

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, JUNE 19, 2012

SESSION OF 2012 196TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

TUESDAY, June 19, 2012

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

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair

PRAYER

The Chaplain, Reverend MARGARET BENSON, Pastor of Anointed Full Gospel Methodist Church, Chester, offered the following prayer:

Let us pray.

My hope is built on nothing less than Jesus' blood and His righteousness. I dare not trust the sweetest frame, but wholly lean on Jesus' name. Most holy and worthy God, we come before You with thanksgiving and with praise. Lord, we ask that You bless these, Thy chosen vessels, by giving them wisdom, knowledge, and understanding. Bless them, that they will be used for Your glory, Lord, and for Your glory alone. Lord, I ask You to lead them and guide them in a direction You would have them go. Lord, we give You glory and honor again for what You have already done, for what You are doing, and for what You will do. Father, we thank You, we thank You, Lord God, for You are worthy to be praised. We ask that You look upon these men and women in this Session, Lord. Touch them one by one. Set Your precious anointing on their very lives, Lord. We love You today, God. We trust You, and we know that You do all things well. Now, Father, we ask that You continue to show Your loving kindness and Your tender mercy every day. Allow these men and women to do Your will. Bless them one by one, in Your precious name, in all thanksgiving. God, we know that they have work to do, so, Lord, touch right now, in Your precious name, and we will continue to give You the glory, the honor, and the praise. In Your holy name, we pray. Amen.

The PRESIDENT. The Chair thanks Pastor Benson, who is the guest today of Senator Pileggi.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1398**, with the information the House has passed the same without amendments.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 157** and **SB 449**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIII, section 6, these bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 19, 2012

HB 2390 -- Committee on Consumer Protection and Professional Licensure.

BILL SIGNED

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

SB 1398.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Community, Economic and Recreational Development to add House Bill No. 1478 to today's off-the-floor meeting.

**COMMUNICATIONS FROM THE GOVERNOR
NOMINATIONS REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD OF COSMETOLOGY

June 19, 2012

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, Elaine M. Gowaty (Public Member), 3912 Gun Club Road, Murrysville 15668, Westmoreland County, Forty-

first Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

June 19, 2012

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, Thomas J. Baker, 4208 Lenox Oval, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2014, and until his successor is appointed and qualified, vice Patricia Garcia, Harrisburg, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION

June 19, 2012

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, Lisa A. Barbour, 301 Green Lake Drive, Mars 16046, Butler County, Fortieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice Christopher A. Prothro, Mars, whose term expired.

TOM CORBETT
Governor

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

June 19, 2012

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, Lance Alexander, 303 Main Street, Ligonier 15658, Westmoreland County, Forty-first Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Father Rene Barczak, Philadelphia, whose term expired.

TOM CORBETT
Governor

RECALL COMMUNICATIONS
REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF EDUCATION

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2016, or until his successor is appointed and qualified, vice Ivory V. Nelson, Lincoln University, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
GAME COMMISSION

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2012, for the appointment of Mike Downing (District 5), 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas E. Boop, Esquire, Sunbury, whose term expired.

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

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

June 19, 2012

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

In accordance with the power and authority vested in me as governor of the Commonwealth, I do hereby recall my nomination dated March 19, 2012, for the appointment of Stephanie Moore (Public Member), 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Pharmacy, to serve until September 24, 2014, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph F. Marino, Philadelphia, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 9, 2012, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Public Employee Retirement Commission, to serve until October 27, 2014, and until his successor is appointed and qualified, vice Ureneus Kirkwood, Tobyhanna, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 1, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until January 16, 2013, and until his successor is appointed and qualified, vice John Thornburgh, Wexford, resigned.

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

TOM CORBETT
Governor

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

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 18, 2012, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Father Rene Barczak, Philadelphia, whose term expired.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as Magisterial District Judge, in and for the County of Centre, Magisterial District 49-3-05, to serve until the first Monday of January 2014, vice The Honorable Jonathan Grine, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Cumberland, Magisterial District 09-3-04, to serve until the first Monday of January 2014, vice The Honorable Thomas A. Placey, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as Magisterial District Judge, in and for the County of Luzerne, Magisterial District 11-1-04, to serve until the first Monday of January 2014, vice The Honorable Fred A. Pierantoni III, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as Magisterial District Judge, in and for the County of Somerset, Magisterial District 16-3-02, to serve until the first Monday of January 2014, vice The Honorable Joseph A. Cannoni, resigned.

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

TOM CORBETT
Governor

MAGISTERIAL DISTRICT JUDGE

June 19, 2012

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 29, 2012, for the appointment of Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of York, Magisterial District 19-3-11, to serve until the first Monday of January 2014, vice new position.

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

TOM CORBETT
Governor

BILLS REPORTED FROM COMMITTEES

Senator VOGEL, from the Committee on Agriculture and Rural Affairs, reported the following bills:

HB 2366 (Pr. No. 3782) (Amended)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding the definitions of "certified parking meter inspector" and "local government unit"; further providing for specific powers and duties of department and regulations; and providing for certified parking meter inspectors and for general testing and inspections.

HB 2372 (Pr. No. 3665)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for width of vehicles.

HB 2373 (Pr. No. 3534)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; and in registration of vehicles, further providing for vehicles exempt from registration.

HB 2374 (Pr. No. 3579)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for vehicles exempt from registration; in fees, further providing for farm vehicles; and, in inspection of vehicles, further providing for requirement for periodic inspection of vehicles and for operation of vehicle without official certificate of inspection.

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

SB 1192 (Pr. No. 1488)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part; and providing for local government unit roofing projects.

SB 1503 (Pr. No. 2120)

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum

Commission and the Governor, to grant and convey to the Borough of Ashland or their assigns certain lands situate in the Borough of Ashland, Schuylkill County, Pennsylvania, a portion of which is subject to Project 70 restrictions.

HB 2406 (Pr. No. 3781) (Amended)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Susquehanna Township, certain lands in Susquehanna Township, Dauphin County; authorizing the Department of General Services, with the approval of the Governor, to remove the restrictions imposed on certain lands situate in the City of Philadelphia, Philadelphia County; authorizing Indiana University of Pennsylvania of the State System of Higher Education, with the approval of the Governor, to grant and convey to the Armstrong County Industrial Development Council, or its assigns, a permanent easement across certain lands situate in South Buffalo Township, Armstrong County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Winebrenner Theological Seminary certain lands and improvements situate in Greene Township, Franklin County.

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 1544 (Pr. No. 2262)

An Act amending the act of May 28, 1923 (P.L.458, No.250), entitled "An act authorizing the Department of Forestry, with the approval of the Governor and Attorney General, to lease for periods of not more than fifty years, on terms, conditions, and stipulations expressed in each lease, any portions of the State forests for dams, reservoirs, canals, pipe lines and other water conduits, power houses and transmission lines, for the development of water power, for steam raising and condensation, and for the generation and transmission of electric energy," providing for wind, solar and other renewable energy projects.

