

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, SEPTEMBER 24, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

TUESDAY, September 24, 2013

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

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

PRAYER

The Chaplain, Reverend BRONWYN YOCUM, Pastor of Grove United Methodist Church, West Chester, offered the following prayer:

Will you join me in prayer.

Good and gracious God, as we gather to begin this day's work, we pause to ask for Your blessing. You have called these women and men together to work on behalf of the people of this Commonwealth to seek justice, to provide for effective governance, to create opportunities that yield hope for all of the people of this great State. We ask Your blessing on the work that lies ahead. Let those gathered here listen to each other in a spirit of openness. Let each be slow to speak and quick to listen so that they may hear and consider all perspectives. Where there is disagreement, let civility rule, leading to substantive discussion, dialogue, and cooperation.

You have blessed these legislators with a noble calling, Lord, to be men and women who seek the good of all the people of this Commonwealth. Remind them that such a calling is a sacred trust. Let the community we long for in our life together be modeled in this body's deliberations. Fill each heart with compassion so that the weak will find here champions who give voice to their needs. Give each Senator wisdom for the difficult decisions that they must make. Grant them strength to stand for justice, energy to pursue truth, and a commitment to seek fairness in all they do.

Finally, O God, we pray that whatever is done this day You will take it and work through it in ways that lead to goodness, wholeness, hope, and community. All this we pray, confident that You hear, that You care, and that You act for the good of Your people. Amen.

The PRESIDENT. The Chair thanks Pastor Yocum, who is the guest today of Senator Dinniman.

PLEDGE OF ALLEGIANCE

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

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:

JUDGE, COURT OF COMMON PLEAS,
BERKS COUNTY

September 23, 2013

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, Gregory E. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Berks County, to serve until the first Monday of January 2016, vice The Honorable Jeffrey L. Schmehl, resigned.

TOM CORBETT
Governor

VICTIM ADVOCATE

September 23, 2013

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Victim Advocate, to serve for a term of six years and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Carol Lavery, Shickshinny, whose term expired.

TOM CORBETT
Governor

BILLS REPORTED FROM COMMITTEE

Senator MENSCH, from the Committee on Aging and Youth, reported the following bills:

SB 20 (Pr. No. 1384) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; and making editorial changes.

SB 21 (Pr. No. 1385) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in provisions and responsibilities for reporting suspected child abuse, further providing for definitions and for persons required to report suspected child abuse; providing for privileged communications; further providing for persons permitted to report suspected child abuse, for reporting procedure, for documentary evidence on a child subject to report and for taking child into protective custody; and, in organization and responsibilities of child protective service, repealing provisions relating to taking child into protective custody.

SB 22 (Pr. No. 1386) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for penalties for failure to report or to refer.

SB 23 (Pr. No. 1387) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions.

SB 27 (Pr. No. 1388) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for exchange of information.

SB 30 (Pr. No. 1389) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; repealing provisions relating to immunity from liability; further providing for establishment of pending complaint file, Statewide central register and file of unfounded reports; repealing provisions relating to amendment or expunction of information; and providing for disposition of reports upon completion of assessment or investigation, for appeals of indicated reports and for immunity from liability.

SB 33 (Pr. No. 1390) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for protection from employment discrimination.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Argall, Senator Folmer, Senator Greenleaf, and Senator Rafferty.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Brewster, Senator Fontana, Senator Hughes, Senator Schwank, Senator Smith, Senator Tartaglione, and Senator Wozniak, and a legislative leave for Senator Yudichak.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Argall, Senator Folmer, Senator Greenleaf, and Senator Rafferty.

Senator Costa requests temporary Capitol leaves for Senator Brewster, Senator Fontana, Senator Hughes, Senator Schwank, Senator Smith, Senator Tartaglione, and Senator Wozniak, and a legislative leave for Senator Yudichak.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator PILEGGI asked and obtained leaves of absence for Senator CORMAN, Senator VANCE, and Senator WAUGH, for today's Session, for personal reasons.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Greenleaf has returned, and his temporary Capitol leave is canceled.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 24, 2013, and June 25, 2013, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 24, 2013, and June 25, 2013.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals 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-47

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vogel
Baker	Folmer	Rafferty	Vulakovich
Blake	Fontana	Robbins	Ward
Boscola	Gordner	Scarnati	Washington
Brewster	Greenleaf	Schwank	White
Browne	Hughes	Smith	Wiley
Brubaker	Hutchinson	Smucker	Williams
Costa	Kasunic	Solobay	Wozniak
Dinniman	Kitchen	Stack	Yaw
Eichelberger	Leach	Tartaglione	Yudichak
Erickson	McIlhinney	Teplitz	

NAY-0

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

The PRESIDENT. The Journals are approved.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Tartaglione and Senator Wozniak have returned, and their temporary Capitol leaves are cancelled.

GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

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

The PRESIDENT pro tempore. Mr. President, today I am honored to have some guests with me from my district in Tioga

County, and I ask the Senate to welcome my friends, Mike and Kathy Gee.

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

(Applause.)

GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, I want to introduce our pastor who gave the invocation today. This is a very special anniversary for this church, Mr. President. This week, the church celebrated its 240th birthday, and I was privileged to be able to bring a citation from the Senate signed by all of you to celebrate this birthday. We have with us Pastor Yocum. The Grove Methodist United Church goes back even before the history of this country. She is joined by her daughter, Jenny, and by Ray and Marcia, members of her congregation.

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

(Applause.)

Senator DINNIMAN. Mr. President, I also want to take this occasion to thank the President for opening his office, sharing it with the citizens of the Commonwealth when we bring guests through here, and thank you, Lieutenant Governor, for doing that.

The PRESIDENT. Thank you, Senator.

Senator DINNIMAN. Mr. President, I also would like to introduce some guests who purchased a tour for charity through making a significant donation to the Safe Harbor Shelter in our community. We have with us Ann and Patrick McGuffie and their grandson, Keaton Henry, from the Downingtown area.

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

(Applause.)

GUESTS OF SENATOR ELISABETH J. BAKER ON BEHALF OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator BAKER. Mr. President, I am pleased to introduce guests for Senator Argall. We have individuals from the Pocono Raceway in Monroe County - Brandon Igdalsky, who is the president and CEO; Alisha Cottrell, government affairs; and Ricky Durst, who is the ticket manager of Pocono Raceway. Brandon Igdalsky assumed the role of CEO after taking over from his late grandfather, Dr. Joe Mattioli, who, along with his wife, Dr. Rose Mattioli, built the Tricky Triangle into a world-class NASCAR facility. They have transformed it and grown the business. And I want to acknowledge Brandon and Pocono Raceway's commitment to our veterans in Pennsylvania. They have given numerous tickets to our National Guard men and women as a way of saying thank you. They provide that as an opportunity for families to gather and for us to pay tribute to their ser-

vice. So they have grown, they continue to grow, and we know that Pocono Raceway has been a proud leader in NASCAR and a proud leader in northeastern Pennsylvania. It is a privilege to have our guests with us today.

Thank you, Mr. President.

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

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room beginning immediately.

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

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

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Argall, Senator Rafferty, Senator Folmer, Senator Smith, Senator Brewster, Senator Hughes, Senator Schwank, and Senator Fontana have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVE

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

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 25 (Pr. No. 1551) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, enacting uniform laws on attestation in the areas of unsworn foreign declarations and notarial acts; making editorial changes; making related repeals; and abrogating a regulation.

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-47

Alloway	Farnese	Mensch	Tomlinson
Argall	Ferlo	Pileggi	Vogel
Baker	Folmer	Rafferty	Vulakovich
Blake	Fontana	Robbins	Ward
Boscola	Gordner	Scarnati	Washington
Brewster	Greenleaf	Schwank	White
Browne	Hughes	Smith	Wiley
Brubaker	Hutchinson	Smucker	Williams
Costa	Kasunic	Solobay	Wozniak
Dinniman	Kitchen	Stack	Yaw
Eichelberger	Leach	Tartaglione	Yudichak
Erickson	McIlhinney	Teplitz	

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.

BILL AMENDED

HB 421 (Pr. No. 2357) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, in preliminary provisions, further providing for definitions; in contributions, further providing for establishment and maintenance of employer's reserve accounts, for relief from charges and for reciprocal agreements; in compensation, further providing for qualifications required to secure compensation and for ineligibility for compensation; in penalties, further providing for false statements and representations to obtain or increase compensation; and, in shared-work program, further providing for definitions, for application to approve shared-work plan, for shared-work plan requirements and for expiration.

On the question,
Will the Senate agree to the bill on third consideration?
Senator GORDNER offered the following amendment No. A3453:

Amend Bill, page 1, line 23, by inserting after "COMPENSATION":

and for recovery and recoupment of compensation

Amend Bill, page 4, line 26, by striking out "SEVEN" and inserting:

fourteen

Amend Bill, page 5, lines 5 and 6, by striking out "EITHER ALONE OR IN CONJUNCTION WITH OTHER FACTS KNOWN TO THE DEPARTMENT"

Amend Bill, page 7, by inserting between lines 26 and 27:
Section 4.1. Section 804(b) of the act, amended July 10, 1980 (P.L.521, No.108), is amended to read:

Section 804. Recovery and Recoupment of Compensation.--* * *

(b) (1) Any person who other than by reason of his fault has received with respect to a benefit year any sum as compensation under this act to which he was not entitled shall not be liable to repay such sum but shall be liable to have such sum deducted from any future compensation payable to him with respect to such benefit year, or the three-year period immediately following such benefit year[: Provided, That with], in accordance with the provisions of this paragraph.

(i) With respect to overpayments of one hundred dollars or more,

recoupment from such future compensation shall not exceed one-third of the maximum benefit amount to which such person is entitled during any such subsequent benefit year nor one-third of the weekly benefit amount to which such person may be entitled for any particular week.

(ii) If an overpayment is established under this paragraph, an employer shall be assigned charges for the overpayment under section 302(a)(2) of this act, the determination assigning charges to the employer shall be final and an amount equal to the amount charged to the employer shall be applied as a credit toward the person's overpayment. The provisions of this subparagraph shall not apply to an overpayment to which subparagraph (iii) applies.

