

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 17, 2014

SESSION OF 2014 198TH OF THE GENERAL ASSEMBLY

No. 36

SENATE

TUESDAY, June 17, 2014

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

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

PRAYER

The Chaplain, Reverend LINDA WATKINS, of St. Mary's Episcopal Church, Waynesboro, offered the following prayer:

I invite you to be in just a very brief moment of silence, reflecting with gratitude on this beautiful day, this nation, the freedoms we enjoy, and the people of the Commonwealth of Pennsylvania whom we serve.

(Pause.)

We gather together here today intent on doing good work. We seek to represent fairly and well those who have given us this task. May our efforts be blessed with insight, guided by understanding and wisdom. May we seek to serve with respect for all, and may our faith give us strength to act honestly and well in the matters before us this day. Amen.

The PRESIDENT. The Chair thanks Reverend Watkins, who is the guest today of Senator Alloway.

PLEDGE OF ALLEGIANCE

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

June 17, 2014

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, Michael P. Rollage, 158 Roscommon Place, McMurray 15317, Washington County, Thirty-seventh Senatorial

District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paula Hasbach, Pittsburgh, whose term expired.

TOM CORBETT
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1424**.

HOUSE CONCURS IN SENATE AMENDMENTS WHICH FURTHER AMENDED HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate which further amended House amendments to Senate amendments to **HB 1559**.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1077**.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1090** and **SB 1102**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bills will be referred to the Committee on Rules and Executive Nominations.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

June 17, 2014

Senators ERICKSON, MENSCH and SOLOBAY presented to the Chair **SB 1386**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for authorized interactive gaming and for duties of Pennsylvania Gaming Control Board and Department of Health; imposing an interactive gaming tax and prescribing penalties.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 17, 2014.

Senators WHITE, ARGALL, TEPLITZ, GORDNER, RAFFERTY, MENSCH, HUTCHINSON, YAW, SMITH, ERICKSON, COSTA, ALLOWAY, BAKER, SCARNATI, YUDICHAK, HUGHES and BRUBAKER presented to the Chair **SB 1429**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing for award of grants.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 17, 2014.

Senator McILHINNEY presented to the Chair **SB 1432**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for limits on copayments and coinsurances for insured medical services provided by a physical therapist, chiropractor or occupational therapist.

Which was committed to the Committee on BANKING AND INSURANCE, June 17, 2014.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

June 17, 2014

Senators EICHELBERGER and FOLMER presented to the Chair **SR 403**, entitled:

A Resolution urging the executive branch participants in the Whitewood case to appeal the decision in order to preserve the right of the citizens of this Commonwealth to exercise their constitutional and historical prerogative to define marriage.

Which was committed to the Committee on STATE GOVERNMENT, June 17, 2014.

GENERAL COMMUNICATION

INDEPENDENT FISCAL OFFICE FISCAL YEAR 2014-15 REVENUE ESTIMATE

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

INDEPENDENT FISCAL OFFICE
Second Floor, Rachel Carson State Office Building
Harrisburg, Pennsylvania 17105

June 16, 2014

The Honorable Joseph B. Scarnati, III
President Pro Tempore
Senate of Pennsylvania
291 Main Capitol Building
Harrisburg, PA 17120

The Honorable Samuel H. Smith
Speaker
Pennsylvania House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120

Dear Sirs:

Enclosed please find a copy of the Independent Fiscal Office's official revenue estimate for FY 2014-15, produced in accordance with 71 Pa.C.S. §4105.

Sincerely,

MATTHEW J. KNITTEL
Director

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

BILLS SIGNED

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

SB 1077, HB 1424, HB 1559, HB 1646, HB 1989 and HB 2093.

BILLS REPORTED FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 1422 (Pr. No. 2141)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for successor business entity liability.

HB 1772 (Pr. No. 2525)

An Act amending the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, further providing for title and short title of act and for definitions; renaming the Deputy Sheriffs' Education and Training Board and further providing for its duties; further providing for the training program and for continuing education; providing for sheriff training requirement; further providing for deputy sheriff training requirement; providing for revocation of certification; renaming the Deputy Sheriffs' Education and Training Account; and further providing for reimbursement to counties.

HB 1925 (Pr. No. 3114)

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, in ownership of property, legal title and equitable estate, further providing for right to dispose of a decedent's remains.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 819 (Pr. No. 2156) (Amended)

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for the authority to administer injectable medications, biologicals and immunizations.

SB 1409 (Pr. No. 2157) (Amended)

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for unlawful acts by manufacturers or distributors.

HB 1558 (Pr. No. 3760) (Amended)

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, providing for practice of massage therapy in cosmetology salon or esthetician salon.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Costa requests a legislative leave for Senator Tartaglione. Without objection, the leave will be granted.

JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 6, 2014, is now in print.

The Clerk proceeded to read the Journal of the Session of May 6, 2014.

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-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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 Journal is approved.

**GUESTS OF SENATOR ROBERT B. MENSCH
PRESENTED TO THE SENATE**

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

Senator MENSCH. Mr. President, today it is my honor to introduce Miss Danielle Marino to the Senate. Danielle recently

interned in my Pennsburg office in order to complete her career study program at Upper Perkiomen High School. In fact, Danielle graduated from Upper Perkiomen High School this past week. Congratulations, Danielle. She will be attending Arcadia University in the fall on an accelerated master's program. This 5-year accelerated master's program will give Danielle a bachelor's degree in political science and a master's degree in international relations and diplomacy. Danielle's goals later in life are to be involved in international politics, travel, and make a difference in the world. She lives by Gandhi's quote, "Be the change you wish to see in the world."

Joining Danielle today are her parents, Jill and Joe Marino, and her friend, Eriq Saldutti. Please join me in welcoming Danielle and her guests.

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

(Applause.)

**GUESTS OF SENATOR MATTHEW H. SMITH
PRESENTED TO THE SENATE**

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

Senator SMITH. Mr. President, I rise today to welcome to the Capitol participants in the Women and Girls Foundation GirlGov program. Over 50 high school girls are shadowing legislators from both Chambers, following their schedule and attending meetings. The program gives girls a behind-the-scenes view and introduces them to aspects of State government and possible career options. Hopefully, as each of the girls participates in the program, they will be empowered to see themselves as future leaders, advocates, and civically engaged members of society in any career they ultimately choose. After speaking with many of the girls, I am inspired by their diverse interests, insights, and desire to make a difference. As a board member of the Women and Girls Foundation, and the father of two young daughters myself, I can attest to the importance of the Foundation's mission in efforts to achieve equality so that women and girls have equal access, opportunities, and influence in all aspects of public and private life. I also want to take a moment to acknowledge the Women and Girls Foundation's CEO, Heather Arnet, who was recently honored by "Women's eNews" as one of its 21 Leaders for the 21st Century in 2014, and as a leader in advocating for social justice and gender equity. She was also recently named chair of the Ms. Foundation for Women board of directors, the organization's youngest board chair. Miss Arnet, Women and Girls Foundation staff, and GirlGov participants are seated in the Senate gallery today.

I would also like to recognize my student shadows, Ali Perry and Olivia Fortune. Ali is a 10th-grader at West Allegheny High School. She is interested in the role of State government in education and lives in North Fayette Township. Olivia is a 10th-grader at Chartiers Valley High School. Her issues of interest are education, gun control, and domestic surveillance. Olivia lives in Collier Township. I respectfully ask my colleagues to join me in welcoming the participants in the GirlGov program to the Senate.

Thank you, Mr. President.

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

GUESTS OF SENATOR TIMOTHY J. SOLOBAY PRESENTED TO THE SENATE

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

Senator SOLOBAY. Mr. President, I, too, would echo the sentiments that my colleague, Senator Smith, mentioned of the annual GirlGov program. I, too, have two outstanding young women joining us in the gallery today. Hannah Smith and Victoria Snatchko are participating in the annual GirlGov program. Hannah and Victoria both reside in Washington County and attend Canon-McMillan High School. They will both be seniors this upcoming school year. Hannah is interested in equal pay for women, equality for minorities, and raising the minimum wage. Her future interests are graphic design, and she is a member of the art and ski club. Victoria, who is also going to be a senior this upcoming year at Canon-McMillan High School, is interested in biology and hopes to become a small-animal veterinarian. She is a cheerleader and also a member of the ski club.

Mr. President, I ask that the Senate also extend to my two visitors a warm Senate welcome.

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

(Applause.)

GUEST OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, I want to introduce one of the interns in my office this summer. His name is Brendon Thompson, a student at Neumann College in Delaware County. Brendon is an honor student, a member of the golf team, and is very much looking forward to his experience this summer. His interest is in government and he would like to be on the floor one day replacing one of us. So, if we could give a nice welcome to Brendon, I would appreciate that, Mr. President.

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

(Applause.)

GUEST OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, I rise to join my colleagues today who have introduced young ladies who are visiting us at the Capitol today as part of the GirlGov program. As was mentioned, the GirlGov program is an initiative of the Allegheny County Change Agents, which is a project of the Women and Girls Foundation, headed by Heather Arnet, as mentioned by Senator Smith a little bit earlier. GirlGov is a one-day legislative shadowing program for girls in grades 8 through 12 who live in

Allegheny County. Today my shadow is Elizabeth "Lizzie" Cottrell, who is the daughter of Lee and Laura Cottrell. Lizzie is a 10th-grader at City Charter High School in Pittsburgh. She currently volunteers with the Adaptive Rowing Program and is a member of the National Honor Society. Lizzie is interested in education and she has concerns about school closures and she wants to make certain she has the ability to help teens get interested in learning, but also advocate for positive learning environments. She enjoys being involved in very interesting programs such as the GirlGov program and she intends to attend college after high school for either an education or political science degree.

Mr. President, I ask that my colleagues join me in welcoming Lizzie Cottrell to Harrisburg and give her a warm Senate welcome.

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

(Applause.)

GUESTS OF SENATOR RANDY VULAKOVICH PRESENTED TO THE SENATE

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

Senator VULAKOVICH. Mr. President, no need to go into a long explanation about the Women and Girls Foundation. That has already been explained. I do have three shadows from the GirlGov 2014 program. I would like to get recognition for these young ladies. Colleen Dunn is a rising 11th-grader at Shaler Area High School, and she has an interest in LGBT rights. Madeline Abt, a rising 11th-grader at Shaler Area High School, is interested in traffic safety and women's rights. Emily Fekete, a rising 11th-grader at City Charter High School, is interested in education and LGBT rights.

So, I ask the Senate to join me in giving its usual warm welcome to these three young ladies.

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

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of meetings of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, to be followed by the Committee on Appropriations also to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

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

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations, to be followed by the Committee on Appropriations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

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

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I request temporary Capitol leaves for Senator Baker and Senator Folmer, and a legislative leave for Senator Vogel.

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

Senator FONTANA. Mr. President, I request a temporary Capitol leave for Senator Leach, and a legislative leave for Senator Yudichak.

The PRESIDING OFFICER. Senator Browne requests temporary Capitol leaves for Senator Baker and Senator Folmer, and a legislative leave for Senator Vogel.

Senator Fontana requests a temporary Capitol leave for Senator Leach, and a legislative leave for Senator Yudichak.

Without objection, the leaves will be granted.

CALENDAR**THIRD CONSIDERATION CALENDAR****BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 43 (Pr. No. 3541) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for purpose and for definitions; providing for approved organization procedure; and further providing for liability and for prescription of medication for family members.

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	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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.

BILL OVER IN ORDER

SB 324 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 428 (Pr. No. 2148) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for pooled trusts for persons with disabilities.

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	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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

SB 1036 and SB 1085 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL REREFERRED

HB 1177 (Pr. No. 2063) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for initiative of electors seeking consolidation or merger with new home rule charter.

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

BILL LAID ON THE TABLE

SB 1219 (Pr. No. 1676) -- 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, further providing for the filling of vacancies in the office of district attorney.

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

SB 1219 TAKEN FROM THE TABLE

Senator BROWNE. Mr. President, I move that Senate Bill No. 1219, Printer's No. 1676, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILL LAID ON THE TABLE

SB 1220 (Pr. No. 1677) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1850 (P.L.654, No.385), entitled "An act providing for the election of district attorneys," further providing for the filling of vacancies in the office of district attorney.

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

SB 1220 TAKEN FROM THE TABLE

Senator BROWNE. Mr. President, I move that Senate Bill No. 1220, Printer's No. 1677, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILL LAID ON THE TABLE

HB 1271 (Pr. No. 2774) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of all restrictions imposed by the Project 70 Act on a portion of certain lands situated in the Borough of

Brentwood, Allegheny County, in exchange for the imposition of Project 70 restrictions on other lands owned by the Borough of Brentwood, Allegheny County.

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

HB 1271 TAKEN FROM THE TABLE

Senator BROWNE. Mr. President, I move that House Bill No. 1271, Printer's No. 2774, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILL OVER IN ORDER TEMPORARILY

SB 1316 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BROWNE.

BILL REREFERRED

SB 1388 (Pr. No. 2064) -- 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, repealing provisions relating to report of racial and ethnic groupings, to study of public schools that provide Internet instruction, to corporate seal, to submission of plans, to approval of plans, to disapproval of plans, to Department of Public Instruction to prepare plans, to establishment of reorganized school districts, to advance establishment, to special school watchmen-school districts in townships of the second class, to copies of school laws, to educational broadcasting, to residences for teachers and janitors, to heating stoves to be shielded, to ventilation and thermometer, to fire-proof construction, to doors to open outward and fire escapes, etc., to water-closets and out-houses, to completion of abandoned WPA projects, districts of the third and fourth class, to condition of grounds and shade trees, to summer schools, etc., to possession of telephone pagers prohibited, to nonprofit school food program, to antitruancy programs, to medical care for children under six with defective hearing, to report, to care and treatment of pupils and to local wellness policy; further providing for fire and emergency evacuation drills; repealing provisions relating to foreign language academies, to monthly reports to school directors in districts second, third and fourth class, to alcohol, chemical and tobacco abuse program, to read to succeed, to reporting, to department duties and powers; further providing for duties of State Board for Vocational Education and reports; repealing provisions related to schools or classes, supervisors, principals, instructors and etc., to estimate of expenses and reimbursement and appropriations and to teachers of evening schools; further providing for powers and duties of the board of trustees; repealing provisions related to annual report, to duties of public institutions of higher education, to medical education loan assistance, to special study on the revenue impact of out-of-State tax credits, and to powers and duties of the board and to reports and recommendations.

