

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, SEPTEMBER 30, 2015

SESSION OF 2015 199TH OF THE GENERAL ASSEMBLY

No. 55

## SENATE

WEDNESDAY, September 30, 2015

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

The PRESIDENT (Lieutenant Governor Mike Stack) in the Chair.

## PRAYER

The Chaplain, Reverend DR. DAVID McKINLEY, of Central Schwenkfelder Church, Lansdale, offered the following prayer:

Let us pray.

Our Father in heaven, we gather on this wonderful day to give You thanks and praise for Your bountiful care in our lives. We live in a privileged country, and we have a government by the people and for the people. We are a group that is relatively affluent and we have little need for anything outwardly in comparison to other lands. By the same token, we know that man does not live by bread alone, but from every word that proceeds from the mouth of God, and Your word tells us that righteousness exalts a nation but sin is a reproach to any people. We know that we are a spiritually poor land and in need of revival and grace. Apart from You we can do nothing. Forgive us for the way we have offended You. Turn our hearts back to You, we ask.

I also pray for these men and women who have dedicated their lives to writing our laws and leading our Commonwealth. We thank you for them. Give them wisdom and grace to make good and upright decisions. Let them rule knowing that they were elected by the people, but allowed to occupy their offices because of Your sovereign hand. Please bless our State, but more importantly, may our lives bless You. Teach us the importance of obedience to Your laws and service to others, love for you and love for our fellow man. We humbly ask this in the name that is above every name, the One who paid for our sins with His precious blood on the cross and rose again from the dead, Christ Jesus, the Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. David McKinley, who is the guest today of Senator Mensch.

## PLEDGE OF ALLEGIANCE

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

## HOUSE MESSAGE

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 748**, 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 bill will be referred to the Committee on Rules and Executive Nominations.

## GENERAL COMMUNICATIONS

### THE PHILADELPHIA PARKING AUTHORITY FISCAL YEAR 2015 AUDIT REPORT

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

THE PHILADELPHIA PARKING AUTHORITY  
701 Market Street, Suite 5400  
Philadelphia, PA 19106

September 18, 2014 *[sic]*

### VIA HAND DELIVERY

Megan Totino Consedine  
Secretary-Parliamentarian  
The Pennsylvania Senate - Senate Box 203053  
462 Main Capitol Building  
Harrisburg, PA 17120-3053

Re: The Philadelphia Parking Authority  
Fiscal Year 2015 Audit Report

Dear Secretary-Parliamentarian Consedine:

As you are aware, the Parking Authority Law directs the Philadelphia Parking Authority ("Authority") to submit to an audit of its books, accounts, and records by a certified public accountant on an annual basis. 53 Pa. C.S. §5510.1(e). Enclosed please find the Authority's Fiscal Year 2015 Audit Report, approved by the Authority's Board at a public meeting on August 26, 2015.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,  
The Philadelphia Parking Authority

DENNIS G. WELDON, JR.  
General Counsel

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

**DEPARTMENT OF GENERAL SERVICES  
FISCAL YEAR 2014-15 ACT 77 REPORT**

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

COMMONWEALTH OF PENNSYLVANIA  
Department of General Services  
515 North Office Building  
Harrisburg, PA 17125-001 *[sic]*

September 29, 2015

Megan Martin  
Secretary-Parliamentarian of the Senate  
462 Main Capitol  
Harrisburg, PA 17120-3053

Anthony Frank Barbush  
Chief Clerk of the House  
129 Main Capitol  
Harrisburg, PA 17120-2020

Re: Annual Report under Act 77 of 2004  
Fiscal Year 2014-2015

Dear Secretary-Parliamentarian Martin and Chief Clerk Barbush:

The Department of General Services is pleased to provide you with a copy of the Act 77 Report for Fiscal Year 2014-2015.

Act 77 of 2004 requires the Department of General Services to report annually to the General Assembly concerning the award of contracts to small and disadvantaged businesses (now known as small diverse businesses) during the preceding fiscal year. The report includes a list of all small diverse businesses that participated as contractors, subcontractors or suppliers during the preceding fiscal year for contracts if the number of contractors under a previously existing contract for the same supply or service is reduced to a single contractor or reduced by more than 50% of the number existing on September 30, 2003.

Please distribute this report to the General Assembly as no printed copies are available. Should you have any questions, please do not hesitate to contact me.

Sincerely,

STEPHEN RUDMAN  
Legislative Liaison

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

**BILLS REPORTED FROM COMMITTEES**

Senator WHITE, from the Committee on Banking and Insurance, reported the following bills:

**HB 347 (Pr. No. 2259) (Amended)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in emergency medical services system, providing for emergency service system billing.

**HB 837 (Pr. No. 1556)**

An Act authorizing certain financial institutions to conduct savings promotion raffles; and providing for enforcement by the Department of Banking and Securities.

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

**SB 857 (Pr. No. 970)**

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in contract carrier by motor vehicle and broker, further providing for declaration of policy and definitions; and prescribing penalties.

**HB 579 (Pr. No. 1449)**

An Act amending the act of February 24, 1984 (P.L.92, No.17), referred to as the Precious Metal Sale Regulation Law, further providing for definitions, for license required, for records of transactions, for dealer's retention of precious metal and availability for inspection, for purchases from minors and for penalty.

**HB 1275 (Pr. No. 1685)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for definitions and for restricted faculty license.

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

**SB 526 (Pr. No. 1295) (Amended)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in auditors and accountants, further providing for completion, filing and publication of annual township report and financial statement.

**SB 791 (Pr. No. 951)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in township officers generally, further providing for removal for failure to perform duties.

**HB 904 (Pr. No. 1124)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in corporate powers, further providing for powers of the board of township commissioners as to building and housing regulations and inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

**HB 906 (Pr. No. 1103)**

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in general provisions relating to township officers, further providing for failure of officer to perform duties.

**HB 909 (Pr. No. 1126)**

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, in sale of property, providing for additional costs for rehabilitation and maintenance.

**HB 910 (Pr. No. 1105)**

An Act amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," further providing for removal of town officers and for vacancies.

Senator VULAKOVICH, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

**HB 62 (Pr. No. 2255) (Amended)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and volunteer services, further providing for award of grants to eligible fire companies and volunteer ambulance services.

**HB 138 (Pr. No. 2256) (Amended)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for soliciting by first responder organizations.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator VULAKOVICH, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolution:

**SR 171 (Pr. No. 1294) (Amended)**

A Resolution directing the Legislative Budget and Finance Committee to conduct a study relating to the feasibility and cost-effectiveness of utilizing privately owned veterans care facilities to augment the Commonwealth's six State-owned veterans care facilities.