(iii) In the absence of misrepresentation or non-disclosure of a material fact, no recoupment shall be had if such overpayment is created by reason of [(i)];

(A) a subsequent reversal of two decisions of eligibility under the provisions of section five hundred one (e) of this act[, or (ii)];

(B) the subsequent receipt of holiday pay, vacation pay or the like of which the person had no knowledge[, or (iii)]; or

(C) a subsequent determination that the person's base year wages were not earned in employment as defined in this act.

(iv) No provision of this subsection shall be construed to prevent or prohibit the voluntary repayment of compensation by such person or the maintenance of records of overpayments by the department.

(2) The claimant and other affected parties shall be notified in writing of the department's determination to deduct any sum from future compensation under this section, and such determination shall be subject to appeal in the manner provided in this act for appeals from determinations of compensation.

(3) Notwithstanding any other provisions of this subsection, any person who has received or employer who has made a back wage payment pursuant to an award of a labor relations board arbitrator or the like without deduction for unemployment compensation benefits received during the period to which such wages are allocated shall notify the department immediately of the receipt or payment of such back wage award. The recipient of such back wage award, made without deduction for unemployment compensation benefits received during the period, shall be liable to pay into the Unemployment Compensation Fund an amount equal to the amount of such unemployment compensation benefits received.

* * *

Amend Bill, page 13, line 3, by striking out all of said line and inserting:

Section 7. This act shall apply as follows:

(1) The addition of section 4(l)(4)(21) of the act shall apply to services performed on or after the effective date of this section.

(2) The addition of section 302(a)(2) shall apply to overpayments established on or after October 21, 2013.

(3) The amendment or addition of sections 401(f) and 402(k) of the act shall apply to benefit years beginning on or after the effective date of this section.

(4) The addition of section 801(c) of the act shall apply to overpayments established on or after October 21, 2013.

Section 8. This act shall take effect as follows:

(1) The amendment of sections 1301, 1302 and 1303 of the act shall take effect in 90 days.

(2) The remainder of this act shall take effect immediately.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

HB 108 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 497 (Pr. No. 1293) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

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

SB 813 (Pr. No. 852) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

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

BILL OVER IN ORDER

HB 1483 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

HB 108 CALLED UP

HB 108 (Pr. No. 2356) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Second Consideration Calendar, by Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

HB 108 (Pr. No. 2356) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for definitions, for children's health care and for expiration.

On the question, Will the Senate agree to the bill on second consideration? Senator STACK offered the following amendment No. A3507:

Amend Bill, page 2, line 19, by striking out "AND" and inserting: , (i)(5) and Amend Bill, page 3, by inserting between lines 26 and 27: (i) The Children's Health Advisory Council is established within the department as an advisory council. The following shall apply: * * *

(5) All meetings of the council shall be conducted pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings) unless otherwise provided in this section. The council shall meet at least [annually] twice per year and may provide for special meetings as it deems necessary. Meeting dates shall be set by a majority vote of members of the council or by call of the chairperson upon seven (7) days' notice to all members. The council shall publish notice of its meetings in the Pennsylvania Bulletin. Notice shall specify the date, time and place of the meeting and shall state that the council's meetings are open to the general public. All action taken by the council shall be taken in open public session and shall not be taken except upon a majority vote of the members present at a meeting at which a quorum is present. * * *

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

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

Senator STACK. Mr. President, this amendment will simply change the amount of times the advisory council will meet from once a year to twice annually. Currently, the council is only required to meet once a year. My amendment would require the council to meet twice a year, and I believe it is an important addition to foster the input of the council members, as well as to provide the opportunity for interested members of the public to receive updates about the CHIP program, and provide input as well. Mandating one more touchpoint in a year for public input is certainly needed and it is going to make CHIP, its activities and services, more transparent, and hopefully be able to deliver the Children's Health Insurance Program in a better, more effective and efficient way, especially at a time when the administration has said that it is interested in expanding CHIP's outreach. The extra meeting will be beneficial to the department as a means to receive feedback and ideas to aid their efforts and in finding and enrolling all eligible uninsured children. I think that is something that we are all interested in, and so I ask all of the Members to support it.

Thank you, Mr. President.

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

On the question, Will the Senate agree to the bill on second consideration, as amended? It was agreed to.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE
BOARD OF ACCOUNTANCY

May 8, 2013

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, Paul J. Kelly, III, CPA, 904 Swedesford Road, Lower Gwynedd 19002, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dolly Lalvani, Harrisburg, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE
BOARD OF ACCOUNTANCY

May 8, 2013

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, Albert E. Trexler (Public Member), 561 Colebrook Road, Exton 19341, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Reverend Albert G. Davis, Jr., Ardmore, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

May 7, 2013

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, Bruce R. Clash, 220 Acre Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

May 7, 2013

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, Harry Hamilton, 9 East Enterprise Street, PO Box 1737, Wilkes-Barre 18703, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

May 7, 2013

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, Abbie R. Newman, R.N., J.D., 1430 Hunter Road, Rydal 19046, Montgomery County, Fourth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until her successor is appointed and qualified, [data missing] Linda Rich, Wyncote, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE CHILDREN'S
TRUST FUND BOARD