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1401 (Pr. No. 2078) -- The Senate proceeded to consideration of the bill, entitled:

An Act renaming the West Chestnut Street Bridge in Coudersport Borough, Potter County, as the Private Edwin Tubbs Memorial Bridge; and renaming the State Route 872 Bridge near Coudersport Borough/Eulalia Township Border, Potter County, as the Specialist Donald Stiles Memorial Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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.

HB 1831 (Pr. No. 3748) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 15 over the Yellow Breeches Creek, Carroll Township, York County, as the Glenn Bowers Memorial Bridge; designating a bridge on that portion of 17th Street over the 10th Avenue Expressway, City of Altoona, Blair County, as the Blair County Veterans Memorial Bridge; designating a bridge on that portion of State Route 764 over 31st Street, City of Altoona, Blair County, as the Alvin E. Morrison Memorial Bridge; designating West Erie Avenue from its intersection with North Second Street in Philadelphia City, Philadelphia County, to the point where it meets North Front Street in Philadelphia City, Philadelphia County, as Roberto Clemente Way; designating the interchange at the crossing of State Route 33 and Main Street (State Route 1022) in Palmer Township, Northampton County, as the Charles Chrin Interchange; designating the interchange between the portion of State Route 3009 and State Route 119 in South Union Township, Fayette County, as the Fred L. Lebder Interchange; and designating a bridge on that portion of State Route 711 over the Youghiogheny River in the City of Connellsville, Fayette County, as the Officer Robb McCray Memorial Bridge.

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	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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.

BILLS LAID ON THE TABLE

HB 1938 (Pr. No. 2992) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of 17th Street over the 10th Avenue Expressway, City of Altoona, Blair County, as the Blair County Veterans Memorial Bridge.

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

HB 1939 (Pr. No. 3528) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of S.R. 764 over 31st Street, City of Altoona, Blair County, as the Alvin E. Morrison Memorial Bridge.

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

BILL AMENDED

HB 1945 (Pr. No. 3537) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services to survey certain lands and buildings situate partly in the City of Harrisburg and partly in Susquehanna Township, Dauphin County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to East Liberty Development Corporation certain lands and improvements situate in the City of Pittsburgh, Allegheny County; authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the City of Pittsburgh, Allegheny County, and the Borough of Pine Grove, Schuylkill County; authorizing the Department of General Services, with the approval of the Governor to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County; authorizing the

Department of General Services, with the approval of the Department of Labor and Industry and the Governor, to grant and convey to the Coatesville Area Senior Center, or its successors or assigns, certain lands, buildings and improvements situate in the City of Coatesville, Chester County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Technician Training School certain lands situate in the City of Philadelphia, Philadelphia County.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SMUCKER offered the following amendment No. A7773:

Amend Bill, page 1, line 28, by striking out "AND"

Amend Bill, page 1, line 32, by striking out the period after "COUNTY" and inserting:

; authorizing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to grant and convey to Fort LeBoeuf Historical Society, certain lands situate in the Borough of Waterford, Erie County; authorizing and directing the Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, to grant and convey to Penn Manor School District certain lands situate in the Borough of Millersville, Lancaster County, and further authorizing and directing the Department of General Services to accept, in exchange, a conveyance of certain lands situate in the Borough of Millersville, Lancaster County, from the Penn Manor School District; authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use and reversionary covenants imposed on certain real property situate in the City of Scranton, Lackawanna County; partially removing and releasing restrictive use covenants on certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, to lease to Philadelphia Waterfront Partners, LP, land within the bed of the Delaware River within the City of Philadelphia.

Amend Bill, page 9, lines 8 through 10, by striking out "FOLLOWING RECEIPT OF THE PLAN, THE GENERAL ASSEMBLY MAY" in line 8 and all of lines 9 and 10

Amend Bill, page 9, by inserting between lines 13 and 14:

(g) Relocation.--The Department of General Services shall prepare other facilities to receive Commonwealth employees who will be displaced by the sale of the property.

(h) Conveyance.--Following the receipt of the plan under subsection (e), the General Assembly shall convey the property described in subsection (b) within 18 legislative days. The General Assembly may add additional conditions or amendments to specific parcel transfers and other conditions as appropriate.

Amend Bill, page 9, line 18, by striking out "DEVELOPMENT CORPORATION" and inserting:

Development, Inc.

Amend Bill, page 26, by inserting between lines 10 and 11: Section 8. Conveyance of Washington Monument Park in Borough of Waterford, Erie County.

(a) Authorization.--The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Washington Monument Park, situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.--The property to be conveyed pursuant to this section consists of approximately 0.104-acres, including any improvements located thereon, more particularly described as follows:

Tract 1

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point fifty (50) feet west of the west line of High Street and twenty (20) feet north of the north line of First Alley; thence

southwardly, parallel with High Street, four (4) feet and eight (8) inches to a point; thence eastwardly and parallel with First Alley, four (4) feet and eight (8) inches to a point; thence northerly and parallel with High Street, four (4) feet and eight (8) inches to a point; thence westwardly, parallel with First Alley, four (4) feet and eight (8) inches to the place of BEGINNING.

BEING the same property conveyed to the Commonwealth of Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of American Colonists, by deed dated April 11, 1945, and recorded in Erie County Deed Book No. 454, Page 396.

Tract 2

ALL THAT CERTAIN piece or lot of land situated in the Borough of Waterford, in the County of Erie, and Commonwealth of Pennsylvania, bounded and described as follows, to wit:

COMMENCING at the southeast corner of what is N/F known as the Eagle Hotel Lot on High Street; thence westwardly along same, eighty-two and one-half (82 1/2) feet; thence southwardly along said lot and parallel with High Street, fifty-five (55) feet to First Alley; thence eastwardly, eighty-two and one-half (82 1/2) feet to High Street; thence along High Street northwardly, fifty-five (55) feet to the PLACE OF BEGINNING.

BEING the same property conveyed to the Commonwealth of Pennsylvania, from the Fort LeBoeuf Chapter, Daughters of American Colonists, by deed dated August 16, 1950, and recorded in Erie County in Deed Book 573, Page 131.

EXCEPTING THEREFROM, however, a piece of land four (4) feet and eight (8) inches square, heretofore conveyed by the Fort LeBoeuf Chapter, Daughters of the American Colonists, to the Commonwealth of Pennsylvania, by deed dated April 11, 1945, and recorded in Deed Book 454, Page 396.

Being Parcel ID #46-9-57-2

(c) Conditions.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Gaming restriction.--Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Restrictive covenant.--The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants

Washington Monument Park

Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

(a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Washington Monument Park," shall contain the following language: "Fort LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity; under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."

(b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Washington Monument Park.

(2) Standards for Historic Preservation.

(a) Washington Monument Park shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(b) No construction, alteration, rehabilitation, remodeling, demolition,

site development, ground disturbance, or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.

(c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.

(d) The Commission will be given forty-five (45) days from receipt of the notice (sent via certified mail) to review and approve in writing the appropriateness of said work. If no response is provided within forty-five (45) days, consent shall be implied.

(3) Requirements and Standards for Archaeological Investigation.

(a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.

(b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.

(c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.

(4) Access.

FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.

(5) Right of Reverter.

(a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a museum, or related business and/or curatorial offices, for any length of time.

(b) FLHS may petition the Commission for a waiver of this provision if a proposed usage would meet the spirit of this agreement.

(c) The Commission must specifically approve any waiver of this provision.

(6) Binding in Perpetuity.

(a) This covenant is binding on FLHS and its successors in perpetuity.

(b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.

(c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

(f) Deed of conveyance.--The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.--Costs and fees incidental to this conveyance shall be borne by the grantee.

(h) Expiration.--In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 9. Conveyance of Fort LeBoeuf Museum in Borough of Waterford, Erie County.

(a) Authorization.--The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Fort LeBoeuf Museum situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.--The property to be conveyed pursuant to this section consists of approximately 1.17-acres, including any improvements located thereon, more particularly described as follows:

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, Erie County, Pennsylvania, being a rectangle 155 feet by 330 feet, on the east side of High Street (Route #19), bounded by First Alley, Cherry Street (unopened) and Water Street (unopened).

BEING the same piece or parcel of land acquired by the Commonwealth of Pennsylvania, pursuant to Declaration of Taking, filed in the Office of the Prothonotary of the Court of Common Pleas of Erie County on September 30, 1968, at No. 2782 A Term 1968, with a notice of the Declaration of Taking recorded at the Office of the Recorder of Deeds of Erie County at Book 990, Page 84.

BEING Parcel ID #46-9-58-4.

(c) Conditions.--The conveyance shall be made under and subject

to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Gaming restriction.--Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Restrictive covenant.--The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants

Fort LeBoeuf Museum

Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

(a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Fort LeBoeuf Museum," shall contain the following language: "Fort LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity; under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."

(b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Fort LeBoeuf Museum.

(2) Standards for Historic Preservation.

(a) Fort LeBoeuf Museum shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(b) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance, or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.

(c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.

(d) The Commission will be given forty-five (45) days from receipt of the notice (sent via certified mail) to review and approve in writing the appropriateness of said work. If no response is provided within forty-five (45) days, consent shall be implied.

(3) Requirements and Standards for Archaeological Investigation.

(a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.

(b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.

(c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.

(4) Access.

FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.

(5) Right of Reverter.

(a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a museum, or related business and/or curatorial offices, for any length of time.

(b) FLHS may petition the Commission for a waiver of this provision

if a proposed usage would meet the spirit of this agreement.

(c) The Commission must specifically approve any waiver of this provision.

(6) Binding in Perpetuity.

(a) This covenant is binding on FLHS and its successors in perpetuity.

(b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.

(c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

(f) Deed of conveyance.--The deed of conveyance shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.--Costs and fees incidental to this conveyance shall be borne by the grantee.

(h) Expiration.--In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 10. Conveyance of Judson House in Borough of Waterford, Erie County.

(a) Authorization.--The Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the Fort LeBoeuf Historical Society certain lands and any improvements thereon described in subsection (b), the property being known locally as the Judson House situate in the Borough of Waterford, Erie County, for \$1.

(b) Description of property.--The property to be conveyed pursuant to this section consists of approximately 0.5871-acres, including any improvements located thereon, more particularly described as follows:
Tract 1

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie and Commonwealth of Pennsylvania, being Lots Nos. Seven (7) and Eight (8) of Garrison Lots in said Borough.

The said lots are situate at the southeast intersection of High Street and First Street, in said Borough, and front for a distance of 105 feet on the south side of First Street and extends southerly therefrom a distance of 155 feet on the east side of High Street.

Excepting and reserving however, from the above described land all that easterly portion consisting of a 60 foot frontage on First Street and extending to a depth of 155 feet therefrom in a southerly direction.

BEING the same piece or parcel of land conveyed to the Commonwealth of Pennsylvania, from Frank R. Johnston, et al, by deed dated July 8, 1949, and recorded in Erie County Deed Book 542, Page 549.

Tract 2

ALL THAT CERTAIN piece or parcel of land situate in the Borough of Waterford, County of Erie and Commonwealth of Pennsylvania, being the east sixty (60) feet fronting on the southerly side of First Street to an alley, and extending southwardly at a uniform depth of one hundred fifty-five (155) feet, of lots Nos. 7 and 8 of the Garrison Lots in the Borough of Waterford, more fully bounded and described as follows, to wit:

BEGINNING at a point in the south line of First Street, one hundred five (105) feet eastwardly from the point of intersection of the south line of First Street with the east line of High Street; thence southwardly parallel with the east line of High Street, one hundred and fifty-five (155) feet, more or less, to the north line of an alley; thence eastwardly along the north line of said alley, and parallel with the south line of First Street, sixty (60) feet to a point; thence northwardly parallel with the east line of High Street, one hundred and fifty-five (155) feet, more or less, to the south line of First Street; and thence westwardly along the south line of First Street, sixty (60) feet to the place of BEGINNING.

BEING the same piece or parcel of land conveyed to the Commonwealth of Pennsylvania, from Miriam Kuhns, unmarried, and Cynthia Ensworth, widow, by deed dated March 21, 1950, and recorded in Erie County Deed Book 560, Page 348.

BEING Parcel ID #46-9-58-1.

(c) Conditions.--The conveyance shall be made under and subject to all lawful and enforceable easements, servitudes and rights of others, including, but not confined to, streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies

vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(d) Gaming restriction.--Any conveyance authorized under this section shall be made under and subject to the condition, which shall be contained in the deed of conveyance, that no portion of the property conveyed shall be used as a licensed facility, as defined in 4 Pa.C.S. § 1103 (relating to definitions), or any other similar type of facility authorized under State law. The condition shall be a covenant running with the land and shall be binding upon the grantee and its successors. Should the grantee, or its successors, permit any portion of the property authorized to be conveyed in this section to be used in violation of this subsection, the title shall immediately revert to and revest in the grantor.

(e) Restrictive covenant.--The following restrictive covenants shall be included in the deed of conveyance:

Declaration of Covenants

Judson House

Borough of Waterford, Erie County, Pennsylvania

(1) Covenants.

(a) The deed of transfer of this property, which property shall hereinafter be described in this agreement as "Judson House," shall contain the following language: "Fort LeBoeuf Historical Society and its successors, (hereafter referred to as "FLHS") covenants and agrees to assume responsibility for the maintenance, preservation, and administration of the property in a manner that is satisfactory to the Pennsylvania Historical and Museum Commission ("Commission") for a demonstrable public benefit in perpetuity; under and subject to the condition that the buildings and lands conveyed herein shall be accessible to the public."

(b) The provisions of these covenants, hereinafter expressed as covenants running with the land, are herein set forth so as to ensure the maintenance and preservation of the qualities, natural resources and historical characteristics of Judson House.

(2) Standards for Historic Preservation.

(a) Judson House shall be maintained and preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(b) No construction, alteration, rehabilitation, remodeling, demolition, site development, ground disturbance, or other action shall be undertaken or permitted to said property without the prior written permission from the Commission.

(c) Prior to the commencement of work, FLHS agrees to notify, in writing, the Commission of all such work on said property in advance.

(d) The Commission will be given forty-five (45) days from receipt of the notice (sent via certified mail) to review and approve in writing the appropriateness of said work. If no response is provided within forty-five (45) days, consent shall be implied.

(3) Requirements and Standards for Archaeological Investigation.

(a) For work that involves ground disturbance, the Commission may require archaeological investigation, for which FLHS shall have financial responsibility.

(b) In the event that archaeological materials are discovered during ground-disturbing activities, work shall temporarily cease, and the Commission shall be consulted for instructions prior to proceeding with the work.

(c) Any archaeological work shall be conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48FR 447344-37) and any such standards and guidelines as the Commission may specify.

(4) Access.

FLHS shall allow the Commission, at all reasonable times and upon reasonable advance notice to FLHS, access to inspect said property to ensure compliance with this preservation covenant.

