

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, OCTOBER 2, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 58

**SENATE**

WEDNESDAY, October 2, 2013

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

The following prayer was offered by the Secretary of the Senate, Hon. MEGAN TOTINO CONSEDINE:

Let us pray.

Our Heavenly Father, in this moment of prayer, when there is silence in the Senate Chamber, may our hearts be still and peaceful that we might know that You are God. Bless us with a measure of Your spirit of wisdom, power, and grace to successfully meet all of the challenges that face us this day in the service of Your people. Amen.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**RECALL COMMUNICATION  
LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

COMMONWEALTH TRUSTEE OF THE UNIVERSITY  
OF PITTSBURGH OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

October 2, 2013

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 June 3, 2013, for the appointment of Robert J. Kania, Jr., 1616 Cook School Road, Upper Saint Clair 15222, Allegheny County, Thirty-seventh Senatorial District, as Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2016, and until his successor is appointed and qualified, vice Ira Gumberg, Pittsburgh, whose term expired.

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

TOM CORBETT  
Governor

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

**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 COUNCIL OF TRUSTEES OF  
CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION

October 2, 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, Roberta (Robin) Major Betza, 207 Royal Doulton Court, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified, vice Michael Napolitano, Murrysville, whose term expired.

TOM CORBETT  
Governor

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

October 2, 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, Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Council of Trustees of California 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 EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

October 2, 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, Josephine Ferro, 175 Robin Lane, East Stroudsburg 18302, Monroe County, Twentieth Senatorial District, for appointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified, vice Robert Willever, Bethlehem, whose term expired.

TOM CORBETT  
Governor

### BILLS REPORTED FROM COMMITTEES

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

**SB 703 (Pr. No. 708)**

An Act amending the act of July 3, 1947 (P.L.1242, No.507), entitled "An act relating to police and firemen's pension funds in cities of the second class A, and directing such cities to appropriate certain moneys thereto, and requiring reports and audits," further providing for credit for military service.

**SB 704 (Pr. No. 709)**

An Act amending the act of September 23, 1959 (P.L.970, No.400), referred to as the Second Class A City Employee Pension Law, further providing for credit for military service.

**SB 1035 (Pr. No. 1447) (Amended)**

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in film production tax credit, further providing for definitions, for credit for qualified film production expenses and for limitations.

Senator VULAKOVICH, from the Committee on Communications and Technology, reported the following bills:

**SB 24 (Pr. No. 1444) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions; providing for electronic reporting; further providing for mandatory reporting and post mortem investigation of deaths; providing for responsibility for investigation, for access to reports, for disposition of initial reports, for disposition of reports, for cooperation with county agency and for access to information in Statewide database; further providing for information in Statewide central register confidentiality of reports and for release of information in confidential reports; and providing for background checks.

**SB 26 (Pr. No. 1445) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, providing for Statewide toll-free telephone number and monitoring by department.

Senator VANCE, from the Committee on Public Health and Welfare, reported the following bill:

**SB 29 (Pr. No. 1446) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child probation services, further providing for definitions and for mandatory reporting of infants.

### RESOLUTION REPORTED FROM COMMITTEE

Senator VANCE, from the Committee on Public Health and Welfare, reported the following resolution:

**SR 70 (Pr. No. 789)**

A Resolution directing the Legislative Budget and Finance Committee to study the issue of specialty tier prescription drug pricing in Pennsylvania.

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

### BILL REPORTED FROM COMMITTEE AND REREFERRED

Senator VANCE, from the Committee on Public Health and Welfare, reported the following bill:

**SB 1058 (Pr. No. 1339)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for gubernatorial appointments.

Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill was rereferred to the Committee on State Government.

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a legislative leave for Senator Waugh.

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

Senator COSTA. Mr. President, I request temporary Capitol leaves for Senator Stack and Senator Yudichak, and a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Waugh.

Senator Costa requests temporary Capitol leaves for Senator Stack and Senator Yudichak, and a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

### JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 30, 2013, July 3, 2013, and July 17, 2013, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 30, 2013, July 3, 2013, and July 17, 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-50

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

NAY-0

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

The PRESIDENT. The Journals are approved.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 21 (Pr. No. 1427) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator WARD. Mr. President, this is a really, really wonderful day.

When we started looking into child abuse and what the problems were with the system a few years ago, we had hearings, we

found some real weaknesses, and then, as we all know, the Sandusky event unfolded and we really wanted to get moving on it. We wanted to get moving on it to begin with. The fact of the matter is, this task force was created under Senate Resolution No. 250. It has done awesome work, really, really good work, and I truly cannot think of anything more important. We have a lot of important issues, we have jobs, the economy. They are very, very important here in Pennsylvania, but when it comes to affecting people at the base, I can think of nothing more important than laws that protect our children, and I am very proud to have been part of this. I am very proud of the two bills that I sponsored, Senate Bill No. 21 and Senate Bill No. 22, which define who the mandated reporters are, it increases penalties for not reporting, and, thus, I think, fills a very big void in our child abuse laws.

While I am up here, I just want to take a minute to say thank you to Vicki Wilken, who has been helping since the beginning. She worked as the executive director of the task force and covered that as part of the committee that I used to chair. So, I ask my colleagues to unanimously support these bills today.