May 7, 2013

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, The Honorable Shawn Wagner, 1971 Herrs Ridge Road, Gettysburg 17325, Adams County, Thirty-third Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve for a term of three years and until his successor is appointed and qualified, vice Susan Eckert, Lancaster, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE
BOARD OF COSMETOLOGY

June 12, 2013

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, Debora S. Neatock, 4281 Morgantown Road, Mohnton 19540, Berks County, Forty-fourth Senatorial District, for appointment 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, vice Sue Stewart, Adrian, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE
BOARD OF COSMETOLOGY

May 8, 2013

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, Susanne M. Philo, 423 North Turnpike Road, PO Box 373, Dalton 18414, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve until June 20, 2014, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Wendy Rieland, Glenshaw, resigned.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY

May 7, 2013

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, Fred A. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

June 27, 2013

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, Richard L. Frerichs, 128 Creekgate Court, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice Julianne Dickson, Lancaster, whose term expired.

TOM CORBETT
Governor

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

May 22, 2013

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, William B. McIlwaine, Ed.D, 53 Brenner Street, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

May 22, 2013

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, Brian A. Rider, 35 Emlyn Lane, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

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

May 22, 2013

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, Gerald S. Robinson, Esquire, 158 Hess Boulevard, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF NURSING

May 10, 2013

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, Jesse W. Topper (Public Member), 242 E. Simpson Street, Bedford 15522, Bedford County, Thirtieth Senatorial District, for reappointment as a member of the State Board of Nursing, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PODIATRY

May 30, 2013

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, Ralph Schmeltz, MD, FACP, FACE, Four Jaycee Drive, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Podiatry, to serve until November 1, 2015, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Arvind Cavale, M.D., Holland, resigned.

TOM CORBETT Governor

MEMBER OF THE STATE BOARD OF PODIATRY

May 13, 2013

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, Edward D. Snell, M.D., 8304 Regan Drive, Pittsburgh 15237, Allegheny County, Fortieth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eric Lake, DO, Havertown, resigned.

TOM CORBETT Governor

MEMBER OF THE BOARD OF TRUSTEES OF TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

May 8, 2013

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, H.F. (Gerry) Lenfest, 2445 Oaks Circle, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Board of Trustees of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2016, and until his successor is appointed and qualified, vice Robert Rovner, Bryn Mawr, whose term expired.

TOM CORBETT Governor

On the question, Will the Senate advise and consent to the nominations?

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

YEA-47

Table with 4 columns: Alloway, Argall, Baker, Blake, Farnese, Ferlo, Folmer, Fontana, Mensch, Pileggi, Rafferty, Robbins, Tomlinson, Vogel, Vulakovich, Ward

Table with 4 columns: Boscola, Brewster, Browne, Brubaker, Costa, Dinniman, Eichelberger, Erickson, Gordner, Greenleaf, Hughes, Hutchinson, Kasunic, Kitchen, Leach, McIlhinney, Scarnati, Schwank, Smith, Smucker, Solobay, Stack, Tartaglione, Teplitz, Washington, White, Wiley, Williams, Wozniak, Yaw, Yudichak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative. Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise. The motion was agreed to by voice vote.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators STACK and BOSCOLA, by unanimous consent, offered Senate Resolution No. 189, entitled:

A Resolution recognizing the 65th Infantry Regiment for its service and sacrifices in defense of the United States of America during war-time.

On the question, Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, I rise today to offer a resolution honoring the 65th Infantry Regiment. The 65th Infantry Regiment, or as they were more commonly known, the Borinqueneers, was the largest and longest-standing segregated Latino-American military unit in U.S history, having fought in World War I, World War II, and the Korean War. This Latino-American unit was mainly made up of Puerto Ricans, but also included some recruits with other Latino backgrounds, as well as continental officers. These men were mostly forgotten, yet, as they were put on the forefront of the battlefields, they began to distinguish themselves. During World War I and in 1943, the Borinqueneers were sent to guard the Panama Canal, and in 1944 they were deployed to North Africa, Italy, Corsica, France, and the Maritime Alps.

The Borinqueneers are credited with the final battalion-sized bayonet assault in U.S. history. In early 1951, while fighting in Korea, two battalions of the 65th had fixed bayonets and charged straight up the hill toward the enemy, overrunning them and overtaking the enemy's strategic position. General Douglas MacArthur said this of the Borinqueneers, quote: (Reading)

"The Puerto Ricans forming the ranks of the gallant 65th Infantry give daily proof on the battlefields of Korea of their courage, determination and resolute will to victory, their invincible loyalty to the United States and their fervent devotion to those immutable principles of human relations which the Americans of the Continent and of Puerto Rico have in common. They are writing a brilliant record of heroism in battle and I am indeed proud to have them under my command. I wish that we could count on many more like them."

Like many of those who served our country in times of war, we want the record to show that they have not been forgotten in the pages of history. My colleague, Representative Angel Cruz, petitioned the House to honor these men by having the names of the Borinqueneers added to the Korean War Memorial in Philadelphia. It is my privilege to honor them with this resolution, and tell the remaining family members that we appreciate the sacrifices that these brave men and women made for our country, and we recognize their gallant tradition in the years to come.