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

SB 1532 (Pr. No. 2219)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in inspection of vehicles, further providing for requirement for periodic inspection of vehicles.

HB 2027 (Pr. No. 2776)

An Act designating State Route 422, from its intersection with State Route 724 in the Borough of Sinking Spring, Berks County, to the west end of the Borough of Robeson, Berks County, as the Kyle D. Pagerly Memorial Highway.

HB 2349 (Pr. No. 3476)

An Act redesignating the bridge on State Route 322 over North Fork Creek in Brookville Borough, Jefferson County, as the Purple Heart Memorial Bridge of Jefferson County.

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

SB 874 (Pr. No. 2304) (Amended)

An Act reenacting and amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code.

HB 197 (Pr. No. 3776) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission; and, in other subjects of taxation, further providing for hotel room rental.

HB 2224 (Pr. No. 3495)

An Act amending the act of December 15, 1959 (P.L.1772, No.670), entitled "An act providing for the orderly disposition of properties situate within political subdivisions and donated, or otherwise dedicated or offered for dedication, where no formal record appears as to acceptance by the political subdivision, as public parks, squares or similar uses and public buildings, and no longer necessary or practicable for such purposes, and granting orphans' courts jurisdiction with respect thereto," further providing for purchase or condemnation of property.

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

SB 327 (Pr. No. 304)

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 election of school directors.

SB 1134 (Pr. No. 2309) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for the regulation of religious child-care facilities and religious child development facilities; and imposing penalties.

SB 1456 (Pr. No. 2306) (Amended)

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.

SB 1508 (Pr. No. 2307) (Amended)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in community colleges, further providing for financial program and reimbursement of payments; establishing the Pennsylvania Community College Affordability Task Force within the Department of Education; and providing for its powers and duties and for administrative support.

LEAVE OF ABSENCE

Senator PILEGGI asked and obtained a military leave of absence, pursuant to Senate Rule XX.2(c), for Senator PIPPY.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 7, 2012, is now in print.

The Clerk proceeded to read the Journal of the Session of May 7, 2012.

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-48

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

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 JAY COSTA
PRESENTED TO THE SENATE**

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

Senator COSTA. Mr. President, I am pleased to introduce three young ladies here today from Allegheny County who are visiting our Capitol as part of the GirlGov program, which is an initiative of the Allegheny County Regional Change Agents, which is a project of the Women and Girls Foundation. GirlGov is a one-day legislative shadowing program for girls in grades 8 through 12 who live in Allegheny County.

One young lady who is here with us today is Brooke Blair, the daughter of Beth and Stephen Blair of Mt. Lebanon. She is in 11th grade at Mt. Lebanon High School and is currently active in the debate club, Model United Nations, and plays cello in the high school orchestra. She enjoys being involved in very interesting programs such as the GirlGov program, and has also been involved in other programs that interest her in high school, and also intends to go to college after high school.

We are also joined by Teona Robinson, who is a student at Propel Andrew Street High School and is going into the 10th grade. She, too, is very active in her school, most specifically in the photography class at her school.

Finally, we have Jordan Garland-James, also from Propel Andrew Street High School, a charter school in the Pittsburgh area. She is also going into the 10th grade and is very active in her school as part of the dance team.

Mr. President, I ask that we give these three young ladies a warm Senate welcome.

Thank you, Mr. President.

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

(Applause.)

**GUESTS OF SENATOR ELISABETH J. BAKER
ON BEHALF OF SENATOR JOHN T. YUDICHAK
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Mr. President, on behalf of Senator Yudichak, I would like to introduce a special guest today, Mary Pat Blaskiewicz, the daughter of Tom and Liz Blaskiewicz of West Pittston, and the granddaughter of Pat Solano, a longtime associate to many of us in the Senate Chamber. They are constituents of Senator Yudichak and are also close friends to each of us.

Mary Pat has been serving today as a guest Page. She is attending Holy Redeemer High School, where she will be a sophomore this fall. She is a high honor student, a member of the chorus, is interested in piano, and is also an avid reader. So I am very pleased to introduce Mary Pat Blaskiewicz; her dad, Tom; and her grandfather, Pat Solano. I ask my colleagues to offer their usual warm welcome to our Senate visitors.

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

(Applause.)

**GUESTS OF SENATOR RICHARD A. KASUNIC
PRESENTED TO THE SENATE**

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

Senator KASUNIC. Mr. President, today I would like to welcome two wonderful young ladies who are constituents of mine and are participating in the GirlGov legislative shadowing program. Seated in the gallery, Mr. President, are Lydia Fox from Scottdale, and Destiny Kingan from Connellsville.

Lydia is in the 11th grade at Southmoreland High School. Her activities include piano, chorus, French club, and she is working a part-time job.

Destiny is a senior at Connellsville Area High School, where she participates in the school newspaper, reading competition, the Patriots program, and the prom committee. Mr. President, I ask the Senate to please give them a warm welcome.

The PRESIDENT. Would the guests of Senator Kasunic 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, I am pleased today to welcome two young ladies from the district I serve. They are here with GirlGov, which is a program that will bring awareness and help educate and get girls ready to enter the government arena someday.

I have Liliana Seabol, who is a senior this year at Hempfield Area High School and is planning to go to college for political science or neuroscience after graduating in the spring of 2013.

Also, we have Veronica Tatone, who is going into ninth grade at the Valley School of Ligonier. Veronica is very interested in the Marcellus Shale issue and actually spoke on the steps earlier today.

So it is with great pleasure that I welcome these two girls who are shadowing me. Me and my shadows. I have to always make a joke. So I am very happy that they are here today.

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

(Applause.)

Senator WARD. Mr. President, I am also happy today to welcome Jared Squires, who is the treasurer of Westmoreland County. He is in his first term. I was so pleased today when I walked into my office and saw him sitting there. He is here today just to see what we do here. What he said was, everybody here is running, everybody is moving all the time. You run, run, run. I said, that is right, go back and tell everybody how hard we work in Harrisburg.

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

(Applause.)

**GUESTS OF SENATOR SHIRLEY M. KITCHEN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I would like to welcome two guests who are seated in the gallery today. Keely Durkin and Alexandra Finlay are shadowing me today as part of the GirlGov program. Keely is from Senator Fontana's district, and Alexandra is from Senator Brewster's district.

The GirlGov program provides an opportunity for 100 high-school-aged young women from western Pennsylvania to shadow lawmakers in Harrisburg for the day. They are here to learn about effective government practices, to explore a career in government service, and to talk to legislators about issues that affect them.

Mr. President, it is always nice to see aspiring young ladies visit the Capitol to learn more about State government. So I ask my colleagues to extend to Keely Durkin and Alexandra Finlay our usual warm welcome. Thank you.

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

(Applause.)

