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Legislative Journal

TUESDAY, MAY 25, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 30

SENATE

TUESDAY, May 25, 2010

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

PRAYER

The Chaplain, Reverend CHARLES McELROY, of Saint Mary Parish, Schwenksville, offered the following prayer:

Almighty God and Creator, we acknowledge and praise and thank You for Your wonderful gifts to us - this beautiful world, the heroic vision and leadership of our Founding Fathers, the great love and service of all the many people who follow Your guidelines and work tirelessly for life and liberty and individual rights. From the deep devotion of the signers of the Declaration of Independence and the writers of the Constitutions of our nation and our Commonwealth, to the commitment of everyday individuals who work to support family and nation, Your providence inspires and protects us all.

As we gather to continue to form and review laws to benefit the citizens of our Commonwealth, we ask Your continued help. Your great spirit offers, as gifts for our minds, wisdom, understanding, and knowledge; and gifts to empower our decisions - courage, counsel, reverence, and fear of the Lord. Help our legislators, and indeed all of our leaders who are entrusted with the welfare of Your people, that they may act and understand wisely.

We know that You have a special concern for the poor and the vulnerable. We are especially troubled that in our nation today, the lives of the unborn, the disabled, and the elderly are too often severely threatened. We are especially concerned that the institution of marriage, already buffeted by promiscuity, infidelity, and divorce, is in jeopardy of being redefined to accommodate fashionable ideologies. We are concerned that the freedom of religion and the rights of conscience are gravely jeopardized by those who would use instruments of coercion to compel persons of faith to compromise their deepest convictions. So please give us courage and wisdom--especially to our legislators--to protect life, marriage, family, and individual freedom.

As Pope John Paul reminds us, "...there can be no life worthy of the human person without a culture--and a legal system--that honors and defends marriage and the family." He goes on: "The well-being of individuals and communities depends on the healthy state of the family." So bless the minds and hearts of our Senators and all their staffs and aides and supporters. Inspire them, and continue to bring our Commonwealth to an even

greater effectiveness in governing Your people. You love us with a deep, fatherly love, and we, Your sons and daughters, look expectantly to You.

And so we pray. Baruch haba b'shem Adonai. In nomine Domini nostri Jesu Christi. Allahu Akbar. Amen.

The PRESIDING OFFICER. The Chair thanks Father McElroy, who is the guest today of Senator Mensch.

PLEDGE OF ALLEGIANCE

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

BILLS REPORTED FROM COMMITTEES

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

SB 384 (Pr. No. 382)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the offense of violation of Fort Indiantown Gap regulations and providing for the powers and duties of police officers employed at State military installations.

HB 1789 (Pr. No. 3802) (Amended)

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions and for Wireless E-911 Emergency Services Fund; imposing a prepaid wireless E-911 surcharge; and requiring a study of the Legislative Budget and Finance Committee.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 1340 (Pr. No. 1916)

An Act amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, adding a definition; and providing for salary of corrections managers.

SB 1360 (Pr. No. 1999) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for hearing, for alternative procedure for relinquishment and for grounds for involuntary termination; providing for voluntary agreement for continuing contact; further providing for impounding of proceedings and access to records and for medical history information; providing for records and access to information; establishing an information registry; and making editorial changes.

HB 264 (Pr. No. 3801) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record and for juvenile records; providing for expungement fee; and making an editorial change.

Senator McILHINNEY, from the Committee on State Government, reported the following bill:

HB 666 (Pr. No. 3796) (Amended)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development interests in certain lands situate in the 39th Ward of the City of Philadelphia; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia.

Senator EICHELBERGER, from the Committee on Local Government, reported the following bills:

SB 1366 (Pr. No. 1983)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for sales of personal property.

SB 1367 (Pr. No. 1984)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers.

SB 1368 (Pr. No. 1985)

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

SB 1369 (Pr. No. 1986)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

RESOLUTIONS REPORTED FROM COMMITTEES

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolutions:

SR 205 (Pr. No. 1505)

A Resolution urging Congress of the United States to restore the presumption of a service connection for Agent Orange exposure for veterans.

SR 287 (Pr. No. 1824)

A Resolution memorializing the Congress of the United States to designate the Honor and Remember Flag as a national emblem of ser-

vice and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty.

HR 403 (Pr. No. 2421)

A Concurrent Resolution relating to the presumption of a service connection for Agent Orange exposure for certain Navy and Air Force veterans and calling on the Congressional Delegation of the Commonwealth of Pennsylvania to fully support and fund passage of the Agent Orange Equity Act of 2009.

Senator GREENLEAF, from the Committee on Judiciary, reported the following resolution:

SR 344 (Pr. No. 1982)

A Resolution directing the Joint State Government Commission to establish a criminal justice advisory committee to study the issues raised by The Philadelphia Inquirer and any other relevant issues regarding the criminal justice system in Philadelphia to develop solutions for problems that are identified and to make a report to the Senate with recommendations.

Senator EICHELBERGER, from the Committee on Local Government, reported the following resolution:

SR 323 (Pr. No. 1942)

A Resolution directing the Joint State Government Commission to conduct a comprehensive study of the number and types of mandates placed upon Pennsylvania's local governments by the Commonwealth.

The PRESIDING OFFICER. The resolutions will be placed on the Calendar.

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 441**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Scarnati and Senator Piccola.

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Mellow.

The PRESIDING OFFICER. Senator Pileggi requests legislative leaves for Senator Scarnati and Senator Piccola.

Senator O'Pake requests a legislative leave for Senator Mellow.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained a leave of absence for Senator ARGALL, for today's Session, for personal reasons.

Senator O'PAKE asked and obtained leaves of absence for Senator LEACH, Senator LOGAN, and Senator TARTAGLIONE, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDING OFFICER. The Journal of the Session of April 13, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of April 13, 2010.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-46

Alloway	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	McIlhinney	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Stout	
Farnese	Musto	Tomlinson	

NAY-0

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

The PRESIDING OFFICER. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JANE C. ORIE
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I rise to congratulate the North Allegheny Varsity Swimming and Diving Team. Mr. President, yesterday, members of the PIAA Class AAA champion North Allegheny Varsity Swimming and Diving Team were here visiting in the Capitol. Unfortunately, during their visit, they were called back, and the team did not have a chance to stop by to be greeted by the Senate. I felt that today would be a good day to acknowledge their tremendous achievement, their accomplishment. Again, these were back-to-back State championships for the North Allegheny Swimming and Diving Team, and I would like to specifically commend Corky Semler, the coach; Patti McClure; Robert Semanchik; and Patrick Wenzel for leading the

North Allegheny Tigers to back-to-back championships. And, Mr. President, of all people, I know how much you would have loved to have seen my guests, but unfortunately, they are not here today, and I just want to extend to them congratulations from this august body. So thank you, Mr. President.

The PRESIDING OFFICER. The Chair agrees, and the Chair thanks the gentlewoman from Allegheny County.

(Applause.)

**GUESTS OF SENATOR CHARLES McILHINNEY
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, it is my pleasure to introduce a constituent and personal friend of mine from Bucks County, Tina Mazaheri. She is joined by her niece, Monica Alfieri, who is a seventh grader at Holicong Middle School. Tina is a lifelong resident of Doylestown. She has been a lawyer for over 17 years, and she is secretary of the Doylestown Historical Society. In her spare time, Tina likes spending time with her children and nieces and nephews. Please join me in giving Tina and Monica a warm Senate welcome.

The PRESIDING OFFICER. Would the guests of Senator McIlhinney please rise so that the Senate may give you its usual warm welcome.

(Applause.)

**GUEST OF SENATOR LeANNA WASHINGTON
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Washington.

Senator WASHINGTON. Mr. President, my guest today is Micah Krey. He is graduating next month from Masterman High School, the most competitive public magnet high school in Philadelphia. Micah is an excellent baseball player and, just last week, was awarded First Team All-Public for his exceptional performance in that sport. Micah has excelled in the high school choir and is receiving a scholarship in vocal performance from Lenoir-Rhyne University in North Carolina, where he will begin undergraduate studies in the fall. Micah is the son of the Reverend Dr. Philip D.W. Krey, president of the Lutheran Theological Seminary in Philadelphia, and Rene Krey, who is the registrar at Lutheran Theological Seminary. I would like my colleagues to give Micah a very warm welcome as he shares today with me in the Pennsylvania State Senate.

The PRESIDING OFFICER. Would the guest of Senator Washington please rise so the Senate may give you its usual warm welcome.

(Applause.)

**GUESTS OF SENATOR ROBERT D. ROBBINS
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, I have the honor of introducing Major Gary Fleming, who is the vice commander of the Pennsylvania Wing of the Civil Air Patrol. He is with us today along with many of the CAP young people who are visiting the

Capitol and, of course, many of the leaders in the senior Civil Air Patrol. So it is a great honor that Major Gary Fleming was able to join the legislature and the legislative auxiliary wing today.

The PRESIDING OFFICER. Would the guests of Senator Robbins please rise so the Senate may offer its traditional warm welcome.

(Applause.)

RECONSIDERATION OF VOTE

BILL RECOMMITTED

HB 48 (Pr. No. 3578) -- The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move to reconsider the vote by which the Senate concurred in House amendments to Senate amendments to House Bill No. 48 on May 5, 2010.