Thank you, Mr. President.

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

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

Senators BAKER, WAUGH, TOMLINSON, FERLO, ROBBINS, KITCHEN, GREENLEAF, WASHINGTON, ERICKSON, ARGALL, VULAKOVICH, TEPLITZ, DINNIMAN, KASUNIC, RAFFERTY, STACK, FONTANA, PILEGGI, SMITH, ALLOWAY, SOLOBAY, MENSCH, BRUBAKER, SCHWANK, BROWNE, COSTA, VOGEL, SCARNATI, WHITE, YUDICHAK, BOSCOLA and HUGHES, by unanimous consent, offered **Senate Resolution No. 190**, entitled:

A Resolution designating the month of September 2013 as "Emergency Preparedness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BAKER. Mr. President, every year, a litany of natural and man-made disasters reminds us why emergency preparedness remains such a critical and continuous need in the Commonwealth. Last year at this time, we never knew the nation would be rocked by the Sandy Hook school shooting, the Arizona wildfires, the Boston Marathon bombings, the Navy Yard rampage, and a host of other unexpected emergencies. Closer to home, Superstorm Sandy, deadly house fires, gas explosions, and torrential downpours brought additional pain and destruction to communities in Pennsylvania. These tragedies remind us of the inspiration behind "First Responder Appreciation Day" and "Emergency Preparedness Month."

Whenever tragedy strikes, our first responders are trained and ready to face any challenge, minimize any damage, and save every life. Our recent school safety hearings underscored the importance of training, planning, drilling, and communicating in a crisis. Spotlighting the importance of disaster planning is why Pennsylvania joins with the nation in designating September as National Emergency Preparedness Month.

Planning must occur at the individual, family, local, county, State, and national levels and communication must flow freely from one level to the other. This fall, as we work to overhaul Pennsylvania's funding formula for our 911 call centers, and update public safety laws in Title 35, this month and day remind us that any one of us could be first on the scene of a tragedy and that we must be prepared. It makes a dramatic difference to first

responders if citizens know how to act responsibly rather than collapsing into chaos. It all begins with the development of an emergency plan, but it does not end there. The best plan is no good if all of it just sits unread or unpracticed on a shelf. In this time of complex danger, everyone must be trained and ready and plans must be drilled and communicated. In this way, we can better expect the unexpected and minimize the toll taken by tragedy. So, I ask you to join me in designating September as Emergency Preparedness Month in the Commonwealth of Pennsylvania.

Thank you, Mr. President.

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

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

Senators BAKER, WAUGH, TOMLINSON, TEPLITZ, WASHINGTON, GREENLEAF, FERLO, KITCHEN, ARGALL, ERICKSON, DINNIMAN, KASUNIC, RAFFERTY, PILEGGI, STACK, FONTANA, SMITH, ALLOWAY, VOGEL, SOLOBAY, MENSCH, BRUBAKER, SCHWANK, BROWNE, COSTA, BREWSTER, FARNESE, SCARNATI, WHITE, YUDICHAK, BOSCOLA and HUGHES, by unanimous consent, offered **Senate Resolution No. 191**, entitled:

A Resolution designating September 27, 2013, as "First Responder Appreciation Day" in Pennsylvania.

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

Senators BOSCOLA, COSTA, KASUNIC, FERLO, STACK, DINNIMAN, SCHWANK, SMITH, FONTANA, WASHINGTON, GREENLEAF, BRUBAKER, BROWNE, RAFFERTY, VULAKOVICH and ALLOWAY, by unanimous consent, offered **Senate Resolution No. 192**, entitled:

A Resolution commending the Chiropractic Fellowship of Pennsylvania for its educational efforts, and recognizing the month of September 2013 as "Vertebral Subluxation Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BOSCOLA. Mr. President, the healthcare professionals of the Chiropractic Fellowship of Pennsylvania have been very determined and proactive in their efforts to educate the public about the importance of diagnostic tests for back, neck, and pain problems. Chiropractors are the only licensed professionals that undergo years of training to learn how to properly correct shifts in the bones of the spinal column, which are known as vertebral subluxations. I commend them on their efforts to reduce pain and other problems for individuals that they are treating, and so, therefore, I am pleased to introduce this resolution designating the month of September 2013 as "Vertebral Subluxation Awareness Month."

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

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

Senators DINNIMAN, TEPLITZ, WOZNIAK, FONTANA, HUGHES, WASHINGTON, BOSCOLA, ARGALL, VULAKOVICH, ALLOWAY, COSTA, BRUBAKER and KASUNIC, by unanimous consent, offered **Senate Resolution No. 193**, entitled:

A Resolution designating the month of October 2013 as "Parent Involvement Recognition Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, the purpose of this resolution is to emphasize the role that parents play in their children's education. Parents are any child's first and most influential teachers. They prepare students for school readiness, and it is vital in passing this resolution that we remind parents of their responsibility and the influential role that they play in their child's education. It is also important that we focus in on helping parents to realize that even when their child is in the school, they have an obligation to the school, they have an obligation to be a partner with the teacher in their child's education.