**GUESTS OF SENATOR TIMOTHY J. SOLOBAY
PRESENTED TO THE SENATE**

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

Senator SOLOBAY. Mr. President, I, too, have two young ladies from my district who are in the gallery. Alecia DiMarzio and Ashley Rhoads are also participating in the annual GirlGov program, shadowing me today. The Women and Girls Foundation of Southwest Pennsylvania provides this opportunity for these young ladies to come explore careers in government and learn about the effective government practice, hopefully see how we run around, as Senator Ward said, and are inspired to be more

involved in the political process. They are also here to inform us on issues that pertain to women and young women in southwestern Pennsylvania.

Alecia is from Washington County and is a junior at Bentworth High School. Ashley is from Greene County and is a junior attending Jefferson-Morgan High School. Mr. President, I ask that the Senate extend its usual warm welcome.

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

(Applause.)

GUESTS OF SENATOR MARY JO WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, it is a pretty shadowy day here in the Senate. The two girls who were with me today, Miciah Foster and Kelly Nestman, had a really good time. I took them with me to committee meetings, so they saw some of the serious work we do. We discussed a few bills, and for fun, we went out and had milkshakes with the Secretary of Agriculture to celebrate Penn Ag Day outside the Capitol.

Miciah is a student in the dramatic arts program at CAPA High School in Pittsburgh. Kelly is a varsity tennis player at Montour High School. I ask the Senate to welcome them.

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

(Applause.)

GUESTS OF SENATOR VINCENT J. HUGHES PRESENTED TO THE SENATE

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

Senator HUGHES. Mr. President, I would like to take this moment to recognize a few interns who are working in both my Harrisburg and Philadelphia offices. They are here with us in the Chamber.

Essence White is a student at Smith College majoring in engineering. She is a member of the National Society of Black Engineers, the Black Student Alliance, and participates in various church organizations at the church she attends. Her anticipated graduation is in the spring of 2015. Miss White will continue her education to obtain her master's in engineering management, and she plans to work as a corporate engineer.

Darryl Kennel attends Pierce College, where he majors in business management. He is a member of the Delta Mu Delta International Honor Society and expects to graduate in September of 2013. He also intends on attending graduate school.

Jazmine Settles attends Temple University as a sports management student. Following graduation, Miss Settles will also be pursuing graduate school.

We also have with us Jennifer Koonce, who is also a student at Temple University. She is majoring in sociology, is a member of the Black Law Students Association, and will be graduating this year and intends on going to law school.

Finally, last but not least is Rob Hunter, who is a student at Penn State University and a political science major, with a minor

in economics. We do not call Rob our perpetual intern, but he makes sure to participate as an intern in every branch of government. Last year, he interned for Majority Leader Councilman Curtis Jones in Philadelphia. This year, he is with us.

Mr. President, it would do me a great honor if the Members of this body could give these young people a warm round of Senate applause. Thank you.

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

(Applause.)

GUESTS OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, I am delighted to be able to introduce another State championship team. This is the Bible Baptist High School Parliamentary Debate Team. The most amazing thing is that they just formed this team last year, and in their second year they won the State Championship in the 2012 Pennsylvania High School Speech League State Championship. The competition involved more than 150 schools and 800 students. This is the first mid-State team to ever win a State championship in debate. The team is comprised of Josiah Jorich, Joshua Custer, and Brian Peters, Jr., and coached by Joe Scotto, Tim Jekel, and Lisabeth Capozzi. I am delighted to be able to introduce them to the Senate and ask for a very warm welcome.

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

(Applause.)

SPECIAL ORDER OF BUSINESS SENATE RESOLUTION ADOPTED

Senators SCARNATI, PILEGGI, WAUGH, D. WHITE, KASUNIC, FONTANA, BREWSTER, STACK, COSTA, GREENLEAF, TOMLINSON, VOGEL, SOLOBAY, SCHWANK, YAW, ERICKSON, PIPPY, DINNIMAN, TARTAGLIONE, BOSCOLA, ALLOWAY, RAFFERTY, FERLO, FARNESE, BRUBAKER, BROWNE, BAKER, WOZNIAC, EICHELBERGER and WARD, by unanimous consent, offered **Senate Resolution No. 331**, entitled:

A Resolution designating the month of September 2012 as "Thyroid Cancer Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, thyroid cancer is the fastest growing cancer among both men and women, and it occurs in individuals of all ages. The chances of being diagnosed with thyroid cancer have risen in recent years and have more than doubled since 1990. However, the positive news is that research has shown that thyroid cancer is highly treatable when detected early. As a thyroid cancer survivor, I understand and appreciate the importance of early detection.

Increased risk for thyroid cancer can include a family history and a diet that is low in iodine. Dr. David Goldenberg, professor of surgery and oncology and director of head and neck surgery at Penn State Hershey Medical Center, has conducted studies finding that exposure to radiation is also a proven risk factor for thyroid cancer. Thyroid cancer symptoms can include a lump in the front of the neck, hoarseness or difficulty speaking, difficulty swallowing, or pain in the neck or throat. "Thyroid Cancer Awareness Month" provides an opportunity to enhance thyroid cancer awareness across Pennsylvania and to highlight the importance of consulting a physician when symptoms occur. I ask for a positive vote on the resolution.

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.

RECESS

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

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

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

Senator COSTA. Mr. President, at the conclusion of the committee meeting referenced by the Majority Leader, Senate Democrats will meet in the rear of the Chamber.

The PRESIDENT. For purposes of a meeting of the Committee on Community, Economic and Recreational Development, followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I request temporary Capitol leaves for Senator Baker, Senator Yaw, Senator Robbins, Senator Pileggi, Senator Scarnati, Senator Corman, and Senator Browne.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Hughes and Senator Kitchen.

The PRESIDING OFFICER. Senator Waugh requests temporary Capitol leaves for Senator Baker, Senator Yaw, Senator Robbins, Senator Pileggi, Senator Scarnati, Senator Corman, and Senator Browne.

Senator Costa requests temporary Capitol leaves for Senator Hughes and Senator Kitchen.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION OVER IN ORDER

SB 1467, SB 1468, SB 1469, SB 1470 and SB 1471 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS OVER IN ORDER

HB 3, HB 17, HB 75 and HB 608 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 807 (Pr. No. 3586) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 2008 (P.L.1009, No.78), known as the Biofuel Development and In-State Production Incentive Act, further providing for definitions, for biodiesel content in diesel fuel sold for on-road use and for cellulosic ethanol content in gasoline; providing for blending, registration and other requirements; further providing for department authority and responsibility; providing for fees; establishing the Biofuel Development Account; and imposing penalties.

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-48

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

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

SB 920 (Pr. No. 2301) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing standards for carbon monoxide alarms; and imposing penalties.

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-48

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 932, SB 1090, SB 1091, SB 1135, SB 1184 and SB 1303 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL OVER IN ORDER TEMPORARILY

SB 1307 -- Without objection, the bill was passed over in its order temporarily at the request of Senator WAUGH.

BILL OVER IN ORDER

HB 1343 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL AMENDED

HB 1349 (Pr. No. 3773) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedures for review.