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

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a legislative leave for Senator Greenleaf.

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

Senator FONTANA. Mr. President, I request a legislative leave for Senator Williams.

The PRESIDENT. Senator Corman requests a legislative leave for Senator Greenleaf.

Senator Fontana requests a legislative leave for Senator Williams.

Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION****WEEKLY RECESS**

Senator CORMAN offered the following resolution, which was read as follows:

In the Senate, September 30, 2015

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Tuesday, October 13, 2015, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses the week of October 13, 2015, it reconvene on Monday, October 19, 2015, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, October 5, 2015, unless sooner recalled by the Speaker of the House of Representatives; and be it further,

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of October 5, 2015, it reconvene on Monday, October 19, 2015, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

**YEA-48**

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward
Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

**NAY-0**

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

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

**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 I was saying my own prayer because I left my reading glasses in my office. Thank goodness the print is large enough, but thank you for the offer.

It is my pleasure today to introduce the guest Chaplain of the Senate of Pennsylvania, Reverend David McKinley, who is se-

nior pastor at Central Schwenkfelder Church. Reverend McKinley is originally from the Ozarks. He was raised in the First Christian Church of Nevada, in Missouri, where he came to faith in Christ and was baptized. Pastor David attended Southwest Baptist University in Bolivar, Missouri, graduating with a bachelor of arts degree in religious studies. While there, he met his wife, Linda. He received a Master of Divinity at Gordon-Conwell Theological Seminary, and a Master of Theology in systematic theology from Westminster Theological Seminary. David is presently pursuing a Doctor of Ministry at the Biblical Theological Seminary in Hatfield, Pennsylvania.

Before joining the staff at Central Schwenkfelder Church, David pastored congregations in Missouri and Kansas. David and his wife, Linda, have three wonderful children. Joining Reverend McKinley here today are Bryce Simon and Sam Beatrice, both seminarians; and also Drew Bundshuh, who is a recent graduate of the seminary. Please join me, Mr. President, and the Senate, in welcoming our guest Chaplain today, Reverend McKinley.

The PRESIDENT. Would the guest of Senator Mensch, Reverend McKinley, as well as your guests in the gallery, please rise so that the Senate may give you its usual warm welcome. Thank you for being with us, and we appreciate your prayers.

(Applause.)

#### **GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Mr. President, I have two guests today, Thomas and Donna Daley, actually from neighboring Delaware County. As you know, Mr. President, to assist educational organizations and nonprofits, I offer a tour that they can auction off of the Violet Oakley paintings, which are one of the treasures of this Capitol. As you know, Violet Oakley was the first woman in the United States to receive a public commission. We all are greatly influenced, or should be greatly influenced, by the paintings that surround us.

My guests, Thomas and Donna Daley, graduated from Temple University where you, Mr. President, serve on the board of trustees. They live in Upper Darby in Senator McGarrigle's district. They are both architects and, as I said, the tour was bid on at an event at West Chester University in its annual fundraiser.

So, Mr. President, if you might introduce them so that we can give them a warm welcome, I would appreciate it.

The PRESIDENT. Would the guests of Senator Dinniman, the Daleys, whom I met in my Lieutenant Governor's Office, please rise so that the Senate may give you its usual warm welcome.

(Applause.)

#### **RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

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

Senator COSTA. Mr. President, at the conclusion of the meeting, Senate Democrats will meet around the podium for a brief caucus.

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

#### **AFTER RECESS**

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

#### **CALENDAR**

##### **THIRD CONSIDERATION CALENDAR**

##### **BILLS OVER IN ORDER**

**SB 296, HB 447, SB 501 and SB 606** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

##### **BILL AMENDED**

**SB 648 (Pr. No. 1275)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in snowmobiles and all-terrain vehicles, further providing for restricted account and for Snowmobile and ATV Advisory Committee; and making an editorial change.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WILEY offered the following amendment No. A3446:

Amend Bill, page 2, line 28, by inserting after "ACCOUNT,"  
and

Amend Bill, page 2, lines 29 and 30; page 3, lines 1 through 4; by striking out all of lines 29 and 30 on page 2, all of lines 1 through 3 and "(vi)" in line 4 on page 3 and inserting:

(v)

Amend Bill, page 8, by inserting between lines 11 and 12:

Section 3. All money in the restricted account established under 75 Pa.C.S. § 7706 that exists on the effective date of this section shall be used in performing any activities necessary to carry out the purposes of 75 Pa.C.S. Ch. 77, including registration and certificate of title activities, training, education, enforcement activities, construction and maintenance of snowmobile and ATV trails and acquisition of equipment, supplies and interests in land.

Amend Bill, page 8, line 12, by striking out "3" and inserting:

4

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 CORMAN.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 685 (Pr. No. 1000)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, providing for visiting team physician.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-48

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward
Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

NAY-0

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

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

**SB 686 (Pr. No. 1001)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, providing for visiting team physician.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-48

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward

Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

NAY-0

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

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

BILLS OVER IN ORDER

**SB 751, SB 772, SB 868 and HB 874** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 898 (Pr. No. 1064)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in fiscal affairs, further providing for limits on counties of the second class.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-48

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward
Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

NAY-0

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

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

**SB 899 (Pr. No. 1065)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in consolidated county assessment, further providing for limitation on tax increase after countywide reassessment.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-48

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward
Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

#### NAY-0

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

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

#### BILL OVER IN ORDER

**HB 907** -- Without objection, the bill was passed over in its order at the request of Senator GORDNER.

#### SECOND CONSIDERATION CALENDAR

##### BILL OVER IN ORDER AND LAID ON THE TABLE

**HB 57 (Pr. No. 49)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in rates, further providing for sliding scale of rates and adjustments; and, in natural gas competition, further providing for duties of natural gas distribution companies.

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

Pursuant to Senate Rule 9, the bill was laid on the table.

##### BILLS OVER IN ORDER

**HB 263, SB 388, HB 400, SB 411, HB 455, HB 561, SB 604, HB 696, HB 735, SB 840, SB 874, HB 898 and SB 909** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

##### BILL REREFERRED

**SB 927 (Pr. No. 1281)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, further providing for the Delaware River Joint Toll Bridge Compact; providing for majority approval; and prohibiting the entrance into a compact until passage of a similar act.

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

#### BILLS ON SECOND CONSIDERATION

**SB 931 (Pr. No. 1143)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, in special damages for displacement, further providing for moving and related expenses of displaced persons, for replacement housing for homeowners and for replacement housing for tenants and others.

