

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, MARCH 22, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 17

**SENATE**

MONDAY, March 22, 2010

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

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

**PRAYER**

The Chaplain, Reverend MATTHEW RICHARDSON, of Central Presbyterian Church, Chambersburg, offered the following prayer:

Let us be together, hearts and minds, in prayer. Let us pray.

You know, Lord, we are not here for power. We are not here for status. We are not here for money. We are here to serve the Commonwealth and the common good. As we have discovered and will discover anew, in some ways, that is an unbearable task. We are too imperfect, the choices are too difficult, and the consequences, Lord, are never without risk. And so, once again, we turn to You. We need Your wisdom and Your grace. It is a grace and a wisdom that comes from heaven that lifts us beyond our flawed minds to something higher, to something better, something, we pray, that will bring blessing to all.

We are here, Lord, to serve the common good. And this moment, this pause for reflection and petition before the motions are made and the codes are considered, it reminds us that we always ever do so in Your presence. To forget this is to fall, and to remember this is the beginning of all wisdom. And so, in Your gracious mercy, visit us now. For above all else, these hours, Lord, it is You we seek to serve, and Your people. In Your name, the name that is beyond every name, do we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Richardson, who is the guest today of Senator Alloway.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGES**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 126**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

March 18, 2010

**HB 689, 705 and 870** -- Committee on Education.  
**HB 740 and 1324** -- Committee on State Government.  
**HB 1795** -- Committee on Labor and Industry.  
**HB 2161** -- Committee on Game and Fisheries.

March 19, 2010

**HB 816** -- Committee on Public Health and Welfare.  
**HB 2026** -- Committee on Education.  
**HB 2285** -- Committee on Appropriations.

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

March 18, 2010

Senators LEACH, WASHINGTON, FERLO and FARNESE presented to the Chair **SB 1281**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting use of the death penalty.

Which was committed to the Committee on JUDICIARY, March 18, 2010.

Senators ERICKSON, PILEGGI, MUSTO, FONTANA, O'PAKE, ARGALL, BAKER, PIPPY, RAFFERTY, BRUBAKER, ALLOWAY, FARNESE, McILHINNEY, D. WHITE, GORDNER, LEACH, MELLOW, EARLL, BROWNE, GREENLEAF, TOMLINSON, VANCE, VOGEL, YAW, BOSCOLA, FOLMER, DINNIMAN, WASHINGTON, STACK, MENSCH and COSTA presented to the Chair **SB 1282**, entitled:

An Act amending the act of July 10, 2008 (P.L.1009, No.78), known as the Biofuel Development and In-State Production Incentive Act, further providing for definitions, for biodiesel content in diesel fuel sold for on-road use, for agency responsibilities and for infrastructure reports; and providing for Biofuel Development Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 18, 2010.

Senators YAW, FARNESE and O'PAKE presented to the Chair **SB 1283**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in accidents and accident reports, further providing for duty to give information and render aid.

Which was committed to the Committee on TRANSPORTATION, March 18, 2010.

March 19, 2010

Senators RAFFERTY, ERICKSON, ORIE, WARD, ARGALL, KASUNIC, WASHINGTON, ALLOWAY, GREENLEAF, LEACH, TOMLINSON, PIPPY, MENSCH, BOSCOLA, O'PAKE, BAKER, STACK, LOGAN and FONTANA presented to the Chair **SB 1280**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for Medical Care Availability and Reduction of Error Fund and for actuarial data.

Which was committed to the Committee on BANKING AND INSURANCE, March 19, 2010.

### RESOLUTIONS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

March 19, 2010

Senators EICHELBERGER, ROBBINS, MUSTO, PILEGGI, O'PAKE, DINNIMAN, WAUGH, STACK, KASUNIC, FONTANA, BAKER, TARTAGLIONE, ARGALL, ALLOWAY, WASHINGTON, COSTA, PIPPY, BRUBAKER, LOGAN, FERLO, RAFFERTY, M. WHITE, ORIE, VOGEL, BOSCOLA, MENSCH, GREENLEAF, EARLL, ERICKSON, WOZNAK and D. WHITE presented to the Chair **SR 275**, entitled:

A Resolution designating the week of April 11 through 17, 2010, as "Local Government Week" in Pennsylvania.

