

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 10, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 31

SENATE

TUESDAY, May 10, 2011

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

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

PRAYER

The Chaplain, Reverend LEE BARNHARDT, Pastor of First English Baptist Church, Bloomsburg, offered the following prayer:

Shall we pray.

Holy God, we bow before You in gratitude for this new day. Empower Your servants, the Senate of Pennsylvania, to do their best work today to represent fairly and completely the people of this Commonwealth, as all work together for the common good. Grant wisdom, patience, courage, and inspiration to each of these women and men. Breathe into this Chamber, O God, a spirit of hopefulness, of mutual respect, and of shared calling so that the needs of this Commonwealth are met as best as possible. We offer particular prayer for those today in most desperate and pressing need. Grant, O God, a productive and fruitful Session. Our times are in Your hands. Amen.

The PRESIDENT. The Chair thanks Reverend Barnhardt, who is the guest today of Senator Gordner.

PLEDGE OF ALLEGIANCE

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

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:

May 10, 2011

Senators KITCHEN, COSTA, FARNESE, RAFFERTY, M. WHITE, SOLOBAY, WASHINGTON, FONTANA, FOLMER, ORIE and TARTAGLIONE presented to the Chair **SB 1038**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in teacher certification, further providing for qualifying certificates and kinds of certificates.

Which was committed to the Committee on EDUCATION, May 10, 2011.

Senators BROWNE, FERLO, FARNESE, BREWSTER, FONTANA, ERICKSON, STACK, COSTA, BLAKE, WASHINGTON, HUGHES, McILHINNEY and DINNIMAN presented to the Chair **SB 1050**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination in employment, housing and public accommodation; defining "sexual orientation" and "gender identity or expression"; and further providing for unlawful discriminatory practices, for powers and duties of commission, for prohibition of certain real estate practices, for education program and for construction and exclusiveness of remedy.

Which was committed to the Committee on STATE GOVERNMENT, May 10, 2011.

Senators McILHINNEY, VOGEL, FOLMER, BREWSTER, SOLOBAY, SCARNATI, D. WHITE, ALLOWAY, PIPPY, KASUNIC, TOMLINSON, GREENLEAF, PILEGGI, BRUBAKER, EARLL, SCHWANK, YAW, WARD, FARNESE, PICCOLA, M. WHITE, ARGALL, BROWNE and WAUGH presented to the Chair **SB 1051**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for limited wineries.

Which was committed to the Committee on LAW AND JUSTICE, May 10, 2011.

Senators McILHINNEY, RAFFERTY, FOLMER, VOGEL, FONTANA, WAUGH, FERLO, ALLOWAY, EARLL, SCARNATI, SOLOBAY, GORDNER, ARGALL, D. WHITE, KASUNIC, MENSCH and BRUBAKER presented to the Chair **SB 1052**, entitled:

An Act providing for the English language as the official language of the Commonwealth.

Which was committed to the Committee on STATE GOVERNMENT, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1054**, entitled:

An Act providing for the capital budget for the fiscal year 2011-2012.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1055**, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1056**, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1057**, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1058**, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1059**, entitled:

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission; and providing for the additional appropriation of Federal funds from the General Fund to the Pennsylvania Public Utility Commission for the fiscal year July 1, 2011, to June 30, 2012.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1060**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1061**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

Senator CORMAN presented to the Chair **SB 1062**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year

beginning July 1, 2011, to June 30, 2012, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2011.

Which was committed to the Committee on APPROPRIATIONS, May 10, 2011.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Andrew J. Boni as a member of the Local Government Advisory Committee.

BILLS REPORTED FROM COMMITTEES

Senator BRUBAKER, from the Committee on Finance, reported the following bill:

HB 986 (Pr. No. 1849) (Amended)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for powers and duties of secretary; and providing for reports.

Senator GORDNER, from the Committee on Labor and Industry, reported the following bill:

SB 1030 (Pr. No. 1189) (Amended)

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for relief from charges and for establishment and maintenance of employer's reserve accounts; providing for automatic relief from charges; further providing for qualifications required to secure compensation, for rate and amount of compensation, for definitions and for rules of procedure; and providing for shared-work program and for applicability.

Senator PICCOLA, from the Committee on Education, reported the following bills:

SB 306 (Pr. No. 1199) (Amended)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in educational improvement tax credit, further providing for the definitions of "educational improvement organization" and "innovative educational program."

SB 389 (Pr. No. 1200) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in vocational education, further providing for the definition of "vocational agricultural education."

SB 560 (Pr. No. 728)

An Act establishing the State Military College Legislative Appointment Initiative Program.

SB 743 (Pr. No. 756)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, further providing for teaching safe driving of motor vehicles.

SB 813 (Pr. No. 826)

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 value-added assessment system.

SB 933 (Pr. No. 1201) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in intermediate units, further providing for subsidies for services and for financial reports.

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

SB 299 (Pr. No. 1207) (Amended)

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.

SB 314 (Pr. No. 1208) (Amended)

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; providing for prohibiting use of interactive wireless communications devices while operating motor vehicles; 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 and for restraint systems.

SB 595 (Pr. No. 604)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate; and providing for automated red light enforcement in certain third class cities.

SB 635 (Pr. No. 643)

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 and for restraint systems.

HB 218 (Pr. No. 168)

An Act designating State Route 462 from its intersection with U.S. Route 30 in West Manchester Township, York County, to the point where it meets State Route 24 in Springettsbury Township, York County, as the Korean War Veterans Memorial Highway.

LEGISLATIVE LEAVES

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Kitchen and Senator Williams.

The PRESIDENT. Senator Costa requests legislative leaves for Senator Kitchen and Senator Williams. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of April 12, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of April 12, 2011.

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-49

Alloway	Farnese	Piccola	Vogel
Argall	Ferlo	Pileggi	Ward
Baker	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	
Erickson	Orie	Vance	

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR STEWART GREENLEAF,
SENATOR CHARLES McILHINNEY
AND SENATOR ROBERT TOMLINSON
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Mr. President, I rise to ask the Senate to recognize the Archbishop Wood Girls' Basketball Team, the Lady Vikings, for winning the PIAA State Class AAA Girls' Basketball Championship. The team won the championship in March against Mercyhurst Prep, with a 53 to 41 victory. They have an overall record of 27 wins and 4 losses. By the way, this is the second time they have been here. The last time they were here was last year, winning the same championship. Jim Ricci is their coach, and he is in his fifth year. I would like the Senate to recognize them, on behalf of Senator McIlhinney and Senator Tomlinson, who also represent Bucks County. Many of the girls are from parts of the Lower Bucks and Central Bucks areas. They all go to Archbishop Wood.

So it is a great record. It is a great success story. It is the best sports record in the history of the school. They have done a wonderful, wonderful job, and we are really proud to have them here today.

The PRESIDENT. Would the guests of Senator Greenleaf, Senator McIlhinney, and Senator Tomlinson please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUEST 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 today to recognize Cherbett Karen "Tala" Maralit, who works in the Philippine Senate as deputy chief of staff in the office of Senate President Juan Ponce Enrile. She oversees the legislative research for the Committees on Foreign Relations, National Defense and Security, and Government Corporations and Public Enterprises. Tala obtained her bachelor's degree in development studies at the Ateneo, and she is currently studying for a master's degree in international relations. Tala has been invited to speak at many international conferences, including in Sweden, Switzerland, South Korea, Canada, and New Zealand. Mr. President, please join me in a warm welcome for Tala.

The PRESIDENT. Would the guest of Senator Mensch please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, today it is my pleasure to introduce to everyone the Hempfield Area School District's Project 18 class, which gets kids involved in their government and with their communities. They learn so many things about their government, and they think of so many hard questions to ask all of their representatives. The first time I was involved with that was in 1996.

They have been here for a couple of days. They are learning, they are asking questions, and I am sure, someday, there will be elected officials from that class. I would like to welcome them, along with Mr. Stough, who is their instructor. Thank you to all of the escorts and everyone who came today to help them out. So please join me in welcoming them.

The PRESIDENT. Would the guests of Senator Ward please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I rise to introduce some of my constituents from Franklin Delano Roosevelt Middle School in Bristol Township. These students are being honored for their participation in the 17th Annual Wheelabrator Technologies Symposium for Environment and Education. As part of the symposium, these students were required to identify and research a specific environmental or public challenge in their

communities and develop solutions to the challenge throughout the school year.

I ask that you join me welcoming and congratulating the FDR Middle School Reducing Energy Around Communities and Homes Team and their teachers and advisors. The team is comprised of Rachel Custer, Nicholas Lafferty, Darleen Ibe, Nirali Patel, Daphne Werz, Melissa Ziegler, Alice Croom, Tyquila Campbell, James Paulachok, Haley Slezosky, Jamisen Williams, Nicholas Franks, Alex Parkinson, Giovanna Estrada, and Stephanie Ranochak, with assistance and support from Jessica Grabowski. They are under the expert guidance of their seventh-grade lead teachers, Meredith Mueller and Michael Ortman; and their eighth-grade lead teacher, Jayne Murphy. I ask that the Senate please give these fine young students and their teachers a warm welcome.

The PRESIDENT. Would the guests of Senator Tomlinson please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY AND SENATOR JUDY SCHWANK PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, I have the distinct pleasure to be able to introduce to the Members of the Senate the Daniel Boone Optimist Club and 12 students who are in the junior class at the Daniel Boone High School in Birdsboro, Berks County. The Daniel Boone Optimist Club is a community organization of men and women associated with Optimist International and dedicated to conducting activities for the improvement and entertainment of our community and youth, commonly known as Friends of Youth. Daniel Boone has been sponsoring these trips for 30 years. With the Daniel Boone Optimist Club today are 12 students. Before I ask my colleagues for their usual warm welcome, I would like to yield the floor, Mr. President, with your permission, to my friend and colleague, the gentlewoman from Berks County, Senator Schwank.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, thank you. Thank you, Senator Rafferty. I would like to announce the names of these students from the Daniel Boone High School: Nicole Cannell, Laura Gokey, Joshua Pflugler, Kiana Hurley, Alexa Bricker, Connor Kurtz, Hunter Foster, and Domenic Erjavec, all of Douglasville; Aaron Snyder and Abby Moss of Birdsboro; and of course, their chaperones, Thomas and Charlotte Kirchner. Will you please give them a warm welcome to the Senate today.

The PRESIDENT. Would the guests of Senator Rafferty and Senator Schwank please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, today it gives me great pleasure to introduce members of the Greater Philadelphia Chapter of the National Association of Women Business Owners. This organization represents and supports women entrepreneurs in all industries with business education, business networking, and activities to strengthen economic development and build alliances, affiliations, and coalitions. The national association was founded in 1975 and currently has over 8,000 members in nearly 80 chapters throughout this great country.

Enjoying a significant jump in chapter membership over the past few years, the Greater Philadelphia chapter is one of the most active and visible chapters in the country. The chapter has a full calendar of networking and educational events aimed at helping women expand their businesses and educating them about the legislative issues and initiatives in the Commonwealth of Pennsylvania. Additionally, the chapter hosts monthly satellite meetings in Center City and the surrounding counties, allowing members and potential members to network informally and learn best practices for running a successful business. Their trip today to Harrisburg sums up their mission statement as follows: "Get into politics, or get out of business." In these economic times, that is a great motto by which to live.

Mr. President, it is my pleasure to be able to introduce the members here with us today: Karen Higgins, who is the president of the Greater Philadelphia chapter; Renee Brandon; Sandra Clitter; Kayte Connelly; Jane McLaughlin; and Mary Ann Robinson.

Mr. President, I ask that the Members of the Senate extend to the Greater Philadelphia Chapter of the National Association of Women Business Owners our traditional warm welcome.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Rafferty please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JAMES R. BREWSTER PRESENTED TO THE SENATE

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

Senator BREWSTER. Mr. President, I am very honored today to introduce the Chinese delegation from Jilin, China. There are 17 Chinese students and 32 Chinese educators. With them today is Dr. George Batterson, our superintendent of schools from New Kensington-Arnold. I ask for a warm welcome.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Brewster please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUEST OF SENATOR WAYNE D. FONTANA PRESENTED TO THE SENATE

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

Senator FONTANA. Mr. President, today we have many young folks in the Capitol who belong to the Big Brothers and Big Sisters State Association of Pennsylvania. I am fortunate to have one of them shadowing me and my staff today, Charlie

Harvey, Jr., who is 10 years old and in the fifth grade at Downey School. He lives in Harrisburg. His interests include riding bikes with his Big Brothers and Sisters, playing football and basketball, and playing video games. Mr. President, please welcome Charlie to the Senate.

The PRESIDENT. Would the guest of Senator Fontana please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN R. GORDNER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President it is my pleasure today to have my pastor as our guest Chaplain. With him today is his wife, Annie Barnhardt, who is in the gallery. I would appreciate it if the Senate would give her our usual warm welcome as well.

The PRESIDENT. Would the guests of Senator Gordner please rise so that the Senate may give you its usual warm welcome.

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS AND SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, as Lieutenant Colonel of the Pennsylvania Wing of the Civil Air Patrol Legislative Squadron, I and Senator Piccola have the pleasure of introducing his constituent, Cadet Major Jaclyn Gyger, the Cadet Commander of Pennsylvania Wing, Civil Air Patrol Squadron 306, from Middletown, Pennsylvania.