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

AMENDMENT OFFERED

Senator FERLO offered the following amendment No. A12110:

Amend Bill, page 1, line 7, by inserting after "review":
; and directing a study by the Joint State Government Commission

Amend Bill, page 5, line 3, by inserting after "REGULATION.":
This definition shall expire July 1, 2017.

Amend Bill, page 7, line 3, by striking out "For" and inserting:
Until July 1, 2017, for

Amend Bill, page 7, line 26, by striking out "A" and inserting:
Until July 1, 2017, a

Amend Bill, page 9, line 30, by striking out "Section 4 6. This act shall take effect in 60 days." and: inserting:

Section 6. The Joint State Government Commission shall study the impact of this act on small businesses, as defined in section 3 of the act. By January 3, 2017, the commission shall submit a report of its study to the chairs of the State Government Committee of the Senate and the State Government Committee of the House of Representatives.

Section 7. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (I) Section 6 of this act.
 - (ii) This section.
- (2) The remainder of this act shall take effect in 60 days.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Kitchen has returned, and her temporary Capitol leave is cancelled.

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

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

Senator FERLO. Mr. President, very briefly, I respectfully offer this amendment. I know there are many small business advocates, Chamber of Commerce-related organizations, others, and many in the Senate, myself included, who are considerate of this bill. The bill purports to begin to give consideration to smaller businesses as it relates to various types of regulations that some of them may find onerous. The bill, I think, may be a step in the right direction, but the bill really lacks a lot of specificity. It is not very clear what types of regulations that we may be providing some relief for because it is not very clearly written in the legislation.

My concern is that we take somewhat of a cautious approach, that we give support for this legislation, but that we consider sunseting the bill in 5 years, and within that latter period of review, that we ask the Joint State Government Commission to do an analysis of what the actual impact was of the passage of this

regulatory relief act so we could better discern what impact it will have. The Federal Plant Closing Notification Law makes reference to small businesses being 100 employees or less. There is other legislation at the Federal level that talks about a small business being 50 employees or less. It is really not clear to me what the legislation will actually or hopefully do, that we want to do, that we think we want to do, relative to providing so-called relief.

So because, to me, it is a little bit of a gray area, I think we should be a little cautious and not throw caution to the wind, so I think it is a reasonable amendment for sunseting in 5 years. It gives us more than enough time to review the impact of this change in law, and gives us an opportunity for the Joint State Government Commission to come back with a report on what its actual impact was, have the Independent Regulatory Review Commission also weigh in on one or another changes in the regulatory relief. So I think it is a very reasonable amendment. Apparently, there is opposition now from the Majority on the aisle opposite, but I ask that you think about the amendment. I think it is pretty reasonable, but I am anxious to hear any other criticism or concern, if so warranted. I would appreciate a "yes" vote. Thank you.

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

Senator McILHINNEY. Mr. President, I rise in opposition to this amendment. With due respect to the gentleman on the other side of the aisle, setting a sunset provision on something like this is really unnecessary. We can always come back in the future if it is not working out and change the law. As a matter of fact, the reason why this is law in the first place, to give some consideration to our small businesses in Pennsylvania, was in reaction to some of the things that we did for our larger businesses. Just a few years ago, we changed the prepayment of our sales tax, and that has caused a lot of problems with smaller businesses. Where the larger businesses in Pennsylvania can readily predict and pay those taxes up front, small businesses that may only run on a commission and may only get paid once or twice a year would have to prepay that the next year. I think if this provision was in law at the time we enacted that, they would have put aside certain smaller businesses and not have them pay that onerous tax up front when they were not making a sale that following year. With all due respect to the gentleman, I ask my colleagues to cast a "no" vote on this sunset provision.

Thank you, Mr. President.

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

Senator FERLO. Unfortunately, Mr. President, that one instance was utilized as an example because I recall offering legislation to not implement that regulation. I pointed it out that it would be onerous to business, but the Majority on the aisle opposite thought otherwise at the time.

Thank you, Mr. President.

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

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

YEA-15

Blake	Dinniman	Kasunic	Tartaglione
Boscola	Ferlo	Leach	Wozniak
Brewster	Fontana	Schwank	Yudichak
Costa	Hughes	Solobay	

NAY-33

Alloway	Farnese	Rafferty	Washington
Argall	Folmer	Robbins	Waugh
Baker	Gordner	Scarnati	White Donald
Browne	Greenleaf	Smucker	White Mary Jo
Brubaker	Kitchen	Stack	Williams
Corman	McIlhinney	Tomlinson	Yaw
Earll	Mensch	Vance	
Eichelberger	Piccola	Vogel	
Erickson	Pileggi	Ward	

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.

And the amendments made thereto having been prined as required by the Constitution,

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

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

HB 1307 CALLED UP

HB 1307 (Pr. No. 3771) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator WAUGH.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1307 (Pr. No. 3771) -- 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 duties and powers of boards of school directors, further providing for elementary schools; in school finances, further providing for when district distressed; repealing provisions relating to special board of control, petition and appointments, when no appointment is made and compensation of special board of control; further providing for powers of special board of control and for distress in school districts of the first class; repealing provisions relating to additional tax and to school directors to remain in office and elections; adding provisions relating to school district financial recovery; establishing the Financial Recovery School District Transitional Loan Account; further providing for distress in school districts of the first class; in intermediate units, further providing for subsidies for services and for financial reports; further providing for manner of election or approval; providing for performance review; further providing for election of assistant district superintendents, for term and salary of assistants, for commissions and for removal; in high schools, further providing for attendance in other districts; and providing for wearing of military uniform at graduation ceremony and for superintendents of schools or buildings and of supplies.

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

Senator DINNIMAN. Mr. President, I believe we are considering the Distressed Schools Act, and I rise to oppose this bill. But before doing so, I want to thank my colleague on the Senate Committee on Education, Senator Piccola, for at least trying to confront this issue, which is more than most people in the Commonwealth have done, including the Governor's Office. I also think the amendment that was provided was a step in the right direction. But, even with the amendment, I do rise to oppose it for the following reasons, Mr. President.

First of all, a program to give loans to distressed school districts makes little sense when the only reason they are distressed is that they have no money in the first place to pay their bills. How are they ever going to have money to pay for the loans? In other words, we are avoiding the real problem of these districts. The real problem of these districts is that they do not have an adequate tax base to cover the public school and the education of young people within their community. So I think the basic premise is flawed.

Also, at least while this bill has no precise amount of money, if one looks at the proposed budget, the only source in that proposed budget would be \$50 million in the Senate-passed budget that is for distressed schools. Well, that \$50 million is going to have a hard time taking care of the number of distressed schools in this Commonwealth. Reading alone, as Senator Schwank, my colleague from Berks County, will confirm, is about \$43 million in the hole. How are we going to pay for these schools? Also, Mr. President, we are trying an approach of one-size-fits-all with

the many SRCs, school reform commissions, modeled after Philadelphia. With all deference to my colleagues from the great city of Philadelphia, let me say that the SRC has hardly been a shining emblem of success in terms of changing public education, though we do note the improvements in recent months.