Which was committed to the Committee on LOCAL GOVERNMENT, March 19, 2010.

March 22, 2010

Senators PILEGGI, CORMAN and MELLOW presented to the Chair **SR 277**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2010, including any amendments offered to or for supplemental appropriations for prior fiscal years.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 22, 2010.

### APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Stewart J. Greenleaf as a member of the State Council for Interstate Adult Offender Supervision.

Senator Lloyd K. Smucker as a member of the Pennsylvania Workforce Investment Board.

### BILL SIGNED

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

**HB 421.**

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

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

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

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

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

Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

Senator O'PAKE asked and obtained a leave of absence for Senator WASHINGTON, for today's Session, for personal reasons.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, March 22, 2010

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, April 12, 2010, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses the week of April 12th, it reconvene on Monday, April 19, 2010, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, April 19, 2010, unless sooner recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

YEAS-49

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

NAY-0

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

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Piccola has returned, and his temporary Capitol leave is cancelled.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, we are very fortunate to have in our midst today an outstanding young rising star from Reading, Pennsylvania. She is not only Berks County's but also Pennsylvania's Outstanding Young Woman of the year. She is 17-year-old Diamante White, who is the daughter of Tracey and Andrea White of Reading, Pennsylvania. Diamante is a senior at Reading High School. She is captain of the varsity cheerleading squad, is the secretary of the National Honor Society, and is a member of the Key Club. She is also the coordinator of the high school's Relay for Life event. She is a volunteer with the Special Olympics and a volunteer at Saint Joseph's Medical Center in Reading. Ms. White is ranked in the top 2 percent of her graduating class at Reading High School and plans to attend Millersville University, where she will study secondary education with a concentration in biology. In her spare time, Diamante enjoys shopping, dancing, listening to her iPod, and attending church with her family. I hope that the Senate will extend its usual warm welcome to Diamante, who has a few words. And then, after that, I would like to introduce her family and her chaperones, who are with her today.

The PRESIDENT. The Chair thanks the gentleman. Will the Senate join in welcoming Senator O'Pake's guest to the podium.

(Applause.)

Ms. WHITE. Good afternoon, Senators. When I was competing in Pennsylvania's Outstanding Young Woman competition, my on-stage question was, "What effect does the rising cost of a college education have on your generation?" My answer to this question was, "The rising cost of a college education often times has a negative impact on my generation. It is keeping people from enrolling in college, and is forcing others to go to community colleges. For others, scholarships are not available and students must take out loans which means they are graduating with excessive debt."

I am speaking to you today on behalf of many families and students in Pennsylvania. Please do not take away funding from the 14 State-owned universities. I implore you to increase funding. Due to funding cuts, universities are faced with raising fees and cutting programs. There was an article in the Reading Eagle on March 5, 2010, about Kutztown University having to cut their expenses by 10 percent. Kenn Marshall, spokesman for the State System of Higher Education, said, "All...14 state-owned universities are facing similar financial troubles." Kutztown's main reason for budget cuts was the lack of an increase in State funding this year. Kutztown has had to eliminate their men's swimming and soccer teams to cut costs. If funding continues to be taken away, they might begin taking away majors. The State used to provide \$7,000 per year per student a decade ago, but now, it only gives about \$5,000 per student.

In the fall, I will be attending Millersville University, where I will be majoring in secondary education with a concentration in biology. I am fortunate that my tuition will be paid for by a Board of Governors Scholarship. I will also have to take out loans to completely pay for my educational costs. However, if funding of State schools is continually being cut, who is to say that scholarships will not be the next things to be cut, and universities will be forced to raise their fees? Continued funding of State-owned universities is very important. For students like me, the funding will help to keep our tuition and fees reasonable. If funding continues to be cut, then student loan debt will continue to increase. Please do not cut any more funding from State universities, but consider increasing funding, because every student deserves the chance to further their education. Thank you.