If we look around the world at the most high-performing nations educationally, the role of the parent is absolutely key to their children's education. If we, in the United States, want to continue to be high-performing, if we want to join the ranks of those schools around the world that educate their children to the top of the curriculum and educate their children for the 21st century, then we need to focus in as this resolution does and remind parents of their critical role.

Thank you, Mr. President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to William Eugene Bernabucci and to Helen Sara Stahley by Senator Browne.

Congratulations of the Senate were extended to Dr. James A. Jones, Lavinia Toalton, A. Roy Smith and to John Ciccarone by Senator Dinniman.

Congratulations of the Senate were extended to the Eastern Pennsylvania Chapter of the Leukemia and Lymphoma Society by Senators Dinniman and Leach.

Congratulations of the Senate were extended to Cheryl Miles by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Exelon Generation, LLC, Citizens of East Coventry Township, Frens and Frens, LLC, and to the Lorenzon Brothers Company by Senators Dinniman, Pileggi, and Washington.

Congratulations of the Senate were extended to Brandon Samuel Walters by Senator Hutchinson.

Congratulations of the Senate were extended to James R. McDonald by Senator Solobay.

Congratulations of the Senate were extended to Briana McGonagle and to Saint John's Evangelical Lutheran Church of Morrisville by Senator Tomlinson.

Congratulations of the Senate were extended to Colonel Miriano Eder, Lieutenant Colonel Ibrahim Tahirovic, Brigadier General Chantha Tat, Lieutenant Colonel Elie Bukuru, Colonel Kostadin Kuzmov, Colonel Svetoslav Halvadhiev, Brigadier General Main Chowdhury, Colonel Benjamin James, Lieutenant Colonel Arsen Sahakyan, Colonel Simon Hetherington, Colonel Veasna Var, Lieutenant Colonel Manssour Chalabi, Lieutenant Colonel Abdul Shokoor Azizpoor, Lieutenant Colonel Luis Celis, Colonel Ioannis Tzanetakis, Colonel Uwe Hartmann, Colonel Tegegn Kindu, Lieutenant Colonel Mart Vendla, Colonel Jawhar Ahmad, Colonel Gamal Putro, Brigadier Cariappa, Colonel Romulusz Ruszin, Lieutenant Colonel Douglas Rivas Abarca, Colonel Ahmed Mady, Colonel Pavel Andrasko, Colonel Denis Tretinjak, Lieutenant Colonel Christophe Adjanga, Colonel Marcos Pinto, Lieutenant Colonel Yehezkel Nehama, Brigadier General Hussein Abdallah, Lieutenant Colonel Ashymzhan Esenkulov, Lieutenant Colonel Abdullah Alhasan, Lieutenant Colonel Naser Allahow, Colonel Bashim Shillova, Colonel Ilir Qeriqi, Colonel Oug Sang Yoo, Brigadier General Stephen Mundaw, Lieutenant Colonel Goran Pavleski, Lieutenant Colonel Mindaugas Steponavicius, Lieutenant Colonel Arturas Radvilas, Colonel Jonah Mwangi, Brigadier General Amjad Alzubi, Colonel Mohamed Cheikh Boide, Colonel Koichi Ikeda, Colonel Alberto Vezzoli, Lieutenant Colonel Alejandro Gutierrez, Colonel Ivar Omsted, Colonel Abiodun Lagbaja, Colonel Johannes Hoogstraten, Brigadier General Ishwar Hamal, Brigadier General Gaurab Tandul, Lieutenant Colonel Ilija Dakovic, Brigadier Shahid Nazir, Brigadier Ahsan Gulrez, Lieutenant Colonel Kamal Boucetta, Colonel Jorge Arevalo, Lieutenant Colonel Danijel Stojkovic, Colonel Saeed Alamri, Colonel Awad Alamri, Colonel Majed Alharbi, Colonel Nasser Almutairi, Brigadier General Charles Rudakubana, Colonel Iulian Berdila, Colonel Piotr Bieniek, Lieutenant Colonel Javier Marcos, Major General Juac Garang, Colonel Vener Mariano, Mister Yu-Heng Weng, Colonel Geoffrey Zyelee, Colonel Richard Karemire, Brigadier General Obaid Rashid Alshamsi, Lieutenant Colonel Ilker Can, Lieutenant Colonel Francis Mbindi, Colonel Abdullah Alsomad, Colonel Michael Butterwick, Colonel Yuriy Naplyokov and to Major General Chagie Gallage by Senator Vance.

Congratulations of the Senate were extended to Dr. Scott Kofmehl, Maureen Grosheider, Kirk Semler, Molly Friel, Jake Herbert, Jake Jopling, Jill Guthrie, Andrew Dobies, Mieke Weissert, Jill Dorsch, Jenny Mackay Williams, Dale Adams, Rachel Divosevic and to Jim LeDonne by Senator Vulakovich.

Congratulations of the Senate were extended to Sister M. Kevin Berdis by Senator Wiley.

Congratulations of the Senate were extended to Lou Ciampi, Sr., Sam Falcone, Sr., and to Joseph Hynoski by Senator Yudichak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Janice D. Hares by Senator Baker.

