

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, NOVEMBER 13, 2013

SESSION OF 2013 197TH OF THE GENERAL ASSEMBLY

No. 65

**SENATE**

WEDNESDAY, November 13, 2013

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend HORACE STRAND, of Faith Temple Holy Church, Chester, offered the following prayer:

Most Holy and all wise God our Father, Creator of all things, giver and sustainer of life. We thank You for this opportunity to come between and in this prestigious assembly of honorable men and women in order to offer Your blessings, Your wisdom, and Your guidance in the minds and the hearts of those whom You have entrusted with the governing power of this great Commonwealth. We ask that You would bless them, that they would continue to do the job that You have signed their hands to do, with wisdom, with strength, and with integrity. We thank You for Your favor and Your blessings and for all that will be accomplished here to enhance and increase the quality of life for all who live within this great Commonwealth. We ask these blessings in Jesus, our Lord's name, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Strand, who is the guest today of Senator Pileggi.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 546** and **SB 851**, with the information the House has passed the same without amendments.

**GENERAL COMMUNICATION**

**OHIO RIVER VALLEY WATER SANITATION COMMISSION 2013 ANNUAL REPORT**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

OHIO RIVER VALLEY WATER  
SANITATION COMMISSION  
5735 Kellogg Avenue  
Cincinnati, OH 45230

November 13, 2013

To The President and Governors,

The Ohio River Valley Water Sanitation Commission (ORSANCO) is an interstate water pollution control agency created in 1948 by the State of Illinois, the State of Indiana, the Commonwealth of Kentucky, the State of New York, the State of Ohio, the Commonwealth of Pennsylvania, the Commonwealth of Virginia, and the State of West Virginia with approval of the Congress of the United States. The Commissioners of ORSANCO respectfully submit the following report of activities for fiscal year 2013 to:

The Honorable Pat Quinn  
Governor of Illinois

The Honorable John R. Kasich  
Governor of Ohio

The Honorable Mike Pence  
Governor of Indiana

The Honorable Tom Corbett  
Governor of Pennsylvania

The Honorable Steven L. Beshear  
Governor of Kentucky

The Honorable Robert F. McDonnell  
Governor of Virginia

The Honorable Andrew M. Cuomo  
Governor of New York

The Honorable Earl Ray Tomblin  
Governor of West Virginia

and

The Honorable Barack Obama  
President of the United States

KENNETH S. KOMOROSKI  
Chairman

The PRESIDENT. This report will be filed in the Library.

**APPOINTMENT BY THE MINORITY LEADER**

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

Mr. Wadud Ahmed as a member of the Tobacco Settlement Investment Board.

**BILLS SIGNED**

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

**SB 546** and **SB 851**.

**BILLS REPORTED FROM COMMITTEE**

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

**SB 405 (Pr. No. 1554)** (Amended)

An Act amending the act of November 24, 1976 (P.L.1163, No.259), referred to as the Generic Equivalent Drug Law, further providing for definitions, for substitutions, for posting requirements, for powers and duties of Department of Health and for immunity of pharmacists under certain circumstances.

**SB 453 (Pr. No. 1555) (Amended)**

An Act providing for patients' rights; and establishing a Pain Management and Palliative Care Task Force.

**LEGISLATIVE LEAVES**

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator McIlhinney and Senator Ward.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Hughes and Senator Tartaglione.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator McIlhinney and Senator Ward.

Senator Costa requests legislative leaves for Senator Hughes and Senator Tartaglione.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

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

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

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of September 30, 2013, is now in print.

The Clerk proceeded to read the Journal of the Session of September 30, 2013.

Senator PILEGGI. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

**YEA-48**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**GUESTS OF SENATOR MICHAEL J. FOLMER  
PRESENTED TO THE SENATE**

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

Senator FOLMER. Mr. President, I am very pleased to introduce a lady who is actually a constituent who lives and works in Senator Vance's district. However, she works with the wife of my chief of staff, at Hill Top Academy, which is part of the Capital Area Intermediate Unit. Her name is Dr. Tracy Geist, a social worker with the Capital Area Intermediate Unit, and she is the founder of the therapy dog program at the Capital Area Intermediate Unit. The CAIU therapy dog program has had a profound impact on the mental health of seriously and emotionally disturbed children and the staff who work with them. Tracy recently completed her Ph.D. through Widener University, where her dissertation focused on the impact of animal-assisted therapy on the welfare of emotionally disturbed children.