(Applause.)

Senator O'PAKE. Mr. President, may I introduce the other members of the party? Diamante, thank you very much for your words of wisdom. We will try to do that, and I know that your plea will not fall on deaf ears here in the Senate.

She is accompanied, Mr. President, by her lovely mother, Andrea White, who is an instructional coach for K-2 at 10th & Penn Elementary School in Reading; by her grandmother--believe it or not, this is her grandmother--Loretta Boyd, who works at Saint Joseph's Medical Center in Reading; by her aunt, Kristin Boyd, who is a journalist at Stevens Institute of Technology in Hoboken, New Jersey; and by the Adam family. Mrs. Luci Adam is the State chaperone, she is from the Kutztown Area Middle School; Norman Adam, the husband of Luci, works at Atlas Minerals and Chemicals in Kutztown; and Luci and Norman's daughter, Yvette Adam, who works at Threshold Rehabilitation Services in Kutztown, Pennsylvania. Mr. President, if the body would give my guests its usual warm welcome, with thanks to the Adam family for again chaperoning this event, and to the proud family of Diamante.

The PRESIDENT. Would the Senate join in welcoming Senator O'Pake's guests.

(Applause.)

**SPECIAL ORDER OF BUSINESS  
SENATE RESOLUTION ADOPTED**

Senators FONTANA, ALLOWAY, ARGALL, BAKER, BOSCOLA, BRUBAKER, COSTA, DINNIMAN, EARLL, ERICKSON, HUGHES, KASUNIC, KITCHEN, LEACH, LOGAN, MELLOW, O'PAKE, ORIE, PILEGGI, PIPPY, RAFFERTY, STACK, TARTAGLIONE, WASHINGTON and WAUGH, by unanimous consent, offered **Senate Resolution No. 276**, entitled:

A Resolution recognizing March 21, 2010, as "World Down Syndrome Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, the resolution that I offer today recognizes March 21, 2010, as "World Down Syndrome Day" in Pennsylvania. This is the fourth year of this international celebration organized by Down Syndrome International.

Mr. President, the number 21, ironically, of course, has a special significance for those with Down syndrome because it is the 21st chromosome that a person with Down syndrome has three of, and it is that 21st chromosome that makes those individuals so unique. The annual observance of World Down Syndrome Day aims to promote awareness and understanding of Down syndrome and related issues, and to mobilize support and recognition of the dignity, rights, and well-being of persons with Down syndrome.

**GUESTS OF SENATOR WAYNE D. FONTANA  
PRESENTED TO THE SENATE**

Senator FONTANA. Mr. President, I am proud to know a young lady who does that each and every day of the year, not just on World Down Syndrome Day. Her name is Chloe Kondrich, and she has joined us here today with her family in recognition of this resolution. Chloe is 6 years old and is a first-grade student at Eisenhower Elementary School in Allegheny County. She is a celebrity in her own right. She plays for the Angels, a team in the Miracle League of southwestern Pennsylvania. She hangs out with the Pittsburgh Pirates and has made a special friend in Andy LaRoche. He has even taught her how to bat and to hit the ball. Her photo has been shown on Panasonic's Astrovision screen in New York's Times Square. She is on the cover of a book. She even got married in December to one of her young friends. She met her U.S. Congressman and got a personal tour of the Capitol. She met U.S. Senator John McCain and former Alaska Governor Sarah Palin when the two were campaigning. And today, she is here to visit all of us.

Chloe is a testimony to the importance of early intervention services in the lives of children such as her. She reminds us to focus on the possibilities and capabilities of individuals with Down syndrome and other special needs rather than their disabil-

ities. Many of us know people with Down syndrome. They could be our children, our brothers, our sisters, our classmates, our teammates, and our friends. We can learn a lesson from each one of them. I am proud to ask the Senate to recognize March 21, 2010, as "World Down Syndrome Day" in Pennsylvania, and I commend individuals with Down syndrome, their friends, and their families for celebrating the uniqueness of Down syndrome through daily actions and interactions. I thank Chloe, Mr. President, and her family for reminding us of our blessings in allowing us to see that there are angels among us.

