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SESSION OF 2016 200TH OF THE GENERAL ASSEMBLY

No. 49

SENATE

WEDNESDAY, September 28, 2016

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

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

PRAYER

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

Let us pray.

Heavenly Father, we thank You for everyone gathered here in this Chamber. Thank You that You know each of us by name and have caused us to walk with You. We say that we are dependent on You and our trust is in You completely. We ask that You would come by Your Holy Spirit and inspire our minds and our hearts today. Come fill our lives with Your love, fill our conversations with Your grace and truth, and fill the Session with Your presence. Amen.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Joint Session.

BILL INTRODUCED AND REFERRED

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

September 28, 2016

Senators KILLION, ALLOWAY, McILHINNEY, ARGALL, BLAKE, BOSCOLA, McGARRIGLE, MENSCH, SCHWANK, TEPLITZ, VULAKOVICH, YUDICHAK, GORDNER, DINNIMAN, BARTOLOTTA and RAFFERTY presented to the Chair **SB 1374**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, in environmental stewardship and wa-

tershed protection, further providing for legislative findings and for agencies and establishing duties for the Department of Community and Economic Development, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Pennsylvania Historical and Museum Commission.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 28, 2016.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request temporary Capitol leaves for Senator Brooks, Senator Browne, Senator Corman, and Senator Smucker.

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

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

The PRESIDENT. Senator Gordner requests temporary Capitol leaves for Senator Brooks, Senator Browne, Senator Corman, and Senator Smucker.

Senator Costa requests a legislative leave for Senator Kitchen. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of July 1, 2016; July 11, 2016; July 12, 2016; and July 13, 2016, are now in print.

The Clerk proceeded to read the Journals of the Sessions of July 1, 2016; July 11, 2016; July 12, 2016; and July 13, 2016.

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

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

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

YEA-49

Alloway	Eichelberger	Mensch	Vogel
Argall	Farnese	Rafferty	Vulakovich
Aument	Folmer	Reschenthaler	Wagner
Baker	Fontana	Sabatina	Ward

Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Hughes	Schwank	Williams
Brewster	Hutchinson	Smucker	Wozniak
Brooks	Killion	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	Vance	

NAY-0

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

The PRESIDENT. The Journals are approved.

LEGISLATIVE LEAVE CANCELLED

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

**GUESTS OF SENATOR JOHN P. BLAKE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I am delighted and honored to welcome two sets of guests to the Pennsylvania State Senate. First of all, I welcome from Archbald, my hometown in northeast Pennsylvania, young ladies who captured the State title for 10- and 11-year-olds in softball, a wonderful accomplishment by this team. They actually came up a little short last year for the 9- and 10-year-olds, they were third in the State, but this year they went for the full title and worked really hard for 2 years to get to be the State title champions.

I welcome Katrina Davis; Riley Cunningham, who had 3 hits and 4 RBIs in the title game; Maranda Runco, who had a 9-0 record in the post-season with 37 strikeouts; Natalie Borosky, who had 4 RBIs in the title game; Morgan McVicar; Lydian VanWert; Maura Barrett; Alexa Evangelista; Molly Murphy; Ryien Carroll; Isabella Parise; and Madison Scoblick. The team manager is Mark Runco, and the coaches are Mark Cunningham and Gregg Davis. It is an accomplishment to earn a State title for the entire Commonwealth for 10- and 11-year-olds. They defeated DuBois 13-1 for the State championship. I ask that our Members give them a great welcome and congratulations.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Blake, the Archbald Girls' Little League Softball Champions, please rise and show us your medals and receive our applause.

(Applause.)

Senator BLAKE. Mr. President, I introduce three more guests who are here in the Senate today. They are interns in my office. They are fine young women who are students at Marywood University School of Social Work back home. They are here in the Senate to get a little glimpse of the way we conduct business. They are Chelsea Collins, Kimberly Shaheen, and Samantha Jones. I would appreciate it if the Members would give them a great welcome.

The PRESIDENT. Would the outstanding young ladies, the interns for Senator Blake, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

**GUESTS OF SENATOR SEAN D. WILEY
PRESENTED TO THE SENATE**

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

Senator WILEY. Mr. President, it is my honor today to welcome guests from my district. Today we have with us Nikita Starov, an exchange student currently attending Northwestern High School in Albion. Nick is from Turkmenistan and is a member of the U.S. Department of State sponsored Future Leaders Exchange Program, part of the larger Foreign Links Around the Globe program. Nick is fluent in Russian, Turkmen, English, and also speaks German. While attending Northwestern, he is a member of the football team as a kicker and on the kickoff defense team. He was also elected to the homecoming court. Nick maintains a very rigorous academic schedule, taking advanced placement courses as offered. Nick also has barn chores to complete on his host family's 100-acre farm. Nick resides with the Stevens family - Chuck, Pam, Makenna, Kelli, and Carter. Chuck, Pam, and Makenna are here today seated in the gallery as well.