(5) Right of Reverter.

(a) The deed of conveyance shall contain a clause that the title to the property shall immediately revert to and revest in the Commonwealth should FLHS sell or transfer the property or permit the property to be used for any purpose other than as a museum, or related business and/or curatorial offices, for any length of time.

(b) FLHS may petition the Commission for a waiver of this provision if a proposed usage would meet the spirit of this agreement.

(c) The Commission must specifically approve any waiver of this provision.

(6) Binding in Perpetuity.

(a) This covenant is binding on FLHS and its successors in perpetuity.

(b) This covenant shall be binding servitude upon the property and shall be deemed to run with the land.

(c) Execution of this covenant shall constitute evidence that FLHS agrees to be bound by the foregoing conditions and restrictions and to perform the obligations herein set forth.

(f) Deed of conveyance.--The deed of conveyance shall be by Special Warranty Deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(g) Costs and fees.--Costs and fees incidental to this conveyance shall be borne by the grantee.

(h) Expiration.--In the event that the conveyance is not effectuated within one year of the effective date of this section, the authority contained in this section shall expire.

Section 11. Conveyance in Borough of Millersville, Lancaster County.

(a) Authorization.--The Department of General Services, with the approval of Millersville University of Pennsylvania of the State System of Higher Education and the Governor, is hereby authorized and directed on behalf of the Commonwealth of Pennsylvania to grant and convey to Penn Manor School District certain land and improvements thereon situate in the Borough of Millersville, Lancaster County, and is further authorized and directed on behalf of the Commonwealth of Pennsylvania to accept in exchange certain land and improvements thereon to be conveyed by the Penn Manor School District to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, and to add the same to the existing lands of the Commonwealth of Pennsylvania at Millersville University of Pennsylvania.

(b) Property to be conveyed to Penn Manor School District.--The property to be conveyed to Penn Manor School District pursuant to subsection (a) consists of approximately 0.890-acres of land and improvements thereon bounded and more particularly described as follows:

All that certain tract of land situate southwest of Circle Drive in the Borough of Millersville, Lancaster County, Pennsylvania shown as Area B on the Layout Plan Subdivision/Lot Add-On Plan for Millersville University prepared by RETTEW Associates, Inc. drawing number 015372001, dated February 2012, and being more fully bounded and described below:

BEGINNING AT A POINT the easternmost corner of the herein described tract, said point being the southeast corner of lands, now or formerly, of Penn Manor School District; thence extending in and through lands, now or formerly, of The General State Authority the following three (3) courses and distances: 1) South 57° 23 34 West, a distance of 105.181 to an iron pin to be set; 2) South 66° 32 49 West, a distance of 395.148 to an iron pin to be set; and 3) North 63° 31 42 West, a distance of 180.821 to an iron pin to be set along lands, now or formerly, of Penn Manor School District; thence along the same North 77° 43 38 East, a distance of 627.305 to the POINT AND place of beginning.

CONTAINING 0.8907 acres of land, more or less.

(c) Property to be conveyed to the Commonwealth.--The land to be accepted in the name of the Commonwealth of Pennsylvania, acting by and through the Department of General Services pursuant to subsection (a) consists of approximately 2.328 acres of land and improvements thereon and is bounded and more particularly described as follows:

ALL THAT CERTAIN tract of land situate southwest of Circle Drive in the Borough of Millersville, Lancaster County, Pennsylvania shown as Area A on the Layout Plan Subdivision/Lot Add On Plan for Millersville University prepared by RETTEW Associates, Inc. drawing number 015372001, dated February 2012, and being more fully bounded and described below:

BEGINNING AT A POINT, the northeast corner of the herein described tract, said point being a corner of lands, now or formerly, of Penn Manor School District; thence along lands, now or formerly, of Ted E. and Diane T. Silar, South 24° 12 04 East, a distance of 400.74 to an iron pin to be set, a corner of Area A; thence along the same South 77° 04 29 West, a distance of 265.01 to an iron pin to be set along lands, now or formerly, of The General State Authority; thence along the same North 23° 37 37 West, a distance of 384.77 to a point, a corner of lands, now or formerly, of Penn Manor School District; thence along the same North 73° 45 55 East, a distance of 258.53 to a point, a corner of lands, now or formerly, of Ted E. and Diane T. Silar; the POINT AND PLACE OF BEGINNING.

CONTAINING 2.328 acres of land.

(d) Easements.--The conveyances shall be made under and subject

to all lawful and enforceable easements, servitudes and rights of others, including but not confined to streets, roadways and rights of any telephone, telegraph, water, electric, gas or pipeline companies, as well as under and subject to any lawful and enforceable estates or tenancies vested in third persons appearing of record, for any portion of the land or improvements erected thereon.

(e) Deeds.--

(1) The deed of conveyance for the property to be conveyed to Penn Manor School District by the Department of General Services pursuant to subsection (a) shall be a special warranty deed and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

(2) The deed of conveyance for the property to be conveyed to the Commonwealth of Pennsylvania, acting by and through the Department of General Services, by Penn Manor School District pursuant to subsection (a) shall be a special warranty deed and shall be executed by the appropriate officers of the school district.

(f) Authority granted to Secretary of General Services.--The Secretary of General Services is hereby authorized to grant or reserve any easements on Commonwealth-owned real property at Millersville University of Pennsylvania as may be necessary to effectuate the purposes of this section or to otherwise protect the interests of the Commonwealth.

(g) Costs.--The costs and fees incidental to the conveyances hereby authorized shall be borne equally by the Penn Manor School District and Millersville University of Pennsylvania of the State System of Higher Education.

Section 12. Release of restrictive use and reversionary covenants in City of Scranton, Lackawanna County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth to remove and release the restrictive use and reversionary covenants imposed on certain real property conveyed to Scranton Primary Health Care Center, Inc., by the Department of General Services pursuant to the authority contained in the act of February 14, 1980 (P.L.9, No.6), entitled "Authorizing and directing the Department of General Services, with the approval of the Governor, to convey to the Scranton Primary Health Care Center, Inc., a certain parcel of land together with a building erected thereon, situate in the City of Scranton, County of Lackawanna, Pennsylvania," on such terms, conditions and for consideration to be established in a legally binding agreement acceptable to the Secretary of General Services.

(b) Property description.--The restrictions to be released pursuant to subsection (a) are on a tract of land totaling approximately 0.50-acres, more particularly described as follows:

All that certain lot, piece or parcel of land, situate in the City of Scranton, Lackawanna County, described as follows:

Lots Number Twenty-three (23) and Twenty-four (24) in Square or Block Number Two Hundred Twenty-six (226) and situate upon a street called and known as Wyoming Avenue upon the plot of Scranton, intended to be duly registered and recorded, said lots being together eighty (80) feet in front and one hundred sixty-seven (167) feet in depth; and rectangular with an alley in the rear sixteen (16) feet wide for public use.

Containing approximately 0.50-acres of land.

Being the same property conveyed to Scranton Primary Health Care Center, Inc., by the Commonwealth of Pennsylvania, acting by and through the Department of General Services, by its deed, dated August 1, 1980, and recorded in the Recorder of Deeds of Lackawanna County at Deed Book 228, Page 570 through Page 573.

(c) Form of release.--Any legal instruments necessary to remove and release the restrictive use and reversionary covenants shall be executed by the Secretary of General Services in

Section 13. Partial removal and release of restrictive use covenants in Benner Township, Centre County.

(a) Authorization.--The Department of General Services, with the approval of the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to partially remove and release the restrictive covenants as to sole use for passive recreational open space, but not as to that portion of the restrictive covenants relating to the benefit of the public at large, and to remove and release the restrictive covenant as to the conveyance and recordation of a perpetual conserva-

tion easement, under terms, conditions and for consideration acceptable to the Department of General Services, imposed on certain real property in Benner Township, Centre County, conveyed to Benner Township by the Department of General Services pursuant to the authority contained in section 2(d) of the act of July 9, 2010 (P.L.401, No.55), entitled "An act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to The Pennsylvania State University, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Benner Township, certain lands situate in Benner Township, Centre County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Fish and Boat Commission, certain lands situate in Benner Township, Centre County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Pennsylvania Game Commission, certain lands situate in Benner Township, Centre County," upon the terms and conditions and for consideration acceptable to the Department of General Services.

(b) Property description.--The restrictions to be partially removed and released pursuant to subsection (a) are on two tracts of land totaling approximately 5.0000 acres and 13.6033 acres, respectively, of land, gross area, more particularly described as follows:

PARCEL BENNER A

ALL THAT CERTAIN PARCEL or tract of land in Benner Township, Centre County, Pennsylvania identified as "PARCEL BENNER A" on plans prepared by Sweetland Engineering and Associates, Inc., more fully bounded and described as follows:

Beginning at a point in the centerline of Rock Road, Benner Township Road T-376, at the common southwestern corner of "Parcel PGC A" and the northwestern corner of the herein described parcel, said point having coordinates referenced to the Pennsylvania State Plane Coordinate System North Zone, North American Datum of 1983 of Northing 249820.5919 and Easting 1947763.3680;

Thence along "Parcel Benner A" the following three (3) courses:

1. N 24-17-11 E a distance of 16.50 feet to a point; Thence
2. N 17-58-42 E a distance of 342.76 feet to a point; Thence
3. S 68-49-38 E a distance of 572.82 feet to a point;

Thence along "Parcel DGSDOC A" S 17-44-53 W a distance of 420.75 feet to a point;

Thence along the centerline of Rock Road the following two (2) courses:

1. N 57-27-33 W a distance of 206.98 feet to a point; Thence
2. N 65-42-49 W a distance of 377.40 feet to the point of beginning.

Containing 217.799 square feet or 5.0000 acres of land, gross area, be the same more or less.

PARCEL BENNER D

Beginning at a point in the northern right-of-way line of SR0150, the Benner Pike, a variable width right-of-way at the intersection with the northeastern line of Prison Road "D", said point having coordinates referenced to the Pennsylvania State Plane Coordinate System North Zone, North American Datum of 1983 of Northing 255155.4238 and Easting 1960011.9833;

Thence along Prison Road "D" the following four (4) courses:

1. N 74-54-54 W a distance of 97.10 feet to a point; Thence
2. along a curve to the left having a radius of 555.00, central angle of 32° 40' 16", chord bearing and distance of S 88-44-58 W a distance of 312.20 feet, an arc distance of 316.47 feet to a point; Thence
3. S 72-24-50 W a distance of 316.85 feet to a point; Thence
4. S 78-33-51 W a distance of 236.71 feet to a point;

Thence along the southern right-of-way line of SR6026, Section C03 the following four (4) courses:

1. N 41-04-29 E a distance of 77.10 feet to a point; Thence
2. N 36-07-17 E a distance of 700.65 feet to a point; Thence
3. along a curve to the right having a radius of 2759.79, cen-

tral angle of 14° 31' 53", chord bearing and distance of N 43-23-13 E a distance of 698.06 feet, an arc distance of 699.94 feet to a point; Thence

4. along a curve to the right having a radius of 255.00, central angle of 41° 33' 59", chord bearing and distance of N 71-26-09 E a distance of 180.96 feet, an arc distance of 184.99 feet to a point;

Thence along the northern right-of-way line of SR0150, the Benner Pike, the following five (5) courses:

1. S 25-13-03 E a distance of 123.39 feet to a point; Thence
2. S 15-05-06 W a distance of 294.87 feet to a point; Thence
3. S 12-13-21 W a distance of 200.25 feet to a point; Thence
4. S 15-05-06 W a distance of 453.78 feet to a point; Thence
5. S 15-52-44 E a distance of 35.97 feet to the point of beginning.

Containing 592.560 square feet or 13.6033 acres of land, gross area, be the same more or less.

(c) Form of partial removal and release.--Any legal instruments necessary to partially remove and release the restrictive use covenants shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania, provided that the portion of the restrictive use covenants relating to the benefit of the public at large may not be removed and released in such instruments.

(d) Costs.--Any costs and fees incidental to the partial removal and release of the restrictive use covenants shall be borne by the Grantee.

Section 14. Land within the Delaware River bed.

(a) Authorization.--The Commonwealth owns the lands within the bed of the Delaware River, a portion of which is located in the 5th Ward of the City of Philadelphia. Such lands located in the 5th Ward are commonly known as Premises A (an area immediately north of Pier No. 27 North), Pier No. 27 North, Pier No. 27.5 North, Pier No. 31 North, Pier No. 32 North, Pier No. 33 North, Pier No. 34 North and Pier No. 35 North, and referred to collectively as the "Properties," all of which are more fully described in subsection (b).

(b) Property description.--The land to be leased is more particularly described as follows:

PREMISES "A"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Christopher Columbus Boulevard (On City Plan, 150' wide, Legally Open). Said point being located the following two courses and distances southwardly from the intersection of the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

1.) S.18°17'00"W along the said Delaware Avenue, and then continuing along the said easterly side of Christopher Columbus Boulevard the distance of 862.843' to a point of intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

2.) S.15°16'00"W along the said Christopher Columbus Boulevard, the distance of 216.875 to an angle point;

THENCE extending S.74°44'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 553.380' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 159.031' to a point;

THENCE extending N.73°55'50"W. and partly crossing the said Bulkhead Line the distance of 515.436' to a point on the said easterly side of Christopher Columbus Boulevard (On City Plan, 150' wide, Legally Open);

THENCE extending N.15°16'00"E. along the said easterly

side of Christopher Columbus Boulevard the distance of 147.204' to a point, being the first mentioned point and place of beginning;

Being Known As: Premises "A" on the above mentioned plan.

AREA OF PARCEL: 80,661 Square Feet 1.85173 Acres.

PREMISES "B"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Christopher Columbus Boulevard (On City Plan, 150' wide, Legally Open) at a distance of 800.531' southwardly from the intersection of the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 611.597' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 253.729' to a point;

THENCE extending N.74°44'00"W. and partly crossing the said Bulkhead Line the distance of 553.380' to a point on the said easterly side of Christopher Columbus Boulevard;

THENCE extending N.15°16'00"E. along the said easterly side of Christopher Columbus Boulevard the distance of 216.875' to an angle point;

THENCE extending N.18°17'00"E. along the said easterly side of Christopher Columbus Boulevard the distance of 62.312' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #27 on the above mentioned plan.

AREA OF PARCEL: 153,806 Square Feet 3.53092 Acres.

PREMISES "C"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Christopher Columbus Boulevard (On City Plan, 150' wide, Legally Open) at a distance of 676.448' southwardly from the intersection of the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 635.267' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 126.302' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 611.597' to a point on the said easterly side of Christopher Columbus Boulevard;

THENCE extending N.18°17'00"E. along the said easterly side of Christopher Columbus Boulevard the distance of 124.083' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #27 1/2 on the above mentioned plan.