One more thing, not about the bills - go Bucs.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

Senator MENSCH. Mr. President, being from the eastern part of the State, I will not add "go Bucs," but certainly we wish them the very best since they are from Pennsylvania.

I just want to add a few more comments to what Senator Ward already offered and say thank you to the working group on developing the bills, to the task force that spent so many hours deliberating and listening to testimony, coming away with a great set of recommendations that are now translating into the first of several bills that will be introduced. Actually, today, we are introducing Senate Bill No. 21 and Senate Bill No. 22, which Senator Ward already spoke about, as well as Senate Bill No. 23, Senate Bill No. 27, Senate Bill No. 30, and Senate Bill No. 33. These are all incredibly important bills to stemming the scourge of child abuse in our State. We still have other bills that we want to introduce, but I am encouraged for Pennsylvania that, today, we take a very important first step forward.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

Senator WASHINGTON. Mr. President, I just want to say that we worked very hard on the Task Force on Child Protection. The bills that came out of committee yesterday were very much needed. I want to say to my colleagues and partners, Senator Mensch and Senator Ward, we got some things done, but we still have some things to do. The bottom line is about protecting our children.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**SB 22 (Pr. No. 1386)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Ward
Blake	Fontana	Scarnati	Washington
Boscola	Gordner	Schwank	Waugh
Brewster	Greenleaf	Smith	White
Browne	Hughes	Smucker	Wiley
Brubaker	Hutchinson	Solobay	Williams
Corman	Kasunic	Stack	Wozniak

Costa	Kitchen	Tartaglione	Yaw
Dinniman	Leach	Teplitz	Yudichak
Eichelberger	McIlhinney	Tomlinson	
Erickson	Mensch	Vance	

NAY-0

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

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

**SB 23 (Pr. No. 1428)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions and for disposition of founded and indicated reports; and providing for expunction of information of perpetrator who was under 18 years of age when child abuse was committed.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator BAKER. Mr. President, I rise in support of Senate Bill No. 23, which is legislation to expand the definition of a perpetrator. The more that we learn about the circumstances of abuse cases that are coming to light, the more appalling and heart-rending the truth becomes. So many individuals, too many individuals, misuse their presumption of goodness to prey upon the innocent and the vulnerable among our young.

The Task Force on Child Protection had a difficult and serious mission. They came up with solid recommendations that address the shortcomings and weaknesses in State laws designed to protect our children, and to punish those who violate the morality or fail to act on instinct or obligation. These are not laws in which we can tolerate loopholes. This bill, built upon one of their recommendations, is fundamental to strengthening child protection. We find it necessary to broaden State law to cover the range of individuals holding positions of responsibility or places of trust who commit abuse, be it a cousin, a coach, a cleric, a caretaker, or a cohabitor. We find it necessary to cover those who fail to prevent or stop abuse. This bill is not complicated or lengthy as some of the others in this package, but is a crucial piece in the effort to provide laws sufficient to deal with the scope of abuse that we confront. Law enforcement and protection officials must have the full power and ability to investigate, charge, prosecute, convict, and sentence those guilty of evil acts against our children.

I want to take a moment to thank the leadership of Senator Mensch and Senator Ward for their efforts on advancing this important package, and I congratulate them on their efforts.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**SB 27 (Pr. No. 1388)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**SB 30 (Pr. No. 1429)** -- The Senate proceeded to consideration of the bill, entitled:

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 investigation, for requests for reviews of indicated reports for requests for appeals of indicated reports and for immunity from liability.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

**SB 33 (Pr. No. 1431)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

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 421** and **HB 1481** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1483 (Pr. No. 2426)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 5, 2012 (P.L.995, No.112), known as the Portable Electronics Insurance Act, further providing for authority of vendors of portable electronics and for termination of portable electronics insurance.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

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

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.

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION

**SB 28 (Pr. No. 1421)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of simple assault and for the offense of aggravated assault; and, in falsification and intimidation, providing for the offense of false reports of child abuse and for the offense of intimidation or retaliation in child abuse cases.

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

**SB 31 (Pr. No. 1430)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for definitions, for persons required to report suspected child abuse and for reporting procedure; and repealing provisions relating to definitions, school employees, administration, investigation, responsibilities of county agency for child protective services and report information.

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

**HB 79 (Pr. No. 58)** -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation and retirement of justices, judges and justices of the peace.

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

**HB 88 (Pr. No. 529)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in rights and immunities, further providing for leaves of absence for certain government employees.

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

**HB 89 (Pr. No. 744)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for DARE plate and for payments to special funds.

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

#### BILLS OVER IN ORDER

**HB 164, HB 798 and SB 863** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS ON SECOND CONSIDERATION

**SB 894 (Pr. No. 994)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in judicial boards and commissions, authorizing the Pennsylvania Board of Law Examiners to obtain criminal history record checks.

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

**SB 895 (Pr. No. 1422)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for organization of commission.

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

**SB 1024 (Pr. No. 1235)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for possession of firearm or other dangerous weapon in court facility, for arson and related offenses and for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

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

**SB 1042 (Pr. No. 1432)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 26, 1951 (P.L.1539, No.389), known as The Clinical Laboratory Act, further providing for definitions, for inspection, for unlawful conduct and for penalty.