The PRESIDING OFFICER. Senator Pileggi moves that the vote by which the Senate concurred in House amendments to Senate amendments to House Bill No. 48 on May 5, 2010, be reconsidered.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that House Bill No. 48 be recommitted to the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the motion?

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDING OFFICER. House Bill No. 48 is recommitted to the Committee on Rules and Executive Nominations.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator O'PAKE. Mr. President, after the meeting of the Committee on Rules and Executive Nominations, I ask all Democrats to report to our caucus room for a caucus.

The PRESIDING OFFICER. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Scarnati has returned, and his legislative leave is cancelled.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 828 (Pr. No. 1924) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, further providing for definitions; and providing for applicability.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 828?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 828.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI and were as follows, viz:

YEA-46

Alloway	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	McIlhinney	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Stout	
Farnese	Musto	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 inform the House of Representatives accordingly.

LEAVE CANCELLED

The PRESIDENT. Senator Argall has returned, and his personal leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 67 (Pr. No. 3792) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; further providing for junior driver's license and for suspension of operating privilege; prohibiting interactive wireless communications devices; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment, for general requirements for other vehicles transporting school children and for restraint systems.

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 PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Mr. President, on House Bill No. 67, I am not pleased with the amendments that were added to the bill, but I do plan to vote for the bill. At least it does something for the Commonwealth of Pennsylvania, and I am hoping that our colleagues in the House of Representatives take a good look at it when it goes back to them.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I share the comments just raised by my colleague, Senator Rafferty, but with all due respect, I will not be voting for this legislation. In fact, I hope and pray that the House will reject this legislation and send it back for further consideration.

First and foremost, I obviously am upset that we have transferred the urgency of making this a primary offense to a secondary offense, basically gutting the essence of what should be important reform legislation, as it affects youthful drivers who utilize cell phones and continue text messaging at great harm to themselves and to the public and to other motorists. The bill is fundamentally flawed because we have the opportunity to amend Title 75 of the Vehicle Code and to do it in a comprehensive fashion.

Several years ago, there was great debate, legitimately, among the population about whether or not there should be stricter controls over unfettered use of cell phones and text messaging. That debate has continued for the last few years, but thankfully and appropriately, there has been a lot more specific scientific and medical information in the last 3 years. There is significant information now, well-documented. Again, to try to expedite this, the fact of the matter is that what was much more controversial a few years ago has gained great acceptance among all elements of the

population of those who drive vehicles, and that is greater acceptance of the urgency and the need to have a text-messaging-while-driving ban and a ban on cell phone use that is not hands-free. And it should be uniform.

I could best describe this bill, House Bill No. 67, as amended, as a "do as I say, not as I do" piece of legislation. In effect, we are letting--and I will just give this as kind of a profile example, Mr. President--we have individuals who will be driving a car, such as an adult, a younger adult parent, an older grandparent, they may have two or three kids in the car, and they will be chatting away on the cell phone, or they may even be engaging in text messaging, while the younger people who are in that car are probably going to look very perplexed and confused about why they have been denied certain prerogatives, appropriately, yet parents and older individuals driving a car erratically and irresponsibly have no such condition or requirement under the law. It is just nonsensical. It does not make sense.

We have a bill that would be stronger, that has gained widespread acceptance among most drivers, be they private car vehicles or truck vehicles, and I see no reason whatsoever that we should in any way digress from doing a comprehensive rewrite of the Vehicle Code and once and for all ban text messaging by drivers in any vehicle, regardless of their age, across the board, as well as cell phone use, except for those cell phones that are not handheld. I think we should do that in a uniform way, so I am very upset with the initial passage of this bill, regardless of the offered amendments that were approved yesterday, and I hope that the House will take this matter up, reject this piece of legislation, and really push forward for a more comprehensive approach.

I will not reiterate all of the healthcare and traffic accident statistics. We all know them well. We have a chance. We have an opportunity. The timing is now to do a comprehensive bill. We are ignoring not only the public trust but our opportunity to do so, and engaging almost in a discriminatory fashion, only singling out young drivers, when really, there should be a comprehensive ban.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I, too, rise in support and intend to vote in favor today of House Bill No. 67. However, I want to join some of my colleagues in expressing my disappointment and my concern with respect to changes that were made to what I believe to be a very important piece of legislation. Changing the penalty from a primary offense to a secondary offense, I think, no doubt weakens the piece of legislation that we are talking about, particularly when we are looking at an issue of teen driving and distractions relative to teen drivers.

I think it is very important that we recognize that the primary offense nature is something that is very critical in terms of enforcement of this legislation. I find it ironic and somewhat nonsensical that while this legislation would provide that if a teen driver were not wearing a seatbelt, a police officer could witness that and pull that individual over and cite that person for a primary offense, yet if a police officer happens to see a junior driver driving and texting and talking on the phone at the same time, he would have a problem pulling that individual over, despite what he sees with respect to the type of driving that person is doing. It does not make sense to me.

I think it is something that needs to be addressed over in the House. My hope is, when this bill goes back to the House, that they have the opportunity to either nonconcur and address this discrepancy that I believe exists, but more importantly, I hope that they continue to hold the line with regard to making these offenses, these distracted driving offenses, primary offenses. I think that is what the people of Pennsylvania would want us to do. My concern is that if they do not do that, we will have a piece of legislation that will not accomplish this very, very important goal of protecting our teen drivers and also protecting the public.

There is a clear distinction in my mind between a primary offense which relates to using a seatbelt, which is utilized inside the vehicle itself and, quite frankly, protects the driver and the passengers in that vehicle, and a distracted driver, who not only impacts the person driving the vehicle but also those folks who may be driving on that roadway as well. There could be other cars coming, and it could be a distraction that impacts pedestrians. There are a lot of reasons why we should have consistency with respect to our laws as it relates to the primary offense nature of this type of activity. Texting and driving, in my opinion, Mr. President, should be a primary offense.

That being said, as I indicated, I intend to support the legislation because I think no legislation is worse than having a secondary offense teen driving bill. So I intend to support the legislation. My hope is that the House fixes it, makes it primary, gives it back to us, and we can come to our senses and support a primary offense.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Farnese.

Senator FARNESE. Mr. President, very briefly, I just want to echo the comments of my colleagues, specifically Senator Ferlo. I follow his very thoughtful and profound remarks in that we have a serious problem in the Commonwealth of Pennsylvania with texting while driving, whether it be with young people, with teenage drivers, or just across the board. We have to address it. I think we missed an opportunity to do that yesterday. I will be supporting the bill, but again, I join in with the comments made by Senator Costa in that I hope that when the bill gets back to the House, they do the right thing and shift the offense to a primary offense, because I believe not only should we talk about that in the scope of teenage drivers but across the board as well. Again, I will be supporting the bill today because I believe that any legislation is better than nothing at this point.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator John C. Rafferty, Jr.) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I rise to support this bill. I put the secondary offense in there because I still believe that education, not the heavy hand of law, is the best way to get people to get off of cell phones and to stop texting in automobiles. Our compliance, once again, with the secondary offense with seatbelts is exemplary compared to other States - just as much,

if not more, as those that have primary offenses for seatbelt laws. Our intention, what we want to do here, is not to have the heavy hand of the law, not to have police officers taking all of their time out making sure people are wearing seatbelts, but to educate young people and adults that it is dangerous, it is a distraction, and it could ultimately be fatal to use your cell phone and text while you are driving.

As with any law, we have to have a punishment, but what we are attempting to do is to raise awareness out there. And to throw one caveat out there, a few years ago, we inserted language into a junior license where we prevented any child without a senior license from traveling after 11 o'clock at night. I did some research, Mr. President, and not one teenager has ever been arrested because they had a junior license and they were out after 11 o'clock at night. We have to realize there is another component to this, and that is enforcement. It is next to impossible to enforce this upon the thousands upon thousands upon thousands of drivers out there. The best way that we can improve safety in Pennsylvania is education, education, education, and not fine, fine, fine.

But I do support this legislation to raise the awareness that texting and talking are dangerous, they are distracting, and they could be fatal. It could be you. But just think about this, folks. It could be somebody else, and you caused it, and you will have to live with that for the rest of your life. Do not talk on the phone, do not text on the phone. Drive your car safely.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Piccola has returned, and his legislative leave is cancelled.

And the question recurring,
Shall the bill pass finally?

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

YEA-44

Alloway	Farnese	O'Pake	Tomlinson
Argall	Fontana	Orie	Vance
Baker	Gordner	Piccola	Vogel
Boscola	Greenleaf	Pileggi	Ward
Browne	Hughes	Pippy	Washington
Brubaker	Kasunic	Rafferty	Waugh
Corman	Kitchen	Robbins	White, Donald
Costa	McIlhinney	Scarnati	White, Mary Jo
Dinniman	Mellow	Smucker	Williams
Earll	Mensch	Stack	Wozniak
Erickson	Musto	Stout	Yaw

NAY-3

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

HB 115 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 214 (Pr. No. 1951) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

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:

YE A-47

Table with 4 columns: Alloway, Farnese, Musto, Tomlinson, Argall, Ferlo, O'Pake, Vance, Baker, Folmer, Orié, Vogel, Boscola, Fontana, Piccola, Ward, Browne, Gordner, Pileggi, Washington, Brubaker, Greenleaf, Pippy, Waugh, Corman, Hughes, Rafferty, White, Donald, Costa, Kasunic, Robbins, White, Mary Jo, Dinniman, Kitchen, Scarnati, Williams, Earl, McIlhinney, Smucker, Wozniak, Eichelberger, Mellow, Stack, Yaw, Erickson, Mensch, Stout

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.