AREA OF PARCEL: 77,357 Square Feet 1.77589 Acres.

PREMISES "D"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and

Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) at a distance of 513.552' southwardly from the intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 666.362' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 165.809' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 635.267' to a point on the easterly side of Christopher Columbus Boulevard (On City Plan, 150' wide, Legally Open);

THENCE extending N.18°17'00"E. partly along the said easterly side of Christopher Columbus Boulevard and, also partly along the said easterly side of Delaware Avenue the distance of 162.896' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #31 on the above mentioned plan.

AREA OF PARCEL: 106,015 Square Feet 2.43378 Acres.

PREMISES "E"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) at a distance of 448.614' southwardly from the intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 678.754' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 66.099' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 666.362' to a point on the said easterly side of Delaware Avenue;

THENCE extending N.18°17'00"E. along the said easterly side of Delaware Avenue the distance of 64.938' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #32 on the above mentioned plan.

AREA OF PARCEL: 43,674 Square Feet 1.00263 Acres.

PREMISES "F"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013:

BEGINNING at the point on the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) at a distance of 328.281' southwardly from the intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 701.718' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead

Line the distance of 122.485' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 678.754' to a point on the said easterly side of Delaware Avenue;

THENCE extending N.18°17'00"E. along the said easterly side of Delaware Avenue the distance of 120.333' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #33 on the above mentioned plan.

AREA OF PARCEL: 83,058 Square Feet 1.90675 Acres.

PREMISES "G"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013;

BEGINNING at the point on the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) at a distance of 241.239' southwardly from the intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 718.328' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 88.599' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 701.718' to a point on the said easterly side of Delaware Avenue;

THENCE extending N.18°17'00"E. along the said easterly side of Delaware Avenue the distance of 87.042' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #34 on the above mentioned plan.

AREA OF PARCEL: 61,801 Square Feet 1.41877 Acres.

PREMISES "H"

ALL THAT CERTAIN lot or piece of ground with the buildings and improvements erected thereon. SITUATE in the 5th Ward of the City of Philadelphia and described according to a Site Plan (FF-1080 / 2012-309) made by Herman P. Ledger, P.L.S., Surveyor and Regulator of the Fifth Survey District, dated January 29, 2013;

BEGINNING at the point on the easterly side of Delaware Avenue (On City Plan, 150' wide, Legally Open) at a distance of 118.562' southwardly from the intersection of the said easterly side of Delaware Avenue with the southeasterly side of Penn Street (On City Plan, 60' wide, Legally Open);

THENCE extending S.71°40'00"E. and partly crossing the Bulkhead Line Established 1/5/1894, Approved by the Secretary Of War 9/10/1940 the distance of 741.739' to a point on the Pierhead Line Established 1/20/1891, and Approved by the Secretary Of War 9/10/1940;

THENCE extending S.29°05'21"W along the said Pierhead Line the distance of 124.871' to a point;

THENCE extending N.71°40'00"W. and partly crossing the said Bulkhead Line the distance of 718.328' to a point on the said easterly side of Delaware Avenue;

THENCE extending N.18°17'00"E. along the said easterly side of Delaware Avenue the distance of 122.677' to a point, being the first mentioned point and place of beginning;

Being Known As: Pier #35 on the above mentioned plan.

AREA OF PARCEL: 89,588 Square Feet 2.05597 Acres.

(c) Lease agreement.--The Department of General Services, with the approval of the Attorney General and the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth, is hereby authorized to enter into a lease of the Properties to the City of Philadelphia (the "Lease") for a term of 99 years, with an

option in favor of the City of Philadelphia to extend such term for all or any portion of the Properties for up to 99 years. The Lease shall provide rent payable to the Commonwealth upon the execution of the Lease, in an amount to be determined by the Secretary of General Services, and shall include such other terms and conditions as the Department of General Services shall establish, with the concurrence of the Department of Environmental Protection. The Lease shall grant the City of Philadelphia the right to sublease, and to permit the further subsubleasing, subsubsubleasing and so on, of all or any portion of the Properties for Maritime Purposes and/or for residential, office, commercial, condominium, hotel, marina or other public uses. As used in this section, the term "Maritime Purposes" means activities directly related to the handling of cargo or passengers for import or export through the Port of Philadelphia.

(d) Nondisturbance agreement.--The Department of General Services, with the concurrence of the Department of Environmental Protection, acting on behalf of the Commonwealth, is hereby authorized to enter into one or more nondisturbance agreements with any sublessee of all or any portion of the Properties pursuant to which the Commonwealth will agree that, if the Commonwealth succeeds to the interest of the sublessor under such sublessee's sublease, the Commonwealth will not terminate such sublease unless the sublessee is in default.

(e) Improvements.--The Department of General Services, with the approval of the Attorney General, is hereby authorized to permit, on behalf of the Commonwealth, any declaration or other documents necessary to submit the Properties or any portion thereof and any improvements thereon to the provisions of 68 Pa.C.S. Pt. II Subpt. B (relating to condominiums) as a leasehold condominium. Development of the parcels authorized to be leased in this section shall be consistent with public and Maritime Purposes.

(f) Free public access.--

(1) The City of Philadelphia, all sublessees and their respective successors and assigns shall provide and maintain at least the following free public access to the riverfront for recreation activities:

(i) Public walkways on the riverfront, including water edge promenades along the entire water edge of the Properties and adjacent to the water and providing free public access to the water and allowing for passive and active recreational activities year around.

(ii) A free public park area along the public walkway near the water.

(iii) Public parking. A minimum of ten free public parking spaces available at all times located proximate to the public walkway near the water edge and signage indicating the free public parking.

(iv) Public access to the Delaware River which is consistent with the Waterfront Setback requirements set forth in Section 14-216(6)(g) of the Philadelphia Code (enacted into law by an Ordinance enacting Bill No. 050465, passed by the City Council on June 16, 2005, and signed by the Mayor on July 8, 2005).

(2) Should the lessee, any sublessee or any of their respective successors or assigns wish to modify the public access and parking required by this section, the lessee, sublessee or the respective successor or assign must obtain the prior written approval of the Department of Environmental Protection and the Department of General Services, which approval shall not be unreasonably withheld. The public access and parking shall be completed and open to the public no later than the date the first tenant or resident occupies either the leasehold or the land adjacent to the leasehold.

(g) Land use restriction.--All leases authorized or referred to under this section shall be made under and subject to the condition, which shall be contained in the lease documents, that no portion of the parcels shall be used as a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under the laws of this Commonwealth. This condition shall be a covenant running with the land and shall be binding upon the lessee and

sublessees and their respective successors and assigns. Should any portion of any parcel authorized to be leased under this section be used in violation of this subsection, the lease shall terminate immediately.

(h) Other required measures.--Nothing in this section shall affect or otherwise limit the requirements of the provisions of the act of November 26, 1978 (P.L.1375, No.325), known as the Dam Safety and Encroachments Act, which may require further measures to provide for public access and use of the land and adjacent water.

(i) Conditions binding.--The conditions imposed under this section shall be covenants that run with the land and shall be binding upon the lessee, any sublessee and their respective successors and assigns. Should the lessee, any sublessee or any of their respective successors or assigns permit the parcels authorized to be leased under this section, or any portion thereof, to be used in a manner inconsistent with the conditions contained in this section, all rights and interests in the lease authorized by this section shall terminate immediately.

(j) Costs and fees.--Costs and fees incidental to the lease authorized by this section shall be borne by the lessee.

Amend Bill, page 26, line 11, by striking out "8" and inserting:
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Amend Bill, page 26, line 12, by striking out "IMMEDIATELY." and inserting:
as follows:

- (1) Sections 8, 9 and 10 shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2013 (Pr. No. 2997) -- 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 school directors, further providing for filling of vacancies.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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 without amendments.

HB 2026 (Pr. No. 3011) -- 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 grading of offense relating to police animals.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator SMITH. Mr. President, I respectfully ask my colleagues to support House Bill No. 2026. This is a companion bill to the bill that we sent out of the Senate recently, my bill that would amend the Dog Law, implementing a new penalty for the torture or murder of a K-9 officer. This bill, which I have had the pleasure to work on with Representative Maher from Allegheny County, would add a similar amendment to the Crimes Code: would take the penalty for the murder or torture of a K-9 officer from a third-degree felony to a felony of the second degree, raise the penalty up to a fine of \$25,000, and imprisonment of up to 10 years. We both felt, given the tragic incident in Allegheny County involving K-9 Officer Rocco that occurred within the last couple of months, Representative Maher and I both believe that it is necessary to amend both provisions of Pennsylvania law, both under the Dog Law and under the Crimes Code, to make sure that we send a message that this kind of offense is not going to be accepted, and we will certainly bring the full weight of Pennsylvania law against a perpetrator in an incident like this.

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	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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 without amendments.

HB 2068 (Pr. No. 3093) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying State Route 119 over Big Run Creek in Big Run Borough, Jefferson County, as the SFC Scott R. Smith Memorial Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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 without amendments.

BILL AMENDED

HB 2072 (Pr. No. 3632) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of County Line Road separating Montgomery County and Bucks County as the SP4 Ronald C. Smith Memorial Highway; and designating a portion of Pennsylvania Route 233 from the northern corporate limits of Newville Borough to the Cumberland County and Perry County line as the Sergeant Timothy L. Hayslett Memorial Highway; designating a bridge on that portion of US 22/US 322 Eastbound over Interstate 81, Susquehanna Township, Dauphin County, as the Chief Warrant Officer Matthew Ruffner Memorial Bridge.

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

Senator SCHWANK offered the following amendment No. A7768:

Amend Bill, page 1, line 6, by striking out "AND"

Amend Bill, page 1, line 9, by striking out the period after "BRIDGE" and inserting:

; and designating a portion of Pennsylvania Route 12 in Alsace Township, Berks County, as the Special Warfare Operator Chief (SEAL) Lance M. Vaccaro Highway.

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

Section 4. Special Warfare Operator Chief (SEAL) Lance M. Vaccaro Highway.

(a) Findings.--The General Assembly finds and declares as follows:

(1) Special Warfare Operator Chief (SEAL) Lance M. Vaccaro was born in Reading in 1972 and was raised and lived in Alsace Township from 1973 until 1987, attending the Oley Valley School District public schools.

(2) Special Warfare Operator Chief Lance M. Vaccaro graduated from Oley Valley High School in 1990 and after studying briefly at Kutztown University enlisted in the United States Navy in 1991.

(3) After serving aboard the U.S.S. George Washington and U.S.S. Kitty Hawk, Special Warfare Operator Chief Lance M. Vaccaro became a member of the United States Navy's elite SEALs in 1997 and subsequently was deployed on overseas missions in Kosovo, Afghanistan and Iraq.

(4) Special Warfare Operator Chief Lance M. Vaccaro died during a training mission in the United States in 2008.

(5) Special Warfare Operator Chief Lance M. Vaccaro's awards include the Navy and Marine Corps Commendation Medal, Army Commendation Medal, Joint Service Achievement Medal, four Navy and Marine Corps Achievement Medals, two Combat Action Ribbons, Presidential Unit Citation, Navy Unit Commendation, Armed Forces Expeditionary Medal, Kosovo Campaign Medal, Afghanistan Campaign Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal and Armed Forces Service Medal.

(6) Special Warfare Operator Chief Lance M. Vaccaro is survived by his parents, Joseph and Christine L. Vaccaro.

(b) Designation.--The section of Pennsylvania Route 12 in Alsace Township, Berks County, is hereby designated the Special Warfare Operator Chief (SEAL) Lance M. Vaccaro Highway.

(c) Signs.--The Department of Transportation shall erect and maintain appropriate signs displaying the name of the highway to traffic in both directions on the highway.

Amend Bill, page 4, line 7, by striking out "4" and inserting:

5

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

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

Senator WOZNIAK offered the following amendment No. A7809:

Amend Bill, page 1, line 6, by striking out "AND"

Amend Bill, page 1, line 9, by inserting after "BRIDGE":
; and designating the bridge on State Route 3023, Johns Road, Johnstown, Cambria County, as the Clara Barton Memorial Bridge

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

Section 4. Clara Barton Memorial Bridge.

(a) Findings.--

(1) In 1882, after years of work, pioneer nurse Clara Barton's organization, the American National Red Cross, was officially established.

(2) On June 5, 1889, approximately five days after the South Fork Dam broke in Johnstown, Pennsylvania, Clara Barton and a group of Red Cross volunteers rode the train to the devastated town to help the survivors in one of the first major disaster responses for the organization.

(3) Clara Barton and the Red Cross remained in the town for

more than five months and provided aid to more than 25,000 people by establishing feeding stations, building shelters and rendering medical care.

(4) Clara Barton continued her work with the Red Cross helping others during times of disaster until her resignation in 1904 at 83 years of age. She died April 12, 1912, at 90 years of age.

(b) Designation.--The bridge located on State Route 3023, Johns Street, over Little Conemaugh River in Johnstown, Cambria County is hereby designated the Clara Barton Memorial Bridge.

(c) Signs.--The Department of Transportation shall erect and maintain appropriate signs displaying the name of the bridge to traffic in both directions on the bridge.

Amend Bill, page 4, line 7, by striking out "4" and inserting:

5

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

HB 2106, HB 2110 and HB 2169 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

HB 201 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

BILLS REREFERRED

HB 272 (Pr. No. 3542) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for definitions, for general powers of the State Board of Dentistry, for reason for refusal, revocation or suspension of license or certificate, for penalties and for reporting of multiple licensure or certification; and providing for restricted faculty license.

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

SB 312 (Pr. No. 221) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in operation of vehicles, further providing for drivers of emergency vehicles.

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

SB 369 (Pr. No. 292) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for public access to procurement records; and further providing for competitive sealed proposals, for sole source procurement and for emergency procurement.

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

HB 803 (Pr. No. 3643) -- 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 school health services, providing for school access to emergency epinephrine.

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

BILL OVER IN ORDER

SB 918 -- Without objection, the bill was passed over in its order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 927 (Pr. No. 3743) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, in general budget implementation, providing for community block grants.

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

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1052 (Pr. No. 3691) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for contents of subdivision and land development ordinance.

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

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

HB 1090 (Pr. No. 2005) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protective custody of newborn children in the areas of criminal liability, child protective services and newborn protection.

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

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

BILLS OVER IN ORDER

HB 1144 and SB 1155 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL LAID ON THE TABLE

SB 1169 (Pr. No. 1563) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions.