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

**SB 1046 (Pr. No. 1304)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILL OVER IN ORDER

**SB 1051** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 1066 (Pr. No. 1344)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying PA Route 973 over Hoagland Run in Lycoming Township, Lycoming County, as the Bruce E. Bartley, Sr., Bridge.

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

#### BILLS OVER IN ORDER

**SB 1068, SB 1081 and SB 1082** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1090 (Pr. No. 1423)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions.

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 ON SECOND CONSIDERATION

**SB 1097 (Pr. No. 1367)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 4007 in the Borough of Indiana, Indiana County, as the James Nance Memorial Highway.

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

BILLS ON SECOND CONSIDERATION  
AND REREFERRED

**SB 1102 (Pr. No. 1424)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for disabled veterans and former prisoners of war.

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 1116 (Pr. No. 1425)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in child protective services, further providing for services for prevention, investigation and treatment of child abuse and for investigation of reports.

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.

BILLS OVER IN ORDER

**HB 1193** and **HB 1337** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE

Senator ROBBINS called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

COMMONWEALTH TRUSTEE OF THE UNIVERSITY  
OF PITTSBURGH OF THE COMMONWEALTH  
SYSTEM OF HIGHER EDUCATION

October 2, 2013

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 June 3, 2013, for the appointment of Robert J. Kania, Jr., 1616 Cook School Road, Upper Saint Clair 15222, Allegheny County, Thirty-seventh Senatorial District, as Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2016, and until his successor is appointed and qualified, vice Ira Gumberg, Pittsburgh, whose term expired.

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

TOM CORBETT  
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED

Senators STACK, RAFFERTY, KITCHEN, WOZNAK, DINNIMAN, FERLO, BROWNE, GREENLEAF, FONTANA, SMITH, ERICKSON, WILLIAMS, HUGHES, VULAKOVICH, FARNESE, TARTAGLIONE, BRUBAKER, BREWSTER and COSTA, by unanimous consent, offered **Senate Resolution No. 219**, entitled:

A Resolution recognizing October 2013 as "The Great Hunger Remembrance Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, what I said earlier I will attach to what I say now. We do this every year. It is an honor and a privilege for me to be able to work on this resolution with my colleague and good friend, Senator Stack from Philadelphia County. We both have Irish ancestry in our families and we are both avid readers of Irish history.

This was a very dark period, not only in Irish history but world history, where an entire population was being starved by a country that had conquered them, because of their nationality and because they dared to worship the same God in a different way. They were being starved for their beliefs, and yet the Irish hung tough, never lost their fervent faith and belief that God would deliver them from this hardship. The Irish stood fast and hung tough, as we say today, and knew that they could persevere and overcome any obstacle, and we saw that with The Great Hunger in the country of Ireland. We saw that when they immigrated to the United States of America, where they suffered prejudice with "Irish need not apply" signs on businesses. Just as they did in Ireland, where they never lost faith in the Almighty, they never lost faith in their abilities and their family, they did the same when they came to America and built the great parish schools and Catholic churches that we have seen followed by immigrants from Italy, Germany, and Poland, following that same model.

To be able to remember the Irish and their suffering, today, in this month of October, we are also mindful that hunger goes on in America and in the world today in our rural areas, our suburban areas, and our urban areas. It is a plight that does not end with today's resolution being passed. It is something that we need to continue to remember, and I know Senator Brubaker, Senator Ward, and others have taken up the quest to end hunger in Pennsylvania with their programs that they do each year. We as



Americans, we as Pennsylvanians, all of us, whether you are of Irish ancestry or any other ancestry, need to remember what our mother country at that time, Ireland--my mother country now is America--when our ancestors' mother country at that time, Ireland, was suffering at the hands of a military conqueror. Those people persevered and kept a great and glorious tradition alive. As many historians have written, had it not been for the Irish, the Dark Ages would have eradicated many of the histories of Europe. So, the Irish survived, thrived, and continued to serve a great and useful purpose in world affairs.

So, I am happy to join with my friend and colleague, Senator Stack, honoring our descendants in the country of Ireland and recognizing the importance they played in the role of our mother country in the United States of America.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I, too, rise to ask for support for this resolution, which designates October 2013 as the "Great Hunger Remembrance Month" in Pennsylvania. Once again, it is a great honor and pleasure to cosponsor this resolution with my friend and my colleague, Senator Rafferty.

This Chamber does an outstanding job of recognizing the strength of our ethnic communities in Pennsylvania, and is supportive of those many groups, traditions, and cultures. Mr. President, I know you personally have experienced the great Irish Famine Memorial in Philadelphia, which, if folks have not been there to see it, it is a very powerful sculpture, to which we were contributors, along with other charitable groups, in building this great sculpture. One side of the sculpture depicts suffering and starvation when the Irish were coming to America and leaving Ireland, and on the other side of it, it shows hope, it shows people standing upright and looking forward, and ready to build for their future, and that is America, Mr. President. That is what it should be all about. That is all our ethnic communities, and we must continue to recognize that history and those challenges and build from the persecution and the downside of things that have happened and turn them into positive things. That is what we do.