Considered the second time and agreed to,

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

**SB 942 (Pr. No. 1174)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 2000 (P.L.724, No.99), known as the Municipal Code and Ordinance Compliance Act, further providing for compliance requirement.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 955, SB 956, SB 983, SB 988, SB 989, SB 1014, HB 1154, HB 1256 and HB 1279** -- Without objection, the bills were passed over in their order at the request of Senator GORDNER.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 1319 (Pr. No. 2219)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the taxation or the exemption from taxation of amounts and events relating to the Pennsylvania ABLE Savings Program.

Considered the second time and agreed to,

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

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

#### BILL ON SECOND CONSIDERATION

**HB 1340 (Pr. No. 1822)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in condominiums, further providing for creation, alteration and termination of condominiums and for management of condominiums; and, in planned communities, further providing for creation, alteration and termination of planned communities and for management of planned communities.

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

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

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

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

May 15, 2015

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, Andrew G. Place, 583 Garner Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania *[sic]* Public Utility Commission, to serve until April 1, 2020, and until his successor is appointed and qualified, but not longer than 6 months beyond that period, vice James Cawley, Esquire, Mechanicsburg, whose term expired.

TOM WOLF  
Governor

#### *NOMINATION LAID ON THE TABLE*

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

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

#### *EXECUTIVE SESSION*

Motion was made by Senator ALLOWAY,

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

Which was agreed to by voice vote.

#### *NOMINATION TAKEN FROM THE TABLE*

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

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

May 15, 2015

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, Andrew G. Place, 583 Garner Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania *[sic]* Public Utility Commission, to serve until April 1, 2020, and until his successor is appointed and qualified, but not longer than 6 months beyond that period, vice James Cawley, Esquire, Mechanicsburg, whose term expired.

TOM WOLF  
Governor

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

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

#### YEA-48

Alloway	Dinniman	McGarrigle	Teplitz
Argall	Eichelberger	McIlhinney	Tomlinson
Aument	Farnese	Mensch	Vance
Baker	Folmer	Pileggi	Vogel
Bartolotta	Fontana	Rafferty	Vulakovich
Blake	Gordner	Sabatina	Wagner
Boscola	Greenleaf	Scarnati	Ward
Brewster	Haywood	Scavello	White
Brooks	Hughes	Schwank	Wiley
Browne	Hutchinson	Smucker	Williams
Corman	Kitchen	Stefano	Wozniak
Costa	Leach	Tartaglione	Yudichak

#### NAY-0

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

Ordered, That the Governor be informed accordingly.

#### *EXECUTIVE SESSION RISES*

Senator ALLOWAY. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

#### SENATE RESOLUTIONS ADOPTED

Senators PILEGGI, KITCHEN, DINNIMAN, SCHWANK, SCAVELLO, SABATINA, EICHELBERGER, TEPLITZ, TARTAGLIONE, FONTANA, HUTCHINSON, RAFFERTY, COSTA, VULAKOVICH, GREENLEAF, BAKER, AUMENT, FARNESE, BROWNE, HUGHES and HAYWOOD, by unanimous consent, offered **Senate Resolution No. 205**, entitled:

A Resolution designating the week of October 25 through 31, 2015, as "Pro Bono Week" in Pennsylvania.

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

Senators TEPLITZ, SABATINA, DINNIMAN, KITCHEN, WOZNIAK, BREWSTER, SCAVELLO, BAKER, GORDNER, SCHWANK, PILEGGI, FONTANA, GREENLEAF, RAFFERTY, VULAKOVICH, TARTAGLIONE, HUTCHINSON, YUDICHAK, COSTA, AUMENT, FARNESE, BROWNE, VOGEL and HAYWOOD, by unanimous consent, offered **Senate Resolution No. 206**, entitled:

A Resolution designating the month of October 2015 as "Domestic Violence Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, my resolution designates the month of October 2015 as "Domestic Violence Awareness Month" in Pennsylvania. One in four women and one in nine men will be victims of physical violence by an intimate partner within their lifetime. According to the Pennsylvania Coalition Against Domestic Violence, in 2014 there were over 85,000 recipients of all domestic violence services. Between 2007 and 2011, over 700 people died as a result of domestic violence-related incidents.

This resolution encourages all Pennsylvanians to learn more about the causes and signs of domestic violence, as well as prevention and treatment. Domestic violence impacts every community and anyone can be a victim or a perpetrator, no matter their age, race, religious affiliation, economic status, or other demographic identifiers.

So, Mr. President, I ask that my colleagues join me in designating October 2015 as Domestic Violence Awareness Month in Pennsylvania. I also encourage everyone to wear purple when we are in Session on October 13 to help raise awareness about domestic violence.

Thank you, Mr. President.

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

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

Senators TEPLITZ, GREENLEAF, SABATINA, MENSCH, EICHELBERGER, RAFFERTY, FONTANA, DINNIMAN, COSTA, TARTAGLIONE, SCHWANK, PILEGGI, VULAKOVICH, HUTCHINSON, BAKER, BROWNE and SCAVELLO, by unanimous consent, offered **Senate Resolution No. 207**, entitled:

A Resolution observing the week of October 4 through 10, 2015, as "Fire Prevention Week 2015" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, my resolution recognizes the week of October 4 through 10, 2015, as "Fire Prevention

Week 2015" in Pennsylvania. Fire Prevention Week commemorates the Great Chicago Fire of 1871. It was first designated by President Woodrow Wilson in 1920, and is the longest-running public health and safety observance on record.

The National Fire Protection Association has announced that this year's Fire Prevention Week theme is "Hear the Beep Where You Sleep: Every Bedroom Needs a Working Smoke Alarm." This year's theme focuses on motivating people to install working smoke alarms near their bedrooms. Having a working smoke alarm in the home cuts the risk of dying in a fire in half. It is recommended that smoke alarms be installed inside every bedroom, outside each sleeping area, and on every level of the home, including the basement. It is imperative that we all do our part to remind the public of the importance of having smoke detectors in the home, checking them regularly, and changing the batteries. So, Mr. President, I ask that my colleagues join me in recognizing the week of October 4 through 10, 2015, as Fire Prevention Week 2015 in Pennsylvania.