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

SB 1169 TAKEN FROM THE TABLE

Senator BROWNE. Mr. President, I move that Senate Bill No. 1169, Printer's No. 1563, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

BILL ON SECOND CONSIDERATION

SB 1207 (Pr. No. 2116) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 25, 1973 (P.L.217, No.53), entitled "An act authorizing cities of the first class and second class to invest all funds received and deposited with the city treasurer in certain commercial paper under certain terms and conditions," providing for investment of public corporation or authority funds.

Considered the second time and agreed to,

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

BILL LAID ON THE TABLE

SB 1229 (Pr. No. 1711) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the interchange at the crossing of S.R. 33 and Main Street (S.R. 1022) in Palmer Township, Northampton County, as the Charles Chrin Interchange.

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

BILLS OVER IN ORDER

HB 1234 and SB 1240 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILLS REREFERRED

SB 1243 (Pr. No. 2034) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for remediation of real property contaminated by methamphetamine production, for decontamination guidelines to be developed by Department of Health and for restitution; prohibiting certain activity relating to certain property; providing for enforcement; establishing immunity for real estate professionals under certain circumstances; and authorizing fees.

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

SB 1256 (Pr. No. 2079) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a Heritage Areas Program to identify, protect, enhance and promote the historic, recreational, natural, cultural and scenic resources of this Commonwealth and to stimulate community revitalization and economic development through regional heritage conservation, recreation, tourism and partnerships; and making a related repeal.

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

SB 1262 (Pr. No. 2080) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1949 (P.L.418, No.58), entitled, "An act to provide for and regulate the accumulation, investment, and expenditure of funds by cities, boroughs, incorporated towns and townships for preparing plans for sewage disposal systems, and for the construction, improvement or replacement of sewage disposal systems for which plans have been approved by the Sanitary Water Board of the Commonwealth," further providing for definitions, for creation of a Sewage Disposal System Fund and for expenditure of fund; providing for expenditure of public funds for private lateral sewer lines; and further providing for grants of moneys.

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

BILLS OVER IN ORDER

HB 1317, SB 1322, SB 1332, SB 1334, HB 1337, SB 1342, SB 1348, SB 1356, SB 1357, SB 1402, HB 1574 and HB 1575 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILLS LAID ON THE TABLE

HB 1653 (Pr. No. 2273) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating West Erie Avenue from its intersection with North Second Street in Philadelphia City, Philadelphia County, to the point where it meets North Front Street in Philadelphia City, Philadelphia County, as Roberto Clemente Way.

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

HB 1672 (Pr. No. 2428) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the testing of new, environmentally beneficial and energy efficient technologies within various State agencies.

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

BILLS OVER IN ORDER

HB 1702 and HB 1816 -- Without objection, the bills were passed over in their order at the request of Senator BROWNE.

BILL ON SECOND CONSIDERATION

HB 1929 (Pr. No. 3128) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on that portion of State Route 6 at Segment 0730 Offset 1125 over the Marvin Creek, Smethport Borough, McKean County, as the Bucktail Regiment Memorial Bridge.

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

BILL REREFERRED

HB 2003 (Pr. No. 3102) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for hepatitis C testing and treatment and for duties of the Department of Health.

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

SENATE RESOLUTION No. 284, AMENDED AND ADOPTED

Senator BROWNE, without objection, called up from page 11 of the Calendar, **Senate Resolution No. 284**, entitled:

A Resolution expressing support for the democratic and European aspirations of the people of Ukraine and their right to choose their own future free of intimidation and fear.

On the question,
Will the Senate adopt the resolution?
Senator GREENLEAF offered the following amendment No. A7598:

Amend Resolution, page 2, line 13, by striking out "have been" and inserting:

were

Amend Resolution, page 2, line 29, by striking out "have"

Amend Resolution, page 3, by inserting between lines 2 and 3:

WHEREAS, On January 16, 2014, the Ukrainian parliament passed, and President Yanukovich signed, legislation which severely limited the right of peaceful protest, constrained freedom of speech and the independent media and unduly restricted civil society organizations; and

WHEREAS, The passage of these undemocratic measures and President Yanukovich's refusal to engage in substantive dialogue with opposition leaders precipitated several days of violence and resulted in several deaths and hundreds of injuries, as well as numerous allegations of police brutality; and

WHEREAS, In the face of spreading demonstrations, Ukrainian Government representatives and opposition leaders entered into negotiations which on January 28, 2014, resulted in the resignation of the Prime Minister and his cabinet and the repeal of most of the antidemocratic laws from January 16, 2014; and

WHEREAS, On February 20, 2014, Ukrainian security forces, including heavily armed snipers, fired on demonstrators in Kyiv, leaving dozens dead and the people of Ukraine reeling from the most lethal day of violence since the Soviet era, and many of President Yanukovich's political allies, including the mayor of Kyiv, resigned from his governing Party of Regions to protest the bloodshed; and

WHEREAS, On February 22, 2014, the Ukrainian parliament found President Yanukovich unable to fulfill his duties, exercised its constitutional powers to remove him from office and set an election for May 25, 2014, to select his replacement; and

WHEREAS, On March 2, 2014, Russian troops invaded the Ukrainian territory of Crimea, seizing control of the peninsula, border crossings, government and administrative buildings, key infrastructure and surrounding Ukrainian military bases; and

WHEREAS, The military intervention by the Russian Federation in Crimea is a violation of Ukraine's sovereignty, independence and territorial integrity; and

WHEREAS, On March 16, 2014, Crimea held a referendum on seceding from Ukraine and acceding to the Russian Federation, which violated the Ukrainian constitution, occurred under duress of Russian military intervention and was not recognized by the international community; and

WHEREAS, On March 20, 2014, the Russian parliament voted to annex Crimea and Russian President Putin signed the treaty of accession annexing Crimea to the Russian Federation; and

WHEREAS, On April 7, 2014, protesters occupied government buildings in Ukraine's eastern cities of Donetsk, Luhansk and Kharkiv; and

WHEREAS, On April 18, 2014, the United States, Russia, Ukraine and the European Union agreed at talks in Geneva on steps to de-escalate the crisis in eastern Ukraine; and

WHEREAS, On April 22, 2014, Ukraine's acting president ordered the relaunch of military operations against pro-Russian militants in the east after two men were found tortured to death in the Donetsk region; and

WHEREAS, On May 25, 2014, Ukraine held a presidential election, but most polling stations in the east remained closed; and

WHEREAS, Petro Poroshenko was elected President and vowed to bring "peace to a united and free Ukraine"; and

Amend Resolution, page 3, line 15, by inserting after "through":
finalizing

Amend Resolution, page 3, by inserting between lines 16 and 17:

RESOLVED, That the Senate condemn the unprovoked and illegal Russian military seizure and annexation of the Ukrainian Crimea; and be it further

Amend Resolution, page 3, lines 24 through 28, by striking out all of said lines

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

On the question,
Will the Senate adopt the resolution, as amended?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, I offer this resolution which addresses the incidents and the war-like activity initiated by neighboring Russia to the Ukrainian people and recognizes their fight to maintain their freedom, their democracy, and the

integrity of their country. The amendment updates it. It was originally offered in January and now this resolution puts forth the other actions that have occurred, like the annexing of Crimea and other things that have happened since then. I ask that the Senate adopt this resolution so that we can stand beside the Ukrainian people during their fight for freedom and democracy.

And the question recurring,

Will the Senate adopt the resolution, as amended?

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

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I request a legislative leave for Senator White.

The PRESIDING OFFICER. Senator Browne requests a legislative leave for Senator White. Without objection, the leave will be granted.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE ARCHITECTS LICENSURE BOARD

April 17, 2014

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, Darryl R. Hamm, 7023 Kendale Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE CHARTER SCHOOL APPEAL BOARD

March 27, 2014

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, Jamie M. Bracey, Ph.D., 1331 S. 56th Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2018, or until her successor is appointed and qualified, vice Kenneth Lawrence, Plymouth Meeting, resigned.

TOM CORBETT
Governor

MEMBER OF THE BOARD OF DIRECTORS OF THE PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

April 23, 2014

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 Roy Reinard, III, 350 S. River Road, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2019, and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

April 1, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Black, 1421 Main Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

April 1, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Rauso, ASLA, 267 Saunders Station Road, Trafford 15085, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James Barnes, York, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE MILK MARKETING BOARD

April 8, 2014

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, James A. Van Blarcom, 934 Besley Road, Columbia Cross Roads, 16914, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Milk Marketing

Board, to serve until May 1, 2019, and until his successor is appointed and qualified, vice Richard Kriebel, Benton, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

March 31, 2014

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, Warner Macklin, III, JD, 184 Lincoln Drive, Indiana Township 15051, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve for *[sic]* until June 2, 2018, and until his successor is appointed and qualified, vice Lemuel Nixon, Pittsburgh, resigned.

TOM CORBETT
Governor

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

March 27, 2014

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, Randy Derr, 930 May Road, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until May 13, 2017, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David A. Kaflik, Hershey, resigned.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

April 17, 2014

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, Darryl R. Hamm, 7023 Kendale Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Architects Licensure Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

**MEMBER OF THE STATE CHARTER
SCHOOL APPEAL BOARD**

March 27, 2014

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, Jamie M. Bracey, Ph.D., 1331 S. 56th Street, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2018, or until her successor is appointed and qualified, vice Kenneth Lawrence, Plymouth Meeting, resigned.

TOM CORBETT
Governor

**MEMBER OF THE BOARD OF DIRECTORS OF
THE PENNSYLVANIA HIGHER EDUCATION
ASSISTANCE AGENCY**

April 23, 2014

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 Roy Reinard, III, 350 S. River Road, New Hope 18938, Bucks County, Tenth Senatorial District, for reappointment as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency, to serve until June 30, 2019, and until his successor is appointed and qualified.

TOM CORBETT
Governor

**MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS**

April 1, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gregory E. Black, 1421 Main Street, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Land-

scape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

**MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS**

April 1, 2014

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard P. Rauso, ASLA, 267 Saunders Station Road, Trafford 15085, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James Barnes, York, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE MILK MARKETING BOARD

April 8, 2014

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, James A. Van Blarcom, 934 Besley Road, Columbia Cross Roads, 16914, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Milk Marketing Board, to serve until May 1, 2019, and until his successor is appointed and qualified, vice Richard Kriebel, Benton, whose term expired.

TOM CORBETT
Governor

**MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY**

March 31, 2014

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, Warner Macklin, III, JD, 184 Lincoln Drive, Indiana Township 15051, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve for *[sic]* until June 2, 2018, and until his successor is appointed and qualified, vice Lemuel Nixon, Pittsburgh, resigned.

TOM CORBETT
Governor

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

March 27, 2014

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, Randy Derr, 930 May Road, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve until May 13, 2017, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice David A. Kaflik, Hershey, resigned.

TOM CORBETT
Governor

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

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

YEA-50

Alloway	Farnese	Pileggi	Vogel
Argall	Ferlo	Rafferty	Vulakovich
Baker	Folmer	Robbins	Wagner
Blake	Fontana	Scarnati	Ward
Boscola	Gordner	Schwank	Washington
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 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.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 1316 CALLED UP

SB 1316 (Pr. No. 1983) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

SB 1316 (Pr. No. 1983) -- 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 pupils and attendance, further providing for exceptional children, education and training, for cost of tuition and maintenance of certain exceptional children in approved institutions; in charter schools, further providing for funding for charter schools; and, in reimbursements by Commonwealth and between school districts, further providing for special education payments to school districts and for extraordinary special education program expenses and repealing provisions relating to special education funding for eligible students with disabilities in Cost Category 3.

On the question,

Will the Senate agree to the bill on third consideration?

Senator DINNIMAN offered the following amendment No. A7758:

Amend Bill, page 3, line 17, by inserting after "Schools":
and Cyber Charter Schools

Amend Bill, page 3, line 18, by inserting after "school":
and cyber charter school

Amend Bill, page 3, line 20, by inserting after "(3)":

(i)

Amend Bill, page 3, by inserting between lines 29 and 30:

(ii) For the 2014-2015 school year and each school year thereafter, for special education students, a charter school shall receive an amount which shall be paid by the school district of residence of each student to be determined as follows:

(A) An amount equal to funding the charter school received for each student enrolled in the 2013-2014 school year, the same funding as for each non-special education student as provided in clause (2), and an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year.

(B) Notwithstanding any provisions of clauses (3.1) and (3.2), the formula in clauses (3.1) and (3.2) shall apply to charter schools created under section 1717-A to moneys provided that exceed the amount received under clause (3)(ii)(A).

(iii) For the 1997-1998 school year through 2013-2104 school year, for special education students, the cyber charter school shall receive for each student enrolled the same funding as for each non-special education student as provided in clause (2), plus an additional amount determined by dividing the district of residence's total special education expenditure by the product of multiplying the combined percentage of section 2509.5(k) times the district of residence's total average daily membership for the prior school year. This amount shall be paid by the district of residence of each student.

Amend Bill, page 4, line 4, by inserting after "the":
cyber

Amend Bill, page 4, line 8, by inserting after "the":
cyber

Amend Bill, page 4, line 15, by inserting after "the":
cyber

Amend Bill, page 4, line 23, by inserting after "the":
cyber

Amend Bill, page 5, line 2, by inserting after "the":
cyber

Amend Bill, page 5, line 23, by inserting after "the" where it occurs the second time:

cyber

Amend Bill, page 6, line 27, by inserting after "the" where it occurs the second time:

cyber

Amend Bill, page 7, line 29, by inserting after "THE" where it occurs the second time:

cyber

Amend Bill, page 9, line 1, by striking out "THE" where it occurs the second time and inserting:

cyber

Amend Bill, page 10, line 3, by inserting after "THE" where it occurs the second time:

cyber

On the question,

Will the Senate agree to the amendment?

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

Senator DINNIMAN. Mr. President, when we passed Senate Bill No. 1316 from the commission, it was one of excellence. It was one that we had everyone in this body agreeing to. We thank Senator Browne for his leadership on this bill. Then we started to take this work of excellence and we started to amend it. Unfortunately, I would have preferred a different order of these amendments because my amendment relates to an amendment that is soon going to come up from Senator Pileggi, but I will speak to his amendment at the proper time.

All I am trying to do in my amendment is to protect some of the smaller charter schools. In my county, Avon Grove Charter School came to see me, a charter school of excellence, a charter school which is like a mom-and-pop school, not one of those charter schools that makes profit from some management company, but the type of charter school that we envisioned when we did this bill: a school that answers the needs of the community, a school that works hand-in-hand with its local school district. When they saw me, they realized that an amendment, which is soon going to be introduced, would be harmful to that school. They told me and they showed me their books and how based on these books it was apparent that they could not survive under an amendment which will soon come. So, I promised them that I would introduce a new amendment, and my amendment would simply hold harmless not the cyber, but the brick-and-mortar charters, just as we have held the public schools harmless in relationship to our new three-tiered system. Harmless means that they could keep the old money but anyone who comes in new would be under the three-tiered system.