The Great Famine, as Senator Rafferty said, as it is popularly known, was essentially a period of mass starvation that plagued Ireland between 1845 and 1852, and the period of the Great Hunger caused Ireland to lose 2 million people due to starvation, and that was with a very small population in the first place. Disease happened and there was forced emigration. That is why you see Irish all over the world, because it was leave or die. So, it led to the single greatest loss of life in Europe from that period between the Napoleonic Wars and World War I. Ireland's population fell by 25 percent.

Many historians, and I know you have heard this discussion, Mr. President, consider the term the "Irish Famine" to be a misnomer, because, essentially, food was readily available in many parts of Ireland, but was exported around the world despite the starvation that was going on in Ireland. Blight was partly responsible for ravaging the potato crops across Europe in the 1840s, but there were still other things that could have been done, and the impact on Ireland was greater than other places, because the population was entirely dependent upon the potato. So, the loss of this part of the food product was devastating for the Irish population. As in many communities, the famine was a watershed in the history of Ireland. Its effects permanently changed the whole

way that Ireland looks today and that island's demographic, political, and cultural landscape.

So, we see, Mr. President, that from the horror of what many people call the holocaust in Ireland, it changed the way Ireland is today, but more importantly, it changed the way America is, and we see time and time again Irish-Americans who have come from challenged backgrounds to make gigantic contributions in America. So, we of Irish descent should be proud of that, but, we as Americans, who all come from someplace else, should also be really proud of that. For that reason, I ask for passage of this 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.

Senators FOLMER, BROWNE and WILEY, by unanimous consent, offered **Senate Resolution No. 220**, entitled:

A Resolution designating the month of October 2013 as "Dyslexia Awareness Month" in Pennsylvania.

On the question

Will the Senate adopt the resolution?

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

Senator FOLMER. Mr. President, today, I offer a resolution, along with Senator Browne and Senator Wiley, designating October 2013 as "Dyslexia Awareness Month" in Pennsylvania. Dyslexia, or developmental reading disorder, is a language-based learning disability. It is often a misunderstood disability that can lead to struggling academic performance and actually a loss of self-esteem. However, with proper diagnosis and intervention, individuals with dyslexia can and do learn successfully. It is estimated that 20 percent of the entire United States population has some form of symptoms of dyslexia. Yesterday in the Rotunda, we heard from numerous individuals who have been impacted and are overcoming the struggles of dyslexia. They are individuals of all ages, from all walks of life, who have found support and success. I thank those individuals in Pennsylvania's Dyslexia Legislation Coalition for educating our society and the Senate of Pennsylvania on dyslexia.

Thank you very much, 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 FONTANA, FERLO, TEPLITZ, DINNIMAN, STACK, ERICKSON, FARNESE, GREENLEAF, WASHINGTON, KASUNIC, MENSCH, BRUBAKER, SCHWANK, SMITH, BROWNE, COSTA, RAFFERTY, PILEGGI, VOGEL, BREWSTER, VULAKOVICH, BAKER, ALLOWAY, HUGHES and SOLOBAY, by unanimous consent, offered **Senate Resolution No. 221**, entitled:

A Resolution designating the week of October 13 through 19, 2013, as "Homeless Children's Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, this resolution designates the week of October 13 through October 19 as "Homeless Children's Awareness Week" in Pennsylvania. Mr. President, there is a growing problem throughout Pennsylvania and this entire nation, where more and more children and families are experiencing homelessness. In fact, children are the fastest-growing segment of the nation's homeless population. According to the National Law Center on Homelessness and Poverty, as many as 2 million people will experience homelessness this year, and about half of them will include children and youth. Studies show that homeless children of all ages are negatively impacted in the areas of physical health, emotional and behavioral development, as well as they are set back academically 3 to 6 months. The national dropout rate for homeless children is 60 percent higher than a child who does not have that experience during the school year. During the 2011-12 school year, over 19,000 school-age children and youth were reported as experiencing homelessness, which made up about 1 percent of the total Pennsylvania public school enrollment population for that year.

For more than a decade, the Homeless Children's Education Fund has been working to insure that children facing homelessness have access to the same educational opportunities as other kids in an effort to combat such statistics. Many events are scheduled to take place in Pittsburgh, including storytelling events, a performance art installation, and a 5K run/walk for homeless children in North Park. I encourage other groups across the Commonwealth to create their own events to help raise awareness about the needs and challenges that face this underserved population.

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 BROWNE, MENSCH, TOMLINSON, ERICKSON, RAFFERTY, WASHINGTON, TEPLITZ, FARNESE, FERLO, GREENLEAF, DINNIMAN, FONTANA, WOZNIAK, SMITH, WHITE, STACK, WILLIAMS, ALLOWAY, BRUBAKER, COSTA, HUGHES, YUDICHAK, KASUNIC and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 222**, entitled:

A Resolution designating October 2013 as "Pennsylvania's Promise for Children Month" in Pennsylvania.