Mr. President, I would like to recognize the guests with Chloe: Todd Klunk, the deputy secretary of the Office of Child Development and Early Learning; Chloe's parents, Kurt and Margie; Chloe's brother, Nolan; and, of course, Chloe. They are all in the gallery today, and I would like the Senate to give them a warm welcome.

The PRESIDENT. Would the guests of Senator Fontana please rise to be welcomed by the Senate.

(Applause.)

And the question recurring,  
Will the Senate adopt the resolution?

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR DONALD C. WHITE  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Mr. President, I am pleased to have a distinguished guest from my district visiting us here today in Harrisburg. Serving as our guest Page is Chris Alman. Chris is an eighth-grade student at Saint Edmund's Academy. He was a Lead Student at Saint Edmund's in 2008 and attended a Junior National Young Leaders Conference in Washington, D.C., in the summer of 2008. He plays basketball and soccer and performed in the seventh-grade musical. Having a very keen interest in politics, Chris contacted my office for opportunities to volunteer, and that is why he joins us here today, to serve. Joining Chris on his tour of our Capitol is his mother, Dr. Sue Alman, seated in the gallery. Dr. Alman is director of online education for the School of Information Sciences at the University of Pittsburgh. Please join me in extending our usual warm welcome to my guests.

The PRESIDENT. Would the guests of Senator Don White please rise to be welcomed by the Senate.

(Applause.)

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

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

Senator ORIE. Mr. President, I rise to welcome the Pine-Richland Middle School Orchestra, which is performing right now in the Rotunda. I would like to acknowledge the Pine-Richland Middle School Orchestra from Gibsonia, Allegheny County, as March has been designated as Music In Our Schools Month by the National Association for Music Education.

The Pine-Richland Middle School String Orchestra was se-

lected to perform today in the State Capitol. It is directed by Elisa Mata and string teachers David Belchik and Susan Wager. The orchestra has been in existence for 9 years and has over 56 students participating. This opportunity to perform in our State Capitol is the highlight of their year. The Pine-Richland Middle School Orchestra is a great example of young people, parents, teachers, and school administrators working together to build and support a successful strings program.

Mr. President, I ask all of my colleagues to welcome Pine-Richland here to the Capitol today.

The PRESIDENT. Would the Senate join in welcoming Senator Orié's guests to the Capitol.

(Applause.)

**GUESTS OF SENATOR ROBERT B. MENSCH  
PRESENTED TO THE SENATE**

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

Senator MENSCH. Mr. President, it is my pleasure to greet, today, the Emmaus High School Green Hornets Girls' Cross Country Team. As I look in the gallery, I believe they are still across the hall in the House, but we need to recognize them because they are the 2009 PIAA State Class AAA girls' cross country champions. It is the third straight title for the Emmaus High School team.

For the record, I would like to read their names. On the roster were Amanda Faust, Brianna Faust, Christina Faust, Kelsey Coates, Lydia Brough, Kelli Steinert, Juliet Dodd-o, and Megan Smolinski, and their head coach was Dan Wessner, along with their assistant coach, Doug Finley. The Emmaus girls' cross country team has made the trip to Hershey for each of the last 4 years, and each visit to Chocolate Town has been a little sweeter than the last. The Lady Hornets won their third straight title Saturday, capping the careers of four seniors, who have earned one State silver and now three State gold medals.

Mr. President, it is my pleasure to recognize the Green Hornets from Emmaus High School.

The PRESIDENT. Would the Senate join in welcoming Senator Mensch's guests to the Capitol.

(Applause.)

**GUESTS OF SENATOR ANDREW E. DINNIMAN  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, we have two sets of visitors today. First is Dr. and Mrs. Leon Kehr of Souderton, Pennsylvania, who are from Senator Greenleaf's district. I will explain why I am introducing these people in a second. And the second is Robert and Joanne Perrone of Kennett Township, who are from Senator Pileggi's district.