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

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

Senator COSTA, by unanimous consent, offered **Senate Resolution No. 208**, entitled:

A Resolution designating the week of September 27 through October 3, 2015, as "Arts in Education Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator COSTA. Mr. President, I rise today to offer this resolution that recognizes September 27 through October 3, 2015, as "Arts in Education Week" in Pennsylvania. Arts in education, Mr. President, is important, and the statistics and the studies prove that, and here are just a few. Mr. President, students who study the arts are four times more likely to be recognized for academic achievements. Those same students are also three times more likely to be awarded for school attendance. Finally, Mr. President, students with 4 years of art and music average 40 points higher on the written portion of the SATs than students who have less than that amount of time. Mr. President, I could go on and on, the studies and the statistics reflect that arts in education is a valuable investment.

On this Chamber floor, Mr. President, we have recognized many budding artists for their work and for their achievements. Virtually everywhere you go, you will see evidence of the arts in our communities. Here in our own Commonwealth and our own Senate Chamber, and Senator Dinniman referenced it earlier today, we see the great work of Violet Oakley, a woman who received the very first State public contract to produce the beautiful murals that we see not only in this Chamber, but across this Capitol building. Those are the types of things that we want to replicate throughout our communities. More than likely, the



spark for the love of the arts that she exhibited, and many folks since that time have exhibited, was really borne out of elementary school, when the child has the first opportunity to express themselves, either through the arts, in the form of pictures, drawings, paintings, music, or through the theater. Sadly, Mr. President, arts and music programs across our Commonwealth continue to suffer, particularly after the last 4 years of deep cuts in education funding. This is a challenge that means we must work and we must be resourceful in seeking funds and opportunities to make sure that the arts and the arts in education programs are sufficiently funded.

Finally, Mr. President, we cannot forget a key point in the importance of arts in education, and that is education is not the only benefit of the arts when we make those investments. The arts are a proven contributor to job creation, and economic growth and activity, something that we are always working on here in Pennsylvania to restore our communities. More recently, a study by the Americans for the Arts drew a direct correlation between investments in the arts, job growth, and economic development and activity. That investment begins in our schools. According to the study, the arts generated \$2.55 billion in total economic activity and \$1.8 billion in household income to local residents and support more than 18,000 full-time jobs here in Pennsylvania. That is why we need to continue to make investments in the arts, and arts in education particularly. Arts deliver \$360 million in local and State government revenue. That is what the arts mean to our local communities, aside from the benefit that it provides to the individuals who are participating.

Mr. President, my good friend and colleague, the chair of the Committee on Appropriations from the other side of the aisle, Senator Browne, along with Representative Briggs and Representative Saylor, we co-chair what is called the arts and culture caucus, which is a bipartisan, bicameral group of lawmakers, together with advocates for the arts, who are dedicated to helping grow the arts and provide intelligent information about the activities of the arts, and to help the arts and cultural community flourish here in Pennsylvania. We held a meeting earlier today here in the Capitol and heard about two wonderful organizations which are dedicated to insuring that our youngest children are given the opportunity to explore the arts in their community. If you did not have the opportunity to join us, I suggest and encourage that you come to one of our next meetings, but specifically go to our Web site, [www.paartsandculturecaucus.com](http://www.paartsandculturecaucus.com) and you will find the two PowerPoint presentations that were made today along those lines. They were presentations from the Pennsylvania Humanities Council and the work that they do working with afterschool programs in our libraries, as well as a presentation from the Carnegie Museum of Natural History in western Pennsylvania. It is truly a way to see evidence and to hear stories about how our investments are making a difference in the lives of children and their families.

So, Mr. President, I believe in arts in education. I believe in the value for Pennsylvanians, for our families, and for our kids. I would like to believe that all of my colleagues do the same. Today, Mr. President, I ask that my colleagues join me in recognizing September 27 through October 3, 2015, as Arts in Education Week here in Pennsylvania.

Thank you, Mr. President.

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

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

### 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 Gina D. Tyson-Geesaman by Senator Alloway.

Congratulations of the Senate were extended to Mae S. Noecker, Joseph D. Vlcek, Patricia Freeh-Stefanek, Daniel Geissinger, Jr., and to Pottsville Area Development Corporation by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Clair Brendle, Mr. and Mrs. Joseph Reilly, Mr. and Mrs. Tom Trayer, Mr. and Mrs. LeRoy H. Shearer, Eleanor C. Sobczynski, Robert Sherwin Mack, Luther C. Shimp, Lamar Sprecher, Mae E. Carvell and to Evelyn F. Schreiber by Senator Aument.

Congratulations of the Senate were extended to Dr. David J. Lopatofsky, Kathryn Potter Maloney, Ryan J. Dourand, Richard C. Wellman, A. Frank Rowe and to Saint Martin of Tours Parish by Senator Baker.

Congratulations of the Senate were extended to Nacho Abia, Ian Reese and to Fidel Gonzalez by Senator Boscola.

Congratulations of the Senate were extended to Chief Daniel Pancoast and to Bethlehem Township Police Department by Senators Boscola, Browne, and Scavello.

Congratulations of the Senate were extended to Baldwin Historical Society by Senator Brewster.

Congratulations of the Senate were extended to Stephen R. Barton by Senators Brewster and Costa.

Congratulations of the Senate were extended to Delsin Storm Nichol, Trooper Roland Shannonhouse, Don Thomas, Beverly Nutter, Eleanor Mead and to Conneaut Lake Bark Park, Inc., by Senator Brooks.

Congratulations of the Senate were extended to Mr. and Mrs. Lenny Samuelson, Eleanor Lucille Osman, Raffaella R. Hooten, Helen K. Ehrig, Kenneth William Bower, Gloria Peter Pool and to Ondra-Huyett Associates, Inc., by Senator Browne.

Congratulations of the Senate were extended to Brigadier General Anna Mae V. McCabe Hays by Senators Browne and Boscola.

Congratulations of the Senate were extended to Karen Green, Bryan Gault, David Howard and to Gerald Noll by Senators Browne, Boscola, and Scavello.

Congratulations of the Senate were extended to Mr. and Mrs. Malcolm L. Ambrose, Thomas James Dupler, Shirley L. Clarke, Savannah Zanic, Daniel Watters, Austin Kim, Zachary Lucas, State College Community Land Trust, Little Valley Presbyterian Church and to the members and coaches of the Mifflin County High Intensity 18-and-Under Softball Team by Senator Corman.

Congratulations of the Senate were extended to New Garden Friends Meeting by Senator Dinniman.

Congratulations of the Senate were extended to Lieutenant Colonel Elton Bregu, Lieutenant Colonel Juan Solari, Lieutenant Colonel Aimable Habiyambere, Lieutenant Colonel Mohammad Surosh Niazi, Brigadier General Sokha Sin, Colonel Darren Da-

vid Huxley, Lieutenant Colonel Vasak Avetisyan, Colonel Abdulaziz Abdullah Al Ashwl, Lieutenant Colonel Asariel Loria, William D. Thompson III, Chuan-sheng Tsai and to Lynn Finkenbinder by Senator Eichelberger.