What might work in one community does not necessarily work in another community. So my concern thus far is threefold: The premise that a loan program will help does not help when there is no money in the community to begin with to pay for education. How will they ever pay off the loan? Second of all, one size does not fit all, and the amount of money being discussed is hardly adequate.

Finally, let me say this, Mr. President, I have sat in this seat for the last 6 years and have heard my colleagues on the other side of the aisle say, in the most articulate way, in the most beautiful phraseology, that the best decisions are made at the local level, that local control is an absolute fundamental principle of my colleagues on the other side of the aisle. Do you know what? I believe in local control, I believe in this principle. But what this bill does is it takes away local control because when the SRC officer takes over the district, in the end, the school board will have no power whatsoever. Thus, the concept of taxation without representation will go out the window.

So I urge my colleagues before voting on this bill to ask themselves, do we really believe in local control? Do we really believe that the best decisions are made at the local level? I hope that the fallacies that I see in this bill will enter into their decision. But, in stating all of this, let me say once again, in grateful thanks, that the chairman of the Committee on Education, my colleague, is at least trying. We always give credit to people who try, but I do not think this bill will solve the problem.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, first, let me thank my friend and colleague from Chester County for his kind remarks, although I express sadness that he is unable to support this piece of legislation. I did feel, as the gentleman had indicated, that we had to confront this issue head-on. We have two school districts in this Commonwealth that literally are facing running out of money probably before the end of the year, Chester-Upland and Duquesne. We have at least two more, the city of Harrisburg and the city of York school districts, that could very well face the same problems in the upcoming school year. And I believe that the last thing we want to do is get to sometime in the middle of a school year and have school buildings closed, and kids out on the street and not receiving the education that I think they are entitled to here in the Commonwealth of Pennsylvania.

The gentleman raised several objections, the last one of which was the issue of local control. I agree. I tend to be Jeffersonian in my approach to government, that the government closest to the people governs best, as a general rule. However, if one examines our State Constitution, one will clearly see that the responsibility for providing education in this Commonwealth rests with this General Assembly. You do not see the words "school district" mentioned in the Constitution to provide education. "The General Assembly shall provide for...a thorough and efficient system of public education...." Now, we can argue, probably ad nauseam, as to whether we do that effectively, and I would be the first to stand up and say we do not.

There are all kinds of flaws in the way we fund education and how we delegate the power to provide education to school districts. But, the fact of the matter is, the ultimate responsibility lies with the Commonwealth. While I support, generally speaking, the concept of local control and the idea of delegating to school boards and the school districts the power to provide educational services, I have to say that when local control results in expensive failure, then it is time for us to rethink local control. That, in part, is what this bill does, although it is not a grab away from the local authorities. We are initially asking them to cooperate with the Commonwealth in finding ways for these school districts to recover financially.

I disagree with the gentleman that one-size-fits-all is embedded in this bill. It is not. In fact, every school district is different. Every recovery plan will be different. There will be a chief recovery officer appointed when a school district is identified as a recovery school district that will look at the individual school district and its needs and how to get this district back on the path to recovery. And, the gentleman is correct, there is a loan program provided, and I understand the argument that if these districts are so distressed, how are they going to pay back the loan? The loan idea is a recognition, Mr. President, that there is no mood, in this General Assembly or in the Governor's Office, to provide large, permanent grants and sums of money to these school districts.

A lot of fingers have been pointed at this is the reason, or that is the reason, and as the gentleman will recall in the Committee on Education when we debated and discussed this legislation, I said, we have to stop pointing fingers. There is plenty of blame to go around. Everybody can take a share of the blame. I am trying to solve the problem, and that is why I came up with the loan program. The question is, how is that going to be paid off? Well, the loan dollars, and the repayment of those dollars, will be incorporated into the recovery plan that the chief recovery officer will propose initially to the school board and the school district. Most importantly, Mr. President, we provide tools in the bill, many of which are already available to the School Reform Commission of the city of Philadelphia, tools that are very valuable. They have exercised many of these tools to the benefit, both financially and academically, for the city of Philadelphia, one of which is the conversion of school buildings to charter schools. If that is proposed, there must be a demonstration, which is a requirement in the bill, that the conversion over a period of time will save dollars. The whole idea of these tools, and there are a variety of them in the bill and you can examine them carefully, is to save money, and to get that school district back on the road to recovery.

The fact of the matter is, oftentimes, local control, local school boards, are the very problem or at least part of the problem for distress, because all of us have budgets, and we have to live within our means within those budgets. Many times, because of local political pressures, those budgets get blown out of proportion. So budgets are passed and money is spent that the districts simply do not have. That is not to say that the Commonwealth does not have some blame in this matter in terms of the way we fund education. That is something that, I think, this General Assembly in the near future, I hope, will get down to business and start to study how do we really want to fund basic education in this State in a fair and equitable way? The use of the property taxes is another area where we should be, in my per-

sonal view, getting rid of the school property tax and finding other ways to fund public education in this State.

But those are all answers to questions down the road. We cannot solve those problems today. We have immediate problems in some very financially distressed districts. This bill is not perfect, but it is, I think, the best effort that we can provide today for help to these particular districts to triage them in a way that will get them on the road to recovery, and any other districts that find themselves in this situation in the fairly near future. One of the key provisions of this bill is an early warning system that allows the Department of Education, now for the first time, to really monitor all of the school districts in the Commonwealth, and when they start to approach financial recovery status, to intercede with them to try to give them the guidance, the direction, and some of the assistance from the Commonwealth, to avoid getting into the distressed category in the first place.

This is a start. I am not claiming this is the answer for educational funding, but this is a start to go down that road, to get our districts straightened out financially so that they can focus on what is their primary mission, and that is to provide for the kids of this Commonwealth an academic setting where they will succeed and be lifelong learners and successful citizens of the Commonwealth.

So, Mr. President, while this bill is not perfect and does not provide all the solutions or answers, I think it is a major step forward to solving the immediate problems of financial distress in some of our school districts most critical at the present time, and I urge the Senate to adopt this bill.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I request a legislative leave for Senator Gordner.

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

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

The PRESIDING OFFICER. Senator Waugh requests a legislative leave for Senator Gordner.

Senator Costa requests a temporary Capitol leave for Senator Leach.

Without objection, the leaves will be granted.

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-27

Alloway	Eichelberger	Pileggi	Vogel
Argall	Erickson	Rafferty	Ward
Baker	Folmer	Robbins	Waugh
Browne	Gordner	Scarnati	White Donald
Brubaker	McIlhinney	Smucker	White Mary Jo

Corman	Mensch	Tomlinson	Yaw
Earll	Piccola	Vance	

NAY-21

Blake	Ferlo	Leach	Williams
Boscola	Fontana	Schwank	Wozniak
Brewster	Greenleaf	Solobay	Yudichak
Costa	Hughes	Stack	
Dinniman	Kasunic	Tartaglione	
Farnese	Kitchen	Washington	

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

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

BILLS OVER IN ORDER

SB 1480 and HB 1525 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL AMENDED

HB 1539 (Pr. No. 3689) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, amending the title of the act; and establishing the Keystone Works Program.