Tracy unintentionally got into animal-assisted therapy when she took a dog she was training to be a service animal into her class for teenage girls who were at a high risk for pregnancy. Her class adopted the daily care of the puppy and took responsibility for raising him. For 3 years, none of the girls in the class became pregnant. Dr. Geist's research found that there was a philosophical calming effect when students interact with dogs and they place human characteristics into the dog, all of which contribute to the child's healing and ability to better connect with their teachers and other adults. For those of you who may be skeptical, I advise you to meet with Tracy, who is accompanied by two of her therapy dogs. I guarantee that you will feel so much better if you do.

On a personal note, Dr. Geist describes herself as a prodigious yet discerning coffee drinker, whose family hails from West Virginia. Tracy plays the trumpet, trombone, baritone, french horn, and the flugelhorn. She enjoys fishing, snowboarding, hiking, and anything outdoors. Tracy's biggest claim to fame is that she kissed a car for 12 hours in a radio contest. That must have been something to watch. Joining Dr. Geist and her therapy dogs are her husband, her parents, two teachers, and six students from Hill Top Academy.

I ask the Senate to give them our usual warm Senate welcome. Thank you.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL BRUBAKER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognize the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Mr. President, it is a distinct honor and privilege for me to introduce Shane Keenan, who is sitting in the gallery with his father, Terry. Shane is a former constituent from Lititz in Lancaster County, but has since relocated to Senator Folmer's district in Berks County. Shane is 16 years old, in the 11th grade, is homeschooled, enjoys learning about history, and has a deep passion for politics. He is on his way to completing all of the necessary course work for graduation by the conclusion of the 11th grade, so he can focus on all of his college-level

classes during his senior year. Shane has been very involved in his church's youth group and worship team, and recently earned his Eagle Scout award, the highest achievement ranking of the Boy Scouts of America. Upon graduation, he plans to attend Patrick Henry College.

I ask all of my distinguished Members of the Senate to offer the warmest possible greeting to Shane and his father, Terry, who are in the gallery.

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

(Applause.)

### GUEST OF SENATOR SEAN D. WILEY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Wiley.

Senator WILEY. Mr. President, I rise to introduce a very special guest, Mr. Gregory Garmon. Greg is a constituent aide in my district office, and this is his first visit to Harrisburg. Greg is an integral part of our daily operations. Every day, he greets every visitor and every staff member with a megawatt smile. At 6 feet, 4 inches tall and 250 pounds, the gentle giant is the favorite of all the older ladies who visit the office with his enormous smile and even bigger personality. In addition, Greg leads our team in case-work, having entered over 4,500 of the total. He processes PennDOT paperwork faster and better than anyone in our office. I tell you this, Mr. President, not to boast about my highly capable, hardworking team, but to make a point about opportunity and hope. Greg grew up on the mean streets of Chicago and quickly found himself immersed in a life that was leading him in the wrong direction. After a heartfelt realization of wanting more for himself, Greg began the journey of turning his life around one step at a time. He settled in Erie to be closer to his teenage son, who was a high school all-American football star and is now a Division I football player. Greg found a job to help him stay on the path for making a better life for himself and his family.

By chance, I met Greg about 2 years ago and we instantly connected. Greg shook my hand, looked me square in the eyes, and called me Mr. Senator. As we established our district office, I called Greg to ask him to meet me in my office. He had no idea why. I will never forget the look on his face when I asked him to join our team. He was so humbled that someone in my position would take a chance on someone with his history. He vowed that he would make me proud in every way, and he has far exceeded his promise.

My point in introducing Greg today is to share with my colleagues a story of perseverance, hope, and opportunity. Meeting Greg Garmon is one of the best things that has ever happened to me. Mr. President, I ask each of my colleagues to rise and take a moment to welcome Gregory Garmon.

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

(Applause.)

### GUESTS OF SENATOR ROBERT F. TEPLITZ PRESENTED TO THE SENATE

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

Senator TEPLITZ. Mr. President, I rise to welcome guests from the Harrisburg region to our Senate Chamber. With us today are members of the board of directors and guests of the Capital Region Partnership for Career Development. Later, I will be introducing a Senate resolution recognizing today as Pennsylvania "Career Development Day." At noon today in the Rotunda, my guests will be hosting a rally to emphasize the critical need to prepare students for life beyond high school graduation. They will highlight how schools, employers, and post-secondary partners in the Harrisburg area are working collaboratively to prepare students for the opportunities and challenges of a 21st-century workforce. I am so pleased that they could come to the Capitol today in support of our students and future workforce. Mr. President, I ask that we extend to my guests our usual warm Senate welcome.

The PRESIDENT. Would the guests of Senator Teplitz 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 meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

### AFTER RECESS

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**HB 27, HB 89, HB 388, HB 390, HB 391 and HB 714** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL REREFERRED

**SB 733 (Pr. No. 765)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 45 (Legal Notices) of the Pennsylvania Consolidated Statutes, further providing for additional publication in legal journals; and providing for electronic publication of legal advertising.

