

SB 1209 By Senators WAUGH, KITCHEN, WENGER, FUMO, MADIGAN, REGOLA, TARTAGLIONE, BOSCOLA, MUSTO, O'PAKE, ERICKSON, RAFFERTY, SCARNATI, RHOADES, FONTANA, PILEGGI, COSTA, PUNT, ORIE, LEMMOND, CORMAN, GORDNER, GREENLEAF, BROWNE, C. WILLIAMS, WASHINGTON, STOUT, A. WILLIAMS, LOGAN and HUGHES.

Prior Printer's No. 1769.

Printer's No. 2047.

An Act providing for the Healthy Farms and Healthy Schools Program.

Referred to AGRICULTURE AND RURAL AFFAIRS, April 27, 2006
Reported as committed, June 7, 2006
First consideration, June 7, 2006
Re-referred to APPROPRIATIONS, June 12, 2006
Re-reported as amended, Sept. 19, 2006
Second consideration, Sept. 20, 2006
Third consideration and final passage, Sept. 25, 2006 (49-0)
(Remarks see Senate Journal Page 2029), Sept. 25, 2006

In the House

Referred to AGRICULTURE AND RURAL AFFAIRS, Sept. 27, 2006
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(Remarks see House Journal Page 2498), Nov. 20, 2006
Signed in Senate, Nov. 21, 2006
Signed in House, Nov. 21, 2006
Presented to the Governor, Nov. 22, 2006
Approved by the Governor, Nov. 29, 2006
Act No. 184

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1209 Session of
2006

INTRODUCED BY WAUGH, KITCHEN, WENGER, FUMO, MADIGAN, REGOLA,
TARTAGLIONE, BOSCOLA, MUSTO, O'PAKE, ERICKSON, RAFFERTY,
SCARNATI, RHOADES, FONTANA, PILEGGI, COSTA, PUNT, ORIE,
LEMMOND, CORMAN, GORDNER, GREENLEAF, BROWNE, C. WILLIAMS,
WASHINGTON, STOUT, A. WILLIAMS, LOGAN AND HUGHES,
APRIL 27, 2006

SENATOR WENGER, APPROPRIATIONS, RE-REPORTED AS AMENDED,
SEPTEMBER 19, 2006

AN ACT

1 Providing for the Healthy Farms and Healthy Schools Program.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Healthy Farms
6 and Healthy Schools Act.

7 Section 2. Findings and declarations.

8 The General Assembly finds and declares as follows:

9 (1) An alarming percentage of our school-aged children
10 have an unhealthy weight. In large part, this is due to poor
11 eating habits. Pilot programs have shown that focused
12 nutritional education in the early school years coupled with
13 exposure to a variety of healthy foods can initiate a long-
14 term increase in healthy eating habits as children mature.

15 (2) Agriculture is this Commonwealth's most successful

1 economic engine. Unfortunately, the percentage of our
2 population directly involved in agriculture has decreased
3 dramatically over the last several decades. Knowledge about
4 the sources of our food and agriculture in Pennsylvania is
5 not widespread in our communities, particularly in less
6 affluent areas. Educational programs for young children
7 providing hands-on experience with agriculture increases an
8 awareness of what constitutes a healthy diet. Thus, it is
9 vital to inform the future citizens of this Commonwealth
10 about good eating habits, while demonstrating the importance
11 of the role of local farms in achieving this crucial goal.

12 (3) An initiative accomplishing this two-fold purpose is
13 decisive in ensuring the citizenry of this Commonwealth will
14 be healthy in the coming years. The purposes of this program
15 are to educate kindergartners and their families about the
16 importance of choosing healthy, locally produced foods and
17 increase awareness of Pennsylvania agriculture. Furthermore,
18 the initiative should aid Pennsylvania farmers in gaining
19 access to new markets within this Commonwealth. Consequently,
20 the Commonwealth should institute a program including:

21 (i) Nutrition education involving student
22 participation which is integrated into regular subjects
23 in the curriculum of primary and secondary education
24 institutions.

25 (ii) Focusing on locally grown foods provided from
26 Pennsylvania farms.