Congratulations of the Senate were extended to Catherine V. White and to American Bar Association Division for Public Education by Senator Farnese.

Congratulations of the Senate were extended to Cullen Wargo and to Reilly, Wolfson, Sheffey, Schrum and Lundberg, LLP, by Senator Folmer.

Congratulations of the Senate were extended to Samuel Brown by Senator Gordner.

Congratulations of the Senate were extended to Dr. Scott E. Shapiro, Giovanni LaRuffa, James Babinetz, Thomas Hannon, Stephen Young, Michael Balot II, Warrington Township Fire Company, Zion Baptist Church of Ambler and to Souderton Telford Rotary Club by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. George Karg, Sr., Mr. and Mrs. Stanley Warcholik and to Mr. and Mrs. Tom Shattenberg by Senator Hutchinson.

Congratulations of the Senate were extended to Willard M. Cline by Senators Hutchinson and Scarnati.

Congratulations of the Senate were extended to Lillian A. Randolph by Senator Kitchen.

Congratulations of the Senate were extended to Dr. Stuart H. Shapiro by Senator Leach.

Congratulations of the Senate were extended to Michael E. Arndt by Senator McGarrigle.

Congratulations of the Senate were extended to Michele Fina and to Holicong Middle School by Senator McIlhinney.

Congratulations of the Senate were extended to Elizabeth White Fineburg by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Michael Scott Collins, Jennifer Carlucci Vaningen, Evelyn Snyder Thomas and to International Spring Festival by Senator Mensch.

Congratulations of the Senate were extended to Pottstown Area Police Athletic League by Senators Mensch and Rafferty.

Congratulations of the Senate were extended to Daniel Kuryea, Carl David Lawley, Marie P. Axel, Dorothy McGovern, William Blake Blosenski and to A. Frances Garvine by Senator Pileggi.

Congratulations of the Senate were extended to Patrick Michael Lewis, Mary Ann Pitts, Francesco Salvatore Mazza, Elwood Brunt, Gilbert Paul Price and to Catholic War Veterans of the USA, Inc., Department of Pennsylvania, by Senator Rafferty.

Congratulations of the Senate were extended to Chief Harrison Holt by Senator Rafferty and others.

Congratulations of the Senate were extended to Paul Alan Thorpe by Senator Sabatina.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde Ott, Michael Stager and to Dunham's Department Store of Wellsboro by Senator Scarnati.

Congratulations of the Senate were extended to Linda Gerenser Stubits and to Stephen Hall by Senator Scavello.

Congratulations of the Senate were extended to Samuel Foster Stratton, members of the Pennsylvania Federation of Business and Professional Women's Clubs and to the Board of Directors,

staff, and volunteers of Berks Connections/Pretrial Services by Senator Schwank.

Congratulations of the Senate were extended to Liam Kemmitt Fyfe by Senator Smucker.

Congratulations of the Senate were extended to Penn State Fayette, The Eberly Campus by Senator Stefano.

Congratulations of the Senate were extended to the Honorable Robert P. Casey, Jr., John Dodds and to Philadelphia Unemployment Project by Senator Tartaglione.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth L. Salov, Mr. and Mrs. John Schade, Master Sergeant Belinda R. Defoor and to Kappa Omega Chapter of Omega Psi Phi Fraternity, Inc., by Senator Teplitz.

Congratulations of the Senate were extended to Master Sergeant Jerry McPherson, Jeff Kramer, Timothy Becker, Kyle McCallister, Edward Urbanski, Bensalem United Methodist Church and to Christian Life Center by Senator Tomlinson.

Congratulations of the Senate were extended to Peter J. Adamo by Senator Tomlinson and others.

Congratulations of the Senate were extended to Mr. and Mrs. Jerry Cole and to Mary Caroline Lechthaler by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Ron Dassner, Kathy Byrnes, Matt Butler, Tanja Wenzel Koller, Randy Potter, Lou Meyer, George Guiley, Greg Otto, Morgan Howard, Virginia Hetzel, Nicole Lenart Teter, Ray Lewis, Gary Treser and to Bill Turner by Senator Vulakovich.

Congratulations of the Senate were extended to Master Sergeant Christopher Daniel Walston, Rose Arbittier, Benjamin L. DeStephano and to First Presbyterian Church of York by Senator Wagner.

Congratulations of the Senate were extended to Chief Barry Banker, Nathan Pollock and to Morgan Hosack by Senator Ward.

Congratulations of the Senate were extended to Margaret Cena Verna by Senator White.

Congratulations of the Senate were extended to Mount Zion African Methodist Episcopal Church and to Saint Francis de Sales Roman Catholic Church by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Woodrow A. Scott, Mr. and Mrs. Joseph English, Mr. and Mrs. Ray Kelley, Morgan Craft and to Corey A. Richmond by Senator Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Krokos, Mr. and Mrs. William Horn, Brian Fisher, Alex Kopacz, John F. Kennedy Council No. 372 of the Knights of Columbus and to Dorothy Dickson Darte Center for the Performing Arts at Wilkes University by Senator Yudichak.

Congratulations of the Senate were extended to the Pugh family, Rodney Shemory and to Commonwealth Health by Senators Yudichak and Baker.

## CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Dr. James Eli Specter, to the family of the late John W. Baur and to the family of the late Richard S. Masters by Senator Baker.

Condolences of the Senate were extended to the family of the late Brian M. Gallagher by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Dr. Harry L. Clark, Jr., by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late J. Whyatt Mondesire by Senator Haywood and others.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Bradley M. Fox was extended to the family by Senator Mensch.

A posthumous citation honoring the late John J. Doster was extended to the family by Senator Tomlinson.