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

#### BILL OVER IN ORDER

**HB 798** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 935 (Pr. No. 1550) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question, Shall the bill pass finally?

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

YEA-48

Table with 4 columns of names: Alloway, Argall, Baker, Blake, Boscola, Brewster, Browne, Brubaker, Corman, Costa, Dinniman, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Hughes, Hutchinson, Kasunic, Kitchen, McIlhinney, Mensch, Pileggi, Rafferty, Robbins, Scarnati, Schwank, Smith, Smucker, Solobay, Stack, Tartaglione, Teplitz, Tomlinson, Vance, Vogel, Vulakovich, Ward, Washington, Waugh, 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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1348, HB 1351, HB 1356, HB 1439 and HB 1594 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 261 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 403 (Pr. No. 1548) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for retention incentives for medical resident physicians of the Pennsylvania National Guard; conferring

powers and duties on the Adjutant General and Department of Military and Veterans Affairs; and making editorial changes.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 546 (Pr. No. 2595) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in employees' retirement system, further defining "compensation"; further providing for retirement board; providing for tax qualification; and further providing for employees eligible for retirement allowances and for amount of retirement allowances.

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 ON SECOND CONSIDERATION

HB 668 (Pr. No. 756) -- 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, in contracts, further providing for letting contracts.

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

HB 669 (Pr. No. 757) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in contracts, further providing for general regulations concerning contracts.

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

BILLS REREFERRED

SB 814 (Pr. No. 1522) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, defining "out-of-State recreational vehicle dealer"; further defining "recreational vehicle show"; and further providing for grounds for disciplinary proceedings and for requirements for out-of-State recreational vehicle dealers for recreational vehicle shows, recreational vehicle off-premise sales, recreational exhibitions and recreational vehicle rallies.

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

**SB 847 (Pr. No. 1487)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for guidelines on religious expression.

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

**SB 863 (Pr. No. 961)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**SB 874 (Pr. No. 969)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in community colleges, further providing for financial program and reimbursement of payments.

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

#### BILLS OVER IN ORDER

**SB 901, SB 903, HB 920 and SB 990** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS ON SECOND CONSIDERATION

**SB 995 (Pr. No. 1549)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the requirements for livery provider liens.

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

**SB 1040 (Pr. No. 1277)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in financial responsibility, further providing for manner of providing proof of financial responsibility, for required financial responsibility and for availability of uninsured, underinsured, bodily injury liability and property damage coverages and mandatory deductibles.

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

**SB 1045 (Pr. No. 1510)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, making extensive substantive and editorial changes; further providing for definitions, exempt securities, exempt transactions, required documents for registration statements, rules for filing federally covered securities, exemptions from registration provisions, powers for the Department of Banking and Securities, administration of the act, increasing assessments, methods of payment of funds and requirements for administrative proceedings under the act; making a repeal; and establishing a restricted account in the General Fund.

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

**HB 1060 (Pr. No. 2014)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for display of registration plate.

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

**SB 1108 (Pr. No. 1472)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for special plates for individuals in the service of the United States Merchant Marine.

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

#### BILL OVER IN ORDER

**SB 1113** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 1115 (Pr. No. 1458)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in educational assistance program, further providing for definitions and for amount of grants.

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

#### BILLS OVER IN ORDER

**SB 1118 and HB 1424** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1425 (Pr. No. 2625) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for authorization of certain schools as institutions of postsecondary education.

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.

COMMUNICATION FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nomination made by His Excellency, the Governor of the Commonwealth, which was read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

June 14, 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 Tim Holden, 31 Pearl Street, St. Clair 17970, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2016, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patrick Stapleton, Malvern, resigned.

TOM CORBETT Governor

NOMINATION LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nomination just read by the Clerk be laid on the table. The PRESIDENT. The nomination will be laid on the table.

EXECUTIVE NOMINATION

EXECUTIVE SESSION

Motion was made by Senator ROBBINS, That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor. Which was agreed to by voice vote.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

June 14, 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 Tim Holden, 31 Pearl Street, St. Clair 17970, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2016, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patrick Stapleton, Malvern, resigned.

TOM CORBETT Governor

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

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

YEA-48

Table listing names of Senators who voted YEA: Alloway, Argall, Baker, Blake, Boscola, Brewster, Browne, Brubaker, Corman, Costa, Dinniman, Eichelberger, Erickson, Farnese, Ferlo, Folmer, Fontana, Gordner, Hughes, Hutchinson, Kasunic, Kitchen, McIlhinney, Mensch, Pileggi, Rafferty, Robbins, Scarnati, Schwank, Smith, Smucker, Solobay, Stack, Tartaglione, Teplitz, Tomlinson, Vance, Vogel, Vulakovich, Ward, Washington, Waugh, White, Wiley, Williams, Wozniak, Yaw, Yudichak.