27 (iii) Equipping teachers and other educators to
28 incorporate nutrition and agriculture education into
29 their instruction.

30 (iv) Providing for new direct marketing

1 opportunities for Pennsylvania farmers.

2 (v) Providing for family and community involvement,
3 including parent, caregiver and community group
4 participation in education activities.

5 (vi) Visits to nearby farms for school children so
6 they may understand and learn more about the sources of
7 their food.

8 Section 3. Definitions.

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

12 "Department." The Department of Agriculture of the
13 Commonwealth.

14 "Program." The Healthy Farms and Healthy Schools Program
15 established under this act.

16 "Secretary." The Secretary of Agriculture of the
17 Commonwealth.

18 Section 4. Grant program.

19 (a) Authorization.--The department, in consultation with the
20 Department of Education and the Department of Health, is
21 authorized to establish a program to award grants for the
22 purpose of developing the Healthy Farms and Healthy Schools
23 Program in kindergarten classes in this Commonwealth.

24 (b) Eligibility.--Any ~~public~~ SCHOOL DISTRICT, CHARTER SCHOOL ←
25 or private school with a kindergarten program may submit an
26 application to the department for funding.

27 (c) Program requirements.--The program shall contain the
28 following elements:

29 (1) A list of Pennsylvania farmers who have agreed to
30 supply food products from Pennsylvania farms, verifiable by

1 the department.

2 (2) Nutrition and agriculture education, including
3 integration into regular classroom subjects.

4 (3) Training of teachers and other educational staff on
5 nutrition and agriculture education.

6 (4) The inclusion of parents, caregivers and community
7 groups in educational activities.

8 (5) Field trips to Pennsylvania farms or other direct
9 agricultural educational experiences which teach children
10 about sources of food and Pennsylvania agriculture.

11 Section 5. Limitation on grants.

12 (a) Matching.--Grant amounts shall be limited to 75% of the
13 amount necessary to develop the program, not to exceed \$15,000
14 annually, per school. Applicants may use in-kind support to
15 match the amount granted.

16 (b) Conditions.--The secretary may approve a grant in an
17 amount less than the requested amount. The secretary may also
18 impose restrictions or special conditions upon issuance of the
19 grant.

20 Section 6. Applications and review of applications.

21 (a) Submission.--Applications for grants shall be submitted
22 in a manner and form as prescribed by the secretary.

23 (b) Evaluation.--When reviewing applications, the secretary
24 shall evaluate applications annually on the basis of all of the
25 following:

26 (1) The ability of the applicant to complete the
27 program.

28 (2) The ability of the applicant to incorporate all of
29 the program requirements.

30 (3) The location of the school in an area where a high

1 percentage of the children receive free or reduced-price
2 school meals.

3 (4) The potential of the program to increase knowledge
4 about nutrition and healthy eating habits for the children,
5 their caregivers and the community.

6 (5) The potential of the program to increase knowledge
7 about Pennsylvania agriculture for the children, their
8 caregivers and the community.

9 (6) The ability of the applicant to procure locally
10 grown foods for their program.

11 (7) The potential of the program to increase markets for
12 local agricultural producers.

13 (8) The number of people who will be served by the
14 program.

15 (9) The ability of the applicant to sustain the program.

16 (10) The overall performance of the applicant if a grant
17 was received in a previous year.

18 Section 7. Disposition of grants.

19 (a) Written agreement.--The department may require a written
20 agreement describing the terms and conditions of the grant.

21 (b) Verification.--The department may require verification
22 of grant expenditures.

23 (c) Criteria.--The department may establish criteria under
24 which the secretary may demand the return of all or a portion of
25 the grant funds.

26 Section 8. Administration and contracting.

27 Funds appropriated for this program may be used for
28 administrative purposes which execute the program, including
29 contracting with one or more entities to carry out the
30 provisions of this act.

1 Section 9. Regulations.

2 The department shall promulgate regulations as it deems
3 necessary to carry out the purposes of this act.

4 Section 10. Funding.

5 Grants shall be awarded to the extent funds are made
6 available by the General Assembly.

7 Section 11. Effective date.

8 ~~This act shall take effect in 60 days.~~

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9 THIS ACT SHALL TAKE EFFECT JULY 1, 2007.