SB 620 (Pr. No. 667) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of birth resulting in stillbirth.

Considered the third time and agreed to,

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:

YE A-47

Table with 4 columns: Alloway, Farnese, Musto, Tomlinson, Argall, Ferlo, O'Pake, Vance, Baker, Folmer, Orié, Vogel, Boscola, Fontana, Piccola, Ward, Browne, Gordner, Pileggi, Washington, Brubaker, Greenleaf, Pippy, Waugh, Corman, Hughes, Rafferty, White, Donald, Costa, Kasunic, Robbins, White, Mary Jo, Dinniman, Kitchen, Scarnati, Williams, Earl, McIlhinney, Smucker, Wozniak, Eichelberger, Mellow, Stack, Yaw, Erickson, Mensch, Stout

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.

BILL AMENDED AND LAID ON THE TABLE

SB 918 (Pr. No. 1952) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, consolidating and amending the Third Class County Assessment Board Law, The Fourth to Eighth Class and Selective County Assessment Law and provisions of The County Code relating to auxiliary board of assessment appeals and assessment of signs and sign structures; and making related repeals.

On the question, Will the Senate agree to the bill on third consideration? Senator COSTA offered the following amendment No. A7087:

Amend Bill, page 1, line 6, by inserting after "structures;": providing for municipal pensions in cities of the second class; Amend Bill, page 52, by inserting between lines 10 and 11: Section 2. Part VII of Title 53 is amended by adding a subpart to read:

SUBPART D EMPLOYMENT AND EMPLOYEES

Chapter

91. Municipal Pensions

CHAPTER 91

MUNICIPAL PENSIONS

Subchapter

A. (Reserved)

B. Cities of the Second Class

SUBCHAPTER A

(RESERVED)

SUBCHAPTER B

CITIES OF THE SECOND CLASS

Sec.

9111. Scope of subchapter.

9112. Deposits of certain proceeds.

9113. Timing of transfer of administration of pension system fund.

§ 9111. Scope of subchapter.

This subchapter shall apply to pensions in cities of the second class.

§ 9112. Deposits of certain proceeds.

Notwithstanding the provisions of section 902(a)(2) of the act of December 18, 1984 (P.L. 1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, in order to exercise the additional taxing authority granted under that section, net proceeds of the lease or sale of a city of a second class' parking au-

thority garages must be deposited as follows:

(1) into the city's municipal pension system fund; or
 (2) with the Pennsylvania Municipal Retirement System and credited to the city's account in the event the administration of the city's municipal pension system fund has been transferred to the Pennsylvania Municipal Retirement System under section 902(c) of the Municipal Pension Plan Funding Standard and Recovery Act, § 9113. Timing of transfer of administration of pension system fund.
Notwithstanding the provisions of section 902(c) of the Municipal Pension Plan Funding Standard and Recovery Act, if the administration of a city of the second class' municipal pension system fund is to be transferred to the Pennsylvania Municipal Retirement System under that section, the transfer shall be accomplished by October 30, 2011.

Amend Bill, page 52, line 11, by striking out "2" and inserting:
 3

Amend Bill, page 52, line 28, by striking out "3" and inserting:
 4

Amend Bill, page 53, line 4, by striking out "4" and inserting:
 5

Amend Bill, page 53, line 22, by striking out "5" and inserting:
 6

Amend Bill, page 54, line 17, by striking out "6" and inserting:
 7

Amend Bill, page 54, line 17, by striking out "January 1, 2011." and inserting:
 as follows:

(1) The addition of 53 Pa.C.S. Pt. VII Subpt. D shall take effect immediately.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect January 1, 2011.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Upon motion of Senator WAUGH, and agreed to by voice vote, the bill, as amended, was laid on the table.

SB 918 TAKEN FROM THE TABLE

Senator WAUGH. Mr. President, I move that Senate Bill No. 918, Printer's No. 2000, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILL AMENDED

SB 1011 (Pr. No. 1953) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for certificates qualifying persons to teach and for kinds of State certificates; and providing for residency certificates.

On the question,

Will the Senate agree to the bill on third consideration?

PICCOLA AMENDMENT A7156

Senator PICCOLA offered the following amendment No. A7156:

Amend Bill, page 1, line 5, by inserting after "thereto," in school districts, further providing for State report card; providing for

value-added assessment system and for school report card; in certification of teachers,

Amend Bill, page 1, line 7, by striking out "and providing for residency certificates" and inserting:
 providing for postbaccalaureate certification; further providing for disqualifications relating to teacher's certificate; in school health services, providing for medical examinations of teachers and other persons; and, in education empowerment, further providing for boards of control in certain school districts and for expiration

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting:

Section 1. Section 220(a)(2) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, amended July 7, 2006 (P.L.611, No.94), is amended to read:

Section 220. State Report Card.--(a) The department shall create a State Report Card based on the information collected pursuant to this section. The department:

(2) Shall publish on its World Wide Web site the State Report Card, providing information at the State, local education agency and school levels. The State Report Card shall include all of the following:

(I) Information regarding the number of schools and school districts that have achieved adequate yearly progress and the number of schools and school districts that have not achieved adequate yearly progress.

(ii) Information regarding the number of schools and school districts that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target.

(iii) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(iv) Information regarding the number of schools and school districts identified under subparagraph (iii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was enrolled in the school district for less than two (2) school years as of the day on which the PSSA test was administered.

(v) Information regarding the number of schools and school districts in which more than five percent (5%) of the students to whom the PSSA test was administered were classified as limited English proficient as of the day on which the PSSA test was administered.

(vi) Information regarding the number of schools and school districts identified under subparagraph (v) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was classified as limited English proficient as of the day on which the PSSA test was administered.

(vii) Information regarding the number of schools and school districts in which more than sixteen percent (16%) of the students to whom the PSSA test was administered were classified as students with a disability as of the day on which the PSSA test was administered.

(viii) Information regarding the number of schools and school districts identified under subparagraph (vii) that have achieved each academic performance target and the number of schools and school districts that have not achieved each academic performance target. For the purposes of this subparagraph, achievement of the academic performance target shall be calculated by excluding the PSSA test score of any student who was classified as a student with a disability as of the day on which the PSSA test was administered.

(ix) A list of the schools, including public elementary and secondary schools, charter schools, cyber charter schools and area vocational-technical schools, that scored in the lowest measured group of five percent (5%) in either math or reading on the most recent Pennsylvania System of School Assessment test or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(I) pursuant to 22 Pa. Code § 403.3 (relating to single accountability system). With the exception of cyber charter schools, the list

shall exclude all schools that are part of or located within a school district of the first class.

Section 2. The act is amended by adding sections to read:

Section 221. Value-added Assessment System.--(a) Beginning on the effective date of this section, the Department of Education shall make available on its publicly accessible Internet website the following:

(1) Value-added assessment system data for the school district level and the school level. The Department of Education's disclosure of value-added assessment system data shall be subject to the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor Federal statute.

(2) Instructions that may assist the public in understanding and interpreting the data provided under paragraph (1).

(b) For purposes of this section:

"Value-added assessment system" shall mean a statistical analysis of results on the Pennsylvania System of School Assessment test or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(I) pursuant to 22 Pa. Code § 403.3 (relating to single accountability system) that uses measures of student learning to enable the estimation of school or school district statistical distributions.

Section 222. School Report Card.--(a) Within thirty (30) days after being identified by the Department of Education under section 220(a)(2)(ix) as scoring in the lowest measured five percent (5%) in math or reading on the most recent Pennsylvania System of School Assessment test or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(I) pursuant to 22 Pa. Code § 403.3 (relating to single accountability system), the governing body of the school shall post a school report card on the school's or school district's publicly accessible Internet website. The governing body of the school shall provide a paper copy of the school report card to any resident of the school district upon request. The governing body may comply with this section by including the information required under subsection (b) in a report card distributed in compliance with the No Child Left Behind Act or its successor Federal statute.

(b) The Department of Education shall establish guidelines for the contents of the school report card, which shall include:

(1) Subject to the Family Educational Rights and Privacy Act of 1974 (Public Law 90-247, 20 U.S.C. § 1232g) or a successor Federal statute, all value-added assessment system data generated for the school district and the school.

(2) A statement that the school scored in the lowest measured five percent (5%) in either math or reading on the most recent Pennsylvania System of School Assessment test or any other test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(I) pursuant to 22 Pa. Code § 403.3.

(3) Notification of the following:

(i) That a student attending the school may transfer to another school of the student's grade level within the school district upon the request of a parent, consistent with provisions of the No Child Left Behind Act (Public Law 107-110, 115 Stat. 1425) or its successor Federal statute related to intradistrict transfers.

(ii) Whether there are other schools of the student's grade level within the school district. If there are other schools of the student's grade level within the school district, the school report card shall include:

(A) A list of other schools of the student's grade level within the school district.