Now, Mr. President, I have been asked, why am I only doing this for the brick-and-mortar cybers? If I had my way, I would only do it for the brick-and-mortar cybers that are not part of management companies that make a profit, but I cannot do it that way based on the law. But, Mr. President, the law for cybers is different than the law for brick and mortars. Let me ask you this--as you think about this--does anyone in this body really think that a cyber charter school can educate a youngster with severe autism virtually? Can it educate a youngster who has great difficulties and intellectual disabilities virtually? These cyber charters should not have any hold harmless provisions. These cyber charters have huge reserves. I am concerned with the mom-and-pop type of schools, and I introduce this amendment because many of those cyber schools have told me that they cannot survive. But in introducing this, I hope in the end, no matter what the amendments are passed or not passed, that we will all in the end vote for the bill, which is crucial for our success in getting a three-tiered system in place.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, I respectfully rise to ask the Members of the Senate to oppose this amendment. Notwithstanding the good intent of the maker of the amendment, the intent of the amendment that is to come subsequent to this, the main purpose of it is to apply the same financial framework for a charter institution as we are trying to attempt with the compo-

nent of the bill that relates to the State formula. And that is for the existing dollars that are paid from a traditional institution to a charter, that piece would be held harmless. For all new money that would come into a charter institution for an additional child, the new formula would come into place. So, for new money, we are talking about for a new child coming in above their existing special-ed population, we would have the new formula.

This was a conversation that we had for many months to try to decide what is the best means by which to implement the new formula. The commission came out with what I think was the platform that all involved in the provision of educational services for special education desired, and that was a three-tiered formula. The question was, how do we get from the old approach to the new? As one of the co-chairs of the commission, I am convinced that in terms of the financial implications of getting there, both for traditional schools, for larger charters, for smaller charters, the amendment that is being offered subsequent to this amendment adequately provides for that effective transition. So, for that reason, I ask the Members of the Senate to oppose this amendment. Thank you.

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

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

YEA-15

Blake	Farnese	Schwank	Wiley
Boscola	Ferlo	Smith	Williams
Costa	Fontana	Stack	Yudichak
Dinniman	Kitchen	Washington	

NAY-35

Alloway	Folmer	Pileggi	Vance
Argall	Gordner	Rafferty	Vogel
Baker	Greenleaf	Robbins	Vulakovich
Brewster	Hughes	Scarnati	Wagner
Browne	Hutchinson	Smucker	Ward
Brubaker	Kasunic	Solobay	White
Corman	Leach	Tartaglione	Wozniak
Eichelberger	McIlhinney	Teplitz	Yaw
Erickson	Mensch	Tomlinson	

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
Senator PILEGGI offered the following amendment No. A7761:

Amend Bill, page 2, line 19, by inserting after "AREA":

The department shall develop guidelines for school districts to report expenditures for students with disabilities as required by this section no later than August 1, 2014.

Amend Bill, page 3, line 30, by inserting after "each":

school

Amend Bill, page 4, line 1, by striking out "clauses" and inserting: clause

Amend Bill, page 4, line 2, by striking out "(3.3), (3.4), (3.5) and (3.6)"

Amend Bill, page 4, line 2, by striking out "provide" and inserting:

provides

Amend Bill, page 4, line 30, by inserting after "(ii) ":

(A)

Amend Bill, page 5, by inserting between lines 6 and 7:

(B) If there is a disagreement between the department and a charter school with regard to the cost of providing an education to a student as documented in unit (A), a charter school may request that the costs attributed to the student be reviewed by a special education cost review panel. The special education cost review panel shall be made up of individuals experienced in providing services to students with disabilities and shall consist of a representative of the student's school district of residence, a representative of the charter school and a third party agreed upon by both the student's school district of residence and the charter school. If the parties cannot agree upon the third party panel member within fifteen days from the date of the appeal, the department shall appoint the panel member. Within thirty days from the date of the appeal, the special education cost review panel shall render a decision which shall be binding for the remainder of the school year. Until a decision on the appeal is made by the panel, the charter school shall be paid the rate based upon the department's original determination with regard to the cost of providing an education to the student.

Amend Bill, page 5, lines 7 through 13, by striking out "The department shall annually adjust the weights" in line 7 and all of lines 8 through 13 and inserting:

For each weight provided in subclause (i)(A), (B) and (C) for each school district, the department shall annually make the following adjustment:

(A) Divide the school district's total expenditure for special education programs and services excluding gifted education by the number of special education students who reside in the school district.

(B) Divide total expenditure for special education programs and services excluding gifted education for all school districts by the total number of special education students residing in all school districts.

(C) Divide the quotient in unit (A) by the quotient in unit (B).

(D) If the quotient in unit (C) is greater than one (1), multiply the quotient by the weight to determine the school district adjustment.

(E) In no case shall the adjustment made in subclause (i)(A) and (B) result in a payment that exceeds the maximum amount within the category's dollar range and in no case shall the adjustment in subclause (i)(C) result in a payment that exceeds the actual cost of providing an education to the student as determined under subclause (ii).

Amend Bill, page 5, lines 22 through 30; pages 6 through 10, lines 1 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting:

(3.2) To transition to the new student-based funding methodology for special education students under clause (3.1), a charter school shall receive for each student enrolled an amount to be paid by the district of residence and determined as follows:

(i) For each special education student under clause (3.1)(i)(A) in Category 1, the following shall apply:

(A) Determine the number of special education students under clause (3.1)(i)(A) from the school district who were enrolled in a charter school with individualized education plans as required under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.), as of May 31, 2014.

(B) Divide the number determined in unit (A) by the total number of students enrolled in a charter school from the school district under clause (3.1)(i)(A) as of October 1.

(C) Multiply the lesser of the quotient in unit (B) or one (1) by the amount for the same special education student determined in clause (3) for the 2013-2014 school year.

(D) Subtract the lesser of the quotient in unit (B) or one (1) from one (1) and multiply the difference by the amount for the same special education student in clause (3.1)(i)(A).

(E) Add the amounts in units (C) and (D) to determine the amount paid by the school district.

(ii) For each special education student under clause (3.1)(i)(B) in Category 2, the following shall apply:

(A) Determine the number of special education students under clause (3.1)(i)(B) from the school district who were enrolled in a charter school with individualized education plans as of May 31, 2014.

(B) Divide the number determined in unit (A) by the total number of students enrolled in a charter school from the school district under clause (3.1)(i)(B) as of October 1.

(C) Multiply the lesser of the quotient in unit (B) or one (1) by the amount for the same special education student determined in clause (3) for the 2013-2014 school year.

(D) Subtract the lesser of the quotient in unit (B) or one (1) from one (1) and multiply the difference by the amount for the same special education student in clause (3.1)(i)(B).

(E) Add the amounts in units (C) and (D) to determine the amount paid by the school district.

(iii) For each special education student under clause (3.1)(i)(C) in Category 3, the following shall apply:

(A) Determine the number of special education students under clause (3.1)(i)(C) from the school district who were enrolled in a charter school with individualized education plans as of May 31, 2014.

(B) Divide the number determined in unit (A) by the total number of students enrolled in a charter school from the school district under clause (3.1)(i)(C) as of October 1.

(C) Multiply the lesser of the quotient in unit (B) or one (1) by the amount for the same special education student determined in clause (3) for the 2013-2014 school year.

(D) Subtract the lesser of the quotient in unit (B) or one (1) from one (1) and multiply the difference by the amount for the same special education student in clause (3.1)(i)(C).

(E) Add the amounts in units (C) and (D) to determine the amount paid by the school district.

(iv) In no case shall a payment made under subclause (iii) exceed the amount allowed for the same student under clause (3.1).

(v) At such time that the amount determined under subclause (i) for a student in Category 1 is greater than the amount determined for a student under clause (3) for the 2013-2014 school year, payment made by the school district of residence shall be based on the provisions under clause (3.1) and the transition under this clause shall expire.

(vi) The department shall develop guidelines to collect the enrollment data required under this clause and calculate estimated payments until such time as actual enrollments are determined.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, this is an amendment to a bill that attempts to implement the fine work of the commission that studied the way that we compensate public schools for educating special education students. The intent of the amendment is to allow that report's conclusions to be implemented in a way that allows public charter schools in Pennsylvania to continue to grow and to thrive. Specifically, some of the provisions in the amendment include establishing a special education hold harmless rate for a school district to pay charter schools for special education students. It also provides for an appeals process if there is a dispute as to the cost of a special education student being educated in a public charter school. This hold harmless tuition rate is established for each of the three student cost categories. The amendment also determines that the special education hold harmless tuition rate for a school district to pay will be calculated as follows: First, multiply the school district's percentage of year 2013-14 charter school special education enrollment by its 2013-14 charter school special education tuition rate; second, multiply the school district's percentage of charter special education enrollment which exceeds its 2013-14 charter special education enrollment by the new charter special education tuition rate; and finally to add those two products to determine the special education hold harmless tuition rate.

What is the result of that mathematical process? Simply, that no school district will pay less in total dollars to charter schools for the number of its special education students enrolled in char-

ter schools unless its current special education enrollment is less than the year 2013-14 special education enrollment. Another conclusion of that mathematical process is that if a school district's current charter school special education enrollment is less than its 2013-14 charter school special education enrollment, the school district pays the 2013-14 special education charter tuition rate for all students. In addition, if there are more category 1 students enrolled from the school district in charter schools in a year after 2013-14 than in 2013-14, the special education hold harmless tuition rate for category 1 students will be less than the 2013-14 charter school special education tuition rate. In addition, if there are more category 2 or category 3 students enrolled from the school district in charter schools in years after 2013-14, the special education hold harmless tuition rate for those two categories, category 2 and 3 students, will be more than the 2013-14 charter school special education tuition rate. If a charter school's special education population, however, grows proportionately to the other charter schools, they should see no less in revenue year to year.

I have two additional points, Mr. President. Charter school special education population has grown from 8,626 in the year 2008-09 to 19,725 in the year 2013-14, which is an 18-percent annual increase. Mr. President, when the hold harmless tuition rate for category 1 students exceeds the 2013-14 charter school tuition rate, the hold harmless provision expires. And finally, Mr. President, the amendment provides a cap on the transition rate for students in category 3. The adjustment category 3 could not exceed actual costs so that a charter school would receive at least the unadjusted rate up to the actual costs.

Mr. President, I know that some of these provisions are complicated, but as I said, they are intended to build on the fine work of the commission which Senator Browne co-chaired. It is his underlying bill, and I believe that this will allow the goals of the commission to be satisfied while also allowing our charter schools in this Commonwealth to continue the fine work that they do.

Thank you, Mr. President. I ask for an affirmative vote.

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

Senator DINNIMAN. Mr. President, I wonder if anyone listening on PCN understood that formula. You know, when our commission had its report, it was very simple. It simply said that there will be a 3-year transition so that the charter schools could adjust. Then came an argument, was 3 years enough? And then we said, well, maybe we need to have 6 years, or maybe 8 years, and we all were working for a nice, simple conclusion. If someone was listening, they could understand that 3 years or 6 years for transition made some sense. But when you listen to this formula, I will be damned if I understand it. I finally did. It took me around 3 days. One raises the question, and I think it is a fair question, of whether the formula is convoluted for a purpose? Is the convolution of the formula so that we can get the best piece of legislation? Are there winners? Are there losers in this formula? I think if you look at it, at least how I have done the math, you see that the larger charters, which already have a significant number of special education students, those charters which happen to be often managed by for-profit management companies, and the cyber charters turn out to be the winners, which is exactly why I offered my other amendment because the losers turn

out to be the smaller charters which do not happen to have management companies, which are struggling to survive, and at least have come to me saying that.

Let me ask something else, two other aspects on this. The second aspect is this matter of giving some of these schools, including some of the cyber schools under this mathematical formula, will be given 10 to 17 years to make a transition. That is a long time. That is a lot of money the public schools are going to be paying to some of these schools. It was quite easy if we talk about 3 or 6 years. Some are up to as long as 17 years. Is the formula constructed to provide some of these charters public money for that period of time? It is a reasonable question to ask, is it not? And by the way, I still have not seen anyone, and I have talked to many professors in the area of special education, I have not seen anyone who can prove that a virtual charter school can deliver an adequate program virtually to a child on tier 3 who has severe autism or who has severe intellectual disability, yet those schools will continue for 10 to 17 years to get this money. That is why I was trying to get the cybers out.

Finally, Mr. President, I want you to note, and I want people to note and understand when they vote something. There was an evaluation, an appeal process that was put into this. This appeal process was not one that the commission recommended. This appeal process was put into this resolution, in my judgment, as another bonus to the charter schools, the big ones, the cyber charter schools, as well. Many of our school districts are protesting the addition of this appeal process, and in fact this amendment, Senator Pileggi's amendment, which was originally supported by some schools, is now opposed. This amendment, as you vote, understand it is opposed by the Pennsylvania School Board Association, is opposed by the Pennsylvania Association of Rural Schools, and is opposed by PSEA, and whenever I see an amendment opposed by both PSEA and the Pennsylvania School Board Association, I think I understand that there are some things that we could question about this amendment.

Finally, Mr. President, let me say this, in the end, this amendment will probably pass and I say to you, while it is not what I would have liked to have seen, I know the hard work that Senator Browne did on this. I know the struggle to get everyone together on the same wavelength. So, I hope that you would vote against the amendment, but in the end, I hope you vote for the bill. All right? Thank you very much.

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

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

Senator PILEGGI. Mr. President, I would agree with the previous speaker that this funding formula as presented by the commission is complicated. I would agree that the amendment is therefore necessarily complicated because it is based on the commission's work, and that is the nature of school funding. Maybe with more time, the understanding level will increase and maybe we will win acceptance. But regardless, the principles are very clear and easy to understand: The commission wanted to phase in this new formula over 3 years, the charter schools, especially the smallest of the charter schools, said that would put them out of business. It was then proposed a 6-year phase-in. They said that is still not enough time for us to adjust to this new system,

and this amendment is a further attempt to allow the implementation of this system and, at the same time, allow the charter schools to make a successful transition. That is what the amendment does, that is the clear intent of the amendment. I, again, ask for an affirmative vote.