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COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, SEPTEMBER 25, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

MONDAY, September 25, 2006

The Senate met at 2 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Catherine Baker Knoll) in the Chair.

PRAYER

The Chaplain, Reverend JASON A. TOURVILLE, of Cornerstone Christian Fellowship, Abington, offered the following prayer:

Let us pray.

Heavenly Father, we come to You today. We come to You with thanksgiving in our hearts because of all that You have done and all that You have provided for us as a people. Lord God, we come to You with hearts of humility, knowing that You have placed us in these positions of service before You. Since You have placed us here, Lord God, we pray for Your divine protection, Your divine providence over us, and that You will guide all that is said and done here in these meetings today, that the positions that You have entrusted to each one who is here, that we may be found faithful with what You have asked us to do and whom You have called us to be.

Lord, I plead Your blessings upon each Senator, each Representative, each person who is here today, Lord God, that You would touch them, their homes, their loved ones. They are here serving others in this capacity. I pray that You will bless them this day.

We thank You, Lord God. We dedicate all that is said and done to the glory of Your name. In Your precious name we do pray. Amen and Amen.

The PRESIDENT. The Chair thanks Reverend Tourville, who is the guest today of Senator Greenleaf and Senator Washington.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled.)

JOURNAL APPROVAL POSTPONED

The PRESIDENT. Without objection, approval of the Journal of the Session of September 20, 2006, will be postponed until the Journal is in print.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE DAUPHIN COUNTY
BOARD OF ASSISTANCE

September 20, 2006

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Herman Krevsky, Harrisburg, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE ERIE COUNTY
BOARD OF ASSISTANCE

September 20, 2006

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Erie County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice LaWanda Bender-Goodwine, North East, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

September 20, 2006

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

YEA-49

Armstrong	Greenleaf	Piccola	Vance
Boscola	Hughes	Pileggi	Washington
Brightbill	Jubelirer	Pippy	Waugh
Browne	Kasunic	Punt	Wenger
Conti	Kitchen	Rafferty	White, Donald
Corman	LaValle	Regola	White, Mary Jo
Costa	Lemmond	Rhoades	Williams, Anthony H.
Dinniman	Logan	Robbins	Williams, Constance
Earll	Madigan	Scarnati	Wonderling
Erickson	Mellow	Stack	Wozniak
Ferlo	Musto	Stout	
Fontana	O'Pake	Tartaglione	
Gordner	Orie	Tomlinson	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, at this time I ask for a Republican caucus, which will begin immediately. I expect it to last approximately an hour.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I ask all Democratic Senators to report to our caucus room immediately.

The PRESIDENT. For purposes of Democratic and Republican caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I request that the temporary Capitol leaves of Senator Greenleaf and Senator Mary Jo White be cancelled.

The PRESIDENT. Without objection, the leaves will be cancelled.

LEGISLATIVE LEAVE

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I ask for a temporary Capitol leave for Senator Punt.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Punt. Without objection, the leave will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1209 (Pr. No. 2047) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Healthy Farms and Healthy Schools Program.

Considered the third time and agreed to, And the amendments made thereto having been printed as required by the Constitution,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Greenleaf	Piccola	Vance
Boscola	Hughes	Pileggi	Washington
Brightbill	Jubelirer	Pippy	Waugh
Browne	Kasunic	Punt	Wenger
Conti	Kitchen	Rafferty	White, Donald
Corman	LaValle	Regola	White, Mary Jo
Costa	Lemmond	Rhoades	Williams, Anthony H.
Dinniman	Logan	Robbins	Williams, Constance
Earll	Madigan	Scarnati	Wonderling
Erickson	Mellow	Stack	Wozniak
Ferlo	Musto	Stout	
Fontana	O'Pake	Tartaglione	
Gordner	Orie	Tomlinson	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, Senator Kasunic has returned to the floor, and I ask that his temporary Capitol leave be cancelled.

The PRESIDENT. Senator Kasunic has returned, and his temporary Capitol leave will be cancelled.

