbar	Kinthead	Pickett	Williams, C.
Ecker	Kinsey	Pielli	Williams, D.
Emrick	Klunk	Pisciottano	Young
Evans	Kosierowski	Powell	Zimmerman
Fee	Krajewski	Probst	
Fiedler	Krueger	Rabb	McClinton,
Fink	Krupa	Rader	Speaker
Fleming			

NAYS—0

NOT VOTING—0

EXCUSED—0

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 1768, PN 2287**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, in Pennsylvania Liquor Control Board, further providing for biennial reports; and making an interfund transfer.

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 maker of the bill, the gentledady from Allegheny County, Representative Benham.

Ms. BENHAM. Thank you, Madam Speaker.

As amended, this bill does two things. It first cuts down on government bureaucracy and waste by simplifying the reporting process for the Bureau of Alcohol Education for its Report on Underage and High-Risk Drinking so that it can be included in the PLCB's (Pennsylvania Liquor Control Board's) annual report instead of as a separate report. And second, the bill includes in the list of grants administered by the Bureau of Alcohol Education a public safety grant for qualified municipalities with an oversaturation of liquor licenses. These grants can be used to pay for staffing costs, technology enhancements, and other expenses related to public safety.

I am all too familiar with the issues that can arise when people are concentrated together in one spot and drinking alcohol, due to representing south Pittsburgh, where especially – though not solely – on East Carson Street, we have seen significant public safety impacts. And I think oftentimes people might believe that the only municipalities with saturation-related public safety issues are in districts like mine – Pittsburgh, Philly, State College, and the like – but the reality is that many municipalities of all different sizes have nightlife districts that could benefit from additional public safety measures or technological enhancements like ID scanners, cameras, or public safety call buttons.

Our local municipalities, chambers of commerce, hospitality organizations, and organized community groups are often left holding the bag for problems in society that we have failed to address on the State level, but despite the best efforts of these groups in my district and across the State, the reality is that they have fewer tools and resources to fix these kinds of problems than we do. Gun violence is one of those problems. While we as the House have recently passed legislation to help stem the flow of guns into our communities and into the hands of teenagers, we wait for the Senate to take similar action.

And while I have helped bring over \$10 million in funding for violence prevention initiatives in my district since 2020, none of this funding has specifically addressed the issues that happen when we as the State allow for a concentration of bars. And the truth is, I am watching the generations that now follow me experience a collective trauma that leaves them fearful that they will not live to see tomorrow and hopeless that their futures could ever hold success or joy. And I mourn with our communities as beloved young people become victims, and oftentimes perpetrators, of a cycle of violence that leaves families and neighborhoods broken and in pain.

And I believe that people of all ages deserve areas of town where they can enjoy themselves, and I know that nightlife is an important part of that equation and a significant contributor to our local economies. But in those spaces, I want everyone to feel and be safe. It is my hope that this legislation will help provide resources to our local municipalities to keep our communities safe in these areas. Please join me in voting "yes."

The SPEAKER. The Chair thanks the maker of the bill.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—110

Abney	Fleming	Krueger	Rozzi
Bellmon	Flick	Kulik	Salisbury
Benham	Frankel	Madden	Samuelson
Bizzarro	Freeman	Madsen	Sanchez
Borowski	Friel	Malagari	Sappay
Boyd	Gallagher	Markosek	Schlossberg
Boyle	Galloway	Matzie	Schweyer
Bradford	Gergely	Mayes	Scott
Brennan	Giral	McAndrew	Shusterman
Briggs	Green	McNeill	Siegel
Brown, A.	Guenst	Mehaffie	Smith-Wade-El
Bullock	Guzman	Mercuri	Solomon
Burgos	Haddock	Merski	Steele
Burns	Hanbidge	Mihalek	Sturla
C Freytiz	Harkins	Miller, D.	Takac
Cephas	Harris	Mullins	Tomlinson
Cerrato	Hogan	Munroe	Venkat
Ciresi	Hohenstein	Neilson	Vitali
Conklin	Howard	Nelson, N.	Warren
Curry	Isaacson	O'Mara	Waxman
Daley	Kazeem	Otten	Webster
Davis	Kenyatta	Parker	White
Dawkins	Khan	Pashinski	Williams, C.
Deasy	Kim	Pielli	Williams, D.
Delloso	Kinhead	Pisciottano	Young
Donahue	Kinsey	Powell	
Evans	Kosierowski	Probst	McClinton,
Fiedler	Krajewski	Rabb	Speaker

#### NAYS—93

Adams	Fritz	Kuzma	Rapp
Armanini	Gaydos	Labs	Rigby
Banta	Gillen	Lawrence	Roae
Barton	Gleim	Leadbeter	Rossi
Benninghoff	Gregory	Mackenzie, M.	Rowe
Bernstine	Greiner	Mackenzie, R.	Ryncavage
Bonner	Grove	Major	Schemel
Borowicz	Hamm	Mako	Scheuren
Brown, M.	Heffley	Maloney	Schlegel
Cabell	Irvin	Marcell	Schmitt
Causser	James	Marshall	Scialabba
Cook	Jones, M.	Mentzer	Smith
Cooper	Jones, T.	Metzgar	Staats
Cutler	Jozwiak	Miller, B.	Stambaugh
D'Orsie	Kail	Moul	Stehr
Davanzo	Kaufer	Mustello	Stender
Delozier	Kauffman	Nelson, E.	Struzzi
Diamond	Keefer	O'Neal	Topper
Dunbar	Kephart	Oberlander	Twardzik
Ecker	Kerwin	Ortitay	Warner
Emrick	Klunk	Owlett	Watro
Fee	Krupa	Pickett	Wentling
Fink	Kutz	Rader	Zimmerman
Flood			

#### NOT VOTING—0

#### EXCUSED—0

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.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County for a committee announcement, Representative Harris.

Mr. HARRIS. Thank you, Madam Speaker.

Madam Speaker, the House Appropriations Committee will meet tonight at 6:15 in the majority caucus room; House Appropriations Committee will meet tonight at 6:15 in the majority caucus room.

Thank you, Madam Speaker.

The SPEAKER. The Appropriations Committee will meet at 6:15 in the majority caucus room.

**VOTE CORRECTION**

The SPEAKER. For what purpose does the gentleman from Berks County, Representative Gillen, rise?

Mr. GILLEN. To correct the record.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GILLEN. I was recorded in the affirmative on SB 843, amendment A02942. I wish to be recorded in the negative.

The SPEAKER. The remarks are noted and will be spread across the record.

**SENATE MESSAGE****HOUSE AMENDMENTS  
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 500, PN 1175**.

**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 500, PN 1175**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code, in public assistance, providing for medical assistance coverage for pasteurized donor human milk.

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

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair is in receipt of some great information. The gentlelady from the 131st Legislative District is celebrating her birthday today. Happy birthday, Representative Mackenzie.

The Chair thanks the birthday girl for helping the Chair locate the gentleman from Lehigh at the start of session when he was missing and his guest was about to give remarks.

**BILLS REMOVED FROM TABLE**

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

HB 587;  
HB 908;  
HB 1417;  
HB 1585;  
HB 1751;  
HB 1795; and  
SB 607.

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

**BILLS RECOMMITTED**

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

HB 221;  
HB 775;  
HB 1481;  
HB 1706;  
HB 1752;  
HB 1786;  
SB 773; and  
SB 843.

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

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Chair is in receipt of a motion by the gentlelady from York, Representative Hill-Evans, who moves the House now adjourn until Wednesday, November 15, 2023, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 5:10 p.m., e.s.t., the House adjourned.