NAY-0

A constitutional two-thirds 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 TEPLITZ, ERICKSON, FERLO, WASHINGTON, ARGALL, STACK, RAFFERTY, SMITH, GREENLEAF, BRUBAKER, SCHWANK, ALLOWAY, COSTA, HUGHES, FONTANA, SOLOBAY, BLAKE and FARNESE, by unanimous consent, offered Senate Resolution No. 266, entitled:

A Resolution designating November 13, 2013, as "Pennsylvania Career Development Day" 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, high school is a pivotal time in a young person's life. It is a time when they fine-tune their academic abilities and talents. It is also a time when they start to think seriously about their future career paths and whether that path takes them to a 2- or 4-year college, a technical school, a direct path to the workforce, or some other option. It is vitally important that young adults be prepared to take the next life steps upon graduation. Those young people will help determine the future prosperity of our Commonwealth, so we should be opening every door possible for them to succeed. That is why I am honored to introduce this Senate resolution recognizing today as "Pennsylvania Career Development Day." The Department of Education's Career Education and Work Standards require all high school graduates to demonstrate their competency in the areas of career awareness and preparation, career acquisition, retention, and entrepreneurship. Here in central Pennsylvania, we are fortunate to have many options for the next generation of workers. Organizations like the Capital Region Partnership for Career Development, who were my guests today, are fulfilling the critical needs of workforce development by connecting students with employers, educational institutions, and agencies.

Mr. President, Pennsylvania is the 20th largest economy in the world. If we want to continue to compete in the global market, we must invest in our future. That means we must invest in education and then incentivize our students to stay in Pennsylvania to learn and to work. And so, Mr. President, I ask my colleagues to join me in recognizing today, November 13, 2013, as Pennsylvania Career Development Day.

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 RAFFERTY, FERLO, WASHINGTON, DINNIMAN, ERICKSON, WHITE, STACK, PILEGGI, SCARNATI, GREENLEAF, TEPLITZ, SMITH, ALLOWAY, MENSCH, COSTA, FONTANA, VULAKOVICH, YUDICHAK, KASUNIC and SOLOBAY, by unanimous consent, offered **Senate Resolution No. 267**, entitled:

A Resolution congratulating the Pennsylvania Catholic Health Association on the 50th anniversary of its founding.

On the question,  
Will the Senate adopt the resolution?

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Ward has returned, and her temporary Capitol leave is cancelled.

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

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

Senator RAFFERTY. Mr. President, I will be brief. At the request of Sister Claire and the good nuns at Holy Spirit Hospital, I am honored to introduce a resolution today honoring the Pennsylvania Catholic Health Association on its 50th anniversary. The Catholic Health Association of Pennsylvania provides a unified voice for Catholic healthcare, public policy, and advocacy at the State level and is committed to gaining access to quality healthcare for all. Over 3 million Pennsylvanians are assisted at Catholic hospitals each year, and hundreds of thousands more are helped at homes for the aged, healthcare centers, social service centers, and other facilities. The Pennsylvania Catholic Health Association is doing its utmost to provide for the most neediest of citizens here in the Commonwealth of Pennsylvania and provide quality healthcare for all of the citizens of Pennsylvania. I ask for a unanimous vote in honoring them on their 50th anniversary.

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 the Tunkhannock High School Boys' Cross Country Team by Senator Baker.

Congratulations of the Senate were extended to Ryan James Carrigan by Senator Boscola.

Congratulations of the Senate were extended to William Zachery, Sr., by Senator Brewster.

Congratulations of the Senate were extended to Keegan Oliver Durkin, Ellwyn D. Spiker and to Wildlands Conservancy by Senator Browne.

Congratulations of the Senate were extended to J. B. Reilly by Senators Browne and Mensch.

Congratulations of the Senate were extended to Dr. Debbie Salas-Lopez, Judy Neyhart, Rosa Ferguson and to Marco Calderon Photography by Senators Browne, Boscola and Mensch.

Congratulations of the Senate were extended to Joey Dougherty, Jessi Sensenig and to James T. Warburton by Senator Brubaker.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Herbert Field, Jr., Karly Stoltzfus, Taylor John Clayton and to Viktor White by Senator Corman.