PERMISSION TO ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, now that the vote has been taken, I rise as prime sponsor of the bill that we just voted

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 20, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 68

HOUSE OF REPRESENTATIVES

The House convened at 1:15 p.m., e.s.t.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

RABBI SOLOMON ISAACSON, Guest Chaplain of the House of Representatives, offered the following prayer:

Good afternoon, ladies and gentlemen.

We are dealing now with the time of hospitality and being very cordial and friendly before the holidays, with the holiday spirit. They tell a story of a gentleman who arrived in the city of New York and did not know his way around, and he met this total stranger on the street, and the stranger was as nice as could be; showed him, advised him, told him where to go, what to do, how much to buy, and how to save, and as he was speaking, his coat flew open and the gentleman could not help but see that inside his jacket was an emblem that said church of Satan. And the gentleman keeps helping him, is very nice, very friendly, very cordial, and he could not hold himself back, and he finally approached the gentleman, and he said to him, I hope you do not mind, but I could not help but notice you belong to the church of Satan. He says, yes, I do. He says, you know, you have been so nice. Normally people from the church of Satan are not so nice. They are very arrogant, very disrespectful; the least of all, they are not helpful at all. He says, yeah, but I am not that religious.

I thought it was funny when I heard it, I am just saying. You know, it is a religious joke, you know.

(Prayer in Hebrew.)

May He who blessed our forefathers, Abraham, Isaac, and Jacob, may He bless the fighters of the United States of America – the Army, the Navy, the Marines, and the Air Force – who stand guard over our land and the cities of our God, wherever they may be. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed be He, preserve and rescue our fighting men from every trouble and distress and from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway; may He adorn them with the crown of salvation and with the diadem of triumph; and may there be fulfilled for them the verse, for it is Hashem, our God, who goes with you to battle your enemies for you to save you, and let us say amen.

(Prayer in Hebrew.)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternities; who releases David, His servant, from the evil sword; who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, Governor, Speaker of the House, and all the other officials in this room with us and all those that serve these officials in this room.

May the King of kings, who reigns over kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury; may He rescue them; may He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn, may they succeed.

The King who reigns over kings, in His mercy, may He put into their heart and into the heart of all their counselors and officials compassion to do good with us and all the people of our great Commonwealth of Pennsylvania.

In their days and in ours, may the Redeemer come quickly, so may it be His will. Now let us say amen.

Thank you and God bless.

STATEMENT BY RABBI ISAACSON

RABBI ISAACSON. I want to just take the opportunity, since you are not in session in December, because I guess all of you are taking off because of Hanukkah, to wish all of you a happy Hanukkah and a happy merry Christmas to all of you. May God watch over you and may He grant you, and as you approach the new year – I know about us –and the holiday of Rosh Hashanah, our new year, we look back and try to make new commitments to God to better ourselves.

I hope that God will answer all of your prayers and that may the new year, coming year, 2007, bring all of you much health, happiness, joy, and success, and may you all only know from good times, and if you need any help, do not forget to call the Rabbi.

Thank you.

PLEDGE OF ALLEGIANCE

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

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

If I could have the members' attention, I would like to offer HR 922, which is a condolence resolution, and as many of you know and have experienced, you have had to take this mike, and I think we have all determined, those of us that have had to do this, that one of our hardest tasks is to put into words reflections upon the life of one of our constituents who has died while defending our nation. No matter how many times I have done this, and this is now my fourth time this session, it is still difficult for me to say goodbye to a soldier that has given his life to this great country.

Although his family is not here with us today, I want to thank Sfc. Daniel Brozovich for serving the United States of America in the Armed Forces. I want to thank Sergeant Brozovich for serving first in the Marines and later in the Pennsylvania National Guard, and I want to thank Sergeant Brozovich for deploying three times with the Pennsylvania National Guard—

The SPEAKER. One second, Mr. Wilt.

Would the conferences on the side aisles please break up.

Mr. Wilt.

Mr. WILT. Thank you, Mr. Speaker.

I want to thank Sergeant Brozovich for deploying three times with the Pennsylvania National Guard – once to Belgium and twice to Iraq – and most of all, I want to thank him for his ultimate sacrifice on October 18, 2006, when a roadside bomb detonated when his patrol went by, killing him and wounding three fellow Pennsylvanians – Spc. Ryan Griffin of Pittsburgh, Spc. Robert Kaminski of Allison Park, and Pvt. Joshua Humberger of Grapeville.