Condolences of the Senate were extended to the family of the late Honorable Robert C. Wyda by Senator Smith.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.
The bills were as follows:

SB 20, SB 21, SB 22, SB 23, SB 27, SB 30 and SB 33.

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, SEPTEMBER 25, 2013

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY, LAW AND JUSTICE TRANSPORTATION, and VETERANS AFFAIRS and EMERGENCY PREPAREDNESS (joint public hearing on the Statewide Radio System.)	Hrg. Rm. 1 North Off.
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THURSDAY, SEPTEMBER 26, 2013

9:30 A.M.	SPECIAL EDUCATION FUNDING FORMULA COMMISSION (public hearing on Cyber-Charter and Charter Schools)	Alvernia University Reading, PA
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WEDNESDAY, OCTOBER 2, 2013

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider Senate Bills No. 24 and 26)	Room 8E-B East Wing
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WEDNESDAY, OCTOBER 16, 2013

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on results of PA Downtown Location Act)	Hrg. Rm. 1 North Off.
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FRIDAY, OCTOBER 18, 2013

9:00 A.M.	GAME AND FISHERIES (joint hearing with the House Game and Fisheries Committee to gather information about expanding the use of the funds brought in from the Lake Erie Permit and PA Fish and Boat Commission fee expansions) C A N C E L L E D	Erie Yacht Club, 1 Ravine Dr. Erie, PA
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WEDNESDAY, OCTOBER 23, 2013

9:30 A.M.	URBAN AFFAIRS AND HOUSING (public hearing to consider Senate Bill No. 48)	Room 461 Main Capitol
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FRIDAY, OCTOBER 25, 2013

10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS and MAJORITY POLICY COMMITTEE (public hearing focusing on challenges facing firefighters)	Adams Co. Emergency Serv. Facility Gettysburg, PA
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TUESDAY, OCTOBER 29, 2013

1:00 P.M.	JUDICIARY (public hearing to discuss the following topic: Civil legal representation of the indigent: Have we achieved equal access to justice?)	Koppers Bldg. Pittsburgh, PA
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PETITIONS AND REMONSTRANCES

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

Senator DINNIMAN. Mr. President, I wish to briefly continue the discussion that we started on Monday. I almost feel like I am back in my old role as professor, except there we would teach in 50-minute segments and here we try to keep it to 5- or 10-minute segments for the benefit of all the Members who have to listen. What our discussion focuses on is the new common core standards and the regulations that have been passed by the State Board of Education. Both myself and Members of my Caucus have no objection to high standards. High standards are what we need. What we object to is a series of tests, graduation tests, which will determine whether the students have met those standards. We believe that to simply base whether a child should graduate from high school on three separate tests given at distinct times on 3 days is not and should not be the sole judgment upon which graduation is based. In fact, a majority of States are moving away from these graduation examinations. The majority of States are beginning to recognize that a hybrid approach is needed in which there are tests, but not necessarily graduation tests, in which we evaluate the student's total effort, his total instructional program, in determining graduation.

I also want to state, Mr. President, that the objections to these tests are coming from both low-performing and high-performing districts. The objection of low-performing districts is simply that they are evaluating students when the resources to make sure those students are properly educated are not provided by the State. Our conservative estimate and research that I have done, and others on the Senate Committee on Education have done, is that we estimate that there is potentially a \$300 million unfunded mandate involved in this. As you know, almost every Member of the Senate has said that they oppose unfunded mandates, and the vast majority of unfunded mandates do not come from legislative action, they come from regulatory action, and in the case of education, from the State Board of Education. That is precisely why I have introduced a bill, which I hope will get through the Committee on Education and on to the floor, which says that whenever the State Board of Education produces a regulation, that it has to have a fiscal note with it. The trouble is there is no fiscal note that tells us how much the common core curriculum, or more importantly the remediation that goes along with these tests, or the project assessments that go along with these tests, will cost. I think that our job is to reject the action of the State Board.

Let me explain, Mr. President, if I can, how this is done and what we are dealing with. I think the vast majority of people

agree with the common core standards. There are some who do not. The vast majority of people also in low- and high-performing districts reject the graduation tests. If we do nothing, then both go into effect. If we do nothing, we also potentially have one of the largest unfunded mandates in decades at the very time that our school districts are struggling to survive. If we object as a body, and we have that right, because these will be submitted to the inter-regulatory commission, there is a 20-day period in which that commission could act and we can object. If we object as a body, all that happens is we go back to negotiations with the State Board. What could occur is we keep the common core standards, we can even keep the testing, but we do not have these tests be a graduation requirement and I believe we can save millions of dollars of unfunded mandates as a result of those actions. So that is why I rise, in the hopes, for those watching, that my colleagues in the Senate will ultimately object to the actions of the State Board, will renegotiate, keep the common core standards but not have these tests as a graduation requirement.