### BILLS ON FIRST CONSIDERATION

Senator FARNESE. 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 526, SB 791, SB 857, HB 62, HB 138, HB 347, HB 579, HB 837, HB 904, HB 906, HB 909, HB 910 and HB 1275.**

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

#### TUESDAY, OCTOBER 6, 2015

10:00 A.M.	LABOR AND INDUSTRY (public hearing to examine the effects changes to the unemployment compensation system have had on seasonal workers)	City Hall 1401 JFK Blvd. Phila.
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#### TUESDAY, OCTOBER 13, 2015

Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 482; and House Bills No. 239 and 792)	Rules Cmte. Conf. Rm.
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 210, 748 and 925)	Rules Cmte. Conf. Rm.
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#### WEDNESDAY, OCTOBER 14, 2015

9:00 A.M.	FINANCE and STATE GOVERNMENT (joint public hearing focusing on ways to better spend and assess State government expenditures and programs)	Hrg. Rm. 1 North Off.
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#### TUESDAY, OCTOBER 20, 2015

10:30 A.M.	JUDICIARY (public hearing to examine Senate Bill No. 869 and proposed reforms to the civil system of asset forfeiture in Pennsylvania)	Room 8E-B East Wing
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#### WEDNESDAY, OCTOBER 21, 2015

10:00 A.M.	STATE GOVERNMENT (joint informational session with the House State Government Committee on the new online voter registration system)	Hrg. Rm. 1 North Off.
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#### MONDAY, OCTOBER 26, 2015

10:00 A.M.	EDUCATION (joint public hearing with the House Education Committee regarding substitute teachers)	Hrg. Rm. 1 North Off.
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### PETITIONS AND REMONSTRANCES

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

Senator DINNIMAN. Mr. President, this is a remonstrance as well as a petition. It deals with the testing of our students and the recent announcement that these tests are going to be made more difficult, and that the scores were sent out yesterday to various school districts.

Another school year has begun. The Keystone Exams and the graduation requirement are still here, and it is here despite the fact that this Senate, on a 49 to 0 vote, all of us voted to put on hold for 2 years this graduation requirement so that we could look at the system of assessment in this Commonwealth. They are still here despite the fact that every major educational organization in this State has supported us in putting a hold on the graduation requirement that comes out of the Keystone Exams. Whether it is the superintendents, through PASA, whether it is the teachers, through PSEA, whether it is the school boards, through the Pennsylvania School Board Association, each and every one has asked for this. The only group that has not come forward is the Pennsylvania Department of Education. It is not a pleasant experience for me to have to criticize a department within our own administration. The department tells me that they agree with what we passed. The department tells me that they understand our resolution, but they will not say it loudly and clearly. They allowed us to enter another school year in which not only are we stamping "failure" on hundreds and hundreds of students, thousands and thousands of students, but with the new testing being made harder, we are stamping "failure" on even more students, and it is not the fault of the students or the teachers in this situation.

Recently, there was a hearing in the House to look at assessments in general, in fact, to look at our bill, as well, that would put the assessments on hold. Every testifier, except for the State Board of Education, said put them on hold. Someone said to do away with tests entirely, which is a good idea. We did the hold as a compromise to try to get the process started. Yet, the only one testifying in support of the tests was the State Board of Education, headed by the chairman and the board still left over from the old administration--the majority of that board and the chairman who put these tests there in the first place under Secretary

Tomalis. The department had an opportunity at that time to state their opposition. Instead, they remained silent.

Before getting into the Keystone tests and this requirement in more detail and why we should have stopped it before the new school year started, let me talk for just a second on these new requirements that went into effect that now the tests are going to be made even more difficult so less students will pass.

The understanding to do this was made in a deal with the Feds in which the Senate, the House, the education chairs, none of us were consulted on this matter. I stood up here and criticized the Corbett administration when a similar arrangement with the Feds allowed the Keystone graduation test requirement to come in the first place. I want to be consistent in my opposition to these tests, and I need to be consistent, because education is so important. I criticized the Department of Education for putting in place these new higher test requirements without ever talking to any of us in the legislature. Let me note something. I am going to quote the press release put out by the Secretary of Education. Secretary Rivera noted that under the heightened standards, some material being tested is at a full grade level earlier than under the previous standards. So, if you never got the material and they are sitting there testing you on material you never got, and then they are stamping "failure" on you as a student, it is outrageous.

If you really want students to learn, you do it the positive way. Anyone who has been in school--in my school, when someone knocks you down and puts "failure" on you, then you drop out of school more likely than move ahead. You move ahead through positive ways, by finding the interests of that student. If it is in woodworking, then you get the rest of the academic program through that woodworking. If it is working on a farm and agriculture, then you do it that way. If they have an interest in music, you take that interest and you broaden it. You do not do it by stamping "failure" on children when it is not their fault in the first place.

Arne Duncan came into Pittsburgh right after the department announced and signed the agreement without telling any of us. Let me tell you what Arne Duncan said in Pittsburgh that was reported on September 18, right before the test results were given. Arne Duncan says the following, "In far too many states, including Pennsylvania, politicians dummed down standards to make themselves look good." Arne, go back to Washington. The Federal government should not have any business in how the State runs their education system anyway. Secretary Duncan, read the 10th Amendment to the Constitution, which gives the States that authority. No one was dumbing down anything. We were standing up for the students in this Commonwealth who were being tested in schools which did not have the money, did not have the teachers, did not have the labs, and did not even have the textbooks for which they are being tested on. That is not dumbing down anything. That is standing up for the students and that is trying to find the testing program that works. You can talk all you want, Secretary Duncan and Secretary Rivera, about high standards. Until we have a system that allows funding for education in the poorest areas of this Commonwealth, whether they be rural or whether they be urban, until students have the textbooks, until teachers have the curriculum, those students are not being given an equal opportunity for learning, and, as a result, they get "failure" stamped on them.

I am always amazed, Mr. President, that when they talk about accountability and how somehow in some mysterious way, that these higher standards are going to lead to everyone learning more, they never talk about what is required to get to the higher standards. They also seem to not worry about that individual student who is sitting in that school who did not have the opportunity, maybe because they were waiting to learn it in the next grade, which we have just admitted is a part of these tests, that individual student, how he feels and how his parents feel. Maybe Secretary Duncan and Secretary Rivera should take the test themselves and tell us what their results are. Maybe the whole Department of Education should take the test themselves and let them feel the embarrassment of having "failure" stamped on them if they do not pass the test. But no, they are not putting their own selves on the line, they are putting the students of this Commonwealth and State after State on the line.

I am for higher standards. Those of us who oppose the Keystone graduation requirement are for higher standards. But we know that to get to those higher standards, it requires resources. We know to get students to those higher standards requires us to be positive with students to give them hope, to show them the possibilities of how to advance, not to continuously stamp "failure." In some of our school districts, as a result of these new tests, two-thirds, or 70 percent, of these students are getting "failure" stamped on them, adding to the fact that none of our schools have the resources. In fact, some of our schools in October will run out of money completely.

So, Mr. President, what I am trying to say is we need to question these new standards. We need to question the whole approach of using standardized education in terms of graduating students from schools and in terms of our education evaluation.