I want to commend Sergeant Brozovich for his example of his life of service. One of the few solaces is knowing that Sergeant Brozovich died for our nation, protecting the freedoms of everyone in this chamber today. He died believing in the ideals of this great nation, believing in his mission, and making a difference in the world. He has left behind a loving wife, Mary, and two children, Ryan and Carrie. While we cannot possibly ease their pain, we can honor and remember Mary's husband and Ryan and Carrie's father by unanimously passing HR 922.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Allen	Flaherty	Maitland	Ross
Argall	Flagle	Major	Rubley
Baker	Flick	Manderino	Sabatina
Baldwin	Forcier	Mann	Sainato
Barrar	Frankel	Markosek	Samuelson
Bastian	Freeman	Marsico	Santoni
Bebko-Jones	Gabig	McCall	Sather
Belardi	Gannon	McGeehan	Saylor
Belfanti	Geist	McGill	Scavello
Benninghoff	George	McIlhattan	Schroder
Beyer	Gerber	McIlhinney	Semmel
Bianucci	Gergely	McNaughton	Shaner
Birmelin	Gillespie	Melio	Shapiro
Bishop	Gingrich	Metcalfe	Siptroth
Blackwell	Godshall	Micozzie	Smith, B.

Blum	Good	Millard	Smith, S.
Boyd	Goodman	Miller, R.	Solobay
Bunt	Grell	Miller, S.	Sonney
Buxton	Grucela	Mundy	Stairs
Caltagirone	Gruitza	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causser	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hess	Petrarca	True
Crahalla	Hickernell	Petri	Turzai
Creighton	Hutchinson	Petrone	Veon
Curry	James	Phillips	Vitali
Daley	Josephs	Pickett	Walko
Dally	Kauffman	Pistella	Wansacz
DeLuca	Keller, M.	Preston	Waters
Denlinger	Keller, W.	Pyle	Watson
Dermody	Kenney	Quigley	Wheatley
DeWeese	Killion	Ramaley	Williams
DiGirolamo	Kirkland	Rapp	Wilt
Diven	Kotik	Raymond	Wojnaroski
Eachus	Leach	Readshaw	Wright
Ellis	Lederer	Reed	Yewcic
Evans, D.	Leh	Reichley	Yudichak
Evans, J.	Lescovitz	Roberts	Zug
Fabrizio	Levdansky	Roebuck	
Fairchild	Mackereth	Rohrer	Perzel,
Feese	Maher	Rooney	Speaker
Fichter			

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—10

Adolph	Donatucci	Rieger	Taylor, E.Z.
Armstrong	Hershey	Staback	Youngblood
Cruz	LaGrotta		

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

CALENDAR CONTINUED

CONSIDERATION OF SB 1209 CONTINUED

The SPEAKER. The Chair returns to page 1 of today's House calendar, SB 1209, PN 2047.

On the question recurring,

Will the House agree to the bill on third consideration?

MOTION TO SUSPEND RULES

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

Mr. NICKOL. Mr. Speaker, I move for an immediate suspension of the rules for amendment No. 10490.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Nickol. Just a brief explanation on the suspension of the rules.

Mr. NICKOL. Mr. Speaker, I am seeking to amend this bill, to convert it to a School Code bill, and add provisions extending the Education Empowerment Act of 2000 to include waiver of the Separations Act, a request from school districts.

The SPEAKER. Does the gentleman, Mr. DeWeese, yield to the gentleman, Mr. Cohen, on suspension? The gentleman does. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this is a very highly controversial matter to working people across the State of Pennsylvania. Democrats would urge a “no” vote on suspending the rules, a “no” vote on suspending the rules.

The SPEAKER. For the information of the gentleman, Mr. Stairs, this is only debatable by the leaders, and the leader has designated his time to the gentleman, Mr. Nickol.

Mr. STAIRS. Thank you, Mr. Speaker.

I also join the Democrats in opposing this, and I would ask you to vote to—

The SPEAKER. Mr. Stairs, Mr. Stairs, the leader designated the gentleman, Mr. Nickol.