Congratulations of the Senate were extended to Paige Tyler, Jacqueline Nailon Taglieber, Keith Harrison Bader, Talbots, Inc., of Downingtown, Art Partners Studio and the Bridge Academy and Community Center, Saint Malachi Church of Doe Run and Our Lady of Consolation Parish and to Saint Paul's Lutheran Church of Exton by Senator Dinniman.

Congratulations of the Senate were extended to La Comunidad Hispana by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to Dr. Jim Pribula, Leo Scoda, John Kennedy, Dennis White, Sam Riccardo, Sr., Edmund L. Holcroft, Karen Shelton, Charlie DiMarco and to the Housing Partnership of Chester County by Senator Dinniman and others.

Congratulations of the Senate were extended to R. Alan Smith by Senator Eichelberger.

Congratulations of the Senate were extended to Dr. Richard Brake by Senators Erickson and Dinniman.

Congratulations of the Senate were extended to Joseph Michael Daniher, Joann Siriano and to Anthony Tedesco by Senator Ferlo.

Congratulations of the Senate were extended to Timothy A. Strohmeier by Senators Ferlo, Eichelberger and McIlhinney.

Congratulations of the Senate were extended to Raymond J. G. Bender by Senator Folmer.

Congratulations of the Senate were extended to Lance Parmer by Senators Folmer and Argall.

Congratulations of the Senate were extended to Allen Moses Doman, Regina Fuller and to Cassandra Forrest Miller by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. David Corte by Senator Hutchinson.

Congratulations of the Senate were extended to the Reverend Derrick L. Williams, Sr., by Senator Kitchen.

Congratulations of the Senate were extended to Mark A. Aronchick by Senator Leach.

Congratulations of the Senate were extended to Bill Racich by Senators Mensch and Dinniman.

Congratulations of the Senate were extended to Lucille H. Dix, Logan Christopher Jirak, Grace L. Crossan and to Michele DiPietro by Senator Pileggi.

Congratulations of the Senate were extended to Albert E. Momme by Senator Rafferty.

Congratulations of the Senate were extended to Joseph J. Palmer by Senators Rafferty and Leach.

Congratulations of the Senate were extended to the Pennsylvania Catholic Health Association by Senator Rafferty and others.

Congratulations of the Senate were extended to Michael Scott Oppelt, Jr., by Senator Schwank.

Congratulations of the Senate were extended to Dr. Umar Abdullah-Johnson, Dr. Rita R. Smith-Wade-El, Martin Dees, Jr., Karen G. Dixon, Sheila M. Dixon, Nelson Polite, Sr., Patricia Hopson-Shelton, Shayna Watson and to the Lancaster Branch of the NAACP by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel F. Minor, Rose Plastic, Beechie's Place and to Washington Financial Bank by Senator Solobay.

Congratulations of the Senate were extended to the Honorable Patrick Joseph Kennedy II, the Honorable Gene DiGirolamo, Cesar Ramirez, Elias Melendez, Ahmad Ibrahim and to the Northeast Community Center for Behavioral Health by Senator Tartaglione.

Congratulations of the Senate were extended to Elizabeth Passo, Stephanie Lupacchini, Michael J. Breslin, Candyman Karate, LLC, and to the Monumental African Methodist Episcopal Church of Steelton by Senator Teplitz.

Congratulations of the Senate were extended to Brendan Kern, Areesha Muzaffar, Kira Abendroth, Athela Villaruel, Allison

Bobst, Julie Barron, Layla Elabed, Breanne Dymek, Colin Cloud-Schenk, Jennifer Fleming, Carter Vogt and to Shakira Ali by Senator Tomlinson.

Congratulations of the Senate were extended to Mildred Mitchell and to United Cerebral Palsy of Central Pennsylvania by Senator Vance.

Congratulations of the Senate were extended to Eric Pingel by Senator Ward.

Congratulations of the Senate were extended to Dr. Emilie Lonardi and to Loganville-Springfield Elementary School by Senator Waugh.

Congratulations of the Senate were extended to Jacqueline M. Kocz by Senator Wiley.

Congratulations of the Senate were extended to the Hanover Township Police Department 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 Robert L. Miller by Senator Dinniman.

Condolences of the Senate were extended to the family of the late James E. Holden by Senator Hutchinson.

Condolences of the Senate were extended to the family of the late Elva L. McCray by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Dr. James K. Clements by Senator Solobay.

Condolences of the Senate were extended to the family of the late Eileen K. Walsh Boyle by Senator Stack.