Cadet Major Gyger is here today participating in the Civil Air Patrol annual Legislative Day at the Capitol. During her visit, she will lobby the legislature on behalf of the CAP and promote its legislative priorities. Cadet Major Gyger is accompanied here today by her mother, Senior Member First Lieutenant Susanna Gyger, who is also a member of Squadron 306.

Mr. President and fellow Members, Senator Piccola and I ask you to join us in welcoming our special guests to the Senate of Pennsylvania.

The PRESIDENT. Would the guests of Senator Robbins and Senator Piccola please rise so that the Senate may give you its usual warm welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS 2010 PENNSYLVANIA COAL QUEEN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, it is a great pleasure and honor that I rise today, along with Senator Solobay, to introduce a special guest to the Senate of Pennsylvania. For the past 57 years, the King Coal Association of Carmichaels has chosen a young lady to represent the bituminous coal industry in Pennsylvania. I am proud of the tradition and notoriety this

pageant brings to one of the most important industries in our Commonwealth.

Mr. President, it is with great pleasure that I introduce to the Senate the 2010 Pennsylvania Coal Queen, Miss Annie Caccimelio, from Chalkhill, Fayette County, located in my senatorial district. Annie is the daughter of James and Susan Caccimelio. She is here today with her parents, along with members of the Coal Queen committee - Becky Mitchell, Lisa Allison, Paddy Pratt, and Jean Hockenberry. Also accompanying her is my dear friend, Joe Sbaffoni, who is the director of the Bureau of Mine Safety of DEP here in the Commonwealth of Pennsylvania.

Mr. President, Annie is currently a senior at Geibel Catholic Middle-High School, where she is a highest honor student with--and pay particular attention to this--a 4.119 grade point average. Her school activities include: member of the National Honor Society, vice president of the Spanish Honor Society, and secretary of the Math League. She has also participated in high school volleyball for 4 years and was named to the Fayette County Coaches Association All-County Volleyball Team. She has been named Fayette County Chamber of Commerce's Student of the Month, an Elks Student of the Month, and received the Women in Science Chemistry Award from Seton Hill University.

Annie has been studying voice and theater for the past 4 years. She is a member of the Geibel Catholic Chamber Ensemble, Gator Entertainers, and Music Ministry. She is also the youngest member of the Uniontown Chorale. Being passionate about community service, Annie is an Ambassador Girl Scout and has attained the Gold Award for her work at the domestic violence shelter in her community. She is a volunteer at the Uniontown Salvation Army and is also a member of the Saint Joan of Arc Roman Catholic Church, where she has been an altar server for more than 10 years. Upon graduation, Annie is excited to be entering the University of Pennsylvania as a member of the class of 2015.

Mr. President, I ask that the Senate extend its usual warm welcome to Annie Caccimelio, the 2010 Pennsylvania Coal Queen.

The PRESIDENT. Would the guests of Senator Kasunic and Senator Solobay please rise so that the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. Now we will hear a few words from Miss Annie Caccimelio, the 2010 Pennsylvania Coal Queen.

Miss CACCIMELIO. Good afternoon, distinguished Members and guests. I would like to thank you for giving me the opportunity to speak before you this afternoon. It is an honor to be in attendance, as well as an honor to represent Pennsylvania as the 2010 Bituminous Coal Queen.

My year as Coal Queen has been a busy and exciting year. At the start of my reign, I took an active part in the King Coal Festival in Greene County, making funnel cakes, serving food, and spending time with the residents of Carmichaels and its surrounding areas. Working with the firemen was a great experience. I was able to see firsthand how hard the fire companies in the area work to support the community. My favorite part of the festival was the mine rescue competition. It was so interesting to see the many facets of the coal industry that help keep miners safe.

My next adventure took me to the Coal and Coke Heritage Music Festival at Penn State-Fayette, The Eberly Campus, in Uniontown. I got to meet many miners, as well as tour the Coal and Coke Museum. It was amazing to learn how much coal mining has evolved over the many years it has been a major industry in southwestern Pennsylvania. I was also privileged enough to address a group of former miners and express my gratitude for all they have done for the economy in the area.

In November, I participated in the Waynesburg Veterans Day parade, and in December, the Waynesburg Christmas parade, as well as attending the firemen's Christmas party, where I had the opportunity to meet Senator Solobay. These events were so enjoyable because they gave me a chance to interact with the local people whom I represent. Also during the holiday season, I rang the bell for the Salvation Army at the Walmart in Uniontown, Fayette County. It was so much fun, not only collecting money for the less fortunate, but also explaining to the customers all about my title of Coal Queen. Another highlight of my year was attending the Coal Bucket Tournament in Carmichaels. I loved sharing my talent by singing the National Anthem at all of the games, and it was an honor to present the trophy to the winning team.

The most significant event of my year came recently, when I toured the Cumberland underground coal mine in Greene County on April 27. I was aware of the trials of coal mining, but I never realized how complex mining technology is until I saw it firsthand. I was able to see the continuous miner extract coal from the mine. I also ran the longwall machine that can mine up to 43 feet of coal per minute. The mine operates efficiently and safely. In our training session, it was instilled upon me that the safety of the miners is of the utmost importance. It truly amazes me to think that the top-producing underground bituminous coal mines lie right in my backyard. These mines produce the coal that help supply 50 percent of the nation's electricity.

In June, I will be representing the King Coal Association in the Miss Pennsylvania Scholarship Pageant. I am very excited for this new endeavor, and I hope to make the association proud. As my year comes to a close, it is time to look past my reign as Coal Queen and look toward the future. After graduating from Geibel Catholic Middle-High School, I will be attending the University of Pennsylvania in the fall. I know I am prepared to make the transition from small town to the big city because of my experience as Coal Queen.

Meeting so many people and becoming a local public figure has helped me grow from an everyday teenage girl into a strong young woman. I am more outgoing and more confident, because every time I spoke to someone as Coal Queen, they were always so kind and supportive. As I study foreign languages and music during my 4 years of college, I will always remember the love and support I received from the people with whom I have come in contact. This title has become a part of me and has made my senior year the most memorable year possible.

Again, I thank you for allowing me this opportunity to speak to you today about my reign and the industry which I represent. Thank you.

(Applause.)

LEAVE CANCELLED

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

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 Republican caucus to be held in the Majority Caucus Room immediately.

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

Senator COSTA. Mr. President, the Democrats will also meet in the rear of the Chamber for a caucus as well.

The PRESIDENT. For purposes of respective Caucus meetings, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I request a legislative leave for Senator Washington.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Don White.

Senator Boscola requests a legislative leave for Senator Washington.

Without objection, the leaves will be granted.

CALENDAR**THIRD CONSIDERATION CALENDAR****SB 330 CALLED UP OUT OF ORDER**

SB 330 (Pr. No. 980) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 330 (Pr. No. 980) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for installment payment of school real property taxes.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

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

**BILL ON THIRD CONSIDERATION
OVER IN ORDER**

SB 104 (Pr. No. 1187) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for State-owned vehicle use and for reporting of vehicle use.

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

AMENDMENT OFFERED

Senator BOSCOLA offered the following amendment No. A2143:

Amend Bill, page 1, line 30, by inserting after "use":
and for reporting of vehicle use

Amend Bill, page 4, by inserting between lines 6 and 7:

§ 1504-B. Reporting.

(a) Report -- In order to assist the department in implementation of this article, the chief administrative officer of each State agency shall make a report to the department every 90 days concerning mileage claimed by State employees on private vehicles. The report shall contain:

- (1) Name of individual making claim.
- (2) Either the employing agency or the public office.
- (3) Date of travel.
- (4) General purpose of travel.
- (5) Number of miles claimed.

(b) Posting -- The department shall post and maintain the report under subsection (a) on its publicly available Internet website.

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

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, the amendment would require all State agencies to disclose mileage submitted for reimbursement by their employees to the Department of General Services for inclusion on their Web site.

Now, I believe it is important to be consistent, Mr. President. If we are truly, truly concerned with fleet leases and mileage by those who have State vehicles, we must be equally concerned about miles being reimbursed by the State on private vehicles as well. After all, the taxpayers pay for both of these, reimbursable mileage and State fleet-leased cars. So, what I am asking is, if we are for open government, then let us be really open and disclose not only the State vehicles and the mileage, but also the private vehicles and the reimbursable mileage for which the taxpayers pay.

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

Senator FOLMER. Mr. President, while I agree with my esteemed colleague across the aisle that we do need openness and transparency in the spending of each and every tax dollar, the original intent of Senate Bill No. 104 deals with fleet maintenance. Now, if my esteemed colleague would like to go further into expense reporting, which would include for books or for whatever, I would be glad to work with her on that bill to further this process.

I agree with the intent of what she is trying to do, but it does not go with the original intent of the bill, which deals with the idea that comes out of Auditor General Jack Wagner's audit, that we needed to have better accountability of our State fleet. So, I am asking for a "no" vote on this amendment.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, in some instances, the fleet-leased cars that some legislators have cost less than when somebody gets reimbursed for their mileage. So, I would like to see on this Web site that is being created on the Internet what the State fleet-leased vehicles are costing this Commonwealth and what the mileage reimbursement is costing the Commonwealth.

It is almost like, in some instances, the fleet leases are cheaper than the actual mileage reimbursement. Because, if you remember, with mileage reimbursement, after 2 or 3 or 4 years, you are still collecting the same mileage, but you basically almost paid off your car. With a State fleet-leased vehicle, you have to return that car back to the Commonwealth.

So, all I am asking for is true openness and not selected openness because only some Members, very few Members, take the State fleet-leased cars. More people are reimbursed mileage than take the fleet leases in the Senate body. So, what you are doing is saying, okay, Senator Boscola, I agree with you to a point, but we are not willing to go that far. And why is that? What the gentleman is trying to advocate for is limited openness in State government. Create a Web site, put it on the Internet, put the fleet-leased cars in there, and the reimbursable mileage. How hard is that? It is simple, is it not? So, why not vote for the amendment?

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

Senator FOLMER. Mr. President, again, the original intent of this bill is to deal with the management of the fleet. If the

gentlewoman would like to go further by looking into which would be more cost effective for the State as far as the taxpayers, I would be glad to work with the gentlewoman on that bill, but I do not believe it belongs in this bill. The original intent of this bill was for fleet maintenance.

Finally, as far as the mileage reimbursements for the legislature is concerned, if you look at Article II, Section 8, of our State Constitution, it says that our compensation is for salary and mileage, with no other compensation whatsoever. So again, I am asking for a negative vote on this. I agree with the intent. If the gentlewoman wants to go further in creating a new bill in order to explain the total expenditures submitted by the legislature, I would be fine with that. Again, I am asking for a "no" vote, because the original intent of this bill was dealing with the maintenance of our State fleet.

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

Senator DINNIMAN. Mr. President, I rise to support Senator Boscola's amendment. If we really believe in the Constitution of Pennsylvania, then we would include this, as the last speaker has alluded to the Constitution. You know, we can argue the germaneness of bills, but my experience here is that when we do not like something, it is not germane. When we like something, it is germane.

The point is, we are dealing with the question of openness. We are dealing with the question of our citizens being able to access information related to the use of vehicles. Some of the vehicles Members have are State vehicles. Some of the Members are using vehicles that are their own. I think that in the name of openness, in the name of citizens getting access to materials, to simply argue, well, we are going to open this, but not that, is the germaneness of convenience, the germaneness because it only represents what my interest is at the moment.

If our interest is as the bill is intended--and I congratulate the maker of the bill for intending to share with our citizens the total knowledge that involves our fleet and the whole question of mileage--then open it up so citizens can compare, so citizens can see. Let us not have a limited bill based on the argument of convenience, or if something is germane or not germane. This is germane in Senator Boscola's amendment, and let us just all stand up and pass it and not argue that we make this exception or that exception, Mr. President. This is germane to the bill. Let us stop the argument about the germaneness. Senator Boscola calls it limited openness; I would call it the convenience of arguing something is not germane when you do not like it.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, Senate Bill No. 104, in my opinion, whether it is the amendment or the actual bill, is much ado about nothing, and I say, a plague on both Houses, the amendment and the bill itself.

We have a newly-elected Governor who made an awfully big deal about the fact that he was going to rein in control and costs associated with fleet management. I cannot remember the number on the paid TV and radio ads, but I think it was upward of 15,000 or 16,000 cars that were traveling all over this State. Now, presumably, most of those cars have a municipal government State license plate on them, I assume. There may be some that are vehicles that either legislators have, or maybe even

at the executive level, or at the managerial level in State government.

I think the more appropriate thing--I think the concern here is, are those vehicles being utilized within the line of duty and responsibility for the job, and not necessarily shopping at a supermarket or maybe being out somewhere late at night? So, there is a way to address that, but this is an issue in which we should not be involved. This is an issue that we should put back on the Governor to properly be the administrator, through General Services, of the fleet management.

That is why I say that both the amendment and the bill, to me, are nonsensical. As far as the individual mileage, I believe that is available under Right-to-Know. I think there have been repeated articles in the newspaper about how much folks get for mileage reimbursement. I will stand corrected on that if I am wrong, but I think I have seen articles where folks get mileage reimbursement. Anything else should be public information. I fought hard for an open records law, and the open records law allows any reporter or citizen to file an open records request for mileage, whether it is for Senator Ferlo or anybody else.