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

Senator WAUGH, on behalf of Senator GORDNER, offered the following amendment No. A12107:

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

of training

Amend Bill, page 7, lines 5 through 7, by striking out "and is not required" in line 5, all of line 6 and "period" in line 7

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

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1551 (Pr. No. 2300) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, in scenic byways, providing for the designation of the 8.6 mile U.S. Route 202 Parkway between State Route 63 (Welsh Road) and State Route 611 in Montgomery and Bucks Counties as a scenic byway.

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-48

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1682, HB 1720 and HB 1820 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1960 (Pr. No. 2674) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1999 (P.L.884, No.54), known as the Prescribed Pediatric Extended Care Centers Act, further providing for definitions and for regulations.

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-48

Alloway	Eichelberger	McIlhinney	Tomlinson
Argall	Erickson	Mensch	Vance
Baker	Farnese	Piccola	Vogel
Blake	Ferlo	Pileggi	Ward
Boscola	Folmer	Rafferty	Washington
Brewster	Fontana	Robbins	Waugh
Browne	Gordner	Scarnati	White Donald

Brubaker	Greenleaf	Schwank	White Mary Jo
Corman	Hughes	Smucker	Williams
Costa	Kasunic	Solobay	Wozniak
Dinniman	Kitchen	Stack	Yaw
Tartaglione	Yudichak		

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

HB 2151 (Pr. No. 3333) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for registration of snowmobile or ATV, for certificate of title for snowmobile or ATV, for fees and for records; providing for vintage snowmobile permits; and further providing for operation by persons under age sixteen.

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-48

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

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

HB 2215 (Pr. No. 3110) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating an interchange at the intersection of Route 136 and Interstate 70 in Washington County as the Officer John David Dryer Memorial Interchange.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I would like to remind Members that this next vote is a change from today's marked Calendar. It is House Bill No. 2215. This is a bill that actually passed the Senate under a bill written by Senator Solobay. It is in honor of Officer John David Dryer. It names the intersection of Route 136 and Interstate 70 in Washington County in honor of Officer Dryer, who was killed in the line of duty. My only point is that the Calendar was marked over and we want everyone to realize that we made a last-minute adjustment in order to move this bill along. Thank you.

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

Senator SOLOBAY. Mr. President, I just relay to the Senate that the naming for this bill is a gentleman whose family we had here during the Police Officers' Memorial Week. This was the young officer who was killed the week of Christmas last year. Not only was this gentleman a police officer, but many, many other things throughout his community as far as services, a veterinarian, a firefighter, I believe he was a constable for a while, but never said no to anything in our community. This is the very, very least I think that we can do. Agreeing to my good friend Representative Neuman's bill to be the bill that passes that names this intersection is something we are very happy and proud to do, and I ask for the Senate's full approval on its passage.

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

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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

SB 161 (Pr. No. 2297) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for criteria for institutions of purely public charity.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 338 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL REREFERRED

HB 728 (Pr. No. 3576) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for regulations and for prohibitions.

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 922 and **SB 929** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

HB 970 (Pr. No. 3493) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the validity of electronic documents; authorizing county recorders of deeds to receive electronic documents as a means for recording real property; granting powers and duties to the county recorders of deeds; establishing the Electronic Recording Commission; and prescribing standards of uniformity.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1055 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1269 (Pr. No. 2161) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special license plate for recipients of the Silver Star, Bronze Star and Bronze Star for Valor and for special plates for recipients of Distinguished Service Cross, Distinguished Flying Cross, Navy Cross or Air Force Cross.

Considered the second time and agreed to,

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

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

BILL ON SECOND CONSIDERATION

SB 1309 (Pr. No. 2298) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for appeals by taxing authorities.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1345, SB 1346, SB 1402, SB 1413, SB 1432 and **SB 1497** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

SB 1535 (Pr. No. 2299) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, further providing for subpoena of records.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1767, HB 1908, HB 1934 and **HB 2293** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEE

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following bills:

HB 1478 (Pr. No. 1785)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in alternative provision for third class county convention center authorities, further providing for hotel room rental tax.

HB 1588 (Pr. No. 3346)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of five per centum hotel tax in certain counties of the fifth class.

HB 1749 (Pr. No. 2238)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in fiscal affairs, further providing for authorization of hotel tax.

HB 1893 (Pr. No. 3788) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for gambling devices, gambling, etc.

HB 2022 (Pr. No. 3789) (Amended)

An Act providing for the Pennsylvania Business Permitting Portal; creating the Pennsylvania Business Permitting Portal Advisory Committee; providing for cooperation between the committee and Commonwealth agencies and for preservation of Commonwealth agency authority; and providing for upgrades to information technology systems.

SENATE RESOLUTION ADOPTED

Senators M. WHITE, PILEGGI, ROBBINS, BAKER, D. WHITE, GREENLEAF, ALLOWAY, STACK, ERICKSON, WAUGH, COSTA, RAFFERTY, DINNIMAN, FONTANA, HUGHES, BOSCOLA, VOGEL, SCHWANK, TARTAGLIONE, EARLL, WARD, FOLMER, CORMAN, SMUCKER, TOMLINSON, VANCE, BROWNE, PICCOLA, McILHINNEY, MENSCH, GORDNER, EICHELBERGER, YAW, FARNESE, BLAKE, BREWSTER, FERLO, KASUNIC, KITCHEN, LEACH, SOLOBAY, WASHINGTON, WILLIAMS, WOZNIAK, YUDICHAK and BRUBAKER by unanimous consent, offered **Senate Resolution No. 332**, entitled:

A Resolution designating July 31, 2012, as "Abie Abraham Day" in Pennsylvania, in tribute to the late retired United States Army Sergeant and Butler County resident who died March 22, 2012, at 98 years of age.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Mr. President, I hope my colleagues can stay to listen to this. Normally, I would save these comments for Petitions and Remonstrances, but this is important.

After surviving disease, starvation, and brutal violence during the Bataan Death March and years of confinement as a Japanese prisoner of war, U.S. Army Sergeant Abie Abraham had earned the right to rest. Mr. Abraham died March 22 after a long illness at Butler Hospital, where he had, in healthier days, served the Butler VA Hospital's greatest amount of volunteer time ever, 36,851 hours accumulated over 23 years. He was 98.

In 1932, Mr. Abraham enlisted in the Navy, followed by the Army in 1934. He was stationed in the Philippines in 1941 when the Japanese attacked the Bataan Peninsula, beginning a 3-month

siege that cut supply lines of food, medicine, and ammunition to the American and Philippine soldiers. American commanders, their soldiers emaciated and ill with dysentery, malaria, and just 2 days from running out of food all together and close to starvation, surrendered on April 9, 1942, and left more than 12,000 American soldiers on Bataan in the hands of the Japanese. Approximately 60,000 Filipinos also surrendered.