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

Senators TEPLITZ, FERLO, DINNIMAN, STACK, WASHINGTON, ERICKSON, KASUNIC, BROWNE, FONTANA, GREENLEAF, RAFFERTY, SMITH, BREWSTER,

VULAKOVICH, ALLOWAY, HUGHES, COSTA WILLIAMS and BRUBAKER, by unanimous consent, offered **Senate Resolution No. 223**, entitled:

A Resolution designating the month of October as "Attention Deficit Hyperactivity Disorder (ADHD) Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, more than 6 million Americans have been diagnosed with Attention Deficit Hyperactivity Disorder, or ADHD. That represents 11 percent of all school-aged children, and 4 percent of the adult population. ADHD is a neurobehavioral disorder. Primary symptoms include inattention, impulsiveness, and hyperactivity. These symptoms can make it difficult for a child with ADHD to succeed in school, get along with other children or adults, or finish tasks at home. It is one of the most common childhood disorders and can continue through adolescence and adulthood. Most people with ADHD can be successful in school and lead productive lives with treatment including medication, various types of psychotherapy, education and training, or a combination of treatments, but currently there is no cure for the disorder. That is why it is important that we raise awareness about ADHD so that the public truly understands how it impacts a person's quality of life. So, Mr. President, I ask that my colleagues join me in recognizing the month of October as "Attention Deficit Hyperactivity Disorder Awareness Month" in Pennsylvania.

Thank you, Mr. President.

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

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

Senators PILEGGI, FERLO, TEPLITZ, BLAKE, VULAKOVICH, KASUNIC, STACK, ERICKSON, SCHWANK, FOLMER, DINNIMAN, WASHINGTON, SMITH, WHITE, COSTA, YUDICHAK, GREENLEAF, RAFFERTY, BAKER, FONTANA, SOLOBAY, MENSCH, BRUBAKER, FARNESE and WAUGH, by unanimous consent, offered **Senate Resolution No. 224**, entitled:

A Resolution recognizing the week of October 6 through 12, 2013, as "National Newspaper Week" in Pennsylvania.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Jay Klotz, Mr. and Mrs. Daniel Swartz, Mr. and Mrs. Fred Reinhard and to Christopher Paul Gorgia by Senator Argall.

Congratulations of the Senate were extended to Dr. Noel Jacob Wiener, Harry Bryant, Marlyn Shaffer, Rodrigo Gereda,

Saint Patrick Parish of Nicholson and to Wycallis Elementary School by Senator Baker.

Congratulations of the Senate were extended to Reuel Nathaniel Hercules, James T. Collins and to JULABO USA by Senator Boscola.

Congratulations of the Senate were extended to Wolper Information Services, Community Services for Children, First Generation, Wells Fargo of Allentown and to the Bethlehem Housing Authority by Senators Boscola and Browne.

Congratulations of the Senate were extended to Honorable John J. Driscoll, Cheryl Long and to the members of United Steelworkers, Local 1145 by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Bloss, Dale Joseph McGran, Helen Gaumer and to Pathways of Allentown by Senator Browne.

Congratulations of the Senate were extended to Brian Bossuyt, Nancy Dischinat, Woodloch Resort, Shawnee Mountain Ski Area, Cabela's and to Developmental Education Services of Monroe County, Inc., by Senator Browne and others.

Congratulations of the Senate were extended to Meade G. Bierly and to Hinkle's Pharmacy by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. William G. Page, Mr. and Mrs. Ronald C. L. Smith, Master Sergeant John N. Wieger, Joseph Curtis Meyer, Jr., David Nathaniel Rovansek, Troy Matthew Young, Frederick C. Powell and to the Mifflin County Babe Ruth 14-Year-Old All-Star Baseball Team by Senator Corman.

Congratulations of the Senate were extended to Dr. Morton Coleman and to Robert Nelkin by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. George Trajtenberg, Mr. and Mrs. Gary Lorgus, Mr. and Mrs. Mansfield Bascom, Sarah Wesley, Catherine C. Quillman, Jack McFadden, Eric H. Rodebaugh, Elmer C. Duckinfield, Jr., Melissa Christie, Francesca Cintorrino, Timothy Knauer, Nancy Thompson, Justin Richard Ackroyd, Marcia Sommers, Margaret Ruth Adams, Nancy Keefer, Stephen Olsen, First Baptist Church of Wayne, Habitat for Humanity, Gawthrop Greenwood, PC, McFadden Group, Inc., Side Bar Restaurant and to the West Chester University Department of Political Science by Senator Dinniman.

Congratulations of the Senate were extended to W. Thomas Musser by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Patricia Griffin and to Albert W. Eastburn by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Mrs. and Mrs. Dave Knight by Senator Erickson.

Congratulations of the Senate were extended to Christopher Houghton Esch, Samuel Joseph Morrison and to Ronald A. Gross, Jr., by Senator Ferlo.

Congratulations of the Senate were extended to Dr. Al Condeluci by Senators Fontana and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Callahan, Christopher Michael Morgan, Andrew Nicholas Steely, Austin M. Wolfe, Wyatt Franklin Ryman, Helen Gallagher and to the Columbia County Township Officials Association by Senator Gordner.

Congratulations of the Senate were extended to Carmen J. Conicelli III, Joseph Wesley Kay, Dmitry Klyuev, Joseph Yavorski, Louis Orehek, Tarah Grant, Anna B. Tinner, Michael

Trapp, Ryan Mullelly, David Porco, Michael Marchesani, Harvey F. Strauss and to Spring House Estates by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Lander, Chevelle Hinderliter, Slade Gilbert, Ethan Dean Straffin and to Hunter Truck Sales by Senator Hutchinson.