On another matter, if I may, Mr. President. We are told that we are going to create higher standards through these tests. But do you know that under the regulations passed by the State Board, automatically 10 percent of the students can be exempted by a school district without even petitioning the State Board? That means on one hand, on one side of our mouth, we say we want higher standards. On the other side, we say, okay, 10 percent of the kids can graduate without any requirements and you do not even have to come to the department to ask. You cannot have it both ways. Either you have the standards with no exemptions, but you cannot just simply tell the local school district that they can just exempt 10 percent of the kids. This, in essence, is worse than No Child Left Behind. In No Child Left Behind, we said every student should be taught the curriculum. In No Child Left Behind, the Pennsylvania version, what we are saying is it is all right to leave 10 percent behind. That is okay, as long as we test the others.

Finally, Mr. President, one of the real ironies of this whole situation is, say I am in a school district in which 60 percent fail--and by the way, the failure rate, as you will see on September 30, when the test results are issued, it is way beyond anywhere from 10 to 15 percent higher than what the failure rate was on the PSSAs, and the poorer school districts, which have the highest failure rates, are going to have to provide that instruction. That is the unfunded mandate. But, say if I have 60 percent of the students fail, what I can do with those 60 percent of the students is have 40 percent pass, and 10 percent can be exempt. Now, let the other 50 percent go through it. As a superintendent, all I have to do is say that those 50 percent can graduate too and submit to the Department of Education, Mr. President, an improvement plan. Well, we have been submitting improvement plans for the last 40 years and they have not made any difference.

In my judgment, and I am only one person, and I know this is a debatable topic, these tests are simply a charade. If you are going to have standards, you have to back up those standards with the financial resources to make them succeed, and you cannot put another expense of an unfunded mandate on the schools of Pennsylvania, especially when the majority of students who will fail are going to be from the poorest school districts of this Commonwealth. One last question to ask is, it is not only the

low-performing districts but you will soon see every superintendent in the Philadelphia suburbs objecting to the test. Already, superintendents have objected in Chester and Delaware Counties, and you will see the same things happening in Montgomery County, and ultimately Bucks County. And when those objections take place, I hope that each Senator will go back to the superintendent and ask, because the objection of the highest districts is: we are tired of our instruction time being taken away. We are already wasting 10 to 14 days, we are testing students to death, and most of these students in the high-performing schools are doing very well for themselves. They have excellent teachers, and let us support the teachers. Let us end this mania, this craziness of testing, and get back to real instruction and real learning.

Thank you, Mr. President.

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

Senator SMITH. Mr. President, I rise today to recognize the life and legacy of Magisterial District Judge Robert C. Wyda, who died unexpectedly on August 5 at his home in Bethel Park. When you look at the life of Judge Wyda, one thing becomes clear: this was a man who was destined to serve his country, his community, and his family, and he did so to the best of his ability. Judge Wyda was born March 26, 1959, in Bethel Park. He graduated from Duquesne University and Duquesne University School of Law. He chose his hometown of Bethel Park to settle down, raise his family, and serve his community.

Judge Wyda's service began long before he took office as magisterial district judge in 2000. He spent 7 years as an assistant district attorney and 3 years as an assistant court administrator in Allegheny County. He also served his country as a Commander in the Navy Judge Advocate General's Corps, and was called to active duty for tours in Afghanistan, Iraq, and Guantanamo Bay between 2003 and 2008. He helped prosecute suspected terrorists, earning him the Defense Meritorious Service Medal, as well as the Army and Navy Commendation Medals. Still, many of us knew him best as the magisterial district judge in Bethel Park, and at the end of his life served Bethel Park and Upper St. Clair in his magisterial district.

In his 13 years on the bench, Judge Wyda fostered a reputation as a calm and fair adjudicator with a concern for the young adults who came into his courtroom. He treated everyone with dignity and respect, and this has become even more clear since his passing by the number of people who have approached me and expressed the same sentiment. His reputation is evidenced in the words of Judge Wyda's friends and colleagues. Bethel Park Police Chief John Mackey said, "He was the kind of guy who saw the good in people, felt people deserved the chance to set things right." That sentiment was echoed by Russell Del Re, vice president of Upper St. Clair Board of Commissioners, who stated, "He was just a down-to-earth, fair person. He treated you like you were a friend." His friend and former Allegheny County councilman Vince Gastgeb said of Judge Wyda, "Rob represented one of the best examples of a man who put his family first, served his community, and served his country. He was a genuine friend and he will be remembered always as a friend to us all."

Judge Wyda also donated his time and efforts to many community causes, including numerous veterans projects. Rob was a man who selflessly sacrificed and served his country, his State, and his community. He leaves behind a legacy of doing what is

right, administering the law in a fair manner, and helping to improve the lives of the individuals, particularly those young individuals who stood before his bench. He will be remembered by this body as well as by the many individuals he helped and counseled during his lifetime.

Judge Robert C. Wyda is survived by his wife, Shannon; his daughter, Rachel; and his son, Jared. Thank you for joining me in extending our deepest sympathies to his family and expressing our great sorrow over the loss of this dedicated public servant. I respectfully ask my colleagues to join me in recognizing Judge Wyda's life and legacy.

Thank you, Mr. President.

RECESS

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

Senator VULAKOVICH. Mr. President, I move that the Senate do now recess until Wednesday, September 25, 2013, 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 4:32 p.m., Eastern Daylight Saving Time.