When I ran for this office--maybe I did not understand the issue clearly--I made it clear that I considered having a vehicle supplied by the State was a perk. I did not really know at the time the mileage issue, but I think a lot of us would have to admit that having mileage for driving from Erie to Harrisburg, or from Fayette, Greene County, or Pittsburgh to Harrisburg versus coming to work on the morning parkway in Dauphin County is a big difference. I have gone through several automobiles, and I just got a new car. I always thought it was reasonable and fair to ask for the mileage reimbursement at whatever the IRS rate is--I do not even know what that is--but whatever that rate is that waxes and wanes over the years, that is what I put in for mileage on my duties and responsibilities to be here, minimally, Monday through Friday and other special days of the legislature.

So, I do not understand the amendment. I do not understand the bill. If we want to deal with the management and the costs associated with how many vehicles, how they are driven, why they are driven, where they are driven, should they be driven, are they being driven in places that they should not be driven, then it is a management issue that we should put on the shoulders of the Governor and the Secretary of DGS. I do not support the amendment, I do not support the bill, much ado about nothing, and I vote "no" on both.

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

Senator FOLMER. Mr. President, may we be at ease?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Will the Senate agree to the amendment?

Upon motion of Senator PILEGGI, without objection, the bill was passed over in its order.

BILLS OVER IN ORDER

SB 328 and SB 468 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 612 (Pr. No. 1188) -- 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, in professional employees, further providing for causes for suspension and for persons to be suspended.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A2144:

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

three

Amend Bill, page 4, line 5, by striking out the comma after "directors" and inserting:

and

Amend Bill, page 4, lines 5 and 6, by striking out "and any other staff who are" in line 5 and "not assigned to provide instruction directly to students" in line 6

Amend Bill, page 4, by inserting between lines 9 and 10:

(f) Following the 2015-2016 school year the Department of Education shall conduct a study of the effectiveness of the provisions of subsections (a)(5), (b), (c) and (d) and section 1125.1 and shall deliver a written report of its findings, including any recommendations for changes to subsections (a)(5), (b), (c) and (d) and section 1125.1, to the Governor, the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives by December 31, 2016.

Amend Bill, page 4, lines 13 through 17, by striking out "A board of" in line 13, all of lines 14 through 16 and "manner" in line 17

Amend Bill, page 4, line 18, by striking out the bracket before "(relating"

Amend Bill, page 4, line 19, by inserting after "employment":

, except as provided under subsection (a.1)

Amend Bill, page 4, lines 23 through 30; page 5, lines 1 through 5, by striking out "] based upon the school" in line 23, all of lines 24 through 30 on page 4 and all of lines 1 through 5 on page 5 and inserting:

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

Amend Bill, page 5, line 10, by striking out the bracket before "(c)"

Amend Bill, page 5, line 10, by inserting a bracket before "A"

Amend Bill, page 5, line 10, by inserting after "A":

] Except as otherwise provided under subsection (a.1), a

Amend Bill, page 5, line 13, by striking out the bracket after "employees."

Amend Bill, page 5, line 17, by striking out "1124" and inserting: 1124(a)(1), (2), (3) and (4)

Amend Bill, page 5, line 18, by striking out the bracket before "their"

Amend Bill, page 5, lines 21 and 22, by striking out "] the school entity's" in line 21 and "evaluation of the criteria listed in subsection (a)." in line 22

Amend Bill, page 5, line 25, by inserting after "vacancies.": Professional employees suspended for the reasons set forth under section 1124(a)(5) may be reinstated.

Amend Bill, page 6, line 14, by striking out the bracket before "(f)"

Amend Bill, page 6, line 16, by striking out the bracket after "Law.""

On the question,

Will the Senate agree to the amendment?

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

Senator PICCOLA. Mr. President, this amendment further amends Senate Bill No. 612, which is our bill concerning economic furloughs of school employees. It basically does four things to the bill. First, with respect to seniority, it explicitly says that seniority will remain the sole factor in determining who is laid off, unless a teacher has two unsatisfactory evaluations. In the event such a teacher has two unsatisfactory evaluations, that teacher would be treated as one of the newer employees eligible for the low-seniority furlough.

Secondly, it removes references to the Pennsylvania Value-Added Assessment System, PVAAS. I want to make it clear, the removal from this bill of the reference to PVAAS is not going to curtail the consideration of additional legislation on PVAAS, specifically in Senator Smucker's legislation, Senate Bill No. 813, which was reported today out of the Senate Committee on Education. That is on a separate track for consideration. In addition, we are going to be doing teacher evaluations generally, probably this fall, at the direction and instigation of the Department of Education, and whether or not PVAAS is included in that is not a determining factor by the fact that this is being removed from this particular bill.

The third thing that it does is narrow the definition of "administrative staff" to management employees only. As a result, when we refer to "administrative staff," the number of core employees who would be preserved for the small and rural schools, which we talked about yesterday at some length, would be dropped from five to three.

And finally, the fourth thing that is done in this amendment is that in 5 years, the Department of Education would be charged with performing a study on the statewide experience of economic furloughs in school districts in the Commonwealth and making any recommendations that might be appropriate for changes to this law to the Pennsylvania General Assembly. I urge adoption of the amendment.

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

Senator COSTA. Mr. President, I rise to ask our colleagues to support the amendment that has been offered by Senator Piccola. The amendment is the result of a number of conversations that have taken place that, initially, we believe, started yesterday with an amendment offered by our colleague from Scranton, Senator Blake. Some of the elements of this amendment are from the conversations that we had on the Senate floor yesterday relating to Senator Blake's amendment. So I ask for an affirmative vote on the amendment.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, I think the important thing to recognize in this--and I also ask for an affirmative vote--is that we do not, right now, know the most appropriate way to evaluate teachers, and to vote any bill that states how you are going to do evaluations, we are just not ready for that right now. As the chairman of Committee on Education has stated, and Senator Piccola and I are working together so that we can come out, and we need the input of every Senate Member, with being a State which has an articulate, well-developed system of evaluation that will assure that our students get the very highest

quality of education, Mr. President. When we develop that--and it has to be developed in conjunction with our teachers, not separate from our teachers--and when that is developed, then we will be better prepared to determine the notion of who gets what, as it relates to economic furloughs.

So, this is a good amendment. I thank Senator Piccola. I thank Senator Blake and others for their work, because what it does is simply say, we are not ready to determine that evaluation yet but, also, please, Members, understand that it is the commitment of the Committee on Education, starting this June, to come up with the legislation that will determine how we can appropriately evaluate teachers, and once that is determined, then we can add that to any procedures involving economic furloughs.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

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

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

And the question recurring.

Will the Senate agree to the amendment?

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

YEA-49

Alloway	Erickson	Orie	Vogel
Argall	Farnese	Piccola	Ward
Baker	Ferlo	Pileggi	Washington
Blake	Folmer	Pippy	Waugh
Boscola	Fontana	Rafferty	White Donald
Brewster	Gordner	Robbins	White Mary Jo
Browne	Greenleaf	Scarnati	Williams
Brubaker	Hughes	Schwank	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Kitchen	Stack	Yudichak
Dinniman	Leach	Tartaglione	
Earll	McIlhinney	Tomlinson	
Eichelberger	Mensch	Vance	

NAY-1

Smucker

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

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

BILL OVER IN ORDER

SB 631 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 791 (Pr. No. 821) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 13, 1980 (P.L.122, No.48), known as the Bluff Recession and Setback Act, further providing for definitions; and making editorial changes.

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-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

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

SB 857 (Pr. No. 882) -- 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, in reimbursements by Commonwealth and between school districts, further providing for accountability to Commonwealth taxpayers.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Smucker.

Senator SMUCKER. Mr. President, this bill is a sensible and responsible piece of mandate relief. Over the years, those who wanted to drive up education spending found an effective formula for doing so - requiring that new money be put toward gearing up new programs or expanding existing programs. As programs grow larger and there are more of them, political pressure pulls funding along. That is a problem today. In a prolonged tough economy, taxpayers want off this treadmill, where costs constantly rise.

For school officials trying to figure out how to deal with substantial reductions in the overall funding they expect to receive, a requirement tying new money to new programs has no meaning and no constructive purpose. It is not fair to force them to alter their approach but keep the kind of fiscal straightjacket this requirement amounts to.

This would also be a problem tomorrow. Schools are not going to be flat-funded forever. Education funding will rise again. When that happens, most districts are going to be in the repair-and-restore mode rather than annually adding to the superstructures incurred during the Rendell years. This bit of flexibility does not take away any right or undo any long-standing policy, it removes a requirement that has become irrelevant in recessionary times. The principle is pretty simple: if we want to see spending controlled, we have to provide school officials with the leeway to act to contain costs.

Thank you, Mr. President.

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-48

Alloway	Eichelberger	Orie	Tomlinson
Argall	Erickson	Piccola	Vance
Baker	Farnese	Pileggi	Vogel
Blake	Folmer	Pippy	Ward
Boscola	Gordner	Rafferty	Washington
Brewster	Greenleaf	Robbins	Waugh
Browne	Hughes	Scarnati	White Donald
Brubaker	Kasunic	Schwank	White Mary Jo
Corman	Kitchen	Smucker	Williams
Costa	Leach	Solobay	Wozniak
Dinniman	McIlhinney	Stack	Yaw
Earl	Mensch	Tartaglione	Yudichak

NAY-2

Ferlo Fontana

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 858 (Pr. No. 977) -- 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, in district and assistant superintendents, further providing for eligibility; and making editorial changes.

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 York, Senator Waugh.

Senator WAUGH. Mr. President, I rise today to ask my colleagues to join me in supporting Senate Bill No. 858. This bill would remove the current hiring mandate that is placed on our public schools by the School Code. It would allow them to consider candidates with a graduate degree in business and/or

finance for the position of superintendent. Again, this bill would change hiring requirements for public school districts by allowing them to consider a candidate for superintendent who carries a graduate degree in either business and/or finance.

Before I begin, I would like to thank Chairman Piccola of the Committee on Education for his prompt attention in considering this proposal as part of the mandate relief package for public education. Governments at all levels, including our local school districts, are being asked to do more with less. The passage of these mandate relief bills shows our commitment and our sincerity in helping our public schools tackle many cost-driving mandates that burden the system today.

Mr. President, under the current law, a school superintendent must meet the following criteria to be eligible here in Pennsylvania: must hold a college diploma from an institution approved by the Department of Education; he or she must have 6 years of successful teaching experience, with at least 3 years in an administrative capacity; and he or she must have completed a PDE-approved graduate program that includes school leadership standards.

This current framework serves to limit the candidate pool for individuals to serve as superintendent, quite honestly. My proposal offers school boards and districts flexibility in choosing who they believe will best lead their districts and allows them to consider individuals, again, with graduate degrees in business and/or finance. The thinking is really simple. Running a school district, in my view, is much like running any successful business. It requires managing large numbers of personnel, navigating complex political and regulatory environments, overseeing vast facilities, and maybe most importantly, Mr. President, operating with a budget the size of which rivals many Fortune 500 companies.

Leadership is transferable. It is a skill that many people possess and carry, and it is one found in individuals ranging from execs in business to nonprofits to our military and government, and of course, in education, too. Now, this is not cutting edge, I hate to say. But in a way, I think it demonstrates why we should seriously consider it.

Several other States have no State-level certification requirements and allow local boards of education to, in fact, select the best candidate for the position. That would include States like Florida and Washington. Several more States in the country today, including New Jersey, Idaho, and Oregon, have legislation similar to this bill in place, and others have bills before their State legislatures today, as we speak, that would allow pathways for non-education candidates to be eligible for superintendent positions.

The fact of the matter is, it is not even new for Pennsylvania. I was surprised to learn this, quite honestly, but I guess I am from the wrong neck of the woods. In fact, our statute today allows for cities of the first class--of course, Philadelphia--to hire superintendents who are outside the bounds of qualifications. So really, Mr. President, when you get right down to it, we are just letting the rest of us out here in the hinterlands incorporate into this idea.

Now, I have a number of examples of various areas that have non-educator superintendents in place. I know we are trying to get on with the program here today, but there are some pretty interesting regions that actually do it, and successfully, I might add. Los Angeles does it. Miami does it. New York City does it.

New Orleans does it. San Diego and Seattle do it. All are very successful in this attempt to bring some other sort of a voice into supervising and being superintendent in public education.

It is important, Mr. President, to point out, because I have had questions, that this bill would in no way mandate that a school district hire a nontraditional superintendent or change their current dynamic in any way. My proposal simply allows our districts to consider an individual with either of those two majors in their educational bio.

Senate Bill No. 858 is ultimately designed to allow districts the flexibility to select the best-qualified candidate who, in their view, can best meet the needs of the district from a potentially larger pool of applicants. Mr. President, the best example I can give is, look at your hospitals. How many have CEOs who are actually doctors or have a medical degree? I can tell you that in York, in the three outstanding medical facilities that we have, none of the three have doctors in their CEO positions. I think that demonstrates how important it is today that our school districts, large as they are, diverse as they are, and as much management skill that is needed to run them, really should be able to stretch outside the educational realm and hire noneducation-educated professionals.

Again, to be clear, this proposal would in no way be a mandate. It simply gives our districts the opportunity to select and choose the best for their region. I think it is a good thing. I think it would allow them to save some money over the long haul, and I ask Members for their support of this bill. Thank you.