Mr. STAIRS. Oh, I am sorry.

The SPEAKER. Only one— I think you got your point across, though, but the gentleman, Mr. Nickol, is recognized.

Mr. NICKOL. Thank you, Mr. Speaker.

I was recently contacted by a school district that I represent who has a construction project that they are looking at. They had sought a separations waiver from the Department of Education, and they were informed that due to a Commonwealth Court decision in 2003, they cannot grant a separations waiver. That actually was one of the most popular forms of waiver, request for waivers after we passed the Education Empowerment Act of 2000, and the court had ruled in 2003 that because we did not reference the Separations Act, therefore the Department of Ed could not grant those waivers.

This waiver in and of itself, whereby they would not have to separately bid every contract but could hire one prime contractor, will save that school district \$150,000 on that project. I think this is a worthwhile thing to approve and add to the Education Empowerment Act. It is a huge cost savings for school districts, and I would urge the members to approve the suspension of the rules so I can offer the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cohen.

Mr. COHEN. Mr. Speaker, as we come to the end of the legislative schedule, we have many bills facing us in a very, very short period of time. This legislation that is going to be proposed if this suspension passes is extremely complicated. It will take many hours of debate. It will have very heated discussions, very long discussions, and this will be a very deep distraction from ending this session and getting on with the important business of the day.

I strongly urge a “no” vote on suspension of the rules.

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

The following roll call was recorded:

YEAS—84

Baker	Geist	McIlhinney	Ross
Baldwin	Gillespie	McNaughton	Rubley
Bastian	Gingrich	Metcalfe	Sather
Benninghoff	Godshall	Micozzie	Saylor
Birmelin	Grell	Millard	Scavello
Boyd	Harper	Miller, R.	Schroder
Cappelli	Harris	Miller, S.	Smith, B.
Causler	Hasay	Nailor	Steil
Civera	Hennessey	Nickol	Stern
Clymer	Herman	O'Brien	Stevenson, R.
Cornell	Hess	O'Neill	Stevenson, T.
Creighton	Hickernell	Payne	Taylor, J.
Denlinger	Hutchinson	Phillips	True
DiGirolamo	Kauffman	Pickett	Turzai
Diven	Keller, M.	Pyle	Watson
Ellis	Leh	Quigley	Wilt
Fairchild	Mackereth	Rapp	Wright
Feese	Maher	Raymond	Zug
Fleagle	Maitland	Reed	
Forcier	Major	Reichley	Perzel,
Gabig	Marsico	Rohrer	Speaker
Gannon	McIlhattan		

NAYS—107

Allen	Evans, D.	Lederer	Sainato
Argall	Evans, J.	Lescovitz	Samuelson
Barrar	Fabrizio	Levdansky	Santoni
Bebko-Jones	Fichter	Manderino	Semmel
Belardi	Flaherty	Mann	Shaner
Belfanti	Flick	Markosek	Shapiro
Beyer	Frankel	McCall	Siproth
Biancucci	Freeman	McGeehan	Smith, S.
Bishop	George	McGill	Solobay
Blackwell	Gerber	Melio	Sonney
Blaum	Gergely	Mundy	Stairs
Bunt	Good	Mustio	Sturla
Buxton	Goodman	Myers	Surra
Caltagirone	Grucela	Oliver	Tangretti
Casorio	Gruitza	Pallone	Thomas
Cawley	Haluska	Parker	Tigue
Cohen	Hanna	Petrarca	Veon
Corrigan	Harhai	Petri	Vitali
Costa	Harhart	Petrone	Walko
Crahalla	James	Pistella	Wansacz
Curry	Josephs	Preston	Waters
Daley	Keller, W.	Ramaley	Wheatley
Dally	Kenney	Readshaw	Williams
DeLuca	Killion	Roberts	Wojnaroski
Dermody	Kirkland	Roebuck	Yewcic
DeWeese	Kotik	Rooney	Yudichak
Eachus	Leach	Sabatina	

NOT VOTING—1

Ruffing

EXCUSED—10

Adolph	Donatucci	Rieger	Taylor, E.Z.
Armstrong	Hershey	Staback	Youngblood
Cruz	LaGrotta		