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

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

YEA-36

Alloway	Erickson	Robbins	Wagner
Argall	Folmer	Scarnati	Ward
Baker	Gordner	Schwank	Washington
Blake	Greenleaf	Smith	White
Boscola	Hutchinson	Smucker	Wiley
Browne	Kitchen	Solobay	Williams
Corman	McIlhinney	Tomlinson	Wozniak
Costa	Mensch	Vance	Yaw
Eichelberger	Pileggi	Vogel	Yudichak

NAY-14

Brewster	Ferlo	Leach	Teplitz
Brubaker	Fontana	Rafferty	Vulakovich
Dinniman	Hughes	Stack	
Farnese	Kasunic	Tartaglione	

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

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

RECONSIDERATION OF SB 1316

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

Senator COSTA. Mr. President, I move to reconsider the vote by which Senate Bill No. 1316 went over in its order as amended.

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

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

RECONSIDERATION OF AMENDMENT A7761

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

Senator COSTA. Mr. President, I move that the vote by which amendment No. A7761 was agreed to be reconsidered.

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

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

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

YEA-35

Alloway	Erickson	Scarnati	Ward
Argall	Folmer	Schwank	Washington
Baker	Gordner	Smith	White
Blake	Greenleaf	Smucker	Wiley
Boscola	Hutchinson	Solobay	Williams
Browne	McIlhinney	Tomlinson	Wozniak
Corman	Mensch	Vance	Yaw
Costa	Pileggi	Vogel	Yudichak
Eichelberger	Robbins	Wagner	

NAY-15

Brewster	Ferlo	Kitchen	Tartaglione
Brubaker	Fontana	Leach	Teplitz
Dinniman	Hughes	Rafferty	Vulakovich
Farnese	Kasunic	Stack	

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

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

Senator CORMAN, from the Committee on Appropriations, reported the following bills:

SB 405 (Pr. No. 1554) (Rereported)

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 1431 (Pr. No. 2147)

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2014, to June 30, 2015, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2014; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Energy Conservation and Assistance Fund, the Insurance Regulation and Oversight Fund and the Pennsylvania Racehorse Development Restricted Receipt Account, to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2014, to June 30, 2015; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2014, to June 30, 2015, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2014.

HB 46 (Pr. No. 3761) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, codifying the act of July 2, 2006

(P.L.292, No.65), known as the Organ and Bone Marrow Donor Act; further providing for applicability; and making a related repeal.

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bills:

SB 177 (Pr. No. 2099) (Rereported) (Concurrence)

An Act establishing a task force on Lyme disease and related maladies; and providing for powers and duties of the task force, the Department of Health, the Department of Conservation and Natural Resources and the Pennsylvania Game Commission to execute surveillance, prevention and education strategies.

SB 403 (Pr. No. 2007) (Rereported) (Concurrence)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for retention incentives for medical officers or health officers of the Pennsylvania National Guard; conferring powers and duties on the Adjutant General and Department of Military and Veterans Affairs; and making editorial changes.

SB 1090 (Pr. No. 2108) (Rereported) (Concurrence)

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

SB 1102 (Pr. No. 2109) (Rereported) (Concurrence)

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

SB 1115 (Pr. No. 2114) (Rereported) (Concurrence)

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.

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. Ronald Bollinger and to Mr. and Mrs. John Buffington by Senator Argall.

Congratulations of the Senate were extended to Hunter Merritt Hughes by Senator Baker.

Congratulations of the Senate were extended to William Farley by Senators Baker, Scarnati, and Yaw.

Congratulations of the Senate were extended to Daniel J. Lucas by Senator Blake.

Congratulations of the Senate were extended to Mr. and Mrs. Joel Leo Hoffner by Senator Boscola.

Congratulations of the Senate were extended to Herbert George Rohrbach, William Oliver Moore, Lillie Ida Heleva, Brian Paul Anthony, Jr., and to Lucy H. Whitehead by Senator Browne.

Congratulations of the Senate were extended to Jane Trotter by Senators Browne and Boscola.

Congratulations of the Senate were extended to Bonita Lane by Senators Browne and Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Schaich by Senator Brubaker.

Congratulations of the Senate were extended to the Reverend Dr. James E. Simms by Senator Costa.

Congratulations of the Senate were extended to Joseph Mooney by Senator Farnese.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Moll, Kyle J. Neuffer and to Luke Reichart by Senator Gordner.

Congratulations of the Senate were extended to Souderton Area High School Softball Team by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Walt Donaldson, Mr. and Mrs. DeWayne B. Greenlee, Mr. and Mrs. Gerald Detrie and to Genevieve Weaver by Senator Hutchinson.

Congratulations of the Senate were extended to Drake Well Museum and Park by Senators Hutchinson and Robbins.

Congratulations of the Senate were extended to Troop 180 of the Boy Scouts of America by Senator Kasunic.

Congratulations of the Senate were extended to Penncrest High School Boys' Lacrosse Team and to Garnet Valley High School Girls' Lacrosse Team by Senator Pileggi.

Congratulations of the Senate were extended to Anna Patricia Cooley Powers by Senator Robbins.

Congratulations of the Senate were extended to Alexandra J. Matthews by Senators Scarnati and Pileggi.

Congratulations of the Senate were extended to David Talarico, Frank Gilyard, Sr., and to Topton American Legion Community Ambulance Service by Senator Schwank.

Congratulations of the Senate were extended to South Central Pennsylvania Alumnae Chapter of Phi Mu Fraternity by Senator Teplitz.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Palmer and to Mr. and Mrs. Ed Piper by Senator Vance.

Congratulations of the Senate were extended to Vietnam Veterans of America Chapter 862 by Senator Vogel.

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 William Marshall Sample and to the family of the late Herbert J. Stauffer by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Anna Vittoria Gostic by Senator Solobay.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Joseph F. Gower and to the late George Mandus were extended to the families by Senator Solobay.

BILLS ON FIRST CONSIDERATION

Senator BRUBAKER. 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 819, SB 1409, SB 1422, SB 1431, HB 1558, HB 1772 and HB 1925.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 18, 2014

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 1135, 1242 and 1380; and House Bill No. 1714)	Room 461 Main Capitol
Off the Floor	FINANCE (to consider House Bills No. 2083 and 2202)	Rules Cmte. Conf. Rm.
Off the Floor	LABOR AND INDUSTRY (to consider House Bills No. 473 and 1846)	Rules Cmte. Conf. Rm.
Off the Floor	LOCAL GOVERNMENT (to consider Senate Bill No. 1319; and House Bill No. 1773)	Rules Cmte. Conf. Rm.
Off the Floor	STATE GOVERNMENT (to consider Senate Bill No. 444)	Rules Cmte. Conf. Rm.

PETITIONS AND REMONSTRANCES

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

Senator WARD. Mr. President, we are rapidly approaching the constitutional deadline for approving a budget for the 2014-15 fiscal year. And, like years past, it appears the process will take us right up to the deadline, and maybe beyond. Also, like the past 5 years, we are faced with a financial strain that will force us to make some very, very hard choices. We have been told that revenue estimates for this fiscal year are woefully short. There have been all sorts of reasons for it, and subsequently, all sorts of solutions are being bandied around about how to fix it. In the 5 1/2 years of my tenure in this body, I have always approached each budget season in the same way: the State should not live beyond its means and we should weigh our wants against our needs. Now, everyone has a different perspective on what is a want and what is a need, but our job is to prioritize what are the most beneficial to the citizens of our great Commonwealth.

As the legislature looks at our fiscal situation this year, there is deep concern about a critical issue we are facing, and that issue is our pension system. It is the pink elephant in this room. Most of us in this legislature are not proposing that we do anything to alter any existing employee's pension. A promise is a promise. The commonsense and practical approach is to stop the bleeding and create an alternative plan for new employees that will ultimately save money in the future and save ourselves, our kids, and our parents from paying a substantial amount of increased taxes in the future in order to keep the status quo. But trying to do that is extremely difficult because as we continue to

work on this issue, we are faced with groups who are fearful of a fix. And so, we end up with a little fix here and a little fix there. That is one of the reasons that I believe the taxpaying citizens, union and nonunion, in the district that I serve are flooding my office with mail and phone calls asking me to support paycheck protection legislation. It is because they see the current system of the government deducting union dues, which is then used to lobby against changing the system, which would benefit all of Pennsylvania, as just wrong.

Also, I would like the public to know, in case they do not, that everyone in the State system, from teachers, to legislators, to maintenance workers, receive a defined benefit pension, meaning our pension is guaranteed. That is not so in the private sector for the person heading to the factory every day, or the person going to the department store to do their shift, or the banker, or the lawyer, or the nurse, or the doctor, or the worker in the grocery store, or the worker in McDonald's, and the list goes on. There are plenty of reasons our system is in trouble. The stock market and the State not paying into the system for a couple of years are just two of them, but now is not the time for blame. Now is the time to fix the problem because the status quo is not sustainable. The more debt we get into with the pension obligations, the less funding there is for vital programs, education funding being one those. We need to make structural changes that will transform the pension plan into a more stable and economically affordable plan. I know that the public sector union leadership is vehemently opposed right now, even if it would only affect new people coming into the system, but I am hopeful that they will become partners in the solution to this crisis, which will ultimately benefit their members in the long run. Additionally, if we do not do something, Pennsylvania's bond rating can drop, and that is nothing short of a disaster for all citizens of Pennsylvania.

So, it is time for all of us, employed by the public, to work together and fix this problem. We need to work to even keep it on the forefront of what we are trying to accomplish this year. You know, one of the most dangerous sayings in the English language is "we have always done it that way." Well, we cannot afford to do it that way anymore. Thank you.

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

Senator SCHWANK. Mr. President, in the life of a Senator, probably one of the best things that you can do is go to a groundbreaking for a new company or a company that is expanding. I had the opportunity to do that this morning when I attended the groundbreaking ceremony for the EnerSys company. It is a battery and energy-producing global company and their headquarters are located in Berks County, in fact, right in the heart of my district. They are expanding their headquarters in Berks County. They are adding 115 jobs. These jobs, by the way, are not minimum wage jobs. These are jobs for engineers, for clerical staff, and for financial staff. They are expanding their research and development, along with some of the infrastructure for management.

So, it was a very, very good day in Berks County today, and I was very, very pleased to be there. I want you to know that part of the reason it was a good day is because the State stepped up to the plate and actually helped a lot in furthering some of the goals of the company, assisting them with getting through some of the red tape in regards to the development of the project, some work on workforce training, and some additional funding for

that. And I know they were very appreciative of it. I made a point this morning, Mr. President, of thanking DCED Secretary Alan Walker for the incredible opportunity that he gave us here. When I called him and asked him if I could bring the company vice president in, he did not hesitate. We had a meeting here in Harrisburg and we had other meetings with other staff and the Governor's Action Team and it was all very, very rewarding. So, sometimes it is good to give thanks when thanks are due, and this is a noted day in Berks County's history, and I want to give the thanks where they belong.

The other thing that I would like to talk about is an article that a friend sent me over the weekend from "Politico," and the article is titled, "As factories die, income gap grows." It is another one of those stories about Reading, and about the problems that we face as a result of job loss. We have lost over 10,000 manufacturing jobs between 2000 and 2009, and that was a heavy hit to our county, and it still is. Part of the story details a couple who had worked at Baldwin Hardware. Baldwin Hardware was founded in Berks County. Its historical roots are very, very deep. But a few years ago it was bought by Stanley Black & Decker Company, and when that happened, later on, they laid off all of the staff at the Reading plant and moved all of the operations to Mexico. The couple that they talked about, the one gentleman, I assume that he was, based on the photo that I saw, he looked like he was in his 50s or 60s, and his wife was probably a little bit younger than that. He was making \$22 an hour, she was making \$19 an hour. Now he works as a janitor, he is making \$10 an hour for his job, and she is cleaning houses for \$10 an hour. Their middle-class lifestyle just vaporized on them. These are older people, not older, but certainly later in their career, and I have a sense that they are not going to recover from this. They are going to have to just kind of wait it out. They have used up all their retirement savings, probably waiting until they can sign up for Social Security.

My question is, as I read the story about them and think that they represent many, many others in my county, what are we going to do to help them? What are we going to do to insure that workers who were part of the middle class, who perhaps were trained for one particular job, have found themselves at loose ends? They are not necessarily going to be able to make that transition to a new economy. It is very likely, Mr. President, that we cannot fix everything, that there will be some people who, unfortunately, will fall through the cracks. But I, for one, am committed to making sure that there are not that many who do. And as we are here today, Mr. President, talking on Petitions and Remonstrances, and I have been listening to some of them that have been offered here, and there is a lot of discussion about paycheck protection laws and things of that nature, and I think, what would this couple think of that? Do they really care? What they really care about is, are we going to be able to assist them? Give them that hand up. They are willing to do what they have to do. He is going to keep that \$10-an-hour job as long as he can, but are we going to be able to help them with some of the programs for retraining those workers who are able to retrain? Is this something that the Commonwealth will be able to offer in our upcoming budget? I am hoping, Mr. President.

I know that there will be some things on the table that are going to be chopped, but I am certainly hoping that we continue to foster economic development, that we focus not so much on the ideological issues that come up on this floor so often, but we

focus more on what we do that really helps people, the people that are back in all of our districts. It is not just Reading. It is York, it is Pittston, it is Scranton, it is somewhere in Allegheny County, many of those old mill towns there, as well. You name it in this Commonwealth, there are communities that need assistance and people who live in them. They are our constituents. They are counting on us to get past the partisan rhetoric to get to where we need to be to actually assist them. I hope that as we leave here today and continue to come back in the runup to June 30, we get to the budget on time, we get to a budget that is fair, and a budget that focuses on bringing and restoring Pennsylvania to its former glory and its ability to employ people, not only our existing workers, but our future workers who are coming forward.

Thank you, Mr. President.

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

Senator FARNESE. Mr. President, yesterday, many of my colleagues and I joined with members of the faith, small business, and LGBT communities to call for action on Senate Bill No. 300 and House Bill No. 300. While my remarks today are divergent from my usual budget pleadings, I cannot help but highlight why the unwillingness of this legislature to make these bills a priority continues to frustrate me, not only myself and thousands of other folks across Pennsylvania who advocate for fairness and an end to what is really legalized discrimination in the Commonwealth of Pennsylvania. We are now in an equal rights State when it comes to marriage, and I am so happy to live in a State that has joined many others in ending this discriminatory DOMA policy. I applaud the Governor for his decision not to expend any more resources in appealing that decision. But what I have difficulty doing, Mr. President, is wrapping my brain around the fact that, even now, after that lawsuit, that decision has come down, even with this wonderful equality that we have now in Pennsylvania, people in our State, folks who live here, citizens in the Commonwealth of Pennsylvania, may still be in danger of losing their jobs or being denied housing simply because of who they are and who they love.