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

Senator DINNIMAN. Mr. President, I rise to support Senator Waugh's bill. This is a good piece of legislation. We often talk here about local control. This allows our local school districts to determine who is the best candidate to lead their schools. Remember, some schools need someone who has expertise in finance. Other schools need someone who has the experience of creating a culture change in the school, while other schools need someone who can end the violence or disruption that a school might have. This opens it up.

I hope, eventually, that we even go beyond this notion that it should only be someone with business experience to other types of experience such as military experience, et cetera. But the key point here is, let us let our local school boards have some say in determining who will best serve their needs. They can determine whether it is someone who has a traditional criteria or someone who has other criteria which is essential for that district.

Finally, let me support this bill by noting that many of our colleges now do not necessarily have a traditional Ph.D. at the head of their institution, that many of our religious schools do not necessarily have someone who might be in that order, but now have a lay leader in charge of their schools. So many institutions in our society, including educational institutions, are opening up their criteria so they can get the best person to fill the need that they have, and that is what Senator Waugh's bill does. I urge your support, Mr. President, of this legislation.

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-35

Alloway	Earll	Piccola	Vogel
Argall	Eichelberger	Pileggi	Ward
Baker	Erickson	Pippy	Waugh
Blake	Folmer	Rafferty	White Donald
Boscola	Gordner	Robbins	White Mary Jo
Browne	Greenleaf	Scarnati	Williams
Brubaker	McIlhinney	Smucker	Wozniak
Corman	Mensch	Stack	Yaw
Dinniman	Orie	Vance	

NAY-15

Brewster	Fontana	Leach	Tomlinson
Costa	Hughes	Schwank	Washington
Farnese	Kasunic	Solobay	Yudichak
Ferlo	Kitchen	Tartaglione	

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 872 (Pr. No. 956) -- 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 definitions and for responsibilities of school entities; repealing provisions relating to concurrent enrollment committees; and further providing for concurrent enrollment agreements and for enrollment in concurrent courses.

On the question,

Will the Senate agree to the bill on third consideration?

WOZNIAK AMENDMENT A2122 OFFERED

Senator WOZNIAK offered the following amendment No. A2122:

Amend Bill, page 1, line 5, by inserting after "thereto,":
providing for school district efficiency and consolidation; in opportunities for educational excellence,

Amend Bill, page 1, lines 12 through 15, 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 an article to read:

ARTICLE II-A

SCHOOL DISTRICT EFFICIENCY AND CONSOLIDATION

Section 201-A. Scope.

This article relates to school district efficiency and consolidation.
Section 202-A. Definitions.

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

"Board." The State Board of Education.

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

"Operational date." The operational date established in accordance with section 209-A(a).

"Secretary." The Secretary of Education of the Commonwealth.

Section 203-A. Reorganization of school districts.

(a) General rule.--Each school district identified by the department under section 204-A(b) shall, within 90 days after being so identified:

(1) Enter into discussions with one or more contiguous school districts regarding the combination of the school districts to form a single reorganized school district.

(2) Combine with one or more other contiguous school districts to form a single reorganized school district, unless the school district is granted an exception by the department under section 206-A.

(b) Duty of contiguous school districts to discuss reorganization.--A school district contiguous to a school district identified in section 204-A(b) may not refuse to discuss reorganization unless the department grants the school district an exception under section 206-A.

(c) Voluntary reorganization.--Any two or more contiguous school districts may combine to create a reorganized school district in accordance with the provisions of this article.

(d) Resolution required.--

(1) The board of school directors of each school district desiring to form a reorganized school district shall, by a majority vote, adopt a resolution outlining the manner in which the school district plans to combine with one or more other school districts and shall file the resolution with the secretary.

(2) Within ten days after receipt of a resolution under paragraph (1), the secretary shall provide the school district with a preliminary determination of whether the intended reorganization complies with the requirements of this article.

(e) Procedure.--Each school district planning to form a reorganized school district under this article must:

(1) Hold at least one public hearing within the school district not less than 30 days before adopting a resolution under subsection (d). All public hearings shall be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

(2) In cooperation with the one or more other school districts with which the school district plans to combine to form a reorganized school district:

(i) Develop a reorganization plan.

(ii) Form a reorganization planning committee. The reorganization planning committee shall hold two or more public hearings in each affected school district. All public hearings shall be subject to the provisions of 65 Pa.C.S. Ch. 7.

(f) Duty to submit efficiency plan to department.--A school district that does not reorganize under this section shall provide the department with a plan outlining administrative and operational efficiencies that have been or will be implemented on or after the effective date of this section, including, but not limited to, payroll, purchasing, legal services and transportation costs. The plan shall be provided to the department not later than 18 months after the effective date of this section.

Section 204-A. Reorganization guidelines and reorganization discussions.

(a) Duties of department.--

(1) No later than three months after the effective date of this section, the department shall issue guidelines to assist school districts with reorganization and the provisions of this article. The guidelines shall include:

(i) Procedures for the formation of a reorganization planning committee, including the representation of participating school districts, affected municipalities and members of the general public who are residents of the participating school districts and the roles and responsibilities of the committee.

(ii) The format and contents of a reorganization plan.

(iii) The timeline and instructions for submission of a reorganization plan.

(iv) Criteria for the department's approval of a reorganization plan.

(v) Procedures for requesting binding arbitration under section 205-A(d).

(2) The guidelines shall be posted on the department's Internet website and sent directly to each school district by either first class mail or e-mail. The department shall provide ongoing technical assistance with the reorganization process to all school districts seeking help from the department.

(b) Listing of certain school districts.--No later than six months after the effective date of this section, the department shall publish on its Internet website a listing of all school districts with an annual average daily membership of fewer than 2,500 for the most recently completed school year.

Section 205-A. Reorganization plans.

(a) Duty to submit plan.--Each school district that plans to reorganize under section 203-A shall submit to the secretary its

proposed reorganization plan that includes the following:

(1) The units of school administration to be included in the proposed reorganized school district.

(2) The size, composition and apportionment of the initial board of school directors of the reorganized school district.

(3) The manner and time frame in which the initial board of school directors of the reorganized school district will transition to a permanent board of school directors following the reorganization, including how the membership of the board will be apportioned among the former component school districts.

(4) The disposition of real and personal school property.

(5) The disposition of existing school district indebtedness and lease-purchase obligations.

(6) The assignment of school district personnel contracts, collective bargaining agreements and other school district contractual obligations.

(7) The disposition of existing school district funds and financial obligations, including undesignated fund balances, trust funds, reserve funds and other funds appropriated for school district purposes.

(8) A transition plan that addresses the development of a budget for the first school year of the reorganized school district and interim personnel policies.

(9) Documentation of the public meetings held to prepare or review the reorganization plan.

(10) An estimate of the cost savings to be achieved by the formation of a reorganized school district and how the savings will be achieved.

(11) Such other matters as the governing bodies of the component former school districts comprising the proposed reorganized school district determine to be necessary.

(b) Conditions for approval.--To be approved by the secretary, a reorganization plan:

(1) Must provide comprehensive programming for all students from kindergarten to grade 12.

(2) Must include at least one publicly supported secondary school.

(3) May not displace teachers or students.

(4) May not close any schools existing and operating during the school year immediately preceding reorganization, except as currently provided by law or except where the health or safety of students, faculty or other staff is at risk.

(5) Must provide for the completion of the reorganization no later than five years after the effective date of this section, unless an extension is granted by the department.

(c) Action by secretary.--No later than 60 days after receiving a reorganization plan, the secretary shall take one of the following actions:

(1) If the secretary finds that the reorganization plan meets the requirements of this article, the secretary shall approve the plan and provide written notice to the component former school districts that the plan has been approved.

(2) If the secretary finds that the reorganization plan does not meet the requirements of this article, the secretary shall return the plan to the school districts with written recommendations on what is needed for the plan to receive approval.

(d) Binding arbitration.--

(1) Within 30 days after the decision of the secretary under subsection (c), a school district that disagrees with the decision of the secretary shall submit the dispute to binding arbitration in lieu of bringing an action at law or in equity.

(2) The board of arbitration shall consist of three members selected as follows:

(i) Within five days of the request for arbitration, the board of school directors and the secretary each shall select one person to be appointed to the board of arbitration and submit the person's name to the Office of General Counsel. The Office of General Counsel shall immediately appoint the selected persons to the board of arbitration.

(ii) Within five days after their appointment, the arbitrators appointed under subparagraph (i) shall agree upon one person to be appointed to the board of arbitration and submit the person's name to the Office of General Counsel. The Office of General Counsel shall immediately appoint the arbitrator chosen under this subparagraph to serve as chair of the board of arbitrators.

(3) An arbitrator appointed under paragraph (1) may not be an

employee or resident of the school district or an employee of the department.

(4) Upon its appointment, the board of arbitration shall commence its proceedings and within 30 days shall make its written determination, which shall be binding on the school district and the secretary.

(5) Whenever a panel of arbitrators is constituted under this section, costs of the arbitration shall be divided equally between the school district and the department, provided that each party shall be responsible for payment of its own attorney fees.

(e) Certificate of organization.--If a reorganization plan is approved by the secretary, the board shall issue a certificate of organization to the reorganized school district.

Section 206-A. Exceptions to reorganization.

No school district shall be required to reorganize under this article where one of the following applies:

(1) The department grants an exception based upon one or more of the following factors:

(i) Geography, including physical proximity and the size of the current school district.

(ii) Demographics, including student enrollment trends and the composition and nature of communities in the school district.

(iii) Economics, including existing collaborations to be preserved or enhanced opportunities to deliver commodities and services to be maximized.

(iv) Impact on property taxes, including where a school district would be required to increase the millage rate by more than 5% in order to equalize the millage rates among the school districts comprising the reorganized school district.

(v) Transportation, including the length of any bus routes that would result from a reorganization.

(vi) Population density.

(vii) Other unique circumstances, including the need to preserve existing or developing relationships, meet the needs of students, maximize educational opportunities for students and ensure equitable access to rigorous programs for all students.

(2) The department certifies that the school district has met adequate yearly progress in reading and math on the Pennsylvania System of School Assessment test for the five consecutive school years immediately preceding the effective date of this section and the school district's reported per-pupil expenditures for administrative costs are less than 4% of total per-pupil expenditures for the most recent school year.

Section 207-A. Transfer of property and assets.

(a) General rule.--The board of school directors of a reorganized school district shall determine what school property of the component former school districts is necessary to carry out the functions of the reorganized school district and shall request in writing that the board of school directors of each such component former school district transfer title to its school property and buildings to the reorganized school district.

(b) Assumption of indebtedness.--A reorganized school district shall assume the outstanding indebtedness of the component former school districts for school construction projects approved prior to the formation of the reorganized school district.

(c) Use of sinking funds and other moneys.--If the board of school directors of a reorganized school district has assumed the outstanding indebtedness of a component former school district, the board of school directors of the reorganized school district may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the component former school district to pay off the indebtedness for which the money was dedicated.

(d) Property, indebtedness and obligations.--

(1) All real and personal property, indebtedness and rental obligations to an approved building authority or nonprofit corporation, if any, of component former school districts forming a reorganized school district shall become the property, indebtedness and rental obligations of such reorganized school district.

(2) All rights of creditors against any of the component former school districts shall be preserved against the reorganized school district.

(3) All property vested in the component former school districts, all debts and taxes owing to any of the component former school districts and all moneys in the treasuries of the component

former school districts shall be paid to the treasurer of the reorganized school district.

Section 208-A. Initial board of school directors.

(a) General rule.--The members of the boards of school directors of component former school districts shall compose the initial board of school directors of a reorganized school district until such time as a new board of school directors is established in accordance with the reorganization plan.

(b) Meetings.--The organization and meetings of the board of school directors of a reorganized school district shall be subject to the provisions of Article IV.

(c) Powers and duties.--The board of school directors of the reorganized school district shall have such powers and duties as given to the board under Articles V and VI and other provisions of this act that are necessary to carry out such powers and duties.

Section 209-A. Operational date and transfer of authority.

(a) General rule.--The board of school directors of a reorganized school district shall become operational on the date set by the secretary in the written approval of the reorganization plan. On and after the operational date, the reorganization shall be deemed final and may not be reversed.

(b) Assumption of management and control.--

(1) The board of school directors of the reorganized school district, on the date established under subsection (a), shall assume responsibility for the management and control of the public schools and programs within the component former school districts.

(2) The component former school districts shall have no further responsibility, power or duty for the operation or control of the public schools and programs stated within the reorganization plan.

(c) Balance of accounts.--The balances remaining in the accounts of the component former school districts shall be paid to the treasurer of the reorganized school district and verified through an audit.

(d) Transfer of staff.--Except as limited by subsection (e)(1), all teachers and school employees who are employed by a component former school district on the day prior to the date established under subsection (a) shall be transferred to and employed by the reorganized school district as of the date established under subsection (a).

(e) Duties to existing employees.--

(i) (1) Except as limited by paragraphs (2) and (3), the reorganized school district shall assume all legal obligations and duties that the component former school districts owed to their employees, including, but not limited to, those obligations and duties arising under Federal law, State law, collective bargaining agreements and individual employment contracts.

(ii) Nothing in this article shall be construed to either decrease or increase the rights and benefits of transferred employees or the employer.