Let me, if I may, Mr. President, go into two other topics and then retire from this. I feel passionately about this, Mr. President. I think we are making a big mistake in how we educate students. Remember, 49 Members of this body, Democrat and Republican alike, asked for a hold on these tests. If the Department of Education questions it themselves, then let them come out clearly and make that statement. We invite them to do it. By the time we get back in a week or two after our Session ends, let them make that statement so that we can all read it on the floor and see it.

Finally, Mr. President, the problem is this, going back to the keystones for one second. I have talked about tests in general. I have talked about these new requirements, and I do not think they are in the best interests of the Commonwealth. Let us look at the Keystone graduation requirement just for a minute, if I may. Everyone knows that it is structurally impossible to utilize. First of all, Mr. President, Secretary Tomalis and Secretary Dumaesq said that it would cost no money to the Commonwealth. It is a \$300 million unfunded mandate on the Commonwealth, and we see it. In my school district, the West Chester Area School District, it has already cost them \$1 million to take care of the remediation and the preparation for the test scores because they want to come out on top on the test scores because it affects real estate values more than it affects education, to be honest about how it works.

Mr. President, we were told that it would cost nothing, and that \$300 million now appears to be an underestimate. With such a shortage of money, the department allows this money and an-

other school year to occur and this to be spent. The reason is structurally impossible, as I will quickly show with one example. In the March test, even before the new higher demands came into these tests, 123,000 students took the test a second time who had failed. Assuming that each student only failed one test, and many failed three tests, and knowing that each test has two modules, which would require what is called a project assessment, which is an alternative when you fail the test, that is 246,000 project assessments as a result of a group of students who were taking these tests in March of 2015. Because the prior department will not trust the teachers, two teachers in another school have to correct each of those project assessments. Where are you going to find the teachers? Who is going to correct them? Yet even though they are corrected by another school, every school has to pay to have someone coordinate the project assessments in the home school, schools which have no money to begin with. That is why the students were failing the tests.

Mr. President, they made it even one step worse. Because they did not have any money, in Pennsylvania to renew your license every 5 years, you have to have 180 credits of professional development. Now, in their regulations that allowed the Keystone tests and these requirements that allow you to substitute the project assessment if you fail the Keystone test, each teacher who corrects a test gets one credit towards professional development. So, over 5 years, if I watched their 1-hour video on how to correct a project assessment, I start with five credits. If I correct 37 tests a year over 5 years, my license will be renewed in this State without taking one professional development credit course. I put a bill in the Senate to stop that. I put a bill in the Senate to make sure the Department of Education, anytime they put in a new regulation, that they have a budget note with that regulation. Believe it or not, they do not need it right now. This is absurd. It is costing our schools. They have no money. It is our students who are being stung with failure. They are being tested on things they have never been taught, all in the supposed name of accountability. In my judgment, it is warped accountability. In my judgment, it is a shame that Secretary Rivera and our Department of Education are drinking Arne Duncan's Kool-Aid and are allowing the Federal government to determine what happens in education here in the Commonwealth.

It is about time that we in the legislature say and make it clear that the Pennsylvania Constitution says that education is not in the hands of the Pennsylvania Department of Education, it is in the hands of the legislature of this Commonwealth. We need to exercise our constitutional authority and we need to change education and bring it back to teaching, not testing, in our schools. Do you know that in my district, which has some of the best schools in this nation, we have youngsters who fail these exams in algebra but are taking advanced trigonometry and calculus and are succeeding? We have youngsters who are failing the exams and getting perfect scores on SATs. We have students failing the exams and getting into some of the highest Ivy League universities in this country. There is something wrong. No university I know of pays one iota of attention to these Keystone Exams. They are ignored. In fact, many of these universities—one, in fact, Mr. President, that you are on the board of trustees, Temple University, is no longer looking at SATs in the way they had looked

at them before. Many colleges are eliminating standardized tests, some of the best colleges in this nation.

Understand one last thing, as we bring this to a close. Why is all of this being done? It is a fascinating question. Why are we doing it? Because the Federal government, under both President Bush and President Obama, have said that we are losing out on the global tests that determine the educational level of students. Understand clearly, Mr. President, that when you compare us to other nations, you have to understand what the testing is like in other nations. They say, why can we not be like China, who is number one in the world on these standardized tests? The truth, Mr. President, is that China does not test like the United States. We test every student. China does not test students in the rural areas. I came back from China a month ago with a group of graduate students I had taken over and taught. China does not test in rural areas. In fact, high school in China in rural areas only goes to the 10th grade. China only tests the students in the best schools in the urban areas. In fact, if you are a village that comes into Shanghai or Beijing or Guangzhou to put up a building, which often these villages do, those students are not tested either. I suppose that if we want to beat China on the tests, all we have to do is test the students in the suburban areas where you have the best school districts, because they have the money to have good school districts, but forget Reading, forget York, forget poor rural areas, forget Philadelphia, and we will come out number one, too.

We are chasing after something that is not real. It is amazing that we continue to do it. Do you know why, Mr. President? Do you know what they say? They, in turn, want to adopt our curriculum because they are saying that in their testing they get technocrats. In today's economy, where prosperity comes through identifying and solving problems from knowledge, you need people with creativity. When Senator Costa talked to us about the arts, the tests mean the elimination of much of the rest of the curriculum, including the arts. It is this broad American curriculum that provides creativity, and that is why we are still first in the world in the number of new patents. In fact, many of the leaders of industry and many of the people who have the patents were sort of rebellious in their schools and might not have done well. I am not sure I would have passed the standardized tests or graduated from high school because I never did well on standardized tests. Maybe that is why I feel so strongly about this. I survived, I did all right, and I got my doctorate degree. I am standing here today, Mr. President, but I would have failed if I took those tests. That is why I would like to see some of the people who are advocating it to take it. Let them expose themselves as we are exposing each and every child.

So, I know I have been long-winded, and you have been most patient, Mr. President. You and I have talked about this many times. I am very indebted to you, as Lieutenant Governor, for your support in making sure that every student has an opportunity to learn and that we have an educational system in which we teach, not just test. They all say it is for college and career readiness when our department ups the requirements. But I have never seen their definition of what college and career readiness is. Maybe many students, instead of sitting in a room because they failed algebra, sitting in a room for remediation, who want to go to technical or vocational college, would be better off being al-

lowed to go to the vocational school and learn math that is relevant to the profession they want to be in rather than worrying about Algebra I. We can go on and on, Mr. President—I know you are saying, do not. As you know, you are my friend, Mr. President.