The Japanese army, believing surrender to be dishonorable, showed no mercy, refusing the prisoners food and water for 6 days and 7 nights as they marched them toward a prison camp in the jungle in the country's interior. Stragglers were bayoneted, beheaded, and those who truly could not walk were buried alive along the route. They reached the camp, where there were no supplies, no medical care, meager food, and many died of disease and mistreatment during this time. By the time Abie Abraham was rescued by the Army Rangers 3.5 years later, just 513 Americans had survived the ordeal. He was shot in the leg, had shrapnel in his back, scars from bayonet wounds, and malaria. But instead of returning to the United States, Abie Abraham agreed to a request from General Douglas MacArthur that he help recover the remains of the soldiers who had died in the camp and along the death march so that they could be identified and properly buried.

In the beginning, especially, recovering those bodies took a harsh toll. His wife said he knew those guys in life, and he was digging up their remains in death. He said he just prayed that he could continue, because it was so hard for him. His years of activity there and his task earned him the nickname the "Ghost of Bataan." After working for 2.5 years recovering remains, Abie returned to the small farm near Butler, where he was to live out the rest of his life.

After returning, he contacted many of his dead comrades' families and told them about their service. He wrote his first book, *Ghost of Bataan Speaks*, in 1971, and his second book, *Oh, God, Where Are You?*, in 1997 in an effort to educate the American and Japanese public about Bataan. An avid storyteller, he also began making public appearances at schools and community centers to talk about his experiences. He was featured in several documentaries on the Discovery Channel and the History Channel. He was instrumental in the trial of the Japanese general who had commanded the Bataan Death March, who was convicted of war crimes and executed.

On July 31, Abie Abraham would have been 99 years old. The county of Butler is celebrating his life, and I am happy to present them with this resolution from the Senate as part of that event. I ask that the resolution be kept at the desk so perhaps any of my colleagues who have not had an opportunity to sign it can do so. He was a true American hero. Thank you.

The PRESIDING OFFICER. The Chair thanks the gentlewoman for those very moving remarks. All those in favor of the resolution will please rise for a moment of silence. Staff and guests will also please rise.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of SERGEANT ABIE ABRAHAM, U.S. ARMY RETIRED.)

The PRESIDING OFFICER. The Chair declares the resolution unanimously adopted.

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 Lester A. Odell, Carrie Kline, Sheri Anne Kline, Jenna Neubauer and to the WBRE-TV Channel 28 News Team by Senator Baker.

Congratulations of the Senate were extended to Daniel P. Loftus by Senator Blake.

Congratulations of the Senate were extended to Mr. and Mrs. Norman H. Dolbow, Jr., by Senator Brubaker.

Congratulations of the Senate were extended to Macaulay John Paulus by Senator Corman.

Congratulations of the Senate were extended to Antoinette Cerami by Senator Pileggi.

Congratulations of the Senate were extended to the Canon-McMillan High School Softball Team by Senator Solobay.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Meehan, Mr. and Mrs. Herman Lewis, Gabrielle Glinski, Dustin Lucas Bahl and to the Northeast Bradford High School Softball Team by Senator Yaw.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Jean Elaine Rivers by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

Senator VANCE. 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 327, SB 874, SB 1134, SB 1192, SB 1456, SB 1503, SB 1508, SB 1532, SB 1544, HB 197, HB 1478, HB 1588, HB 1749, HB 1893, HB 2022, HB 2027, HB 2224, HB 2349, HB 2366, HB 2372, HB 2373, HB 2374 and HB 2406.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 20, 2012

9:00 A.M.	EDUCATION and VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint public hearing to discuss military-friendly educational programs and policies)	Hrg. Rm. 1 North Off.
9:30 A.M.	AGING AND YOUTH (joint information meeting with the House Aging Committee on the Department of Aging's proposed State Plan)	Room 60 East Wing

10:00 A.M.	FINANCE (to consider Senate Bill No. 1552)	Room 8E-A East Wing
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bill No. 1193; and House Bills No. 532 and 2135)	Room 461 Main Capitol
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 100, 157, 449 and 1478; House Bill No. 823; and certain executive nominations)	Rules Cmte. Conf. Rm.

PETITIONS AND REMONSTRANCES

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

Senator COSTA. Mr. President, I want to take a few moments and share with my colleagues our ongoing conversation about some of our budget priorities that Senate Democrats have talked about for many, many months now.

Let me first say that we are very pleased for the opportunity to work with our colleagues on the other side of the aisle to have the opportunity to make what we believe were very important restorations into the current General Fund budget, the general appropriation budget. But at the same time, we continue to believe that there is more work that needs to be done. As we move now into these final handful of days where we are in the process of crafting a final budget figure, and more importantly, where additional restorations, if any, may make their way into the budget, I felt it was important to just take a few moments to talk about some of those things that I think we have left undone, but also, more importantly, to recognize that there are options that we have available to us that would be able to provide for most, if not all, of those revenues that I will speak about with my colleagues momentarily.

Mr. President, as you may recall, Senate Democrats, back in February, laid out what we thought our budget priorities needed to be for this Commonwealth and for the constituents who we serve back in our districts. We started out talking briefly about the issue of education, and there are three different levels of education which we thought were extremely important.

In higher education, the Governor's significant proposed reduction was something that we in this Chamber were able to address and restore appropriate dollars along those lines so that our State-relateds, our State System schools, as well as our community colleges, would not be impacted along those lines, where there was full restoration.

Also in the area of basic education, we were successful in working with our colleagues to provide not only \$15 million into the Accountability Block Grant program, but \$15 million into the distressed schools line item. Our hope is that we will continue to make advancements along those lines in the final negotiated product. At least we do know that steps have been taken as it relates to the Accountability Block Grant area as well.

Similarly, Mr. President, in the area of early childhood learning, both through the block grant, but also, more importantly, through very specific line items in the budget, restorations were also made to those very, very important line items which have really made a significant difference in Pennsylvania. When you look at the education area, our goal and hope is that, through this process, for which we will continue to advocate, a holding of the restoration to higher ed, but trying to find more resources in the

area of the Accountability Block Grant in particular, but also recognizing the early learning programs that we have already put resources in, they, too, must hold.

We want to make certain that as this process continues, we recognize that the value, the significant value of the early learning network that is in place in this Commonwealth, whether it be the pre-K line item, the Head Start programs, or whether it be the resources that have made their way to our school districts to allow for early learning through the Accountability Block Grant program. You may remember that that number was about a \$250 million number in terms of an allocation from this Commonwealth to those entities, those programs, and was reduced down to \$100 million last year. What is most significant about that is that more than two-thirds of the programs, the school districts who receive those dollars would utilize those resources for early learning. And for us now at that point in time to disinvest for a second year in a row in early learning, we think would not be appropriate and would be a step backward. We want to make sure that we continue to drive out those resources for that particular purpose.