(iii) The reorganized school district shall also maintain and honor any existing agreements, contracts or policies regarding the rights and benefits of retirees and former employees created by a component former school district.

(2) Teachers or other employees whose employment terminates by application of law or contract or by action of a component former school district before the date established under subsection (a) may not be transferred.

(3) (i) Teachers and other employees who are transferred to the reorganized school district prior to the completion of the applicable probationary period for their position shall be entitled to have the length of their probationary period calculated from their most recent date of employment by the component former school district.

(ii) Such teachers and other employees may be terminated prior to the end of their probationary period, subject to the provisions of any collective bargaining agreement or individual employment contract.

(f) Superintendent contracts.--The contracts between each component former school district and its superintendents shall be transferred to the reorganized school district on the date established under subsection (a). The board of school directors of the reorganized school district shall determine the duties of the superintendents within the reorganized school district.

Section 210-A. Collective bargaining.

(a) General rule.--On the operational date, the board of school directors of the reorganized school district shall assume all of the obligations, duties, liabilities and rights of the component former school

districts for all purposes under Article XI-A, and the reorganized school district shall be considered a single employer. Notwithstanding any other provision of law, the responsibilities of the reorganized school district shall include:

(1) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a component former school district, pending completion of merger proceedings described in this section.

(2) Assumption and continued observance of all collective bargaining agreements between any such bargaining agent and a component former school district, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and the reorganized school district mutually agree otherwise.

(3) Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date and for any interim agreement that may be required to align expiration dates in a reorganized school district-wide bargaining unit, as described in this section.

(b) Merger and structure of bargaining units.--

(1) As early as possible after reorganization, all bargaining units shall be structured on a reorganized school district-wide basis. Bargaining units that existed in the component former school districts shall merge in accordance with the procedures and criteria in this section. Merger into a reorganized school district-wide bargaining unit shall not be subject to approval or disapproval of employees.

(2) Merger into a reorganized school district-wide bargaining unit shall be completed according to the schedule contained in this section and no later than the latest expiration date of any collective bargaining agreement that covered any employees in the merged unit that was in effect on the operational date.

(3) There shall be one unit of teachers and, to the extent they are included in bargaining units on the effective date of this section, other certified professional employees, excluding principals and other administrators.

(4) Any additional bargaining units in a reorganized school district shall be structured as follows:

(i) In the initial establishment of the units, units shall be structured primarily on the basis of the existing pattern of organization in order to maintain the grouping of employee classifications into bargaining units that existed prior to the creation of the reorganized school district and to avoid conflicts among different bargaining agents to the extent possible.

(ii) In the event of a dispute regarding the classifications to be included within a reorganized school district-wide bargaining unit, the current bargaining agent or agents or the reorganized school district may petition the Pennsylvania Labor Relations Board to determine the appropriate unit.

(5) When the same bargaining agent exists in all bargaining units that will be merged into a reorganized school district-wide bargaining unit, the units shall be merged as of the operational date, and the reorganized school district shall recognize the bargaining agent as the representative of the merged unit.

(6) (i) When all bargaining units that will be merged into a reorganized school district-wide bargaining unit are represented by separate local affiliates of the same State labor organization, the units shall be merged as of the operational date.

(ii) The identity of the single affiliate that will be designated the bargaining agent for the merged unit shall be selected by the existing bargaining agents and the State labor organization.

(iii) Upon completion of the merger and designation of the bargaining agent and notification by the State labor organization to the reorganized school district, the reorganized school district shall recognize the designated bargaining agent as the representative of employees in the merged unit.

(iv) If necessary, the parties shall then execute a written amendment to any collective bargaining agreement then in effect to change the name of the bargaining agent to reflect the merger.

(7) (i) When there are bargaining units that will be merged into a reorganized school district-wide bargaining unit in which there are employees who are not represented by any bargaining agent and other employees who are represented either by the same bargaining agent or separate local affiliates of the same State labor organization, the units shall be merged as of the operational date, as long as a

majority of employees who compose the merged unit were represented by the bargaining agent prior to the merger.

(ii) The procedures for merger of separate local affiliates of the same State labor organization described in paragraph (6) shall be followed if applicable.

(iii) If prior to the merger a bargaining agent did not represent a majority of employees who compose the merged unit, a bargaining agent election shall be conducted by the Pennsylvania Labor Relations Board under paragraph (10).

(8) When there are unexpired collective bargaining agreements with different expiration dates in the merged bargaining units described in paragraphs (5), (6) and (7), all contracts shall be honored to their expiration dates unless mutually agreed to otherwise by the public employer and the bargaining agent. Collective bargaining agreements shall be bargained on an interim basis in any merged bargaining unit so that all collective bargaining agreements expire on the same date.

(9) When bargaining units with different bargaining agents are required to be merged into a single reorganized school district-wide bargaining unit under this section, the bargaining agent of the merged bargaining unit shall be selected in accordance with State law except as modified in this section.

(10) (i) A petition for an election to determine the bargaining agent must be filed with the Pennsylvania Labor Relations Board by any of the current bargaining agents or the reorganized school district.

(ii) The petition must be filed not more than 90 days prior to the expiration date of the agreement having the latest expiration date among the bargaining units that will be merged into the reorganized school district-wide bargaining unit.

(iii) The election ballot may contain only the names of the bargaining agents of bargaining units that will be merged into the reorganized school district-wide bargaining unit and shall include the choice of "no representative." No showing of interest is required from any such bargaining agent other than its current status as representative.

(iv) The obligation to bargain with existing bargaining agents continues from the operational date until the determination of the bargaining agent of the reorganized school district-wide bargaining unit under this section. In no event may any collective bargaining agreement that is executed after the operational date extend beyond the expiration date of the agreement having the latest expiration date among the bargaining units that will be merged into the reorganized school district-wide bargaining unit.

(v) The Pennsylvania Labor Relations Board shall expedite, to the extent practicable, all petitions for determination of the bargaining agent in the reorganized school district-wide bargaining unit filed under this section.

(vi) The bargaining units shall be merged into a reorganized school district-wide bargaining unit as of the date of certification of the results of the election by the Pennsylvania Labor Relations Board or the expiration of the collective bargaining agreements in the unit, whichever occurs later.

(c) Postmerger collective bargaining.--

(1) After the merger of bargaining units into a reorganized school district-wide bargaining unit, the bargaining agent of a reorganized school district-wide bargaining unit and the reorganized school district shall engage in collective bargaining for a collective bargaining agreement for the reorganized school district-wide bargaining unit.

(2) In the collective bargaining agreement for each reorganized school district-wide bargaining unit, the employment relations, policies, practices, salary schedules, hours and working conditions throughout the reorganized school district shall be made uniform and consistent, as soon as practicable.

(3) In the event that the parties are unable to agree upon an initial reorganized school district-wide collective bargaining agreement, the parties shall use the dispute resolution procedures under State law to resolve their differences.

(d) Applicability of other law.--The provisions of Article XI-A shall apply to all collective bargaining units established and contracts entered into after the effective date of this section.

(e) Construction.--Nothing in this section shall be construed to invalidate, change or reform any contract or affect the rights of any employee covered by any contract in existence prior to the operational date of the reorganized school district.

Section 211-A. Penalties.

In the case of a school district that fails to comply with section 203-A(a) or (b), the secretary shall withhold 25% of the school district's basic education subsidy until the school district complies.

Section 2. The definition of "concurrent enrollment committee" in section 1602-B of the act, added July 13, 2005 (P.L.226, No.46), is amended to read:

Amend Bill, page 2, line 5, by striking out "2" and inserting:

3

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

4

Amend Bill, page 4, line 22, by striking out "4" and inserting:

5

Amend Bill, page 5, line 23, by striking out "5" and inserting:

6

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, all afternoon we have been nibbling around the edges of how we could save money in our school districts, sort of like a lady bug chewing on an oak leaf, but it is not really going to do any of the critical things in which we are interested. The public has made it clear through the election process that they want us to balance our books and not raise taxes. In order to do that, we have to find new and innovative ways to save money. Ronald Reagan, the great communicator, said, "If not now, when? If not us, who?" I have spoken to many Members in this Chamber and many in the Chamber across that Rotunda, all discussing the issue of the inequity in our school systems, the differential in our tax structure, and the unevenness in the education of our children.

Bear with me, I just want to draw a little picture. Just south of us in Maryland, I do not know how many counties they have, but just for the sake of argument, let us say they have 67 counties, the same as Pennsylvania, and they now have 67 school districts. But a State Senator down there said, I have a better idea, let us create 500 school districts, let us base them on the population and the location of that population in 1968, and let us use the demographics and financial wherewithal of the year 1968. Instead of having 67 superintendents and 67 business agents, let us create 500 of them. Let us add 500 bus contracts to that, and another 500 solicitors. And let us put that all together over the next 40 years, using maybe a 2-percent harmless, a little tweak here in the ESBE formula, to make sure that 45 years later, the delivery system of the taxpayer's dollar is so convoluted that the unfairness level is outrageous. They would tell that State Senator, well, are you insane? Are you out of your mind? And he would be.

The fact of the matter is, folks, that is exactly what we have in Pennsylvania today, a dysfunctional school system - 500 school districts, each neatly parked in their own network and fortified against any type of change. Many people say, oh, but they can voluntarily merge with each other. As long as they are receiving enough cash from Harrisburg, they are not going to voluntarily do anything. I have seen local governments lose their citizens because of the differential in tax structures. I have seen schools that are Taj Mahals with athletic fields, while other school districts have to raise taxes 23 times in 23 years.

Now I will get to the meat and potatoes. I have an amendment here that begins the process of consolidating our school districts, and I would appreciate if everybody would take into consideration—I know it was well-crafted and well thought out, because the staff of the Republican chairman of the Committee on Education worked on this. I know it is not a perfect amendment, but it begins the process, saying that any school with less than 2,500 students must begin to talk and negotiate with their neighbors. The cost savings, if we could come to grips and consolidate our school districts, could be in the millions, could be in the tens of millions, it could very well be in the hundreds of millions, and not cost us the precious school-teachers that we need, not increase class sizes, but actually allow all students to have that covenant that was passed by this constitutional State, a free public education, not that some have and some have not.

The cost of public education is now getting critically difficult for taxpayers, whether it be the personal income tax paid to the State or, more importantly, the property taxes at home. The disconfiguration of the school districts, with the changes of population over the past 45 years, signifies that we need to redistribute and redefine those artificial political boundaries. It is time that we begin that process, to put some sanity into our educational system and to allow a fairness that has been long sought after to come into being.

So with that, I would appreciate an affirmative vote on a very challenging issue, knowing that it has a long march through this Chamber, through the House, and finally, to a Governor's signature. But the longest journey starts with the first step. I believe—and I think many of you privately told me you believe—that this is the right thing to do.

I can discuss ad nauseum all the discrepancies that are out there, all the stupid things that school superintendents and business agents have told me about the inefficiency out there, but the hour is late, and I sort of know where this is all going. So, once again, I will appreciate if you cast a courageous vote today, and let us start doing a document and a concept that is long-needed and talked about, and that is consolidating, changing our artificial boundaries, and making our school districts more efficient for the students and for the taxpayers of Pennsylvania.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, the amendment offered by the gentleman, I believe, does in fact have some merit. In fact, as I think he alluded to, my staff and I have worked with him for some time now, not just on this amendment, but on a variety of methods by which we might get to some form of realistic consolidation in Pennsylvania. This is probably the second or third time that we have discussed it on the floor, and every time, I have committed the efforts of myself, my staff, and the Committee on Education to work on this issue.

We had a hearing on the issue, I believe it was last summer, which really highlighted the complexity of school consolidation and how difficult an issue it is to address. We have worked with various concepts and ideas. The language that is in this amendment, I believe, and the gentleman may correct me, is language that we had suggested to him last fall that somewhat mirrors what was done in the State of Maine, which puts the burden on certain sized school districts to figure out why they

should not merge, and if they cannot demonstrate why they should not merge, then go about the process of merging.

It is a 12-page amendment that is, I believe, a bill that has been introduced and referred to the Committee on Education. It is my plan to at least have a hearing on this bill, because, as you can see, it is 12 pages of some very complex language that, I think, needs to be aired publicly and vetted before the committee would see fit to report it out. I believe I am a cosponsor of the bill, and that is not to say that it is a perfect bill and that I would support it in every respect. I do believe the gentleman is correct that we should be pursuing this issue, but I also believe it is very complex, and it is in need of a lot of work. It is not the kind of an issue that I think is done with a 12-page amendment on the floor of the Senate as an amendment to an unrelated bill.

So, Mr. President, I urge the defeat of this amendment. The Committee on Education will be doing some work on this bill specifically, and on the subject of consolidation generally, as we proceed through this Session. The gentleman has my continued commitment on that.

Thank you, Mr. President. I urge a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I do thank the chairman. I know he is an enthusiastic cosponsor of my legislation. But, once again, I know it is 12 pages, I know it is very complicated, but I know that many issues we deal with here are 12 pages. I have seen 12-page amendments on other issues.

There is nothing wrong with putting this language into the bill and putting a little leverage and a little pressure to begin that discourse. The year is 2011. We have talked about this since I became a Member of the legislature back in the 1980s. It seems we do a lot of lip service, but very little action when it comes to changing the structural needs of society.