Congratulations of the Senate were extended to Mr. and Mrs. George Will, Eldo Divirgilio and to MarBill Diamonds and Jewelry by Senator Kasunic.

Congratulations of the Senate were extended to Private Industry Council of Westmoreland/Fayette, Inc., and to Mental Health America of Westmoreland County by Senators Kasunic and Ward.

Congratulations of the Senate were extended to Nathan Enslin and to Marsha Perelman by Senator Leach.

Congratulations of the Senate were extended to John R. Yannaccone, John Engel, William Dobron III, Stephen Cronin, Daniel A. Kline III, Clarence Elmer Kriebel, Mark Nissenfeld, Rudy Stroh, Saint Andrew School of Newtown and to the Souderton Charter School Collaborative by Senator McIlhinney.

Congratulations of the Senate were extended to Donnamarie Davis by Senators McIlhinney and Greenleaf.

Congratulations of the Senate were extended to Three Arches, Inc., by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Suburban Emergency Medical Services, Inc., by Senator Mensch.

Congratulations of the Senate were extended to the Easton Area Community Center by Senators Mensch and Boscola.

Congratulations of the Senate were extended to Charles Phillip Bednarik by Senators Mensch and Robbins.

Congratulations of the Senate were extended to Crayola, LLC, Ocean Spray, Freshpet, Michelman Steel Enterprises, National Penn Bank, Follett Corporation and to the Green Knight Economic Development Corporation by Senator Mensch and others.

Congratulations of the Senate were extended to Ryan Michael Pinkowicz, Clarence E. Atkinson, Rosario Joseph Lombardo and to Lillian M. Patterson by Senator Pileggi.

Congratulations of the Senate were extended to Bitten Krentel and to John Salamone by Senator Rafferty.

Congratulations of the Senate were extended to Lyle Scott Nelson, Adam Jacob Filer and to the Baldwin-Reynolds House Museum by Senator Robbins.

Congratulations of the Senate were extended to Kimberly Robinson, Richard Skillman and to Richard Stover by Senator Scarnati.

Congratulations of the Senate were extended to the staff of VIST Bank in Wyomissing by Senators Schwank and Folmer.

Congratulations of the Senate were extended to Dr. M. Bernardine Dias, Dr. Tacy Byham, Commander Stephany L. Hartstirn, Prabha Sankaranarayan, Dennis Yablonsky, Ashlee Mae Beckett, Emma Jeanne Panying Held, Richard Lackner, Evey Hardware and to the Peters Township Veterans of Foreign Wars Post No. 764 Ambulance Service by Senator Smith.

Congratulations of the Senate were extended to Dr. Bruce A. MacLeod by Senators Smith and Teplitz.

Congratulations of the Senate were extended to Verna Lillie Cunningham Whitman by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Lazzara, Chief Richard Horner, Agnes Dolnack, Elmer Sprowls and to James Carter by Senator Solobay.

Congratulations of the Senate were extended to the Redevelopment Authority of the County of Washington by Senators Solobay and Kasunic.

Congratulations of the Senate were extended to Stephen A. Sheller by Senator Tartaglione.

Congratulations of the Senate were extended to Bishop David M. Screven, Dr. Edward S. Beck, Esther Beck, Barbara Goldstein, Billie Screven, Rachel Angstadt, Frances M. Jackson and to the Pennsylvania Credit Union Foundation by Senator Teplitz.

Congratulations of the Senate were extended to Donald G. Anderson, Ryan Michael Foran and to Cairn University by Senator Tomlinson.

Congratulations of the Senate were extended to the Reverend and Mrs. Lee R. Snyder, Zachary K. Moul, Trevor A. Herman and to Anthony Tubbs by Senator Vance.

Congratulations of the Senate were extended to Saint Elias Antiochian Orthodox Church and to the Beaver Valley Nursing and Rehabilitation Center by Senator Vogel.

Congratulations of the Senate were extended to Aaron Rech, Michael Larkin, Joseph Wieder, Nick Chavara, Andrew Szigety, Kristopher Hayhurst and to Ryan McManus by Senator Vulakovich.

Congratulations of the Senate were extended to Judith Barricella and to Judy Painter by Senators Vulakovich and Costa.

Congratulations of the Senate were extended to David J. Barson Virshup, Linda Daley, Mary Catherine Motchar, Hunter S. Brunecz, Big Brothers Big Sisters of the Laurel Region, Norwin Area Meals On Wheels and to the Silvis Group by Senator Ward.

Congratulations of the Senate were extended to Chestnut Hill Friends by Senator Washington.

Congratulations of the Senate were extended to Borys Gudziak by Senators Washington and Greenleaf.

Congratulations of the Senate were extended to Diane Anita Scott, Kenneth Sheffer, Adam Joseph Reed and to Carson P. Jenkins by Senator Waugh.

Congratulations of the Senate were extended to Nicole D. McCord by Senator Waugh and others.

Congratulations of the Senate were extended to Mr. and Mrs. David Miller, Mr. and Mrs. Robert W. Plyler, Sr., Mr. and Mrs. Jack Stroupe, Hannah Hosack, Thelma Reedy and to Apollo Fire Company No. 2 by Senator White.