(B) For each school listed under clause (A), the information required under paragraph (1).

(iii) Instructions for exercising the student's option to transfer to a school listed under subparagraph (ii)(A), consistent with provisions of the No Child Left Behind Act or its successor Federal statute related to intradistrict transfers.

(4) Instructions for interpreting the information required to be provided under subsection (b)(1).

(5) Contact information for a school employe to whom parents may direct questions concerning the school report card.

Section 3. Section 1201 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Amend Bill, page 2, line 13, by striking out "2" and inserting:

4

Amend Bill, page 2, line 23, by striking out the underscored period

after "Certificates" and inserting an underscored comma

Amend Bill, page 2, by inserting between lines 23 and 24:

Intern Certificates.

Amend Bill, page 3, line 25, by striking out "3" and inserting:

5

Amend Bill, page 7, line 26, by inserting after "(d)":

(1)

Amend Bill, page 7, line 29, by striking out "(1)"

Amend Bill, page 7, line 29, by inserting after "(1)":

(1)

Amend Bill, page 8, line 1, by striking out "(2)" and inserting:

(ii)

Amend Bill, page 8, line 3, by striking out "(3)" and inserting:

(iii)

Amend Bill, page 8, line 5, by striking out "(4)" and inserting:

(iv)

Amend Bill, page 8, by inserting between lines 10 and 11:

(2) The Secretary of Education may adopt standards and guidelines as necessary to implement this section.

Amend Bill, page 8, line 18, by striking out all of said line and inserting:

Section 6. Section 1209 of the act, amended April 15, 1959 (P.L.41, No.16) and June 24, 1959 (P.L.485, No.110), is amended to read:

Section 1209. Disqualifications.--No teacher's certificate shall be granted to any person who [has]:

(1) Has not submitted, upon a blank furnished by the [Superintendent of Public Instruction] Secretary of Education, a certificate from a physician [legally qualified to practice medicine], certified registered nurse practitioner or physician assistant licensed or certified in this Commonwealth, or in any other state or the District of Columbia, setting forth that [said] the applicant is [neither mentally nor physically disqualified, by reason of tuberculosis or any other communicable disease or by reason of mental disorder] not disqualified by reason of a mental or physical disability or a communicable disease from the successful performance of the [duties of a teacher; nor to any person who has not] essential functions of a teacher with or without a reasonable accommodation.

(2) Does not have a good moral character[, or who is].

(3) [in the habit of using opium or other narcotic drugs in any form, or any intoxicating drink as a beverage, or to any applicant who has a major physical disability or defect unless such a person submits a certificate signed by an official of the college or university from which he was graduated or of an appropriate rehabilitation agency, certifying that in the opinion of such official the applicant, by his work and activities, demonstrated that he is sufficiently adjusted, trained and motivated to perform the duties of a teacher, notwithstanding his impediment.] Engages in the illegal use of controlled substances or alcoholic beverages. An applicant for certification may overcome the disqualification under this paragraph and receive a teaching certificate if the applicant is reviewed by the Department of Education pursuant to the requirement of paragraph (2) and determined to be of good moral character.

Section 7. Section 1418(d) of the act, amended July 14, 1971 (P.L.229, No.47), is amended to read:

Section 1418. Medical Examinations of Teachers and Other Persons.--***

(d) Medical examinations shall be made by the school physician of the district if provision therefor is made by the district or joint school board or by a physician, certified registered nurse practitioner or physician assistant of the employe's own choice [legally qualified to practice medicine and surgery or osteopathy or osteopathic surgery in the] licensed or certified in this Commonwealth.

Section 8. Section 1707-B of the act, amended November 22, 2000 (P.L.672, No.91) and July 20, 2007 (P.L.278, No.45), is amended to read:

Section 1707-B. Boards of Control for Certain School Districts.--(a) The General Assembly finds and declares as follows:

(1) In addition to the operation of failing school districts by a state, other jurisdictions across the nation are utilizing other models to reform failing urban school districts in which the chief executive of the city government is empowered to control the governance of the public schools serving the city. For example, Chicago has implemented a reform model operated by the mayor.

(2) In this Commonwealth, the Mayor of the City of Philadelphia, a city of the first class coterminous with a school district of the first class, recently was empowered by amendments to the home rule charter immediately to appoint all members of the Board of Education of the School District of Philadelphia to serve at his pleasure. In no other school district of the Commonwealth is the mayor or chief executive of a municipality empowered to control or affect the governance of school districts. Under the home rule charter amendments, the Mayor of Philadelphia will have significant input into the development and implementation of any school district improvement plan adopted under section 1703-B and the school district generally.

(3) In order to assess the effectiveness of a mayor-led system of school governance in other large city school districts in this Commonwealth which have a history of extraordinarily low test performance, a pilot program under this section shall be established for certain school districts of the second class coterminous with cities that have opted under the act of July 15, 1957 (P.L.901, No.399), known as the "Optional Third Class City Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and optional plan government) to be governed by a mayor-council form of government.

(a.1) For a school district of the second class which has a history of extraordinarily low test performance, which is coterminous with a city of the third class that has opted under the "Optional Third Class City Charter Law" or 53 Pa.C.S. Pt. III Subpt. E to be governed by a mayor-council form of government and which has a population in excess of forty-five thousand (45,000), the secretary shall waive the inclusion of the school district on the education empowerment list under section 1703-B(a) and immediately certify the school district as an education empowerment district. [No school district shall be certified under this section later than December 31, 2005.]

(b) (1) A board of control in an education empowerment district certified under this section shall consist of seven (7) residents of the school district, five (5) of whom shall be appointed by the mayor of the coterminous city within fourteen (14) days of the certification of the school district as an education empowerment district and two (2) of whom shall be elected by and from the members of the elected board of school directors.

(1.1) Beginning July 1, 2010, a board of control in an education empowerment district certified under this section shall consist of seven (7) members, five (5) of whom shall be appointed by the mayor of the coterminous city and two (2) of whom shall be elected by and from the members of the elected board of school directors.

(1.2) On December 1 immediately following the first general election after the board of control appointed under paragraph (1.1) has been in place for at least twelve (12) months, the board of control shall consist of four (4) members who shall be appointed by the mayor of the coterminous city and three (3) members who shall be elected by and from the members of the elected board of school directors, one (1) of whom shall be subject to the approval of the mayor of the coterminous city.

(1.3) On December 1 immediately following the second general election after the board of control appointed under paragraph (1.1) has been in place for at least twelve (12) months, the board of control shall consist of three (3) members who shall be appointed by the mayor of the coterminous city and four (4) members who shall be elected by and from the members of the elected board of school directors, two (2) of whom shall be subject to the approval of the mayor of the coterminous city.

(1.4) Beginning July 1, 2010, the residency of the members of the board of control shall be as follows:

(i) One (1) of the members of the board of control appointed by the mayor of the coterminous city shall be a resident of the county in which the school district is located, but shall not be a resident of the school district.

(ii) The remaining members of the board of control appointed by the mayor of the coterminous city and all members of the board of control elected by and from the members of the elected board of school directors shall be residents of the school district.

(2) The members of the board of control that are elected by and from the members of the elected board of school directors shall serve on the board of control for a period of time concurrent with their terms of office as members of the elected board of school directors and are not subject to removal by the mayor.

(3) The members of the board of control that are not elected by and

from the members of the elected board of school directors shall serve at the pleasure of the mayor.

(4) The mayor of the coterminous city shall select one (1) member of the board of control to serve as chairperson.

(5) No person who is an officer, board member or employe of the school district shall be appointed to the board of control.

(6) Members of the board of control who are not employes of the Commonwealth or a political subdivision shall receive compensation under section 692.2.

(7) Vacancies on the board of control shall be filled in the same manner as the original appointment.

(8) Actions of the board of control shall be by a majority vote. A majority of the members appointed shall constitute a quorum.

© (1) The authority granted to a board of school directors under section 1704-B(a) shall be exercised by the board of control of an education empowerment district certified under this section. The provisions of sections [1705-B(c), (d), (e) and (g),] 1706-B and 1708-B(a) shall be applicable to a board of control appointed under subsection (b).

(2) The provisions of sections 693, 694 and 695 relating to special boards of control shall apply to a board of control under this section.

(d) Within thirty (30) days of the certification of an education empowerment district under this section, the mayor shall appoint a school district empowerment team under section 1703-B(d)(2) to develop a school district improvement plan under section 1703-B(e). The mayor or a designee shall serve as chairman of the school district empowerment team.

(e) The school district improvement plan under subsection (d) shall be transmitted by the board of control to the department within one hundred twenty (120) days of the appointment of the school district empowerment team. The department shall return the school district improvement plan to the board of control with its approval or any request for modifications within thirty (30) days following its submission. Any further modifications made by the school district empowerment team shall be transmitted to the department by the board of control.

(f) When the department has determined that a school district certified as an education empowerment district under this section [no longer has a history of low test performance] has met its academic performance targets as approved by the department for two consecutive years and has reached the goals set forth in the school district improvement plan, the department shall remove the certification as an education empowerment district [as provided under section 1710-B, except that no certification removal of a school district initially certified under subsection (a.1) shall be made for a period of at least five (5) years]. When the department removes a school district from certification as an education empowerment district, the board of control shall dissolve and all powers and duties vested in the board of control shall revert to the elected board of school directors.