### 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 Barbara Leighton Karas by Senator Dinniman 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 committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

#### **SB 405 and SB 453.**

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

MONDAY, NOVEMBER 18, 2013

Off the Floor

APPROPRIATIONS (to consider Senate Bills No. 267, 703, 704, 923 and

Rules Cmte. Conf. Room



	1085; and House Bills No. 1225 and 1425)	
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider House Bill No. 1098; and certain Executive Nominations)	Rules Cmte. Conf. Room
<u>TUESDAY, NOVEMBER 19, 2013</u>		
9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 1037 and 1077)	Room 8E-B East Wing
10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 904; and House Bill No. 1523)	Room 8E-A East Wing
10:30 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Resolution No. 183; and a public hearing regarding tourism and tourism marketing in PA)	Room 8E-A East Wing
11:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 720 and 771; and House Bills No. 1285 and 1706)	Room 8E-B East Wing
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 850 and 1168; and House Bills No. 321, 1201, 1274 and 1504)	Room 8E-B East Wing
12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 807; and House Bills No. 431 and 1056)	Room 461 Main Capitol
<u>WEDNESDAY, NOVEMBER 20, 2013</u>		
10:00 A.M.	FINANCE (to consider Senate Bill No. 491; and House Bill No. 1513)	Room 8E-A East Wing

**PETITIONS AND REMONSTRANCES**

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

Senator DINNIMAN. Mr. President, thank you for giving me this opportunity to do the following remonstrance. Next week, on Thursday, the Independent Regulatory Review Commission of this Commonwealth will be meeting. At that time, they will make a decision as to whether every student in this Commonwealth will have to take an exam in three areas in order to graduate. You could be a straight-A student and still not graduate from high school because there will be State-determined exams in algebra I, in biology, and in literature, and if you do not pass them, you do not graduate.

Mr. President, I wanted to just read a statement explaining eight reasons why I oppose these Keystone Graduation Exams. I do so with some background in this area. I have been a professor for 38 years, I have been on two school boards, I have a doctorate in education degree. So, I speak not just as someone who does not understand these issues. I understand public education. I understand education, and that is the reason that I rise to oppose these graduation exams. And remember, this decision will impact every single student in this Commonwealth. This decision will impact the parents and families of those students. You could spend 12 years in school, as I said, you can be a straight-A stu-

dent, and if you do not pass these three high-stake exams, you will not graduate from high school in this State. All this is going to do is punish the students who cannot pass exams, who might be very good students but have difficulty with exams. All this does, Mr. President, is punishes those schools and students; schools that did not have the resources to educate their students to the top of the curriculum. We are stamping "failure" on students. We are stamping "failure" on teachers. We are stamping "failure" on families. We are stamping "failure" on whole communities. You know that the highest property taxes are in our poorest communities. They do not have any more money. And now we are going to put up what amounts to a \$300 million mandate on these communities? This is absurd.

I will tell you exactly what is going to happen, Mr. President. The poorest communities, where we have many of our students at high failure rates on these exams, will not be able to do anything. They have no resources left. And those students will be the ones who get "failure" stamped on them. But, it is interesting that the resistance to these graduation tests are not only coming from the poorest of our communities, but they are also coming from the wealthiest, from the highest performing schools. I come from an area of suburban Philadelphia which has some of the highest performing schools in our nation, yet 58 of our 61 suburban superintendents oppose these required graduation exams. They care about the students who maybe cannot do well in a high-stakes test. They care about those students. What is happening in the schools is, of the 180 days in our schools, now anywhere from 10 to 20 days are being devoted to testing or to teaching to the test. Superintendents in our area and across the Commonwealth are deeply concerned that our schools are becoming places of testing rather than places of learning.

Recently, I met a rural school superintendent who told me an expression that I think summarizes everything. That rural superintendent says that a pig standing on the scale gains no weight. Let me repeat that. A pig standing on the scale gains no weight. What he means is, if we test our students, we are taking away the time for them to learn. They will not gain the weight that knowledge brings. They will not gain the weight of the opportunity that comes out of knowledge.

So, Mr. President, I rise to state my concerns about these exams. I believe it is wrong for three standardized tests to determine a student's future. By the way, Mr. President, the way the system works, what the Department of Education is asking the Independent Regulatory Review Commission to approve is this: I failed a test. I now take two more tests. My school district is responsible, using taxpayers' money that comes from property tax, to do what? To provide the remediation of those two tests. I still fail those two tests, Mr. President. Now, taxpayer money will be used to provide that student with what is called a project assessment, one-on-one with a teacher. I fail that, Mr. President, and then what happens? The school superintendent can exempt you from the graduation requirement and you graduate anyway, but that is absurd. Why are we spending \$65 million to develop tests? Why are we spending potentially \$300 million on remediation, when in the end, the kid can graduate anyway? Meanwhile, the kid has been traumatized, scared, many kids will drop out because they believe their future is determined on three tests, and then in the end we say, okay, we just blew all of this money, it is fine, \$65 million here for testing, \$300 million on remediation. Go on, it is fine. That is why superintendents across

this Commonwealth, that is why teachers across this Commonwealth--I told you about the suburban superintendents, you will be hearing by the end of the week from the rural superintendents as well--who are saying, it is time to teach, it is time to learn, it is time to stop testing our students again and again and again.