Congratulations of the Senate were extended to Herman J. Matthews, Jr., W. Cody Anderson and to Lawrence O. Dibor by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Robbins, Mr. and Mrs. Oliver Sones and to Marie McGee by Senator Yaw.

Congratulations of the Senate were extended to Anthony Stianchie by Senator Yudichak.

Congratulations of the Senate were extended to Dr. Annette Weiss, Allison Paige Brown, W. Jeff Thomas Thomas J. McGrath, Jr., M & T Bank, Luzerne County Chaos 10-and-Under All-Star Softball Team and to the Luzerne County Chaos 12-and-Under Softball Team by Senators Yudichak and Baker.

## 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 Thomas R. Turner by Senator Baker.

Condolences of the Senate were extended to the family of the late Oscar H. Pettigrew, Sr., by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Janet Seastrom Michael and to the family of the late Deborah Raab by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Judith C. Leiberman by Senator Mensch and others.

Condolences of the Senate were extended to the family of the late Chief Brian B. Brown by Senators Smith and Vogel.

Condolences of the Senate were extended to the family of the late Evelyn Marie Ewig Morris and to the family of the late Timothy Perry Burchett by Senator Solobay.

Condolences of the Senate were extended to the family of the late Harold J. Schlesinger by Senators Solobay and Mensch.

Condolences of the Senate were extended to the family of the late Thelma Marion Marshall Moon by Senator Williams.

## POSTHUMOUS CITATION

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

A posthumous citation honoring the late Michael J. Kelliher, Sr., was extended to the family by Senator Browne and others.

## BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 24, SB 26, SB 29, SB 703, SB 704 and SB 1035.**

And said bills having been considered for the first time,

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

## BILLS REREFERRED

Upon motion of Senator PILEGGI, and agreed to by voice vote, the following bills just considered were rereferred to the Committee on Appropriations:

**SB 24, SB 26 and SB 29.**

## SB 391 AND HB 493 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that Senate Bill No. 391, Printer's No. 433, and House Bill No. 493, Printer's No. 771, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 15, 2013

9:30 A.M.	FINANCE (public hearing on the Independent Fiscal Office's report titled, Analysis of Proposal to Replace School Property Taxes, Senate Bill No. 76 and House Bill No. 76)	Hrg. Rm. 1 North Off.
11:00 A.M.	TRANSPORTATION (to consider Senate Bill No. 1108; and House Bills No. 1060 and 1263)	Room 8E-A East Wing
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 24, 29, 497, 1090, 1102 and 1116; and House Bills No. 388 and 391)	Rules Cmte. Conf. Rm.

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) <b>C A N C E L L E D</b>	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, later this week the Department of Education is going to be announcing the school profiles. I just wanted to bring to the attention of this body that there have been many errors, many problems, and that people should look at these school profiles with great discretion because of

these errors. We have a situation, and let me give you an example. The Phoenixville School District, one of the better school districts within the Commonwealth, was given a series of choices regarding when they wanted to give the exam. So, they gave the exam in what was called the December wave last year; there were three waves when these exams could be given. About 250 students took these exams. What the Department of Education has done is they said we will only count, not the scores of the 250 students, but we will only count the 29 students who were at the same time taking the course work in algebra I. Now, they required every student to take the exam, even if they took this course years ago. Then they turned around and said to the school district, we are only going to count the 29 students who are currently enrolled in the course. Now, these 29 students are the students who did not pass algebra I in seventh and eighth grade. These 29 students were the students who had the most difficulty in algebra I.

What has occurred, in fact, because the school district did not know how the school profile would be put together, they allowed the students to take these tests in the earliest wave, December, because they did not want it to interfere with testing at the end of the year. So, you now have a school profile that is based not on 250 students who took the test in Phoenixville High School, but based on 29 students who had the most difficulty and that is the only reason they were taking algebra I in Phoenixville High School. Do you see the unfairness of this? The school is going to be evaluated and people are going to say, oh, this school is not a good school. It is a wonderful school. We can see in news articles all over the State examples of what I am talking about.

Mr. President, frankly, the Department of Education is not ready for prime time. Let me read to you from the Post-Gazette out of Pittsburgh, dated September 28 of this week: *(Reading)*

Superintendents across Pennsylvania are calling on this State to delay its release of new school performance system results until the State is certain the data are correct. While there was no official vote taken, about 30 superintendents who are on the board of governors of the Pennsylvania Association of School Administrators asked for a delay at a meeting in Harrisburg Friday....**It goes on to say the following--**Our membership there urged the Department to delay the release until they can clean up the data and provide districts an adequate opportunity to correct any error...Tim Eller--**who is the spinmaster for the Department of Education**--said Friday afternoon that there would not be another delay.

Listen, if you are going to evaluate schools that young people go to, if you are going to use this data to determine teacher evaluation and performance, which is all a part of what is called this PVAAS system, for Pete's sake, at least get the data right. When you try to bring out a system without adequate preparation, without adequate resources, without adequate communication with the superintendents and the school districts, all you do is hurt public education, both in traditional schools and charter schools. As a legislative body, the Constitution makes it clear that responsibility for the schools rests with the legislature. It does not say responsibility for the schools rests with the Department of Education. It does not even say it rests with the Governor's Office. It says it rests with the legislature.