(g) A school district certified as an education empowerment district under this section shall not have its certification removed as a result of the reports of the Bureau of the Census or any change in classification of municipalities or school districts.

Section 9. Section 1716-B of the act, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1716-B. Expiration.--[This] (a) Except as provided in subsection (b) or section 1704-B, the provisions of this article shall expire June 30, 2010.

(b) For purposes of any board of control that is created under or subject to section 1707-B, all provisions of this article shall expire June 30, 2013, except that sections 1705-B, 1710-B, 1714-B and 1714.1-B shall expire for all purposes on June 30, 2010.

Section 10. Any regulations of the Department of Education that are inconsistent with this act are hereby abrogated to the extent of the inconsistency.

Section 11. This act shall take effect immediately.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

WOZNIAK AMENDMENT A6910 OFFERED

Senator WOZNIAK offered the following amendment No. A6910:

Amend Bill, page 1, line 5, by inserting after "thereto," ":
providing for county administration;

Amend Bill, page 1, lines 10 through 13, by striking out all of said lines and inserting:

Section 1. The act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a section to read:

Section 211.1. County Administration.--(a) Notwithstanding any other provision of this act, all administrative functions of school districts of the second, third or fourth class within a county shall be consolidated at the county level. Administrative functions shall include, but are not limited to, payment of payroll obligations, financial accounting and reporting, purchasing and contracting with insurers, vendors and others. The governing body of each county shall appoint a single county superintendent for all schools within the county and may appoint a solicitor and such other appointees and employes as it may deem proper in carrying out the provisions of this section. Each school district within a county shall pay a pro rata share of the costs incurred by a county under this section, calculated using the number of employes of the school district divided by the total number of all school district employes within the county.

(b) The provisions of this section shall not abrogate any provision of a collective bargaining agreement or employment contract that exists prior to the effective date of this section.

Section 2. Section 1201 of the act, amended January 14, 1970 (1969 P.L.468, No.192), is amended to read:

Amend Bill, page 2, line 13, by striking out "2" and inserting:

3

Amend Bill, page 3, line 25, by striking out "3" and inserting:

4

Amend Bill, page 8, line 18, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, these are the times that try politicians' souls. We have incredible demands out there, and we have a deficit of well over \$1 billion in Pennsylvania. I hear consistently from my constituents that government should be more efficient, yet every time we try to make it more efficient, the very same people are saying, but we did not mean it that way.

What this amendment does, Mr. President, is to consolidate the administrative operations of our 500 school districts. I have learned that I know how to kill a vampire, I know how to kill a werewolf, but I have no clue how to eliminate a school mascot. We have 500 school districts in Pennsylvania. I think that is too many. Other people may agree with me. But anytime you try to tackle reducing that number, you have: Who are we going to play football against? I do not want my kids going to school with those kids. How will it affect my taxes? Well, from my perspective, most of the people in Pennsylvania do not have children in school, and yet that covenant between the Commonwealth of Pennsylvania and her children is that everybody has the right to a free public education paid for by the taxpayers.

What my amendment does, the gist of it--and it is looking at the world completely differently - as my good friend from Philadelphia says, "outside the box"--what we are doing is that we are going to have, instead of 500 superintendents, one countywide

superintendent. We have one administrator of the taxes and the revenues that go to the school districts, countywide. We eliminate 500 solicitors, and we end up with 67 solicitors. We eliminate 500 insurance agents and 500 insurance policies and will have 67 insurance policies.

If you would look at the price of a superintendent right now, I do not think there is one superintendent in Pennsylvania who makes less than \$100,000 a year, plus benefits. If you remove the solicitor, if you remove the insurance, if you remove a whole lot of the accounting department, I think it is realistic that every school district, on average, could probably save a half-million dollars to a million dollars a year. Mr. President, if we save \$1 million per school district by consolidating these back-end operations, the ones that the public does not see--it does not touch the teacher-student ratio, it does not do anything with the sports teams, it does not do anything with the bands, but it gets an economy of scale--if it saves \$1 million per school district, that savings to the taxpayer is a half-billion dollars. Let us be a little more conservative. Let us say it only saves a half-million dollars per school district. That is still \$250 million.

Mr. President, I have no problem looking at the executive branch, the judicial branch, and the legislative branch, at our operations, and how to make them more efficient and more effective, because I do not want to be called a hypocrite. But by the same token, we need to look at our schools and how to make them more effective, and this is an opportunity, in this budget year, to be bold, to be honest. Let us try something. I have sat here, and everybody seems to be deer in the headlights. We have a deficit. We have to do something. Well, here is a way that is not an axe but actually makes sense and gets an economy of scale. And by the way, my dear colleagues, the private sector is used to doing this all the time when corporations are merged.

Mr. President, please, let us get off the dime, let us give this an opportunity, let us discuss it, and let us put it on paper and make it the law. I have the concept. The devil is in the details. This is an opportunity for us to save maybe a quarter of a billion dollars, maybe as much as a half-billion dollars. It is worthy for us to give it that shot, and we owe that to our taxpayers.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, first of all, I would like to commend the gentleman from Cambria County for bringing this issue to the attention of the Senate. This is an amendment that the gentleman, I believe, has also introduced as a bill, which has been referred to the Senate Committee on Education. In addition, the gentleman has introduced other legislation along these lines to force or cajole consolidation of our school districts, and I happen to agree with him that we need to do something along these lines to get fewer school districts. I think that is a noble and worthwhile goal to pursue. The Senate Committee on Education held a hearing on the concept out at Saint Francis University last summer, and we heard a lot of testimony on both sides of this issue. The gentleman was with us during that hearing, and he contributed mightily to moving that issue forward.

Unfortunately, I have to oppose this amendment for a variety of reasons. First of all, it is a very simplistic approach to what is really a very complex issue. There are a whole lot of unanswered questions concerning what the effect of this legislation would be, should it become law. In addition, in my view, politically, it

would be almost impossible for the Commonwealth to impose on the entire State the kind of consolidation that is being suggested here.

One of the things that was suggested at our hearing last summer was along the lines that the Pennsylvania Economy League did a study a couple of years back where they identified about 82 school districts that would be ripe candidates for consolidation. It seems to me that the best approach to this would be to focus on those districts and figure out what kind of incentives--what kinds of carrots, what kinds of sticks--would be necessary for us to adopt in order to get those kinds of districts to consolidate.

Mr. President, this is an important issue. But it is not something that is going to be done with an amendment on the floor of the Senate overnight. I would, however, like to invite the gentleman, if his amendment does not pass today, on June 8, the Senate Committee on Education is going to have a hearing and a meeting to report some legislation. We are not going to list this bill for consideration, but I would like to invite the gentleman to come to the committee meeting that day and give us his views and attempt to answer some of the questions that have arisen concerning this piece of legislation in order to advance this process, perhaps, a little bit further.

Again, I commend him for his efforts and for his continually bringing this issue to the attention of the legislature, but I must oppose this particular amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I have spent a little bit of time on this issue of late. And so, while I certainly respect the chairmen, Chairman Piccola and Chairman Dinniman, I think they are wise and they are thoughtful. I think they are moving us toward a product that we can be proud of in Pennsylvania. But I am standing here today to support my colleague, Senator Wozniak, on this amendment. I cannot tell you how well-researched it is. I cannot tell you how profound it is. I cannot tell you that some of the cautionary signs that Senator Piccola has raised should not be thought of. But what I can tell you is that as I traveled this broad State, people are not interested in any more cajoling. They do not want any more incentives. They do not want any more apologies. What they want is a quality education for their child, and they want their property taxes to go down. I think we cannot wait another year, let alone another budgetary cycle, to deliver on that commitment.

The first place we should start is in the Senate of Pennsylvania. So if this amendment gets us anywhere close to that, I think that we have to seriously consider it. Yes, it is not normal for a legislative process to be radical and immediate. We would rather be deliberative, thoughtful, and calm. Therefore, we allow Pennsylvania to spend \$26 billion in Federal, State, and local money. Twenty-six billion dollars, larger than many economies around the world, is spent on public education, one column, and the majority of public school students who will graduate from these high schools will not be able to qualify to go on to college, and a vast majority will have dropped out before they qualify to even apply to one.

I think the public is tired of us waiting, talking, deliberating, having committee meetings, delivering term papers, if you will, to explain the problem. I think that they demand immediate results. I think Senator Wozniak brings that to our attention today.

So, while he may not have the flavor of the moment, he is thinking outside of the box because he is forcing this body to do what we were sent here to do, to address not the concerns but the demands of our constituency. See, I got it about 2 years ago, the first time I saw a pink pig show up on the Capitol steps that a lot of us snickered at. A lot of us snickered at it because we thought, who are these yahoos doing this? Do you know who they are? They are black, they are white, they are Asian, they are Latino, they are old, they are young, they are Democratic, they are Republican, they are Coffee Party, they are Tea Party. They are Pennsylvanians. On this category, public education, which is a leader when it comes to consuming our money, they are demanding not progressive change, not conservative change, not calm or thoughtful change. They are demanding an immediate fix for the problem.