The propensity to change in this nation, and in this State, becomes less and less. Everybody wants to go to heaven, but nobody wants to die. Everybody wants something to happen with their school systems. They want their taxes to be reduced. They want something stabilized. They want smarter students. But then when you offer a solution, they all say, well, that is not what I meant. Well, there is no gain without any pain. There is no solution without resolution. Folks, this is the beginning of a way that we can improve our educational system, and I request an affirmative vote.

Thank you very much.

LEGISLATIVE LEAVES

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

Senator WAUGH. Mr. President, I request temporary Capitol leaves for Senator Scarnati, Senator Pileggi, Senator Corman, Senator Browne, and Senator Mary Jo White.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Tartaglione.

The PRESIDENT. Senator Waugh requests temporary Capitol leaves for Senator Scarnati, Senator Pileggi, Senator Corman, Senator Browne, and Senator Mary Jo White.

Senator Costa requests a temporary Capitol leave for Senator Tartaglione.

Without objection, the leaves will be granted.

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-13

Boscola	Fontana	Stack	Williams
Costa	Hughes	Tartaglione	Wozniak
Farnese	Kitchen	Washington	
Ferlo	McIlhinney		

NAY-37

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Pippy	Ward
Baker	Folmer	Rafferty	Waugh
Blake	Gordner	Robbins	White Donald
Brewster	Greenleaf	Scarnati	White Mary Jo
Browne	Kasunic	Schwank	Yaw
Brubaker	Leach	Smucker	Yudichak
Corman	Mensch	Solobay	
Dinniman	Orie	Tomlinson	
Earll	Piccola	Vance	

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

And the question recurring,
Will the Senate agree to the bill on third consideration?

WOZNIAK AMENDMENT A2084 OFFERED

Senator WOZNIAK offered the following amendment No. A2084:

Amend Bill, page 1, line 5, by inserting after "thereto,"":
in school districts, providing for county administration; in opportunities for excellence,

Amend Bill, page 1, lines 12 through 15, 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 employees 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 students.

(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. The definition of "current enrollment committee" in section 1602-B of the act, added July 13, 2005 (P.L.226, No.46), is amended to read:

Amend Bill, page 2, line 5, by striking out "2" and inserting:

3

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

4

Amend Bill, page 4, line 22, by striking out "4" and inserting:

5

Amend Bill, page 5, line 23, by striking out "5" and inserting:

6

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

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Well, Mr. President, on the last amendment I got 13. I am halfway there. I remember starting something years ago with nonpreferreds, and we finally got it passed. So, it is a good beginning, a nice shot across the bow.

This amendment might be more simple and a little more acceptable, a little more palatable to the Members and maybe the public. What I am doing now is, you can keep your school districts, you can keep your artificial political boundaries, you can keep your mascots, you can keep your high school principals, and you can keep your band directors and high school coaches. But what you might be able to do is to consolidate your administrative costs at the county level with one county superintendent, one countywide solicitor, one countywide insurance, one countywide bus contract, et cetera, et cetera, et cetera.

I have spoken to superintendents and business agents who say that this could easily be incorporated into the concept. Back in 1968, when we had 2,500 or more school districts, we had one countywide superintendent. By the stroke of a pen, I guess those people in Harrisburg, back before I was here, much brighter than we were, created 501 school districts, and by the stroke of a pen created 500 solicitors, 500 superintendents, and 500 business agents.

It does not take a lot of math to find out that this saves a whole lot of money. The backdoor business of schools is expensive. It is unseen. The best analogy I can come up with is when a bank merges, you see the same teller. There might be a new CEO, but now they only have one accounting firm that takes care of their business instead of two, and that is where their cost savings comes into play.

If you want to save millions, tens of millions, and possibly even hundreds of millions, this is a solution that does not cause anybody the angst of losing their mascots, changing schools, or being bused elsewhere. But it does give an opportunity to be smarter, more efficient, more effective, to use the transportation systems in a more diligent way. I have a school district where the students sit there and wave to their friends on the bus as they are waiting for their bus. That school bus goes past the school district that the kids who are sitting waiting for the bus go to. If that was the private sector, they would be out of business, but because it is a school, there is no incentive.

This is a pragmatic, practical way to save a lot of money and to make an investment in our future that will pay dividends year after year. This is a much easier vote than the consolidation of school districts, and I would appreciate your consideration and an affirmative vote on this particular issue. Thank you.

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

Senator PICCOLA. Mr. President, again I must ask for a negative vote. A very simple, apparently non-complicated approach to a very complex issue is not any better than a very complex approach to a very complex issue.

This amendment has been considered before. There are all sorts of unanswered questions, unanswered and unintended consequences that could flow from this. Again, this issue needs to be explored in committee, it needs to be vetted, and I urge a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I do not know, I spent the day today listening to a lot of complex issues that we certainly did not think about as accurately as we possibly could have. Maybe it is a little simple solution. Maybe, sometimes, just a simple way of looking at things might be the right way to go.

We cannot continue down the path we are on right now. We need to change the ship of state. We need to make our school districts more efficient. The budgets have been cut, and the people have demanded a more efficient way of doing business. This is an opportunity. If it works in other States, why in God's creation can it not work in Pennsylvania?

I once again ask for an affirmative vote. Thank you very much.

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-18

Argall	Dinniman	Kitchen	White Mary Jo
Blake	Farnese	McIlhinney	Williams
Boscola	Ferlo	Schwank	Wozniak
Brewster	Fontana	Tartaglione	
Costa	Hughes	Washington	

NAY-32

Alloway	Folmer	Pileggi	Tomlinson
Baker	Gordner	Pippy	Vance
Browne	Greenleaf	Rafferty	Vogel
Brubaker	Kasunic	Robbins	Ward
Corman	Leach	Scarnati	Waugh
Earll	Mensch	Smucker	White Donald
Eichelberger	Orie	Solobay	Yaw
Erickson	Piccola	Stack	Yudichak

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

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

BILL OVER IN ORDER

SB 907 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1006 (Pr. No. 1120) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for Schedule I controlled substances.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, I rise today to ask for a positive vote on Senate Bill No. 1006. My legislation would ban synthetic drugs, including synthetic marijuana and bath salts, by adding them to the list of controlled substances. These synthetic drugs are toxic and are becoming a scourge in our communities. When smoked, snorted, or injected into the body, the chemicals contained in these synthetic drugs produce a high similar to that experienced when using narcotic drugs. Often, they produce hallucinations and cause the user to lash out, becoming almost uncontrollable.

Just this past Sunday in Annville, an individual suspected of using bath salts attacked a State Trooper and tried to hurt others attempting to bring him under control. A stun gun was used to help bring the man under control and had, according to State Police, little to no effect. It is my sincere belief that these synthetic drugs are a becoming a very, very serious problem. We must act quickly to approve this bill. Let us get these drugs off of our streets. We cannot afford to take them lightly. This bill is

supported by law enforcement and the District Attorneys Association. I ask the Members for a positive vote on this bill.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, I rise in support of this legislation. I began working on this issue very early in this Session this year because I began hearing from law enforcement, district attorneys, and folks around the State, that we had a serious problem with these alleged bath salts, that people were inhaling them, and they were causing serious misconduct, violent behavior, and paranoia. So when I introduced Senate Bill No. 909, I really had an opportunity to speak with folks and understand where they are coming from.

So, I rise today to support this legislation by Senator Vogel. It really does not matter whose bill gets passed, as long as the people in the Commonwealth of Pennsylvania are served. That is what we are here to do, of course, and I am happy to do that. I think we should also recognize, Mr. President, that several States and municipalities across the country have implemented emergency rules to address this very, very serious issue, and several States are actually considering similar legislation to what we are going to be passing here today. I think it is very important that the Commonwealth of Pennsylvania is a leader on this issue, and I certainly urge a positive vote on this legislation. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I also rise in support of this legislation. I appreciate the quick nature in which we have been able to get this through the Senate. It just came out of the Senate Committee on Judiciary last week. I was one who spoke with Majority Leader Pileggi, who pledged to get this through quickly, and indeed we have.

I have been paying attention over the last couple of months in regard to all of the criminal matters, but it was not until just in the last few hours when I was reading through a newspaper and I saw that in Northumberland County in the month of April, out of the 22 involuntary commitments to the mental health facility, 8 of them were directly related to bath salts. Over 35 percent of the involuntary commitments to that mental health facility were a result of hallucinations and psychosis directly relating to bath salts.

This truly is an epidemic. It is statewide, as mentioned by the previous speaker. I have seen a host of municipalities and counties with DAs going to the courts to enact emergency measures. I urge that our Leader and the House Leader get involved directly to make sure that the House bill or Senate bill gets to the Governor so that he can sign it immediately.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, it was about 5 years ago that I introduced a bill to ban salvia, and I did that because what happened in my district was there was a woman whose son committed suicide from routinely using salvia. It was determined that because of the use of that drug, this young man is no longer with us. And the parents, as anybody who has lost a child knows, will always think about what they could have done better, if it was their fault, how they could have controlled their son from

taking this substance. As long as we can take a lot of these substances off of the streets, the better off we are all going to be, and we are going to save the lives of our children.

So, I really appreciate that this Senate bill is moving. I thank the Senators for including the salvia piece of the legislation into the bath salts piece. Let us hope and pray that this bill moves quickly and can be signed into law within the next month. Thank you.

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-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

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

SB 732 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILLS OVER IN ORDER

SB 3 and **SB 9** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

SB 27 (Pr. No. 1041) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for dog purchaser protection.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 29, HB 38, SB 52, HB 78, SB 151, SB 165, SB 292, SB 295, SB 297, SB 308, SB 326, SB 362, SB 367, SB 405, SB 411, HB 442, SB 448, SB 450, SB 460, SB 469, SB 473 and SB 502 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL REREFERRED

SB 564 (Pr. No. 1056) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax and for collection of tax.

Upon motion of Senator WAUGH, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 566 and SB 618 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL LAID ON THE TABLE

SB 626 (Pr. No. 633) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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

SB 626 TAKEN FROM THE TABLE

Senator WAUGH. Mr. President, I move that Senate Bill No. 626, Printer's No. 633, 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.

BILLS OVER IN ORDER

SB 637 and SB 638 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

SB 728 (Pr. No. 734) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of Interstate 99 in Freedom Township, Blair County, as the Cpl. Harry Raymond Harr Memorial Bridge.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third

consideration.

BILLS OVER IN ORDER

SB 750, SB 853, SB 898 and SB 923 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL REREFERRED

SB 932 (Pr. No. 1007) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for duration of a listing.

Upon motion of Senator WAUGH, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 1000 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE

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

SB 730 (Pr. No. 736)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in corporate powers, further providing for real property and for personal property; and, in contracts, further providing for letting contracts.

SB 894 (Pr. No. 911)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for compensation of supervisors.

SB 977 (Pr. No. 1091)

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

SB 978 (Pr. No. 1092)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

SB 979 (Pr. No. 1093)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in civil service for police and firemen, further providing for examinations and for eligibility list and manner of filling appointments.

SB 980 (Pr. No. 1079)

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.

SB 981 (Pr. No. 1080)

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.

SB 982 (Pr. No. 1081)

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.

SB 983 (Pr. No. 1082)

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 nonfeasance in office.

SB 984 (Pr. No. 1083)

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.

SB 985 (Pr. No. 1084)

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.

SB 986 (Pr. No. 1159)

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, in codification and publication of documents, providing for electronic publication of municipal codes; and making an inconsistent repeal.

HB 373 (Pr. No. 338)

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.

HB 374 (Pr. No. 713)

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.

SENATE RESOLUTIONS ADOPTED

Senators TARTAGLIONE, KITCHEN, FERLO, DINNIMAN, FONTANA, BAKER, KASUNIC, STACK, ORIE, FARNESE, SOLOBAY, PIPPY, WASHINGTON, PILEGGI, BOSCOLA, EARLL, RAFFERTY, M. WHITE, COSTA, ALLOWAY, ERICKSON, HUGHES, GREENLEAF, BRUBAKER, BREWSTER, VOGEL and SCHWANK, by unanimous consent, offered **Senate Resolution No. 115**, entitled:

A Resolution recognizing the month of May 2011 as "Older Americans Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, on behalf of Senator Tartaglione, I offer the following floor remarks for the record.

The PRESIDENT. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, as we begin the month of May, it is time for us to once again pay tribute to the pillars upon which American families have been built, our older Americans. Our increasing lifespans present us with new opportunities and challenges that require us to think differently about health care and long-term care. We must also reexamine our current systems to adequately plan for and address the needs of current and future generations. By continuing to focus on prevention efforts and programs that help older adults have better health as they age, we are able to minimize the risks of chronic problems such as disease, disability, and injury.

For the past several years, it has been my privilege to offer a resolution in the Senate to designate the month of May as "Older Americans Month" here in Pennsylvania. This year, the theme is "Older Americans: Connecting the Community," which pays homage to the many ways in which older adults bring inspiration and continuity to the fabric of our communities. I urge all residents of this Commonwealth to honor our senior citizens and the persons who care for them during the month of May and throughout the year.

Mr. President, I ask my colleagues to support this resolution and declare the month of May 2011 Older Americans: Connecting the Community in Pennsylvania.

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.