I was won in an auction, and actually, it is a great auction, because what I do is, for charity, I contribute a book by Violet Oakley about the famed murals that we have in this Chamber and then take people on a tour of those murals. The money that was contributed goes toward the Muhlenberg House in Trappe, Pennsylvania. You know, Muhlenberg was the first Speaker of the U.S. Congress, as Senator Rafferty and Senator Mensch well know.

So, without further ado, Mr. President, if you could welcome Dr. and Mrs. Kehr of Souderton and Robert and Joanne Perrone of Kennett Township, I would appreciate that.

The PRESIDENT. Would the guests of Senator Dinniman please rise to be welcomed by the Senate.

(Applause.)

**RECESS**

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes, first, 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 PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I ask all Democratic Members to report to caucus immediately after the meeting of the Committee on Rules and Executive Nominations.

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

**AFTER RECESS**

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**SB 87, SB 109 and HB 602** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1019 (Pr. No. 1289)** -- The Senate proceeded to consideration of the bill, entitled:

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

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:

**YEA-49**

Alloway	Ferlo	Musto	Tomlinson
Argall	Folmer	O'Pake	Vance
Baker	Fontana	Orie	Vogel
Boscola	Gordner	Piccola	Ward

Browne	Greenleaf	Pileggi	Waugh
Brubaker	Hughes	Pippy	White, Donald
Corman	Kasunic	Rafferty	White, Mary Jo
Costa	Kitchen	Robbins	Williams
Dinniman	Leach	Scarnati	Wozniak
Earll	Logan	Smucker	Yaw
Eichelberger	McIlhinney	Stack	
Erickson	Mellow	Stout	
Farnese	Mensch	Tartaglione	

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 1020 (Pr. No. 1290)** -- The Senate proceeded to consideration of the bill, entitled:

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

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:

YEA-49

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

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 1021 (Pr. No. 1291)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, repealing provisions relating to removal of township officer for failure to perform duties.

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:

YEA-49

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

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 1022 (Pr. No. 1292)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, repealing provisions relating to right of council to declare seat of member vacant for failure to attend meetings.

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:

YEA-49

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

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.

## BILLS LAID ON THE TABLE

**SB 1023 (Pr. No. 1293)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SB 1024 (Pr. No. 1294)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for vacancy in the office of county commissioner.

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

**SB 1023 AND SB 1024 TAKEN FROM THE TABLE**

Senator PILEGGI. Mr. President, I move that Senate Bill No. 1023, Printer's No. 1293, and Senate Bill No. 1024, Printer's No. 1294, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bills will be placed on the Calendar.

## BILL OVER IN ORDER

**SB 1200** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**SECOND CONSIDERATION CALENDAR**

## BILLS OVER IN ORDER

**SB 85, SB 174, SB 214, SB 351, HB 464, SB 825 and SB 964** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

## BILL ON SECOND CONSIDERATION

**SB 990 (Pr. No. 1226)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

Considered the second time and agreed to,

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

## BILLS OVER IN ORDER

**SB 1147, SB 1198, SB 1202, SB 1238, SB 1252 and HB 1720** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**HB 1300 TAKEN FROM THE TABLE**

Senator PILEGGI. Mr. President, I move that House Bill No. 1300, Printer's No. 2702, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDENT. The bill will be placed on the Calendar.

**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 Appropriations to be held in the Rules room immediately.

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

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED****SENATE RESOLUTION No. 243, ADOPTED**

Senator PILEGGI, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 243**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study of efficiency in public school funding and directing the State Board of Education to provide documents and assistance to the Joint State Government Commission in its conduct of this study.

On the question,

Will the Senate adopt the resolution?

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

Senator LEACH. Mr. President, we had a discussion about this resolution in caucus, and my good friend, Senator Dinniman, to whom I look for guidance on many things, made a very compelling case to me about the merits of the resolution. However, I still have a couple of concerns, which I would just like to take a moment to articulate, despite Senator Dinniman's fine and best efforts.

First of all, I want to say that as a general proposition, knowledge and information are good things. It is good to know things. But being as there are limited resources and limited and finite opportunities to study the many, many questions to which we seek answers in this legislature, we have to, I think, be somewhat selective about what we seek to create new studies to study. And this resolution creates a new study to study a study, in essence.