So, Mr. President, what I am saying boils down to a couple of words, which you are probably grateful for having heard me speak here for an extended period of time. But it boils down to this: It is wrong for three standardized tests to determine a student's future. It is foolhardy to spend \$65 million on testing when students in the city of Philadelphia will be tested who, by the way, are sitting in classes of 45 to 50 students with their libraries closed, and, if they are taking Biology I in ninth grade now--remember, they are going to be tested for that in 2017--they are in that class now, they will fail and not graduate simply because it is our fault that we have not given the money to these schools. It is unfair, Mr. President, to stamp "failure" on any young person, or, as Senator Brewster of our Caucus has brought up, a whole community. Once you say the schools fail, once you say the community fails, in essence, you have stopped the opportunity for economic development and revitalization in that community.

Mr. President, it is irresponsible to implement a program of graduation exams that will result in the largest unfunded mandate on our schools in the history of this Commonwealth. Let me give you some numbers to understand what we are talking about in costs here. According to the Department of Education, 35.6 percent of our students failed algebra I. The failure rate for biology was 54.4 percent. The failure rate for literature was 24.6 percent. You are telling me now for all of those students, each school has to provide remediation by certified teachers, which is what the Code would say, supplemental remediation for two more tests and then a one-on-one teacher project assessment. This is an astounding cost. Spend it to make sure every kid reads by third grade. That makes sense. Get the money to the child early, do not blow it on graduation exams, which in the end mean nothing since the superintendents can exempt them anyway.

It is unscrupulous, Mr. President, for the Department of Education to withhold data. I have seven Right-to-Know requests into the department so that we can figure out the costs. Think about this for a second. I sit here as Minority chairman of the Committee on Education, and they will not give me the data, yet myself and Senator Folmer, the Majority chair--and I have asked for this data in both of our names. If we are to do our regulatory process of review, how do we do it without the data? Why did I have to do a Right-to-Know request to get the test scores for every school district in the Commonwealth? What would we do with that data? We would run it through our Independent Fiscal Office so we could determine what the costs really are. The department will not do that.

By the way, Mr. President, there is one other thing. Do you know that when Secretary Tomalis signed the agreement with the Federal government for Common Core and for all of these tests, that he committed the Commonwealth to millions and millions of dollars of expenses and never came back to the legislature to ask, and we do not even know those expenses? And that is part of my Right-to-Know request. This has to stop. These departments are out of control. Unfunded mandates do not come by legislative action; unfunded mandates come as a result of regulatory action, and this is an example.

Finally, Mr. President, it is preposterous that we would have State-required make-or-break exams that destroy local control of our districts. Traditionally, our districts have determined who graduates or not. They determine what this is about. A Radnor degree, a city of Pittsburgh degree means something because the people in that city supported the schools and determined what that degree is and what it means. Now, the State is going to take over all these schools? It is about time to stop the Federal intrusion into the States, and it is about time to stop the State intrusion into our local districts. And by the way, Mr. President, I thought that is what the Governor stood for and what the department stood for, but these tests show exactly the opposite when we start to intrude into local control.

Finally, and this time I do mean finally, Mr. President, the Department of Education is not ready for prime time to determine the future of our youngsters. Think about this for a second, Mr. President: three Secretaries within one year. They could not even get the bubble right where you are supposed to say whether you were taking a course or not, and as a result, we now have sequestered 80 of our results in high schools across this Commonwealth because we do not know what the real results are. Last night in the West Chester Area School District, they agreed to put up \$252 million to help with the biology exams because of the failure rate of their students. By the way, it is a great school district. No unfunded mandate? Then \$250 million must mean something. It is costing the district because of these graduation exams.

And do you know what else? All of the teachers have to go through a 45-minute session so they can learn to give the Keystone Exams. Well, they have given SATs, ACTs, AP exams for decades, but yet they are not good enough for the Commonwealth so we force them to do a 45-minute training session. So, all of the teachers ended class a couple of minutes early and went into the big room to take the exam, and do you know what? The Web site, the exam site from the Department of Education, crashed and they wasted another 2 hours. If they cannot give exams to teachers, if they cannot figure out the bubbles on data sheets, they are not ready to determine the future of each and every student in this Commonwealth.