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

Allen	Flaherty	Maitland	Ross
Argall	Fleagle	Major	Rubley
Baker	Flick	Manderino	Sabatina
Baldwin	Forcier	Mann	Sainato
Barrar	Frankel	Markosek	Samuelson
Bastian	Freeman	Marsico	Santoni
Bebko-Jones	Gabig	McCall	Sather
Belardi	Gannon	McGeehan	Saylor
Belfanti	Geist	McGill	Scavello
Benninghoff	George	McIlhattan	Schroder
Beyer	Gerber	McIlhinney	Semmel
Biancucci	Gergely	McNaughton	Shaner
Birmelin	Gillespie	Melio	Shapiro
Bishop	Gingrich	Metcalfe	Siptroth
Blackwell	Godshall	Micozzie	Smith, B.
Blaum	Good	Millard	Smith, S.
Boyd	Goodman	Miller, R.	Solobay
Bunt	Grell	Miller, S.	Sonney
Buxton	Grucela	Mundy	Stairs
Caltagirone	Gruitza	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hess	Petrarca	True
Crahalla	Hickernell	Petri	Turzai
Creighton	Hutchinson	Petrone	Veon
Curry	James	Phillips	Vitali
Daley	Josephs	Pickett	Walko
Dally	Kauffman	Pistella	Wansacz
DeLuca	Keller, M.	Preston	Waters
Denlinger	Keller, W.	Pyle	Watson
Dermody	Kenney	Quigley	Wheatley
DeWeese	Killion	Ramaley	Williams
DiGirolamo	Kirkland	Rapp	Wilt
Diven	Kotik	Raymond	Wojnaroski
Eachus	Leach	Readshaw	Wright
Ellis	Lederer	Reed	Yewcic
Evans, D.	Leh	Reichley	Yudichak
Evans, J.	Lescovitz	Roberts	Zug
Fabrizio	Levdansky	Roebuck	
Fairchild	Mackereth	Rohrer	Perzel,
Feese	Maher	Rooney	Speaker
Fichter			

NAYS—0

NOT VOTING—1

Ruffing

EXCUSED—10

Adolph	Donatucci	Rieger	Taylor, E.Z.
Armstrong	Hershey	Staback	Youngblood
Cruz	LaGrotta		

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

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

* * *

The House proceeded to third consideration of **SB 665, PN 1260**, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the grant of letters of administration and for the administration of estates.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

Allen	Flaherty	Maitland	Ross
Argall	Fleagle	Major	Rubley
Baker	Flick	Manderino	Sabatina
Baldwin	Forcier	Mann	Sainato
Barrar	Frankel	Markosek	Samuelson
Bastian	Freeman	Marsico	Santoni
Bebko-Jones	Gabig	McCall	Sather
Belardi	Gannon	McGeehan	Saylor
Belfanti	Geist	McGill	Scavello
Benninghoff	George	McIlhattan	Schroder
Beyer	Gerber	McIlhinney	Semmel
Biancucci	Gergely	McNaughton	Shaner
Birmelin	Gillespie	Melio	Shapiro
Bishop	Gingrich	Metcalfe	Siptroth
Blackwell	Godshall	Micozzie	Smith, B.
Blaum	Good	Millard	Smith, S.
Boyd	Goodman	Miller, R.	Solobay
Bunt	Grell	Miller, S.	Sonney
Buxton	Grucela	Mundy	Stairs
Caltagirone	Gruitza	Mustio	Steil
Cappelli	Haluska	Myers	Stern
Casorio	Hanna	Nailor	Stevenson, R.
Causer	Harhai	Nickol	Stevenson, T.
Cawley	Harhart	O'Brien	Sturla
Civera	Harper	O'Neill	Surra
Clymer	Harris	Oliver	Tangretti
Cohen	Hasay	Pallone	Taylor, J.
Cornell	Hennessey	Parker	Thomas
Corrigan	Herman	Payne	Tigue
Costa	Hess	Petrarca	True
Crahalla	Hickernell	Petri	Turzai
Creighton	Hutchinson	Petrone	Veon