So, as we enter this budget season, there will be a lot of discussion about what we should do about public education. There will be a lot of statistics rattled around this building. There will be a lot of arguments and passion talking about children. And I will say to all of them, hoo-ya. I will say, a pox on your house, because for the last 40 years, you have increased the spending on public education faster than the rate of inflation. Two times, by the way. Two times. We spend more money on the process of talking about helping children than we do actually helping children.

And, by the way, for teachers, I will close on this: Philadelphia County will spend \$3.1 billion on public education - not my number, but theirs. Go find it. It is online. Three-point-one billion dollars. Divide that across the population of students, and it is \$16,500, also their number. Twenty thousand students will enter kindergarten this year. Two thousand will graduate with the ability to apply for college. That is a 90-percent failure rate. Ninety percent. And guess what? Philadelphia is not the only place like that.

So, while Senator Wozniak may not have the cure for cancer, what he does have is a needle, and in that needle is some kind of solution, a suggestion that we do not wait to passively address this problem, but that we immediately attack it, because it is not a cancer that is dormant. It has manifested itself across Pennsylvania. Our young people are leaving Pennsylvania in rapid numbers because we are not serving their interests. We have populations of families who will not live in any parts of Philadelphia or other commonly considered municipalities because of a public school system that consumes all of our money, raises our taxes, makes my mother nervous every time she faces the reality that she has to pay her property tax, and denies a child a quality education. So I say, if he does not have the best solution, come up with one that does, because we cannot wait any longer.

So I applaud the gentleman for his effort. While it may not pass today, hopefully it will gravitate toward the attention that I think is necessary. We are constitutionally required to deliver not an adequate but a good public education, and we are not doing it. We are not meeting our constitutional requirements, and we are bankrupting households. We are holding seniors and those on fixed incomes in peril. We have a responsibility to address their needs immediately.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I, too, rise to thank Senator Wozniak for his amendment. But remember, when you give a needle, the needle can be very good, or it can kill the patient. I think the point that Senator Piccola was trying to make was that we need people to stir the pot, and we appreciate the fact that Senator Wozniak is doing that, because this is an issue that can no longer be dormant. But the solution does not come with a snap of the fingers. The solution does not come with stirring the pot and then suggesting some ideas but not developing those ideas.

What Senator Piccola and I, as the chairs of the Committee on Education, are saying is we hear Senator Wozniak, we hear the citizens of this Commonwealth, and we clearly understand that to continue educational funding as we do now is simply not sustainable. You realize--and Senator Williams was correct--that if you total the amount of Federal, State, and local taxes that we spend on public education, it is \$26 billion. Twenty-six billion dollars is more than the GNP of 70 nations. Twenty-six billion dollars is more than the total budgets of two States. And if you see the statistics that have to be honest statistics that are going to come out of the Department of Education in November, you will see that for every five students who enter the ninth grade in this Commonwealth, only four will graduate. You cannot continue to spend \$26 billion and have a nongraduation rate across the Commonwealth equal to one-fifth of those students. And the truth of the matter is that it is more equal to one-quarter of those students.

To solve this problem, we have to do it thoughtfully, we have to do it with a planned approach, and we are going to solve it. And my point is, I rise to urge you to follow what Senator Piccola is suggesting. Let us start the discussion. Let us start the dialogue now. We thank Senator Williams. We thank Senator Wozniak for making sure that we do not get away without talking about this in the future. It is vital that we do. But we have invited Senator Wozniak. We had a hearing on his bill. We welcome him to come to the next meeting of the Committee on Education. And I certainly give my commitment that we will get this changed for one simple reason: You cannot structurally sustain the system of public education in the Commonwealth of Pennsylvania any longer. You know, if you put \$10 billion more in, you still are not going to solve the problem. The problem is structural, and we have to begin to change it now. But we are going to change it thoughtfully, and we are going to change it in a way that makes sure that every student in this Commonwealth is taught to the top of the curriculum.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, I ask to interrogate the Majority chairman of the Committee on Education.

The PRESIDING OFFICER. The chairman of the Committee on Education, the gentleman from Dauphin County, indicates he will stand for interrogation. The gentleman may proceed.

Senator WILLIAMS. Thank you very much.

Mr. President, I want to start with the most obvious - these are friends of reform. They are most aggressive with regard to the things that I think are necessary. And I want to specifically use nouns, which breaks the rules of the Senate, but I will do it anyway. Senator Piccola and Senator Dinniman are our friends in this endeavor. So the debate that we are having here is not one of

"are they invested" so much as the method and process. To that end, I think that the gentleman heard my comments, and I think I heard the gentleman's comments. When we suggest that the process has to be deliberative -- I want to feel confident that this year, this budget year, we will confront the two items I mentioned, the quality of education and the cost.

So, I would like to hear the gentleman's reflections on that category, because this amendment speaks to that, for me, and that is why I am invested in this effort. When I heard the gentleman say, you know, we cannot pick arbitrary considerations, we cannot pick a timetable, we have to be thoughtful, I had flashbacks, to be very candid, of when I have had other traditional conversations with people who are indebted in the current system. They told me I have to wait 20 more years to fix this problem. In Philadelphia County, for instance, we have a new program and a superintendent who literally says it will take another 20 years to reach their goal. So I want to know what the gentleman's comments are in that area.

Senator PICCOLA. Mr. President, in trying to keep my remarks focused on the amendment before the Senate, which deals with the consolidation issue, there are a whole lot of ways we can save money in public education, and the gentleman and I are probably in agreement on a lot of those, but I will not go into those specifically or even the other elements of this bill, which I think will result in some potential savings in public education, certainly in some accountability measures. But specifically with respect to the issue of consolidation, one of the things that the committee did, as a result of the hearing that we had at Saint Francis last summer, was to put in legislation--Senator Dinniman cosponsored it with me--not requiring but very much encouraging school districts to use the existing intermediate units for purchasing and obtaining services and products.

And the way we did it was this--and this bill has been reported out of committee and is ready for floor consideration--we said in this bill that if a school district did not accept a bid from an intermediate unit for a product or a service that the intermediate unit was bidding on, they had to post on their Web site the reasons why they did not accept that bid. For example, the intermediate unit may be providing insurance contracts for health insurance or liability or what have you, collectively, to reduce costs, as has been alluded to in the debate. If a school district were in the market for that and did not accept the bid of the intermediate unit, they would have to justify that to their constituents. I know that is a small thing. It is a very small thing, but it came directly out of the committee meeting that we had at Saint Francis discussing the consolidation issue.

If we were constructing school districts from scratch today, we certainly would not use the template that we have out there right now of 500 configured in all kinds of different ways. Many do not make any sense, but we are faced with the reality of that situation. Whether the county is the proper level or not--it may be in some areas; in other areas, it may not be. I know in my own county of Dauphin--and I am not going to mention any specific districts--there are four or five or six districts that could very easily consolidate and not do any harm but, in fact, do some justice to the educational system and the expense system in those areas. There were two districts in my county a couple of years ago, Upper Dauphin and Halifax, that actually pursued the difficult task of trying to consolidate. We got them some assistance

to try to fund the studies that they needed to go through. In the final analysis, they decided it did not work.

It is a very complex issue. Cost is only a small part of it. In fact, quite frankly, I do not think consolidation is necessarily going to save you a lot of money. I think it gives you more educational opportunities. But we have to work on this issue. There is no question about it. I am committed to trying to do that, but we have to look at the long view. We cannot do this overnight with one fell swoop and an amendment on the floor of the Senate.

Senator WILLIAMS. Thank you, Mr. President. I suggest this -- and I appreciate the gentleman reminding us that this reflection is not about the entire broad expanse of reform but about one area: consolidation. I think that the only area where we differ is that when we find ourselves confronted with a crisis in Pennsylvania, the State does step in. We have a few school districts in Pennsylvania which reorganized themselves around their fiscal crises. So, while I can appreciate incentivizing and suggesting and cajoling, I think we are at such a point that the only thing I would suggest is that we find a way to provide immediate reaction, satisfaction, and correction in this current budget cycle.

I think all of the other comments made make sense. I recognize not having an arbitrary line which may make sense in other places. I recognize that, but I do believe that we have to go past their desires, because at some point in time, we are just going to end up on this floor with a straight question--and I hate these things, but I will support it--a straight ballot question that will ask, do you agree with 500 school districts? If not, what do we do to solve it? Here is the cost. We will allow the public to go at it. I think we all know what is going to happen when that happens. We saw what happened in New Jersey when for years they okayed those budgets, and for the first time in the history of New Jersey, 62 school districts and their communities said no, we are not, because they are fed up with feeding the beast, as they described it, feeding this institutional process which is gobbling their money with little return.

So I agree that consolidation may not be the total answer to this, but it is an item. I recognize that the chairman has a lot more information than I do. He has spent a lot more time to do this, so I respect his opinion. I will certainly continue to support him as a member of that committee, but I do agree that Senator Wozniak has drawn attention to one area that we have to consider today.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I certainly appreciate the invitation to the meeting of the Committee on Education that the chairmen, both Democratic and Republican, have offered me. I appreciate the fact that they thanked me so profusely and appreciate my effort here. But I do not want to be thanked. I do not want appreciation. I want your vote right now, folks.