Now, the economic and social benefits from the paradigm shift to marriage equality are significant and real. Pennsylvania's economy stands to gain an additional \$65 million to \$92 million over the next 3 years just from wedding business and additional tourism associated with trips for same-sex weddings in the Commonwealth. Sales tax revenue over the next 3 years is estimated to infuse up to \$6 million, and the number of jobs created from our new law on marriage could reach over 1,100. Those are real job opportunities. Those are real dollars. The former speaker before, my colleague, Senator Schwank, referenced the plight of many folks around the Commonwealth and what are we going to do for them? Well, when we talk about ending discrimination in Pennsylvania, when we talk about the advocates who met yesterday in the media center and advocated for passage of this bill, it is not just a civil rights issue, which is abundantly important, we know that, but there is also an economic piece to this, an economic generating piece to that. When we sit here and talk about paycheck protection, when we talk about limiting the influence of special interests, when we talk about issues that are important to folks on this side of the aisle, like Medicaid expansion, and then we hear folks who do not want to do that; you know, we

cannot afford to do this, we cannot afford to do that. We need to look at where social issues transcend into economic generation issues, and this is precisely one of them. The decision that came down a few weeks ago on marriage equality is certainly a step in the right direction, and this Senate Bill No. 300 and House Bill No. 300 ending legalized discrimination in Pennsylvania is no different.

I think when you look at the sales tax revenue we could possibly see and other revenue generators certainly flow from getting Pennsylvania on track with the rest of the country and ending legalized discrimination. Many smart, energetic, and innovative workers now in Pennsylvania have the opportunity to marry and to have their decision upheld by the courts, and as rightfully they should. People should have a right to live and work and do as they please with whom they please in terms of their marriage and their unions. And that certainly is an issue that, hopefully, once and for all, has been put to rest. But, what we are dealing with right now is Pennsylvania getting in line with 32 other municipalities already within the Commonwealth. The overwhelming majority of Fortune 500 companies, the 16 States including Washington, D.C., and including all of our northeast neighbors, have already passed a nondiscrimination bill. They all have non-discrimination policies already. And that is why I believe, and many of us believe, as was seen yesterday by the cosponsor memo, the cosponsorship references on both sides of the aisle, and both in the House and the Senate, we need to make ending legalized discrimination a priority in Pennsylvania. To sit here and actually say that is really, it is shocking, and it is also embarrassing. But right now, as we stand here in this building, in this Chamber, where we are supposed to protect the rights of all Pennsylvanians, legalized discrimination is alive and well within the Commonwealth.

We often talk about the brain drain and we talk about the inability for our State to attract and retain new businesses and new industries and to attract the best qualified candidates for jobs. Well, ending the discriminatory policies against the LGBT community, ending those discriminatory policies will enable us to further combat these problems in our social and economic fabric. This is just as much an economic issue as it is anything else. If you cannot wrap your arms around the fact that ending discrimination, legalized discrimination in the Commonwealth of Pennsylvania, is the right thing to do, then please, please look at it from a different perspective or allow me to submit to you a different perspective which is, there are economic benefits to ending legalized discrimination in Pennsylvania.

I said yesterday at the press conference that, quite frankly, I find it disgusting and an embarrassment that we, in this day and age, in 2014, are still debating, are still debating why it is okay for any class of citizens, any class of citizens, to be discriminated against as a second class. I mean, think about that. We are still having that debate in this building. We are still debating whether or not we should continue to discriminate against a class of folks simply because of whom they decide to love. It is unbelievable. And quite frankly, like I said, it is embarrassing. I am extremely embarrassed that this is the kind of debate that we are forced to have in 2014 in this building. Yet, we can sit here on this floor and debate issues like paycheck protection, like issues of why we should not expand Medicaid, why we should not help folks or put more money in public education. We can debate issues like

that, yet we still have men and women in this Commonwealth who are denied housing or a place to rent simply because of, like I said, whom they choose to love.

Denying anyone the right to provide for themselves and their families is a defenseless position, especially when it is based on meritless criteria. Very often, I stand here and we talk about why we, why Pennsylvania needs to go in a direction or why the direction we are going in, quite frankly, is wrong. But I cannot, I cannot understand that we, as a body, as a legislative body, and I call out the House as well, too, Mr. President. It is not just this body because, quite frankly, the support for this bill, Senate Bill No. 300, is there. This bill could move tomorrow, and I believe it will. I believe this body will pass the bill. The problem, Mr. President, is the House. Quite frankly, one person in the House, and as it was said yesterday very eloquently, because of his religious positions, he will not be willing to move the bill out of the committee which it would go into. Are we going to allow that to happen in 2014? Are we going to allow someone's religious positions and their personal ideology to stand in the way of preventing Pennsylvania from joining, like I said, 32 municipalities in Pennsylvania already, the overwhelming majority of Fortune 500 companies, 16 States including Washington, D.C., and all of our northeast neighbors? Are we going to allow one person's views, personal views, religious views, to deny Pennsylvania and deny its citizens, its taxpayers?

We always hear about how important it is to protect the taxpayers in this place. Got to protect the taxpayers. We cannot put more burden on the taxpayers. Well, Mr. President, the LGBT community are also taxpayers. And right now, they are not treated fairly. They are not treated like everyone else because Pennsylvania is not like other States. We choose to allow legalized discrimination in this Commonwealth. We choose to allow it. So, do not kid yourselves. If you are looking to blame someone, blame the people in this building, because we have had every opportunity to do something about it. I know, Mr. President, that the Senate stands ready, willing, and able, and will do the right thing. But what happens when it goes across this building? Can you believe we have to worry about that? We have to worry about a bill, a law, being killed that simply ends legalized discrimination. You know, it is remarkable that we can even stand here and have a debate about this, or that there has even been pushback.

Yesterday, we stood with members, like I said, of the business community, the faith community, so many folks came out to talk about real-life situations, the transgender community, about how they were denied housing. They were let go from their job when it was disclosed that they had a partner of the same sex. One rabbi came out yesterday and spoke from the heart about how she was celebrating, I believe, her 30-year anniversary, and her dear, dear friends, a same-sex couple, made a choice, they made a choice between either letting folks publicly know about their love or having a job. They chose to have a job, to keep it secret, to live in secrecy. Is that what we want to do? Is that what we stand for in this building? Because as of right now, as of 10 after 6:00 on June 16, whatever it is, June 16, June 17, that is where we are. We are allowing people in Pennsylvania to be discriminated against.

So, there are two bills, getting back to where we started, there are two bills, Senate Bill No. 300 and House Bill No. 300. Same language. Same opportunities to do the right thing. How many

times in this place do we have the opportunity to do the right thing, and that we fail, or that we just choose not to? So, we move forward, we have a budget to do, we have priorities that have to be taken care of. Let us not let this opportunity go by the wayside before we leave here, not on June 30, but before this legislative Session ends. Let us show that this body believes in protecting all Pennsylvanians, every single man, woman, and child in the Commonwealth of Pennsylvania. Let us do the right thing. I have said this many, many times. I have a very simple ideology about government: It is designed to make people's lives better. That is its goal, in my opinion. That is what I believe. It should not hurt people and it should not do anything to make people's lives worse, especially when they need help the most. Passing an anti-discrimination bill in the Commonwealth, either one, Senate Bill No. 300 or House Bill No. 300, does exactly that. It helps make people's lives better. And you have the added benefit of being an economic generator for the Commonwealth because, do not kid yourself, there are people each and every day who decide not to open up businesses here, or to relocate businesses here, simply because we are unwilling to end discrimination. It is that simple. So, if you want to talk about paycheck protection, if you want to talk about this revenue generator, or that revenue generator, or making sure that we give big businesses the tax incentives to make sure they stay here. We have to make sure we have jobs here, absolutely. Well, this is a revenue generator as well. And do not kid yourself for a minute that we are not losing opportunities, jobs, each and every day that we continue to have legalized discrimination in the Commonwealth of Pennsylvania. We have an opportunity to end it, and I hope, Mr. President, I sincerely hope that we choose to do so before the end of this legislative term in November.

Thank you.

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

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

Senator FONTANA. Mr. President, there has been a lot of discussion during the last couple of weeks regarding the collection of union dues and what those dues are used for by union leadership, and I suspect there will be a lot more conversation as we move forward. I would like to point out some of my observations, Mr. President. Many of us know, union dues are used for a variety of things that are essentially agreed to by the rank-and-file members. Whether dues are used for salaries, rent, and upkeep of union meeting halls, or newsletters, members are kept well informed on how their dues are utilized. I know this, Mr. President, because I am a former union member myself and such matters were discussed openly during regular union meetings. I also note that it is true that not every member always agrees about certain costs or expenditures, even policy, or political endorsements. But the will of the majority rules, as it does here in the legislature, or during our country's democratic election process, which is based on the principles our forefathers built this country on.

Mr. President, the ongoing argument I have heard in this Chamber against public employee unions collecting dues from their members is based upon dues sometimes being used for political purposes. First, let us remember that these public em-

ployees work hard and earn their living. These same employees also participate as union members and are able to vote in member elections for their leadership. If members are unhappy with the decisions made by their elected representatives, then they are able to make changes they deem necessary in their union meetings, or through internal elections.

Mr. President, as you know, I am a listener. I have spent much more time over the years in this Chamber listening to debate than talking. The arguments I have heard in favor of this so-called paycheck protection issue are somewhat confusing and somewhat hypocritical. Proponents claim that taxpayer-funded salaried employees should not be allowed to use their money for any political effort through their union. And yet, our colleagues here in the Senate on both sides of the aisle so often stand up in this publicly financed Chamber and talk about political issues, like during an election year when Members might label a Governor as a tax-and-spend liberal, or the State claims that a Governor does not have the best interest of groups such as school students or veterans reflected in their policy. I suspect in the next 2 weeks or so we will hear a lot more about the budget and the current administration just months before another election.

Mr. President, sometimes the conversation on this floor even goes beyond State-level issues. I can remember one example when the Affordable Care Act was being considered and enacted in Washington. Many of our colleagues stood on this very floor referring to it in what, at that time, was thought to be a negative connotation of Obamacare. Another example are some of the resolutions we consider urging the President of the United States to overturn the decision that we do not like on this policy or that policy when it does not quite fit the opposition party's philosophical ideals.

Mr. President, all of this is political posturing, and guess what? The public knows it, too. So, the argument about the need for public employee unions to stop collecting dues to me is very hypocritical. And one more point I would like to make, Mr. President. I personally read every letter and e-mail that comes to my office and I see every phone message my constituents leave with my office. Guess how many correspondences I received from actual employees whom this current system affects about paycheck protection? Zero, Mr. President. Zero complaints from those very people who pay union dues, not outside interests looking to silence the voice of public employee unions, but the men and women who work for all of us every day. Not one in my district has expressed concern or mistrust.

Lastly, Mr. President, since I have touched upon the principles of a representative democracy today, I will do so again by pointing out that if any colleagues on the other side of the aisle truly believe that this is an issue that Pennsylvania needs to be concerned over, then they should schedule a vote on that legislation. I think the fact that the party who controls the agenda here has not considered the bill speaks volumes, that it is not the will of the majority of this body, and the majority of the citizens of this Commonwealth, to go down the road dictating how union members should spend their money.

I will just end by saying, Mr. President, that should the bill ever run, I will be a resounding "no."

Thank you, Mr. President.

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

Senator TEPLITZ. Mr. President, I am pleased to see that Senate Bill No. 1316, which we dealt with a little while ago today, appears positioned for passage by this Chamber tomorrow. The work of the Special Education Funding Commission was very critical work, and I commend everyone on both sides and staff, as well as Members, who worked to make that happen. There was vigorous debate about proposed amendments to that bill. Each of us voted for or against those amendments for our own reasons, but I believe that the real issue that was the subject of that debate was not so much special-education funding, but more so the real issue was how do we fund charter schools in our Commonwealth? I think the debate earlier demonstrated that is an issue that is still largely unresolved. That is why last year I had introduced a resolution that would require the Legislative Budget and Finance Committee to conduct a comprehensive, independent study, a costing-out study, if you will, of charter schools and cyber schools in Pennsylvania in order to determine the actual costs of education. I am proud to say the resolution has 19 cosponsors from both sides of the aisle.

As you know, Mr. President, the charter school funding formula in this State establishes a per-student tuition rate based on the cost of educating the student in his or her home district, the sending school district. It is not based on the actual costs of the charter or cyber school, of the receiving school. This is a flawed formula that creates spending inefficiencies that hurt taxpayers. Many school districts are still struggling to balance their budgets and are forced to raise local taxes while some charters and cyber schools have surpluses. It makes no sense that two children from different school districts, who attend the same charter school, bring with them different levels of taxpayer-funded tuition. Families in Pennsylvania deserve access to an education that best fits their child's needs, and that includes the many fine charter schools in Pennsylvania. But we have to make sure that no child is short-changed. In order to make sure that all of our public schools are properly funded and that taxpayer dollars are used in an efficient and accountable manner, a comprehensive and independent study of the costs associated with charter and cyber education should be conducted.

The study, required by my resolution, would determine the basic actual cost per student in charter and cyber schools and would provide a statewide tuition rate for both charter and cyber schools to ensure equitable and accountable distribution of funding. I have some experience in this area, Mr. President. When I was chief counsel and policy director at the Pennsylvania Department of the Auditor General, I worked on several reports that addressed and exposed the inequities and flaws of tuition rates that local school districts must pay to charter and cyber charter schools. Our June 2012 study showed that Pennsylvania has overpaid, at least as of that time, charter schools compared to the national average. Specifically, Pennsylvania charter schools spent an average of \$13,411 per student, \$3,000 more than the national average of \$10,000. The cyber charter schools received about the same funding level as brick-and-mortar charter schools, but they only spent an average of about \$10,145 per student, which is \$3,500 more than the national average of \$6,500.

I want to be clear, Mr. President. I support charter schools and cyber charter schools as choices along the educational spectrum that families in Pennsylvania should be able to make, but we have to address the financial consequences of that choice. Com-

pared to these national spending numbers, we could cut costs in half when it comes to educating cyber school students without jeopardizing their education. We need to make sure that we are using funds in the most efficient and effective manner possible, and this study, Senate Resolution No. 143, would require it and would help do that.

We could save hundreds of millions of dollars if we spent our money more wisely on funding charter and cyber schools. Again, this resolution would take the first step toward determining a fair funding formula. I ask my colleagues to continue to support this resolution. I hope we can get this addressed in one of the several charter school bills that are moving through this Chamber and this body.

Thank you, Mr. President.

RECESS

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

Senator VULAKOVICH. Mr. President, I move that the Senate do now recess until Wednesday, June 18, 2014, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:24 p.m., Eastern Daylight Saving Time.