Senators BOSCOLA, DINNIMAN, ALLOWAY, BAKER, BLAKE, BREWSTER, BROWNE, COSTA, EARLL, ERICKSON, FERLO, FONTANA, GORDNER, GREENLEAF, HUGHES, KASUNIC, KITCHEN, MENSCH, WAUGH, ORIE, PILEGGI, PIPPY, RAFFERTY, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, WASHINGTON, D. WHITE, M. WHITE and WILLIAMS, by unanimous consent, offered **Senate Resolution No. 116**, entitled:

A Resolution commending the 178 local YMCAs for providing outstanding community services and recognizing the month of May 2011 as "YMCA Appreciation Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, I believe it is important to recognize how the YMCAs across Pennsylvania have

strengthened our communities and enhanced the lives of children and families for more than 160 years. I know that in my own district, I can attest to the projects they are undertaking, which are benefitting our local communities in so many ways.

Over the past few years, the Ys in my district have invested in our community by renovating their affordable housing units, as well as updating health and fitness equipment. In fact, they are planning to expand into a whole new area in Northampton County so that more individuals can have the opportunity to get involved in these wonderful programs.

Mr. President, there are 178 YMCAs in Pennsylvania, more than in any other State. Collectively, they serve nearly 1 million residents, insuring that everyone, regardless of age or background, has the opportunity to grow, thrive, and be the best person that they can be. Additionally, the Ys are the largest provider of child care in our State. They have taken a lead role in improving the health and well-being of families through incentives like Healthy Kids Day, Activate America, and the Diabetes Prevention Program.

Finally, Mr. President, they fundraise and invest millions of dollars toward scholarships, child care, and local communities which they serve. Now, I was going to sing the song, but I do not know if I could do that very well today. So, I would just like to say thank you for letting me offer the resolution.

The PRESIDENT. The Chair thanks the gentlewoman for her comments, and her discretion.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators SOLOBAY, by unanimous consent, offered **Senate Resolution No. 117**, entitled:

A Resolution recognizing May 10, 2011, as "World Lupus Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, last month, we named the month of April Lupus Awareness Month. Worldwide, today is recognized as "World Lupus Day." As I said last month, 65,000 Pennsylvanians are afflicted with lupus and the debilitating issues that it causes. The importance of education and awareness is basically what the days and weeks that we celebrate this are all about. I ask for a unanimous vote on this resolution, 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.

Senators WASHINGTON, KITCHEN, COSTA, BOSCOLA, FERLO, FONTANA, ERICKSON, GREENLEAF, RAFFERTY, FARNESE, STACK, PILEGGI, EARLL and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 118**, entitled:

A Resolution honoring Alpha Kappa Alpha Sorority by designating May 10, 2011, as "Alpha Kappa Alpha Sorority Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

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 Mr. and Mrs. Richard H. Morgan, Jr., Matt Harkenreader and to the Shawnee Inn and Golf Resort by Senator Baker.

Congratulations of the Senate were extended to Sarah Audrey Priga by Senator Brubaker.

Congratulations of the Senate were extended to Dennis E. Bridge by Senator Corman.

Congratulations of the Senate were extended to Peggy Gusz, Marjorie R. Johnson and to Gerald J. Parsons by Senator Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Larock, Nathan John Reibsome and to Michael Allen Diltz II by Senator Gordner.

Congratulations of the Senate were extended to the Upper Moreland Soccer Club by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Louis Pearson, Sr., Robert Kenyatta and to Bobby Artis by Senator Hughes.

Congratulations of the Senate were extended to the Reverend Fred S. Foerster by Senator Mensch.

Congratulations of the Senate were extended to Evan M. Wilson, Keyur Rao, Michael John Spagnolo, Anthony Meinert and to Samantha Migliozi by Senator Orie.

Congratulations of the Senate were extended to Clayton H. Wood, Jeffrey N. Witmer, Steven C. Weihbrecht, Scott J. Lucas, John R. Logan, Neil M. Freireich, Dohn P. Fetterhoff, Carol Fetterhoff, Thomas A. Buck and to Raymond J. Barth by Senator Piccola.

Congratulations of the Senate were extended to Cynthia Flynn by Senator Pileggi.

Congratulations of the Senate were extended to Morton Parker and to the "Sewickley Herald" by Senator Pippy.

Congratulations of the Senate were extended to Joshua Thomas Reinert, members of the Salem Reformed United Church of Christ of Oley Township and to the Berks County Horticulture Club by Senator Schwank.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Albert Beary, Mary A. Fennick, Kathleen C. Winger, David R. Myers, Nancy J. Shoemaker, Doris S. Pickens, Gail A. Myszewski, Bonita R. Hoffman, Lessie J. Anderson and to Marcie J. Hoffman by Senator M.J. White.

Congratulations of the Senate were extended to Quinn Michael Morgis and to Bernadine Mary Macijczak by Senator Yudichak.

BILLS ON FIRST CONSIDERATION

Senator WAUGH. 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 299, SB 306, SB 314, SB 389, SB 560, SB 595, SB 635, SB 730, SB 743, SB 813, SB 894, SB 933, SB 977, SB 978, SB 979, SB 980, SB 981, SB 982, SB 983, SB 984, SB 985, SB 986, SB 1030, HB 218, HB 373, HB 374 and HB 986.

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 gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I rise today on a very important matter, in collaboration with my distinguished colleague, Senator Alloway. Mr. President, throughout Pennsylvania, we have some of the best military installations in the country. Tobyhanna Army Depot, located in Monroe County, is the largest full-service electronics maintenance facility in the entire national network of facilities in the U.S. Department of Defense. As I stand here today, it employs nearly 6,000 people, putting it among the largest employers in northeastern Pennsylvania. The Northeastern Pennsylvania Alliance, a local development district serving seven counties of northeast PA, has completed a reliable and certified economic modeling analysis of the facility's impact and reports that Tobyhanna's total regional annual economic impact is \$2.8 billion, Mr. President. Its operations support 18,000 direct and indirect jobs throughout the region.

Tobyhanna is but one of our great military installations, Mr. President. There are more than 164,000 Pennsylvanians currently employed in defense-related jobs at the 11 bases and facilities throughout the State. The Naval Support Activity in northeast Philadelphia; the Philadelphia Navy Yard, where such great activity is going on, as Senator Farnese said on this floor; the Naval Air Station Joint Air Reserve Base at Willow Grove; Tobyhanna, as I have mentioned; the Pennsylvania Army and Air National Guard at Fort Indiantown Gap; the Defense Distribution Center in New Cumberland; Naval Support Activity in Mechanicsburg; the Carlisle Barracks and Army War College; Letterkenny Army Depot in my distinguished colleague's district in southcentral Pennsylvania; the 911th Airlift Wing at the Pittsburgh Airport; and the 316th Expeditionary Sustainment Command in Pittsburgh.

Mr. President, the jobs at these military installations are good. family-sustaining jobs, and they are not only critical to the economic vitality of the State, but they are essential in supporting our war fighters around the globe. It is our obligation to protect these jobs and insure Pennsylvania military installations remain of utility to the Department of Defense.

Mr. President, the annual economic impact of Federal defense spending in the Commonwealth of Pennsylvania is over \$18 billion. With the recent mention by U.S. Senator Kerry that the Department of Defense will convene another Base Realignment and Closure Commission in 2015, it is imperative that we start working now so that Pennsylvania is properly positioned. We have to be sure that Pennsylvania jobs are not lost and that the critical missions currently assigned to our military installations are not reassigned to facilities in other States. Our work in the

short term must focus on attracting Department of Defense contracts and maintaining the value of our military installations in the State.

The simple fact, Mr. President, is that when our installations lose value, they become a prime target for realignment and closure. With that comes the loss of family-sustaining jobs and the business opportunities that attend our defense industry in this State. That is why I am proud to rise today to announce with my friend and distinguished colleague, Senator Alloway, the formation of a bicameral, bipartisan Military Installations and Base Development Caucus. The caucus, which will be chaired by Senator Alloway and Members in the House, will serve as an active forum for the General Assembly to find ways to improve our operations and expand business development opportunities to insure the long-term viability of our military installations throughout the State.

Mr. President, there is another important reason to establish the caucus. It involves the voluntary commitment of the Pennsylvania Base Development Committee under the capable leadership of Lt. General Ron Adams, U.S. Army (Ret.). This 13-member volunteer committee, comprised of retired military and civilian defense officials, worked tirelessly and with distinction for more than 3 years to prepare Pennsylvania for the challenges I have discussed here today. The committee did a comprehensive assessment of our military facilities and prepared a strategic plan, a 2020 base development strategy to map capabilities and assets and recommend future actions around economic development, emergency preparedness, State and Federal coordination, industry partnership, and local government engagement.

I would like to commend the committee for the work that it did, which was expected to be an annually-updated, dynamic document. Unfortunately, due to the fiscal crisis, Mr. President, the base development committee funding was zeroed out a couple of years ago and could no longer be staffed by the Commonwealth. We think it is time now to reinvigorate that committee, and through the work of this caucus, enable some legislative oversight so it will not become a budget casualty in the future.

Mr. President, we have remarkable defense industry partners throughout the State - Lockheed Martin, General Dynamics, Boeing, Gentex, Raytheon, BAE, so many others - business concerns large and small that have a direct or indirect dependence upon Department of Defense spending. Our Military Installations and Base Development Caucus will create a forum for dialogue with these industry partners. Just as we are pursuing public-private partnerships to address challenges in transportation and public works, so, too, can we look to such partnerships to enhance the value and utility of our military installations throughout the State. I want to express thanks to Senator Alloway for his assistance and partnership, and we welcome the Members of the Senate and Members of the House to join the Military Installations and Base Development Caucus.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, I rise today in partnership with my colleague, Senator Blake, to announce and express my support for the bicameral, bipartisan Military Installations and Base Development Caucus.

In Franklin County, the largest employer is the Letterkenny Army Depot, which employs 3,600-plus people in roles such as maintaining tactical missile systems, and repairing humvees and chemical detection trailers. The Letterkenny workforce is renowned for its productivity and efficiency, earning the highest distinction conferred by the Department of Defense on such facilities, the prestigious Shingo Prize, multiple times. It is also critically important to remember, Mr. President, that in two rounds of Base Realignment and Closure, also known as BRACC rounds, since 1995, Letterkenny Army Depot lost a combined 800 jobs.

In Cumberland County, the Naval Support Activity installation in Mechanicsburg has an estimated regional impact of \$800 million. This base, which supplies every need for the U.S. fleet, from computers and weapons to spare parts for ships and submarines, employs more than 4,300 people, with an annual payroll of over \$325 million.

A few years ago, when it was discovered that our humvees and other troop transport vehicles lacked the necessary armor to protect our troops from improvised explosive devices, the deadly IEDs, and other land mine threats, the Department of Defense awarded a contract to BAE Systems to refit these vehicles with armor to protect our troops and to develop the next generation of such vehicles to insure our war fighters were protected with the best-equipped vehicles in the world. In order for BAE to satisfy its obligations under this important contract, it looked to Letterkenny, its facilities, and its great workforce, to insure the timely refitting and the production of new vehicles, not only to save lives, but driving significant and important economic activity into southcentral Pennsylvania. This is just one example of how a public-private partnership involving the Department of Defense, private defense industry contractors, and our existing military installations can result in job retention, job creation, and more private investment in economic growth in Pennsylvania.

But again, Mr. President, what is most important is that these partnerships insure the safety and the effectiveness of our war fighters around the globe. When you go to Philadelphia, Pittsburgh, Tobyhanna, Chambersburg, or Mechanicsburg, you get the sense that the communities surrounding these facilities have great pride about their role in supporting our military. Through the formation of the Military Installations and Base Development Caucus, it is our hope that we are able to find ways to not only preserve the defense-related jobs we have, but to find ways to draw additional Department of Defense funds to PA to upgrade, enhance, or expand these operations and to support private defense industry partners in carrying out their business plans.

Now, let us be clear. The job of this committee is not to go out and try to get the Federal government to spend more money. What everybody needs to understand is when the Department of Defense sets its budget or awards a contract, Pennsylvania is competing against all of the other States. We are out there fighting to bring those contracts to PA. We are fighting against Alabama, California, Texas, and Virginia. So, it is extremely important that everyone understands that the job of this group is to coordinate our effort and speak as one voice, so we can go out and fight to bring those contracts back to Pennsylvania instead of allowing those dollars to go to another State.

This new caucus will also work to strengthen our relationships with Pennsylvania's Federal Congressional delegation in

Washington, D.C., particularly Senator Toomey and Senator Casey, and to create more routine dialogue and interaction with both the military and civilian leadership of our military facilities throughout the State. I look forward to working with Senator Blake and other Senate and House Members on this important issue, and I encourage my colleagues on both sides of the aisle and in both Houses of the General Assembly to join us. We welcome the participation of all interested colleagues in the activities of the new caucus, and we strongly urge the reconstitution of the Pennsylvania Base Development Committee.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Berks, Senator Schwank.

Senator SCHWANK. Mr. President, many important concerns have been raised by the Governor's budget proposal. As a former county commissioner in Berks County, I want to focus today on his proposal to eliminate the Human Services Development Fund, otherwise known as HSDF. This fund, currently \$24 million in a budget of more than \$27 billion, is vital for counties to meet local human services needs. However, it has been eliminated from our current budget. Eliminating it will have far-reaching impacts in all 67 counties because HSDF actually is an excellent investment that stretches State dollars to provide an impact far beyond the contribution by the State. It leverages many more millions of dollars at the point of service delivery, that is, in towns and neighborhoods in every corner of this State.