We just completed a major study called the costing-out study of how we fund public education in the Commonwealth of Pennsylvania. This resolution, as I understand it, would commission a major study to study the methodology of the previous study and to study 82 school districts and to see how they are doing things that were studied by the previous study. I am concerned about, A, the allocation of resources. I am also concerned that as a re-

sult of this costing-out study, we have enacted certain policies which have resulted in Pennsylvania, I think, to my knowledge, being the only State in the nation that has improved in terms of all grades and all subjects. It does not sound like, given that track record, this is a subject which is crying out for yet another large study.

Sometimes, I think, Mr. President, we need to make a commitment to a policy and follow through on that policy, rather than revisiting policies simply because--and I am not saying anyone in this Chamber feels this way--but simply, for example, because we did not like the answer or the policy recommendations of the previous study.

So, Mr. President, I think I am going to cast a "no" vote on this, unless I am convinced by further debate that there is a compelling need to go back and revisit an issue that we spent so much time not only studying but debating. Not only the original resolution commissioning that study but all of the resultant policy decisions we made were extensively debated when I was in the House and extensively debated here. To go back and revisit that now, again, without a compelling reason, to me, just -- I am not sure I understand why we would do that.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I want to thank the gentleman, Senator Leach, for his interest in this subject. But his assertion that this resolution would require a study of a study is really not quite accurate. Allow me to give a little context to why this resolution is before the Senate today.

Back in 2006, the legislature adopted Act 114, which was a comprehensive amendment to the Education Code. One section of that act created a call for the State Board of Education to conduct a statewide costing-out study to try to determine what the true cost of educating a child in Pennsylvania should be. In fact, the preamble to that section of the law said, "The General Assembly directs the State Board of Education to conduct or provide for a comprehensive Statewide costing-out study to arrive at a determination of the basic cost per pupil to provide an education that will permit a student to meet the State's academic standards and assessments." Specifically, within that section, the General Assembly, in this statute, said that the study, and I quote, "The study shall include examining exemplary school districts that are high-performing and low-spending school districts." That is the only explicit information that the General Assembly asked for within that costing-out study.

The State Board of Education, pursuant to Act 114, contracted with a company in Colorado by the name of Augenblick, Palaich and Associates, and this company, for a fee of \$600,000, performed that costing-out study. Now, the RFP that was presented to them for the study - that is, the specifications that this company would have to comply with in order to conduct the study - included what we would call the exemplary school districts that are referred to in the statute. In the RFP, they are referred to as the successful schools model. But it also included two additional models, one being something called the best evidence model - that is, what procedures and processes in education are the best to achieve success in students. And the other, the third method that was to be studied, was something called the professional judgment method, and that is where panels of educators are put together in rooms and are asked to come up with their hypotheti-

cal school that would best educate students to achieve the success that we are calling for.

APA conducted this study with all three methodologies, and within their report, they combined those three methodologies, and they came up with what is now referred to as the costing-out study. The Senate Committee on Education, last year and this year, conducted a couple of hearings on this subject, and we tried to find out from the contractor what was the result of the methodology involving the successful schools model, what was the cost for students when you used the professional judgment model, what was the cost when you used the best evidence model. We were particularly interested in the successful schools model, because as I said, that was the only thing we asked for in Act 114. The response that we received from the State Board of Education was, we never received that information from the contractor. And the contractor, when they testified, refused to give it to us, because it is what they call proprietary information - that is, information that they own - and they do not think they have to publicize it or give it to the legislature.

It seems to me, Mr. President, that all this resolution is asking is that the Joint State Government Commission be directed to conduct that portion of the study, which has already been performed by the contractor; and that is study those successful schools or those exemplary schools that were identified in the study as being high-performing and low-cost. All we are asking is for that information to be obtained, because we cannot get it from the contractor. We paid for it, \$600,000 worth, but we cannot get it from the contractor because they have cited it as being proprietary.