Also related to early learning is the issue of child care services and child care assistance. Over the course, when you look at the current fiscal year of 2011-12 and what has been proposed this year in 2012-13, and unfortunately made its way into this particular budget that the Senate already passed, were cuts in total of about \$70 million. This child care service and the child care assistance line is one of the most important lines that we need to concern ourselves with as we move forward. These are lines that predominantly provide working women the opportunity to stay in the workforce, knowing that they have peace of mind with respect to the level and the quality of services being provided to their children, which allows them to be in the workforce. More importantly, they can be productive members and conscientious members, and as I said earlier, have peace of mind that the level of child care is of a quality that is very, very high. That is extremely important. So in this last sample of days as we go forward, we think it is very, very important that we restore additional dollars to the child care services/child care assistance line item. That is something, I think, which benefits folks across this Commonwealth.

As it relates to other areas which I think are important that we need to take a look at, clearly the General Assistance line item is one we have not been able to gain traction and support for at this time. My hope is that as we move forward, we continue to advocate for that program because that is a program, quite frankly, that does provide that last level of support, that handout that allows people to step up and right their ship, so to speak, and move along to become productive members of society. We have seen countless examples of individuals who have benefitted from that program, and it is something that I think is extremely important and I hope that we can convince the administration that that is one program that is worth additional restoration.

Finally, Mr. President, an area that I think impacts all of us relates to our counties. Members here in this room know how important the human services programs are to their constituencies across this Commonwealth. We know the impact of the Human Services Development Fund, as we know how important the old fund was, and we believe that it continues to be important. But there are a number of other line items that have now been included into that program and it creates a block grant, and we

are very much concerned about the nature of the block grant, because while it has professed to provide great flexibility, there are significant concerns by a number of counties. Some have stepped forward and said that they could live with some kind of block grant. I am hearing from counties, Mr. President, that are very much concerned about the block grant concept because it does not allow them the flexibility they would like.

But more importantly, the impact on some of the quality programs that were once part of that line item, that now will be folded into this block grant, particularly that line item, the most significant one, if I am not mistaken, that deals with programs that impact and deal with individuals with intellectual disabilities and how that program in particular would be addressed. But the other areas, the areas of mental health programs in our counties, the areas of drug and alcohol programs, homeless programs, assistance for our senior population, all those items that were folded into the Human Services Development Block Grant were cut by 20 percent. I am very pleased that we were able to reduce that reduction by 10 percent, 50-percent restoration, 10-percent ultimate cut. We think that we can go further, and we think we have the opportunity to go further.

Finally, as it relates to things outside of the human services and education areas, one of the areas I think we have to begin to take a look at, and it needs to start, in my opinion, in this particular budget conversation--it is something, I think in a broader sense, we need to talk about, and that is the status of our local governments, our municipalities, in particular our third class cities, for example, that are out there struggling. Since February, Senate Democrats have proposed that we put together a restoration of the housing redevelopment assistance line. That used to be a line back in 2010-11, was budgeted at \$17.5 million, but in 2011-12, that was zeroed out. We think we need to continue to make those investments particularly because that is one of the areas where I think we can drive resources into our local communities to allow them to reestablish and rehabilitate themselves, programs that allow for assistance for redevelopment which are really, truly essential to these communities. That is just one of those areas that I think we need to talk about as we go forward, as we try to address situations impacting both our local governments, but also our third class cities and other areas as well.

But in terms of the resources that are available to do that, we have identified the ability to do that in a couple of ways. First and foremost, Mr. President, one of the things that appeared in a local newspaper, again, reminds us of the issue of vendor discounts. It is a longtime issue that the previous administration had fought for, and I think this administration has indicated their support for it, which basically now provides for a discount to our box stores, our large box stores, our Walmarts, for example, who enjoy the benefit of a vendor discount. If we close that vendor discount, at one time it would have been maybe a \$60 million savings, changes that we made which exempted some of the smaller vendors, which I think in many respects is somewhat appropriate. But at the end of the day, things are different now with respect to when the discount was provided. I can tell you, Mr. President, that the manner in which the sales tax and other taxes are collected and remitted to this Commonwealth is quite different than whenever we initially started to deal with the original purpose of the vendor discount. So for example, that area alone, we can garner probably an additional \$42 million with respect to if we would apply or eliminate that vendor discount to

those box stores, as I indicated earlier, the Walmarts for example, of this Commonwealth.

Another area, Mr. President, relates to the issue of other tobacco products and cigars. We used to have this conversation here the last couple of years. For whatever reason, it is not part of the conversation. My opinion is, we should start to look at establishing and talking about an excise tax on the loose tobacco products that exist and the other tobacco products, the Skoals, and the other products that I mentioned, including cigars. If we are going to talk about trying to raise revenues, let us look to the places where I think it is appropriate, and the public expects us to look, along those lines. That, too, could generate \$40 million or \$50 million in additional revenues.

Finally, Mr. President, as we learned in the last several days, as we continue to move forward with our collections as a Commonwealth, it is good—although May did not hit the numbers we thought and we would hope to see, I think the understanding is that June's numbers, at least for the first 19 days, have been at a level where we believe there would be additional savings. As we remember, when we started down this path, Governor Corbett recommended and believed that we would have a \$719 million revenue shortfall from 2011 to 2012, not a balance sheet shortfall, a revenue shortfall. And as we now found out, the Independent Fiscal Office a few weeks ago came out and indicated that they believe that the number would be reduced to \$300 million, thus creating a savings of at least in this fiscal year's revenue of \$419 million, and when you extrapolate it out for next year as your base, it creates an additional amount.

Our Committee on Appropriations people tell us that we will probably be in a position to shave off another \$50 million from that line item, from that revenue stream, I should say. Again, when you multiply it out next year, it grows well beyond another \$50 million. The reason I say that is we feel that if we are going to put additional restorations on the table, and request and continue to advocate for additional restorations, we feel and I feel that it is important for us to identify those revenue streams that would allow for that to take place. And we believe these are three areas where we could look to create revenue that without, quite frankly, much controversy in this Commonwealth, and more importantly, without much controversy, I believe, in this Chamber.

When you look to other tobacco products and cigars, quite frankly, I believe they needed to be taxed at the respective levels, likewise with the vendor discount, and finally, as I mentioned earlier, the ability to adjust our assumptions relative to our revenue numbers for this fiscal year. So for all those reasons, Mr. President, I think it is appropriate for us to continue to talk about these issues, continue to have our Members in this Chamber understand how important they are to our Members and continue to advocate these last handful of days as we move forward. We think it is an appropriate step to take, and we look forward to the continued, ongoing discussions with our colleagues along those lines.

Make no mistake about it, we are very pleased to be involved in this process, but I felt it was important to reiterate our high level of concern about some of these other areas that we were not able to close the loop on. We want to now come back and try to close the loop as we move forward. Not only do that, but also

provide for a solution to that by providing the appropriate revenues. I thank you, Mr. President, for the chance to talk on this matter.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Wednesday, June 20, 2012, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:51 p.m., Eastern Daylight Saving Time.