HSDF works, Mr. President. The funds that counties receive are specific to the needs that have been identified by local community agencies, nonprofits, and by departments of county government. The proposals that best meet the local needs are the ones that get funded.

The reason this funding works is that it gives counties the flexibility they need to identify and to meet their particular service needs. This permits innovation in both programs and the delivery of services, and the difference in people's lives is as real as the floor we are standing on and the air we breathe. It is an extremely successful program, Mr. President, and we must keep in mind that counties are our partners in meeting the needs of the Commonwealth's citizens. We need to be clear that eliminating HSDF is one more way of leveling unfunded mandates on counties and shifting the burden of services to local taxpayers and communities that are not even capable of picking it up.

Instead of this, we should grab this opportunity that HSDF has been, and continues to be, to help counties meet their needs. Mr. President, last year, Berks County, my home county, received 28 proposals for the \$572,000 that was available from the funding pool. This already is just half of the funding that Berks County was provided in 2007. To now eliminate even that would be to completely turn our backs on people who need the help it allows them to receive.

Just a few examples of what we have done with last year's funding include supporting a child abuse intake manager for the Children's Alliance Center that provides forensic counseling, legal, and other services to abused children in an emergency shelter that provides access to other services for the victims. It funds the Kids Cafe of the Greater Berks Food Bank, offering educational programming and meals for 3,500 low-income school-aged children before and after school. It reaches underserved audiences with healthcare by visiting nurses and

adult homemaker services for clients who are under 60 years of age who would go without it except for that HSDF funding.

HSDF funds give counties the opportunity to serve citizens who may need only a few or limited services, Mr. President. If their problems can be resolved with minimal dollar costs, we are saving the Commonwealth and the county money and helping people who really need the help. In many cases, we are helping people get back on their feet for good and avoiding the cost of long-term social service requirements. Mr. President, we must reconsider this aspect of the budget and maintain the Human Services Development Fund in our counties. It is a win-win-win. It is a win for our constituents, for counties, and for the Commonwealth. Thank you.

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

Senator FARNESE. Mr. President, one of the words that I have heard in my short time here in this Chamber is the word "priorities." In 2009, many Members on both sides of the aisle would talk about needing to get our priorities in order, that the people in the Commonwealth need to set their priorities, tighten their belts, and make sacrifices. That was the word of the day in 2009, and I think it is very relevant here today as well, because as I look at the calendar again, the days between now and when the budget is due, June 30, are getting fewer and fewer. But I think the one thing that has become clear is that what or where this administration's priorities are—I do not think there could be more of a disconnect between where this administration's priorities are and the priorities of the Senate Democrats.

When you look at what this administration has set out for its priorities, one includes a cut of \$1.3 billion, Mr. President, from basic education funding, which has sent school districts around the Commonwealth reeling. These school districts, as we all know, have spent the last several months scrambling for ways to save themselves and their students from disaster by these cuts. Some were talking about cutting staff, considering raising taxes, and many are debating cutting extracurricular activities. And these types of activities cannot afford to be cut, because they are what really brings kids together and gives them a very well-rounded educational experience.

This budget proposal, this governor's priority in cutting education funding by \$1.3 billion, does a great disservice to Pennsylvania's children and their families. It takes taxpayers, teachers, and students for granted. And all the while we do this, Mr. President, we do this while allowing big drilling companies to consistently walk away from paying their fair share.

This administration consistently ignores available revenue streams and options that can help us get out of this budgetary mess, this budgetary deficit, without hurting the families and the children around the Commonwealth of Pennsylvania. There are ways to address the priorities of this State without doing harm to those who are in the most need. It is imperative, as we move forward to the June 30 deadline, that we understand what Pennsylvania needs to put its people first. That, Mr. President, is this administration's priorities.

Let me talk with you about what the Senate Democrats have set forth as their priorities. The Senate Democrats have put forth a plan, Mr. President, that would produce more than \$750 million in budget savings through new efficiencies and collections. It would also realize an additional \$390 million for the Commonwealth through key tax changes and State asset

modernization. This combines for \$1.14 billion in revenue that could be used to restore funding for numerous important programs, of which one of the most important is education.

There is no other option. Our school districts have reached the tipping point. We all know that. And if they have not realized it by now, then this administration needs to connect. These school districts and these students will suffer deep, deep, disastrous cuts unless we stand up right now and do what is right.

This administration needs to seriously look at the proposals and the plans that have been put forth by the Senate Democrats. Now, it is no secret, Mr. President, that we all, Democrats and Republicans, have deep concerns for this Governor's basic education plan. We need to come together on this very important point and issue and let this administration know that, in this Chamber, we will not stand for his priorities as have been set forth.

As we move further and forward toward the intended budget deadline, I call on all of my colleagues to work together to defeat these cuts and restore much-needed funds to the basic education budget. These cuts have proven to be unpopular here in these halls and throughout the Commonwealth. There is no better time than the present to let the Governor know that we will not tolerate putting our children's education on the line to balance the budget. The time is now for Pennsylvania, for this Governor, and for this administration to get its priorities in order.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I rise to echo the comments of our two previous speakers, Senator Schwank and Senator Farnese, and how they so eloquently laid out some of the concerns that have been raised by Senate Democrats as it relates to this General Fund budget. Senator Farnese, again, talked very articulately about some of the ideas and priorities the Senate Democrats have advanced, which we have heard from this podium on a number of occasions.

Mr. President, as Senator Farnese said, now is the time to begin looking at these issues, and quite frankly, it is. Earlier today, we learned that the House Republicans have submitted a budget, the first budget document submitted to reflect what the Members of the General Assembly believe need to be the priorities for this Commonwealth. While we have not had an opportunity to digest all aspects of that particular budget, we do know that there are some changes that are of concern to us, and there are some changes which we think are appropriate, but simply just do not go far enough.

But what was missing from accounts and reports of the budget that has been introduced by our colleagues in the Republican House are issues with respect to revenue enhancements in the area of Marcellus Shale, or any acknowledgment that we need to go forward and address the issue of how we tax the Marcellus Shale industry. That is something that Senate Democrats will continue to talk about as we move forward, and I know that the Members on this floor agree with our position, that we need to take a look at this issue.

We need to make certain that when we get on this path, that we are looking at things like restoring or returning dollars to our local communities so they can address infrastructure needs that are a result of the industry's impact in those communities and also the environmental community. A number of us here on the

floor have talked about that issue, and we know that that is something which is important to the Members here, and we will continue to have that conversation.

But as we go forward in this conversation that really begins today, the Members of this General Assembly and the Members of this Senate, in particular, recognize that we all have one common goal, and that is to provide a budget that is an appropriate budget for the people of this Commonwealth. We have heard, loud and clear, what those issues are. Those issues include: restoration in funding for higher education and basic education; making certain that county programs and human service programs like the one Senator Schwank talked about, the Human Services Development Fund, are restored as much as possible; and we are also hearing from folks that we should not be fixated on an arbitrary number of \$27.3 billion as it relates to a budget.

We believe, as we now know, that we have in excess of a \$500 million budget surplus, of which we should be using a portion for this year and maybe saving some of it for next year, so we can account for any changes that will take place over the course of the next year, 18 months or so. We should be having a conversation about how we are going to use a portion of that budget surplus and not be fixated on making significant reductions when we do not have to.

Finally, Mr. President, we believe, and I think some of the Members in this Chamber believe, that we should be reexamining how the Governor proposes using the Tobacco Settlement Fund. We believe that we need to pull that back out of the General Fund budget, drive it out the way it has been driven out for the past several years, and then use that space or capacity, again, to make restorations in the areas we talked about - job creation programs, workforce development programs, education, and human services programs that provide for essential services throughout the Department of Public Welfare budget - which we think are important. If we could continue to have a conversation along those lines, we think we will be in a better position to provide a budget that the people of the Commonwealth expect under these very difficult times.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I rise at this moment to provide some initial review of the budget document that was put out today by the Majority House Republican Caucus. We want to withhold, to some extent, until we have a detailed analysis of that document, and make sure that we are thorough with respect to our review, but there still are some things that appear to be, at this moment, glaringly obvious, of which we need to be conscious. We will spend the rest of the afternoon, the rest of the evening, and into the morning hours trying to walk through the details of the document and see exactly what is there and make sure that there are, if you will, no devil in the details. Someone told me once that you always have to be mindful, that the devil sometimes can lurk around in the details, and we want to make sure that there is no devilishness going on in this particular document.

However, in its initial review, there are some concerns that I think have to be stated, that we cannot ignore. The document appears to pit working people against each other. Mr. President,

their budget proposal seems to still not do enough for education at the basic level or the higher education level. But at the same time that it attempts to provide some restorations there, it removes funding in support for those who are struggling the most in this Commonwealth. It takes significant dollars out of our public assistance program, when so many more people, thousands of individuals, have been added to the rolls. It seems to cut the support right from under them. So, it appears to put one group against another, and that is not fair.

The document also appears to ignore the need to create jobs in the Commonwealth. It appears, on its face, first blush, first analysis, to cut an additional \$50 million or so out of the Department of Community and Economic Development. This is our job creation engine in this Commonwealth, Mr. President. This is the department that creates jobs and gets the economy moving and, quite frankly, has done a good job over the last decade, because our unemployment rate is one point less than the national economy, and we are going in the right direction. But this, on its face, removes dollars and support from that important department.

Their budget proposal appears to ignore the adultBasic program, which we have stood up on this floor time and time again, day after day, week after week, month after month, year after year, to try to provide health insurance coverage for those who are most in need. These are working individuals, mostly women raising families, trying to play by the rules, and making sure that they do the best for their families and themselves. We cannot ignore the fact that 42,000 of these individuals were cut off the rolls on February 28, and there appears to be no effort coming out of this document, or coming out of the front office, to try to respond to their reality.

So, we will continue to do a review, a more thorough review, but, again, it appears to pit folks against one another. It appears to be unresponsive to the reality that exists in this Commonwealth. We know that, in fact, it continues to provide major tax breaks for the largest corporations in the Commonwealth, while at the same time still cuts services and cuts programs.

It also, on its face--and we will provide more analysis throughout the evening and into morning--seems to ignore the fact that there is one major industry in this Commonwealth that refuses to have a responsibility for paying its fair share, and that is our Marcellus Shale drilling. That industry is going to be with this State for a long time. They are not going anywhere. We have met with them. We have talked with them. It is clear that they have established a footprint in this Commonwealth that will last for decades, if not centuries. They are an economic force with which to be reckoned, but because of that, because we have the largest deposit of shale in the world, these companies who are doing business need to pay their fair share to respond to the local impact, to help with environmental programs, to try to set Pennsylvania as a leader in new energy development, to try to help us out in every way they can. But it appears that the House Republican Majority proposal does not respond to that reality. It seems to ignore them also.

It also seems to ignore, in a final sense, Mr. President, the cold, simple fact that there is a \$506 million budget surplus that exists in this operating year, which means, in basic terms, that the economy has been well. We have gotten an extra \$506

million that we did not anticipate having. That money is sitting there, and should be utilized to respond to the needs of Pennsylvania citizens.

So, we will do our review. We will do our analysis. We will provide more thorough and more detailed comments when we finish that review sometime tomorrow. On its face, however, the document seems to fall short of the reality that exists for thousands, if not millions, of Pennsylvania citizens. They are hurting, they are suffering, and the cuts that this document offers does not respond to the reality, and once again, seems to balance itself on the backs of working families, children, and folks who want to go to work in this State. That is not fair. Major corporations seem to get another pass, based on what has come out of the House Republican Caucus. We will provide a more thorough, detailed analysis, but it appears that even before we get there, that devil, which we think is going to be in the details, is lurking on its face.

Thank you, Mr. President.

COMMUNICATION FROM THE GOVERNOR

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 PHILADELPHIA SCHOOL REFORM COMMISSION

May 10, 2011

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, Bryan Troop, 224 E. King Street, Apt. 204, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2014, and until his successor is appointed and qualified, vice The Honorable David F. Girard-diCarlo, Philadelphia, resigned.

TOM CORBETT
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 916**, with the information the House has passed the same without amendments.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bill:

SB 916.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 11, 2011

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing to consider Senate Bills No. 354, 355 and 356)	Room 8E-A East Wing
9:30 A.M.	LAW AND JUSTICE (public hearing on the PA Instant Check System)	Room 8E-B East Wing
9:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider the nomination of Gary D. Alexander as Secretary of the Department of Public Welfare)	Senate Maj. Caucus Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

THURSDAY, MAY 12, 2011

11:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	PA Convention Ctr., 105AB, 12th St. Concourse 1101 Arch St. Phila., PA
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THURSDAY, JUNE 2, 2011

10:00 A.M.	LOCAL GOVERNMENT (public hearing to consider administration and enforcement of local health laws)	Paul Peck Alumni Ctr. Drexel Univ. Phila., PA
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THURSDAY, JUNE 9, 2011

11:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	Cranberry Twp. Municipal Bldg., 2525 Rochester Road Cranberry Twp., PA
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TUESDAY, JUNE 14, 2011

9:00 A.M.	STATE GOVERNMENT (joint hearing with the House State Government Committee to consider Congressional Redistricting)	Hrg. Rm. 1 North Off.
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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 11, 2011, 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 6:13 p.m., Eastern Daylight Saving Time.