Mr. President, our Department of Education, unfortunately, is not ready for prime time. We, as the Senate of this Commonwealth, need to say no to the graduation exams. I have no problem with Common Core, I have no problem with student assessment, I have no problem with accountability. I have a problem with exams that determine the future of each of our schools being given and being determined by a department that is not ready for prime time.

Thank you, Mr. President.

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

Senator STACK. Mr. President, I always learn a lot when my colleague, Senator Dinniman, talks about education, and today is no exception. I wholeheartedly agree with his analysis of this issue, and it is frustrating because we are trying to get things done up here, and we are hopefully always trying to get things done on education. Just to reiterate some of the points that Senator Dinniman talked about: the State Board of Education approved what is generally considered a controversial plan, to require all Pennsylvania students to pass these proficiency tests in

science, math, language arts, and other things before graduating. As I started saying, this is at a time when we should be fixing crumbling infrastructure--oh, my Lord, we have been talking about that for so long--or dealing with our mounting pension debt, and working with the House to address these cuts in education. But we are addressing none of these things right now, Mr. President. Much like the Lottery sale smokescreen earlier this year, this is yet another show to give the impression that the Governor is actually leading or doing something. Do we have problems with our current State education system? Mr. President, you had better believe we do. We have a lot of things we have to do to fix that. Since Governor Corbett took office, he cut nearly a billion dollars in funding for K through 12 public schools. Now, we can debate this issue time and again saying that it is not really a cut because we had more money before that we do not have now, so it is not really a cut. The bottom line is, every year since 2011, our public schools have seen a decrease or, at best, flat funding.

In Philadelphia, we have made national news once again on the fact that our education budget is on life support. We are at catastrophic funding levels. We have let teachers go, we have cut programs, and we have closed schools at an alarming rate. You cannot talk about building on our future in Pennsylvania when you are divesting from our greatest resource, and that is our young people. So, instead of facing the music, our Governor is creating a diversion and effort, once again, to show that he is doing something.

So these Keystone Exams are, essentially, State-standardized tests in algebra I, literature, and biology grounded in the new PA core standards. In other words, the Keystone Exams will be used to assess the core standards. While I do not have a problem with testing in general, I have yet to see a testing system that accurately works with most of the kids and most of the teachers. And these tests cost a lot of money. Those cuts that we have seen forced school districts to raise property taxes, lay off teachers, and cut programs. Literally thousands of schoolteachers across the Commonwealth received pink slips, and this means fewer classrooms. But that is not all. Those cuts have caused the elimination of State support for targeted initiatives such as tutoring assistance, elementary science, and dual enrollment. The tutoring assistance, I think anyone who has dealt with this issue of a young person who is struggling in class, the tutoring assistance has helped countless kids get back on the right track and go on to success. So, when we cut something like that, we are absolutely taking away opportunities for young people to keep learning and guaranteeing that they are frustrated, they are failing, and they are going to choose more disruptive paths than being a productive Pennsylvanian.

So, let us talk about some of the other ripple effects. Seventy-five percent of school districts are cutting programs and almost half of school districts are increasing class sizes, and at least 30 percent are reducing all of their elective courses. So, there is some moderate optimism for our failing school districts, which sadly includes my home city, the School District of Philadelphia. As Senator Dinniman said, and he has continued to be a leader in this fight, something we should be aware of, the man is a college professor with countless years of high-level experience in education. So, to have him engaged in this issue is something that is beneficial to the people of Pennsylvania. I use him

as a resource and I think whether you are a Democrat or a Republican, you know that he understands this stuff. He did not say it today but in one of his quotes recently he said, we cannot raise standards without providing schools the resources to actually raise those standards. It is an incredibly irresponsible unfunded mandate we are talking about. I hate mandates, and I thought Governor Corbett hated mandates. We need to put more scrutiny into these so-called standards that are being implemented. And incidentally, always behind the scene, my question is, who is the big private-industry contractor that comes into Pennsylvania and is paid millions of dollars to conduct and administer these tests? Could we please stop spending this kind of resource on these outside wealthy companies and instead put the money into the classrooms to teach our young people? We are giving them less resources and we are expecting more of them in a more competitive world where they are going to have to be able to do more. We are once again going down a path to failure. I think we can all agree together that there are improvements that need to be made for our schools on a statewide basis. We absolutely want to come up with a testing method that works, we want to improve those scores on these tests, and we want to help our kids compete in the global market, but we need to provide our students and our schools first and foremost with the financial resources they need to execute this plan. Let us do that before we spend millions of wasted funds on a wasted mandate that has not been proven to work.

Thank you, Mr. President.

### LEGISLATIVE LEAVE CANCELLED

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

### RECESS

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Monday, November 18, 2013, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:04 p.m., Eastern Standard Time.