This resolution calls upon the Joint State Government Commission to analyze the 82 school districts identified in the costing-out study as being successful schools--that is, high-performing at low cost--and identify what the basic cost of education for students who are successful in those schools might be. The Joint State Government Commission has indicated that they can do this study for about \$7,500 and report back to us in November of this year.

It seems to me, Mr. President, that this is important information that the General Assembly needs to have as we go forward into some very trying economic times. The costing-out study calls for huge investments and huge commitments to the dollars in public education, and it seems to me, before we commit those dollars for all time, we need to have every scrap of information we can to analyze them and find out what is best for not only Pennsylvania's students but Pennsylvania's taxpayers.

So I urge that the Senate adopt this resolution and ask the Joint State Government Commission to conduct this very modest analysis of a portion of the costing-out study.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I want to respectfully--as I said in committee to both of the two chairs, the Majority chair, Senator Piccola, and the Democratic chair, Senator Dinniman, I know that the committee has done an extensive amount of work on this issue. I know there has been a lot of review and a lot of analysis about this whole issue. Several hearings have occurred across the Commonwealth. The Committee on Education has been extremely active in terms of its research on this issue and on a number of issues. And as I said in the committee when I

voted in the negative, I had some unreadiness about this particular resolution.

But I think I said in committee that we are making some very, very good progress with respect to where we are going in this Commonwealth in education. As my good friend from Montgomery County said a few moments ago, Pennsylvania's test scores rank us, probably, as the only State in the nation where there is progress in every grade level on every subject matter. The only State in the nation that can tout that. The only State in the nation that can say that. And I am very pleased to be able to say, after having served both in the House and in the Senate for a number of years, that we are at a point right now where we can have such progress, and that is a good thing.

So, my general philosophy is to try not to fix things that do not seem to be broken. I understand the research and the need for more information, but I still stand, at this moment, unready to make the decision to go down this particular path. So I want to make sure that my vote is recorded in the negative only on caution, but would respect, again, the amount of effort and work that has been put into this by our two chairs on the Committee on Education around analyzing this issue and the series of issues that go along with education funding and success, what works in education and what does not work. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Mr. President, I support this resolution and I am a cosponsor. The incredible thing about our discussion is what we are looking at is high-performing districts that do not spend lots of money. It is almost as if some in this Chamber cannot believe that you can have good education without spending more money. But we do have such districts. All we are asking for in this resolution is to let us look at the 80 districts that are high-performing but low-cost. What harm is there to make an examination of that? If we can come out with ideas that we can replicate in other districts and save the taxpayers of this Commonwealth millions of dollars, we should be jumping at that opportunity to do so.

But let me also say, I understand and I respect that in our Caucus, there is some fear, and there is some fear in the administration that this will be used to torpedo the costing-out study, and to the best of my knowledge, that is not the intent of Senator Piccola. It is certainly not my intent. The costing-out study is here. But why would anyone in this Chamber not want information that could save, potentially, millions of dollars for the taxpayers of this Commonwealth? And by the way, the 82 districts we are studying--and I explained this to the administration--are districts that are approximately 15 to 30 percent in poverty. So whatever the conclusion, it in no way factually impinges on those districts such as Philadelphia or Allegheny County or other areas that are over 30 percent in poverty, which those districts are.

So, Mr. President, here is the bottom line. I do not think we have to be afraid of the costing-out study being torpedoed. It is the policy of this Commonwealth. And if those who oppose it are saying, we do not want information, we do not want to know what works because we are afraid that something that is set in stone might be challenged, that is foolishness. First of all, this study only focuses on certain types of school districts that have certain levels of poverty, and it is only relevant to those districts.

Second, I say to those who oppose this, call the Governor's Office. Tell them to release, to have the company to which we paid over \$600,000 release the proprietary information, and then we do not have to go through this at all, because we will have the information which would be available to us. Now, in fairness to the Governor's Office, they cannot do that, because a contract has been signed that makes this information--despite the fact that we paid for it--proprietary, and we cannot get at it. We sat there in the Committee on Education, hour after hour, trying to figure out what the facts were, what the methodology was, what is this based on? And we could not get that information.