They say, but this is not well-thought-out. I could stand up here for the next week talking about the half-baked pieces of legislation that we have put through this Chamber and the other Chamber that go back and forth until they finally come to some fruition. I am dead serious about trying get a vote out of this Chamber. There is nothing wrong with looking this in the eyeball and saying, this is an opportunity to save real money. And people say, well, it is too simplistic. It is so much more complex. You know, the problem we have here, Mr. President, is that here on

this Senate floor, we can do more with the King's English than a monkey can do with 100 feet of rope.

Maybe, once in a while, making things very direct and very simple is the way to go. There is no reason that we have to go out there and make everything so convoluted and talk it through and think about it. Mr. President, we think far too much and act too little. Last year or the year before, we did a consolidation of tax collectors. I forget how many hundreds of tax collectors we had, but we reduced their numbers significantly. And I even tried to push the envelope that the Commonwealth would be the sole tax collector and take it even further, but we were not able to get that far.

Here is another insanity with Pennsylvania school districts: 500 school districts--it used to be 501, but we had 2 that consolidated in Allegheny County--500 school districts, 500 different math books, 500 hundred different civics books, 500 different English books. We have a system out there that is broken. We have things that anybody in the private sector would say, we can do better.

I am asking you, at this point in time, to give me a "yes" vote on this amendment, to say we are serious about looking at our school districts, we are serious about trying to make an economy of scale. There is no reason that we need 500 superintendents. There was a time in Pennsylvania history when there were 2,500 school districts, but there were only 67 superintendents. By the stroke of a pen, we reduced 2,500 school districts to 500, and with that same stroke of a pen, we went from 67 superintendents to 501.

Now, we need to make some decisions. We are moving quickly into the center of the 21st century, and we are still playing with abacuses. We have computers. We have technologies. We have ways to make our school districts more effective and efficient and save the taxpayers' dollars. This amendment is one of them, and I am asking you to give me the benefit of the doubt and allow me to let this piece of legislation move forward.

And if it is half-baked, if it is not completely worked through, well, we have a budget, and sometimes I see it go back and forth 10 or 15 times before it gets passed. Let us move this back and forth a number of times, and let the wisdom of the House and the Senate, the Democrats and Republicans, and even the administration take a look at these things. But the time to do things and to act is now.

Thank you very much. Folks, I sure would appreciate your appreciation but, more importantly, your affirmative vote on this amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, this man over here, Senator Wozniak, has earned my vote today. He makes solid, good, strong arguments, things that I have been talking about for a long, long time now. I have been in this legislature for about 16 total years, 12 in the Senate and 4 in the House, and one of the things that I have noticed is that we like to talk about issues year after year after year. And ever since I have been in the Senate, I have talked about the challenges that education brings. We know we spend a lot of money on education. Are we spending it wisely? That is the question.

We have to start this conversation, tonight, about real solutions, because I have not seen a single bill in the last several

years dealing with systemic changes in our educational system, until tonight, with an amendment. Thank you, Senator Wozniak. This may go down today, but I hope there are enough votes out here to show that we are serious in this body about doing something. We cannot sustain this any longer, not only in our school districts. At the Federal level, at the State level, and in local governments, we have to find a way to cut costs. That is the only real solution.

Every editorial board that you have been reading has said something about the pension spike coming along, and there is not one bill that will solve that problem. There are going to be multiple things that we will have to do and systemic change that is needed. This is one aspect of that change. I am proud of Senator Wozniak tonight for bringing this amendment up. I hope he has earned the votes of our other colleagues as well, and I hope we march forward and finally find a solution to what we all know needs to be done.

The PRESIDING OFFICER. Without objection, on the amendment, the Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I will be brief. Yes, we are all looking to get through that debacle and cut the Gordian knot on the pension problem for school districts. This is one way we can accomplish that goal.

But people say, my goodness gracious, this is insane; how can we do this? Well, if you look at Maryland, if you look at Virginia, if you look at a number of other States, they have countywide school districts, and they are doing just fine. If you look at Pennsylvania, in my northernmost outpost of Clinton County, Keystone School District--heaven forbid--one county, one school district. And I know there are probably a couple of other school districts out there in Pennsylvania that are countywide.

It is not mysterious. It is not strange. It is done all over the nation of the United States. It is time to do it now. It is time to do it here. So, Mr. President, please give me an affirmative vote on this amendment. Thank you.

And the question recurring,
Will the Senate agree to the amendment?

The yeas and nays were required by Senator WOZNIAK and were as follows, viz:

YEA-17

Argall	Fontana	Musto	Williams
Boscola	Hughes	O'Pake	Wozniak
Costa	Kasunic	Stack	
Farnese	Kitchen	Stout	
Ferlo	Mellow	Washington	

NAY-30

Alloway	Erickson	Pileggi	Vogel
Baker	Folmer	Pippy	Ward
Browne	Gordner	Rafferty	Waugh
Brubaker	Greenleaf	Robbins	White, Donald
Corman	McIlhinney	Scarnati	White, Mary Jo
Dinniman	Mensch	Smucker	Yaw
Earll	Orie	Tomlinson	
Eichelberger	Piccola	Vance	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

Without objection, the bill, as amended, was passed over in its order at the request of Senator WAUGH.

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

BILLS OVER IN ORDER

HB 1300, HB 1720 and HB 2070 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

HB 47 and SB 1250 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 9, HB 90, HB 117, SB 291, SB 351, SB 672, HB 687, SB 699, SB 944, SB 1145, SB 1161, SB 1184, HB 1187, SB 1192, HB 1196, SB 1205, SB 1248, SB 1249, SB 1275, SB 1297, SB 1314, SB 1318, HB 1641 and HB 1859 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 250, ADOPTED

Senator PILEGGI, without objection, called up from page 7 of the Calendar, Senate Resolution No. 250, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a comprehensive study of the current real property tax collection systems in this Commonwealth to determine the impact of the consolidation of those real property tax collection systems, including the costs and benefits associated with consolidation, and to compare them to real property tax collection systems of other states, particularly those states with demographics similar to this Commonwealth.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 28, 2010, for the reappointment of Howard K. Graves, AIA, 3479 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

May 14, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 6, 2010, for the reappointment of Michael A. Phillips, D.C., 34 North Fifth Street, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 4, 2010, for the appointment of Amy K. Kokos, 22 Woodview

Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Norman R. Gavlick, MBA, CPRW, Kingston, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 1, 2010, for the appointment of Barbara Jollie, PO Box 413, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Lt. Col. John J. McGeehan, Bethlehem, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 2010, for the appointment of Chris Michaels, 107 Greenbrier Drive, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Christopher J. Delozier, New Cumberland, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 8, 2010, for the appointment of Deborah A. Sieger, PhD, 30 Forgedale Road, Fleetwood 19522, Berks County, Eleventh Senatorial District, as a member of the Municipal Police Officers' Education and

Training Commission, to serve for a term of three years and until her successor is appointed and qualified, vice Bart Burne, Laffin, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF NURSING

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 2, 2010, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Paulet Washington, Pittsburgh, declined appointment.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS

May 14, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 3, 2010, for the reappointment of David G. Smith, 1606 Pine Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

May 11, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 6, 2010, for the appointment of Mark E. Holman, 820 Applewine Court, York 17404, York County, Twenty-eighth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph Muldowney, Pottsville, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

May 11, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 6, 2010, for the appointment of Clythera S. Hornung, 616 Sunset Road, St. Marys 15857, Elk County, Twenty-fifth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Myron Yoder, Emmaus, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

May 5, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 22, 2010, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Jean Dexheimer, Pittsburgh, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

May 11, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 22, 2010, for the reappointment of Linda G. Michel, One Carriage Lane, Ephrata 17522, Lancaster County, Thirty-sixth Senatorial District, as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

May 5, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 4, 2010, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Psychology, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Catherine Maxaner, Milford, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 23, 2010, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as Magisterial District Judge, in and for the County of Blair, Magisterial District 24-1-01, to serve until the first Monday of January 2012, vice Joseph L. Moran, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

May 24, 2010

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 1, 2010, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as Magisterial District Judge, in and for the County of Columbia, Magisterial District 26-3-02, to serve until the first Monday of January 2012, vice Richard P. Cashman, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be returned to His Excellency, the Governor.

A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 26, 2010

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, Paula J. Hasbach, CPA, 4446 Country Club Drive, Pittsburgh 15236, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 7, 2010

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, Michael J. Menear, CPA, 351 N. Locust Point Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF EAST
STROUDSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

April 7, 2010

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, Hussain G. Malik, M.D., 206 Amy Court, Stroudsburg 18360, Monroe County, Eighteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF EDINBORO UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 30, 2010

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, Dennis R. Frampton, 246 DeVore Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph G. Cacchione, M.D., F.A.C.C., Erie, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD

February 19, 2010

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, Hal A. Moss, 237 Barclay Circle, Cheltenham 19012, Montgomery County, Fourth Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

April 1, 2010

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, John P. Bane (Public Member), 205 Sassafras Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gus Pedicone, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

February 8, 2010

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, Freya S. Burnett, 44 Creek Road,

Newville 17241, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve until November 20, 2010, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Beth Vanhorn, Harrisburg, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,
That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 26, 2010

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, Paula J. Hasbach, CPA, 4446 Country Club Drive, Pittsburgh 15236, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

April 7, 2010

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, Michael J. Menear, CPA, 351 N. Locust Point Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST
STROUDSBURG UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 7, 2010

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, Hussain G. Malik, M.D., 206 Amy Court, Stroudsburg 18360, Monroe County, Eighteenth Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF EDINBORO UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 30, 2010

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, Dennis R. Frampton, 246 DeVore Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Joseph G. Cacchione, M.D., F.A.C.C., Erie, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC SCHOOL
EMPLOYEES' RETIREMENT BOARD

February 19, 2010

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of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hal A. Moss, 237 Barclay Circle, Cheltenham 19012, Montgomery County, Fourth Senatorial District, for reappointment as a member of the Public School Employees' Retirement Board, to serve until January 1, 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

April 1, 2010

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, John P. Bane (Public Member), 205

Sassafras Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Gus Pedicone, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

February 8, 2010

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, Freya S. Burnett, 44 Creek Road, Newville 17241, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve until November 20, 2010, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Beth Vanhorn, Harrisburg, resigned.