So we have to review carefully what is happening in these test results. You see, part of the problem, Mr. President, is this: we are going to give the Keystone Exams now as graduation requirements. This was the first roll-out of the Keystones in determining

those graduation requirements. If it is this screwed up, then how can you ever determine whether a student should graduate or not based on the Keystone Exam? Our Caucus position has been from the beginning that standardized tests are not the end-all and know-all of whether a student should graduate. So we hope, Mr. President, that there will be a more hybrid approach to determining a student's graduation. And the test results this year that have just come out, the inability of the Department of Education to maintain quality control over this situation, is just another indication of why we should not base our graduation solely on these types of tests.

Finally, Mr. President, just two other brief topics. I want to quote something else from the Phoenixville School District. Remember, that was a school district that only counted 29 kids out of the 250 who took it and got beat up irresponsibly and needlessly. Both Senator Rafferty and I represent the school district and I know we share these concerns because we know that this is a great district. Let me read to you something that the Phoenixville administration said publicly the other night. It said the following: In conclusion, because we have consciously chosen highly rigorous targets for our students, the Phoenixville School District does not have a large number of students currently enrolled in courses valued and credited by Pennsylvania's Performance Profile. The superintendents across the Commonwealth have reached out to the legislators and PDE officials to communicate the issues associated with high value to low expectations as seemingly pervasive in the school performance profile.

What they are trying to say, Mr. President, is the Commonwealth said you can graduate. You are a good student if you know algebra I, a little English composition, biology, and you can pass a test. The truth is, in my area in southeastern Pennsylvania, we expect much more from a student for graduation. If the department and this Commonwealth are going to have low expectations, it hurts the students of this Commonwealth.

Low expectations represent a soft bigotry because all students can achieve higher expectations. What is happening in this one-size-fits-all philosophy of the Department of Education, Mr. President, is the best school districts of this Commonwealth have to go through all of these tests, waste all of this instruction time, and we are depriving the best education for the students out there who want to learn and teachers who want to teach. It is about time this legislature takes its responsibility seriously, its constitutional obligation to make sure that we are responsible for education, not the Governor, not the department.

Finally, let us just briefly look at this matter of cost, and I have spoken to it before. We do not know yet what the costs are for the State for all of this testing. Sixty-five million dollars is a lot of money that they tell us testing would cost, and any Federal money they get will be eliminated by next year, so it will indeed cost the State \$65 million. In fact, the department was supposed to present to the Majority chairman, Senator Folmer, by the beginning of this week, the State assessment costs. He still has not gotten it. We do not know what this unfunded mandate will be on our schools as we have to go through mediation and project assessments. And yet, while all of this is going on, while we spent \$65 million on testing, where we might potentially have an unfunded mandate of \$300 million, what is the ad that we see in *The Philadelphia Inquirer*? What the *Inquirer* is saying is they are asking the citizens of the Philadelphia area to bring school sup-

plies to site. It says, every citizen can make a difference by donating critically-needed school supplies.

Have we come to a situation, are we crazy in the way we are running education, where we are begging people to give no. 2 pencils, paper, masking tape, crayons, hand sanitizers, and tissues because we cannot afford it in the largest school district in this Commonwealth, while we blow \$65 million on testing? Are we out of our minds when we create a situation like this? And how can you test the students who, if you are a ninth-grade student in the Philadelphia schools today, you are being deprived of an education for which you will be tested on when you graduate in 2017 when these tests go in to determine your graduation.

Do you know what the class sizes are now in many of the Philadelphia classrooms? Forty-two to 45 students. Do you know that there is 1 counselor per 3,000 students now in this school district? Do you know that every school library has been closed because there is no money for school librarians? And yet, we are going to test these students in the poorest districts and label them failures, and we are going to label the teachers failures. The real failure lies with a legislature and a Governor who do not understand that we have failed to provide adequate funding for the schools of this Commonwealth. Until this issue is resolved, until we provide that funding, I will come and stand again and again in Petitions and Remonstrances.

Finally, what can the legislature do? It can do one very simple thing. The State Board has presented this to the Governor, this plan for these graduation requirements. The Governor will present it to the IRRC, if he backs it. Then, the legislature has 20 days, if they so desire, to override the State Board and IRRC in terms of making these exams a requirement.

Most of us want high standards. Most of us support common core. But, I believe the Majority sees that it is very unfair to base graduation on these tests when we do not support our schools with adequate resources. The only way we can achieve this is to vote against these regulations as a body, and then go back and negotiate new regulations which will allow for the higher standards, which will allow for the test to keep the Feds happy, but which will not create the unfunded mandates and the expenses by requiring these tests as graduation requirements. This, indeed, is our constitutional responsibility to do, the law set up for us to do. And you can be assured that I will be working with every ounce and fiber of my body to make sure that this Senate understands its responsibility for the children of this Commonwealth and votes to overrule these regulations if they are sent by the Governor to IRRC, so that we can go back and negotiate high standards, common core curriculum, but without the graduation requirements. Thank you for your patience and indulgence, Mr. President, and I end my remonstrance.

## RECESS

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

Senator RAFFERTY. Mr. President, I move that the Senate do now recess until Tuesday, October 15, 2013, at 1 p.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 12:17 p.m., Eastern Daylight Saving Time.