So finally, Mr. President, let me say that the original resolution that was passed by this body only asked that the costing-out study be done in one way, and that one way was to examine high-performing but low-cost districts. If that had not been done--and we cannot figure out the methodology--then I believe Senator Piccola's resolution, which I support, is one way to find this out.

Finally, let me say, I believe the costing-out study is correct. But I believe that any study that is done deserves to be reviewed and questioned continuously. Information and knowledge is nothing to fear. Information and knowledge gives us the ability to make good policy, and if this study is correct, then anything we find would simply back it up, and anything we find is limited only to certain school districts. So I will vote in the affirmative and support this resolution. Thank you, Mr. President.

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

Senator LEACH. Mr. President, I appreciate the comments made by my colleague from Chester County. Here is the problem. When my colleague says that this is not designed to undermine the costing-out study, I am a little troubled by the wording of the actual resolution. For example, on page 2, it talks about how much money the costing-out study recommended that we spend on public funding. Then it says that APA, the firm that did the study, "...cannot provide the quantitative numbers used to justify this target." That, to me, implies that there is some doubt about whether the costing-out study has been justified. And then it says, at the end of the resolution, that the report that this resolution calls for will "...serve as the basis for future deliberations by the Senate on the Commonwealth's basic education funding levels and components." So what this resolution says is that we are not sure about this costing-out study, and we may want to change the findings of it based on this second study that we are going to do. So I do not think we can say that this is not aimed at the costing-out study.

Now, we all like information, Mr. President. The point I tried to make previously is, there are a lot of things we can study. I just introduced a bill on the death penalty, and I would love to have a study on how much that would save the Commonwealth. Unfortunately, we cannot get all of the studies that we want. I am just saying that if we are going to be selective, if we are not going to have infinite studies because they cost money, which I will get to in a second, do we want to spend money studying something we just studied a whole bunch, \$600,000 worth, which has resulted in policy decisions that have produced the results that have been described by Senator Hughes from Philadelphia and others today?

We could request the information. That is one resolution we could do if there is some information lacking from the

costing-out study. We could request that in a resolution. I am also a little concerned, frankly, Mr. President, that this was a \$600,000 study upon which this legislature relied in formulating very important public policy, and we are going to do a study where--and I think there is no other way to interpret this resolution than to say this--we are going to second-guess that first study, that first \$600,000 study, by conducting a \$7,500 study now. And it seems to me that if you are going to conduct the study, it should be at least as comprehensive as the first study, or else why did we spend so much money on the first study? I am not sure what we get for \$7,500 in terms of a comprehensive review of 82 school districts whose principles may or may not apply to other school districts based on demographics, based on a million other things, which you would also have to study.

So, what do we do with this when we get this study at the end of the day? We get, I think, sort of a shadow of a study of something we have already studied. I hate to use the word "study" so many times, but it is sort of appropriate here. Then, according to this resolution, we are going to base our policy decisions upon that second shadow study to second-guess a policy which has resulted in our being the only State in the nation to improve in every subject at every grade level. Again, is that the most efficient use of resources? Is that the smartest use of resources? Again, I do not think so.

Thank you, Mr. President.

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

And the question recurring,  
Will the Senate adopt the resolution?

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

**YEA-43**

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

**NAY-6**

Costa	Fontana	Kitchen	Tartaglione
Farnese	Hughes		

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

**SENATE RESOLUTION No. 260, ADOPTED**

Senator ORIE, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 260**, entitled:

A Resolution designating Tuesday, April 20, 2010, as "Pennsylvania Health Care Information Technology Awareness Day" in this Commonwealth.

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

**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 PENNSYLVANIA  
DRUG, DEVICE AND COSMETIC BOARD**

March 16, 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 December 14, 2009, 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 Drug, Device and Cosmetic Board, 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 Kimberly Gray, Mechanicsburg, 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 PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

March 16, 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 October 14, 2009, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Andrew J. Behnke, M.D., Carlisle, resigned.

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**

March 16, 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