EDWARD G. RENDELL
Governor

On the question,

Will the Senate advise and consent to the nominations?

The yeas and nays were required by Senator ROBBINS and were as follows, viz:

YEA-47

Alloway	Farnese	Musto	Tomlinson
Argall	Ferlo	O'Pake	Vance
Baker	Folmer	Orie	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	McIlhinney	Smucker	Wozniak
Eichelberger	Mellow	Stack	Yaw
Erickson	Mensch	Stout	

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE**

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 260 (Pr. No. 1944) (Rereported) (Concurrence)

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

SB 441 (Pr. No. 2002) (Amended) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school districts, further providing for State report card; providing for value-added assessment system and for school report card; in certification of teachers, further providing for certificates qualifying persons to teach and for kinds of State certificates; providing for postbaccalaureate certification; further providing for disqualifications relating to teacher's certificate; in school health services, providing for medical examinations of teachers and other persons; and, in education empowerment, further providing for boards of control in certain school districts and for expiration.

SENATE RESOLUTIONS ADOPTED

Senators ORIE, SCARNATI, PILEGGI, MELLOW, ALLOWAY, ARGALL, BAKER, BOSCOLA, COSTA, DINNIMAN, EARLL, ERICKSON, FERLO, FOLMER, FONTANA, GORDNER, GREENLEAF, KASUNIC, KITCHEN, MENSCH, MUSTO, O'PAKE, PIPPY, RAFFERTY, ROBBINS, SMUCKER, STACK, STOUT, TARTAGLIONE, TOMLINSON, WASHINGTON, D. WHITE, WILLIAMS, YAW, VOGEL, BRUBAKER, LOGAN, FARNESE, WOZNIAK, WAUGH and WARD, by unanimous consent, offered **Senate Resolution No. 349**, entitled:

A Resolution remembering the sacrifices of the brave men and women in our armed forces as Memorial Day approaches.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, as Memorial Day approaches, I offer a resolution asking all Pennsylvanians to remember the ultimate sacrifice that the brave men and women of our military have made to secure the freedoms we have today.

The origins of Memorial Day date back to May 5, 1868, when a group of Union veterans established Decoration Day. Their goal was to decorate the graves of those who passed during the Civil War with flowers. In 1971, Memorial Day was declared a national holiday by an act of Congress. Memorial Day provides a time to remember with reverence and awe those who fought to bring us peace on terms that enable us to live as residents in the greatest nation in the world, with civil liberties envied and emulated by nations around the globe.

As Abraham Lincoln eloquently stated, "...from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion--that we here highly resolve that these dead shall not have died in vain, that this nation under God shall have a new birth of freedom..."

Mr. President, I ask that all of us, as Memorial Day approaches, take a moment of silence to recognize these heroes, heroes not only in Pennsylvania but across the nation, who made the ultimate sacrifice, those brave souls who did so much for this Commonwealth and the nation.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

Senator WILLIAMS, by unanimous consent, offered **Senate Resolution No. 350**, entitled:

A Resolution designating June 7, 2010, as "African and Caribbean Children Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, this resolution is reflective of the African and Caribbean immigrant community, which is significant in Pennsylvania. More than 200,000 African and Caribbean immigrants currently reside in the Commonwealth of Pennsylvania, so I think it is important that we reflect upon their contributions, of which there are many. United States Army General and Secretary of State Colin Powell and a variety of others have distinguished themselves as Americans, and sometimes we overlook that contribution to this country and, certainly, to the Commonwealth of Pennsylvania. So this resolution is a simple statement on behalf of those of us who reside in the State Senate of our appreciation of them and a reflection on this day.

Thank you, Mr. President.

And the question recurring,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to Mary I. Herman, Melissa Hurley and to the Valley Preferred Cycling Center by Senator Browne.

Congratulations of the Senate were extended to Edna Hoover and to Alexander D. Deckard by Senator Brubaker.

Congratulations of the Senate were extended to Sister Dr. R. Patricia Fadden, Sister Maria Consuelo Sparks, Louis N. Teti, Joel Kenneth Zimmerman and to Jeffrey Lee Schaefer by Senator Dinniman.

Congratulations of the Senate were extended to the members and coaches of the Cardinal O'Hara High School Boys' Ice Hockey Team of Springfield by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Tindall by Senator Ferlo.

Congratulations of the Senate were extended to Eugene P. Della-Croce by Senator Gordner.

Congratulations of the Senate were extended to Mark A. Szilagyi by Senator Mensch.

Congratulations of the Senate were extended to Keith Bish, Patricia Hildenbrand and to the North Allegheny High School Boys' Swimming and Diving Team by Senator Orie.

Congratulations of the Senate were extended to the Merchant Marine Memorial Committee by Senators Orié and M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Frank R. Woodruff by Senator Stout.

Congratulations of the Senate were extended to the Reverend Jesse W. Brown, Jr., Gary Kapanowski, Kati Sipp and to Wendell W. Young III by Senator Tartaglione.

Congratulations of the Senate were extended to Bobbi L. Sweeney by Senator Vance.

Congratulations of the Senate were extended to Dr. Susan Jean Anderson, Natalie A. Kurchak, Joan Hunter, Melana Pavich, Tina Honkus, Shirley Hindman and to Mary Grattan-Neely by Senator Wozniak.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Louis Manesiotis, Sr., by Senator Orié.

BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 384, SB 1340, SB 1360, SB 1366, SB 1367, SB 1368, SB 1369, HB 264, HB 666 and HB 1789.

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Ward.

Senator WARD. Mr. President, I rise today just to talk briefly about the food bank. Westmoreland County Food Bank was up here today--I think it was Food Bank Advocacy Day here in Harrisburg--and we had a press conference to talk about the backpack program. There are only four food banks in the State that have backpack programs. The program helps take care of kids who, during the week while they are at school, receive assistance with their meals if they meet criteria. This makes sure that when they go home for the weekend, they do not have to be hungry all weekend.

I love the program, and it is something I am hoping that other food banks throughout the State will grab by the horns and consider putting into action. I just want to say that it is a good program. We have a wonderful food bank, and I hope everyone will support our food banks. Thank you.

COMMUNICATION FROM THE GOVERNOR

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE ARCHITECTS LICENSURE BOARD

May 25, 2010

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

Please note the nomination dated May 24, 2010, for the appointment of Howard K. Graves, AIA, 3479 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Architects Licensure Board, to serve until January 23, 2010, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ana Guzman, Pittsburgh, deceased, should be corrected to read:

Howard K. Graves, AIA, 3479 Beechwood Boulevard, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the presence of the Senate signed the following bill:

SB 828.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 26, 2010

9:00 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 831; to conduct a hearing on the Gaming Budgets, FY 2010-11, for the PA Gaming Control Board, PA State Police and the PA Dept. of Revenue; and to be provided with a status update regarding the implementation of table games)	Room 8E-B East Wing
9:00 A.M.	FINANCE (public hearing on Combined Reporting)	Room 8E-A East Wing

TUESDAY, JUNE 8, 2010

9:00 A.M.	MAJORITY POLICY COMMITTEE (joint public hearing with the Senate Finance Committee on the proposal to expand the Pennsylvania Sales and Use Tax)	Senate Maj. Caucus Rm.
10:00 A.M.	JUDICIARY (to receive testimony relating to "best practices" in juvenile justice)	Hrg. Rm. 1 North Off.
10:30 A.M.	AGING AND YOUTH (to consider House Bill No. 245)	Room 8E-B East Wing

WEDNESDAY, JUNE 9, 2010

10:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider House Bill No. 1175)	Room 8E-B East Wing
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FRIDAY, JUNE 11, 2010

1:00 P.M.	JUDICIARY (to receive testimony regarding Philadelphia's criminal justice system, specifically looking at the issues of witness intimidation and witness relocation)	Phila. Bar Assn., 1101 Market St. 11th Floor Phila., PA
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TUESDAY, JUNE 15, 2010

10:30 A.M.	JUDICIARY (to receive testimony relating to "best practices" in juvenile justice)	Room 8E-B East Wing
12:00 P.M.	GAME AND FISHERIES (to consider Senate Bill No. 1272; and House Bill No. 2161)	Room 8E-A East Wing

RECESS

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Wednesday, May 26, 2010, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:55 p.m., Eastern Daylight Saving Time.