In conclusion, just stop the test madness in this Commonwealth. Let us go back to teaching. Let us call on the Department of Education to speak loud and clear of what they say quietly so they can join, and the administration can join, all of the major educational organizations in this Commonwealth, and let us finally teach and not test. Let us return education to the teachers, not to the bureaucrats, not to the elitists who have never been in a classroom in their lives. Let us return education to what it is supposed to be in this Commonwealth.

Thank you, Mr. President.

The PRESIDENT. Thank you, Senator Dinniman, for your passion and understanding, and we want to put more money into the classrooms and not into testing.

The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, once more, I will be brief, no matter how long it takes.

The PRESIDENT. Will it take long?

Senator HUGHES. Mr. President, no matter how long it takes, I will be brief. I do want to make a point. It is in the context of the comments that were made earlier by my good friend and colleague, Senator Dinniman, around the issue of education and around the need, Mr. President, quite frankly, to make sure that we make the appropriate investments in our classrooms and our educational system so that our children have, at the very least, an opportunity to be competitive, to compete, and to perform successfully, not just on the test, but in the curriculum that they are responsible for learning and that our teachers are responsible for teaching. We are fast approaching—because we do not have a budget completed here in the Commonwealth of Pennsylvania, we are fast approaching completion of year 5 of the previous administration where the lack of investment in our education system is, for lack of a better word, notorious. Notorious not just here in the Commonwealth, but notoriously known across the nation. It is clear that we need to go in a different direction. We had a new Governor elected back in November of last year to take the Commonwealth in a new direction. The principal issue, if you will, the keystone issue is, in fact, the issue of education investments in our education system.

We have too many children, in too many classrooms, in too many schools across the Commonwealth of Pennsylvania who do not have the adequate resources necessary to get the appropriate education that they deserve to have and that we, as elected officials, have the responsibility to provide for them. We specifically, as State elected officials, have the responsibility to provide for them. There are too many classrooms that are unfunded, too many schools that are unfunded. And with the new rigorous tests that the previous speaker, my good friend and colleague, Senator Dinniman, reminded us of a much more rigorous test that it is our responsibility, as a State, to meet our part in this mix, to meet our part in this measure, and increase the funding so that we can drive more dollars into classrooms, so that more classrooms can get more resources so that they can give our children a fighting

chance, a competing chance, an opportunity to get the education that they deserve to get.

That is why I wanted to rise, Mr. President. We have much more rigorous tests and much higher standards. The results of those rigorous tests indicate that, at the very least, our students are not getting the resources necessary to achieve the academic success that they need to have. The test results show that no matter what academic environment our children are in, whether they are in a charter school, a traditional public school, an archdiocese school, or a private school, no matter what educational environment that they are in, they did not have the necessary resources to perform at the level. Most specifically pointed to in our low-income school districts, in our school districts that are historically denied the opportunity to educate our children at the appropriate level, these kids just do not have a chance. They just do not have the opportunity. It is not available to them.

Recent reports talk about classrooms where there are no substitute teachers available. Recent reports talk about classrooms where there are 70 kids in a class. Seventy, Mr. President. And it just so happens that these classrooms are in low-income school districts. It just so happens, Mr. President, that these classrooms are filled with black and brown children. It just so happens, Mr. President, that these classrooms have been historically underfunded. It just so happens, as my good friend and colleague, the Leader of our Caucus, pointed out yesterday that the balance in funding has been stripped more and the State is not stepping up to the plate.

So, here we are. The first month of school is over. We are now approaching the second month of school for many of our schoolchildren. And once again, they do not have the resources necessary to provide an adequate education. Unlike the previous speaker, I think it is the Federal government's responsibility to step in and take over, because, quite frankly, the State has not picked up the ball, has not carried its role in this, and, quite frankly, I think it is the Federal government's responsibility, from a legal perspective, to step in and mandate that equity be provided for our children, all of our children, because, quite frankly, the State is walking away from its children, and especially walking away from low-income children. I will say it and have no fear, that it just so happens to be that many of these children are black and brown. That is unacceptable. There are several lawyers who sit in this body, and when they went to law school, they spent a lot of time talking about contract law, criminal law, and all kinds of law, all kinds of things. The history around segregation or desegregation and the monumental decision in *Brown v. Board of Education*, specifically about the education of all children in this nation, was one that they probably spent a significant amount of time, and probably had a significant amount of attention paid to in their education while they were in law school.

It just so happens, Mr. President, that this past summer, I had the opportunity to visit the Monroe School in Topeka, Kansas, and many attorneys around this room may be familiar with that school. That was the school where all of the *Brown v. Board of Education* conversation took place, because there was lack of equity there. It is considered and is a registered national historical site. I visited that school and I saw the school from which *Brown v. Board of Education* rose out.

Let me just say this, Mr. President, we are here and we have this big budget delay that is going on. We are here to deal with this issue of the funding of our education system. With more rigorous standards, with our children required to attain much more rigorous standards in terms of moving on, standards that they need to be able to achieve, the fundamental way to allow them to achieve those standards is for an appropriate investment. The Governor has asked for that investment. The Governor has said that we will not shortchange and we will not negotiate for less than the appropriate investment in our education system. I might add, just to add another issue to the table, that we also must close some of these loopholes that allow kids to be used, in many respects and educational environments, as kids for cash so that through the education system they can get paid and not be provided the appropriate education.

I will just leave it there, Mr. President. We will close up shop on this day, at this hour, so that we can all go on about our business, and hopefully come to our senses. We go back to our districts, we go back to our communities, we get more input, and we get more feedback about what is going on that we have a constitutional responsibility to provide an education for every child, no matter where they are located, no matter what their income situation, and no matter what their race or class is. We have that responsibility. It starts with making sure that they get funded appropriately. The Governor has asked us to fund our children appropriately. It is our responsibility to step up and respond to that. Everything else has been lacking. State reports, local reports, university reports, national reports, and international reports indicate that the level of discrepancy and funding our education system in Pennsylvania is the widest of any State in the nation. It is time for us to respond to that. It is time for us to step up to that. It is time for us to step up to the plate and do the right thing for every child in this Commonwealth no matter where they are from and no matter what they look like.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman once again for his passion and his absolute dedication to education and students.

### RECESS

The PRESIDENT. The Chair recognizes the gentleman from Venango, Senator Hutchinson.

Senator HUTCHINSON. Mr. President, I move that the Senate do now recess until Tuesday, October 13, 2015, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 12:35 p.m., Eastern Daylight Saving Time.