Mr. President, I had the pleasure of spending a little time with Nick and his host family today. He is quite a remarkable young man, and I am pleased by his interest in Pennsylvania State government. Mr. President, I ask my colleagues to join me in welcoming Nick, Chuck, Pam, and Makenna to the Senate. Thank you.

The PRESIDENT. Would the guests of Senator Wiley, the Stevens family, along with Nick, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 1212 CALLED UP OUT OF ORDER

SB 1212 (Pr. No. 2058) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator GORDNER, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1212 (Pr. No. 2058) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in terms and courses of study, providing for child opioid awareness education.

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-49

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

NAY-0

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

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

SB 1367 CALLED UP OUT OF ORDER

SB 1367 (Pr. No. 2093) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator GORDNER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1367 (Pr. No. 2093) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for prescribing opioids to minors; imposing powers and duties on certain Commonwealth agencies and on the Legislative Reference Bureau; and imposing penalties.

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-49

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

NAY-0

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

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

SB 1368 CALLED UP OUT OF ORDER

SB 1368 (Pr. No. 2094) -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator GORDNER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1368 (Pr. No. 2094) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in public safety, providing for safe opioid prescription and imposing powers and duties on certain Commonwealth agencies.

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-49

Alloway	Eichelberger	Mensch	Vogel
Argall	Farnese	Rafferty	Vulakovich
Aument	Folmer	Resenthaler	Wagner
Baker	Fontana	Sabatina	Ward
Bartolotta	Gordner	Scarnati	White
Blake	Greenleaf	Scavello	Wiley
Boscola	Hughes	Schwank	Williams
Brewster	Hutchinson	Smucker	Wozniak
Brooks	Killion	Stefano	Yaw
Browne	Kitchen	Tartaglione	Yudichak
Corman	Leach	Teplitz	
Costa	McGarrigle	Tomlinson	
Dinniman	McIlhinney	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 123, HB 447, HB 683, HB 1087 AND HB 1581 TAKEN FROM THE TABLE

Senator GORDNER. Mr. President, I move that House Bill No. 123, Printer's No. 2253; House Bill No. 447, Printer's No. 1037; House Bill No. 683, Printer's No. 1427; House Bill No. 1087, Printer's No. 1493; and House Bill No. 1581, Printer's No. 3089, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote. The PRESIDENT. The bill will be placed on the Calendar.

LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senators TARTAGLIONE, SABATINA, McGARRIGLE, HUTCHINSON, KITCHEN, SCAVELLO, DINNIMAN, SCHWANK, FONTANA, BROWNE, GREENLEAF, TEPLITZ, YUDICHAK, COSTA, HUGHES, VULAKOVICH, FOLMER, BARTOLOTTA, RAFFERTY, FARNESE, AUMENT, RESCHENTHALER and KILLION, by unanimous consent, offered **Senate Resolution No. 438**, entitled:

A Resolution designating September 15 through October 15, 2016, as "Hispanic Heritage Month" in Pennsylvania in recognition of the achievements of Hispanic Americans in our Commonwealth.

On the question,
Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Mr. President, just as the United States is the melting pot of cultures, ethnicities, and religions, so, too, is Pennsylvania. Many residents in the Commonwealth are of Hispanic heritage. Their rich traditions and customs were introduced to this State by some of the nation's earliest settlers during the 1400s. Today, 17 percent of the American population are of Hispanic or Latino origin, making them the largest minority ethnic groups in the nation. Their dedication and contributions have enabled this nation to become a global leader and an emblem of liberty, justice, and innovation. Hispanics have played a significant role in these achievements, and for that, we owe them our sincere thanks.

Mr. President, I ask my colleagues to please join me in recognizing September 15 through October 15 as "Hispanic Heritage Month" in Pennsylvania. I encourage all residents in the State to learn more about the Hispanic culture and to celebrate its presence in our daily lives.

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.

LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators VANCE, BROWNE, BAKER, DINNIMAN, TEPLITZ, GREENLEAF, HUTCHINSON, KILLION, RAFFERTY, RESCHENTHALER, VULAKOVICH, WARD, BOSCOLA, BREWSTER, COSTA and FONTANA, by unanimous consent, offered **Senate Resolution No. 439**, entitled:

A Resolution recognizing the month of October 2016 as "National Principals Month" in Pennsylvania and honoring the contribution of principals in the elementary schools, middle schools and high schools of our nation.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, we actually have 5,000 high school principals in public schools in Pennsylvania. It is a job that should be respected. It is not always, but they have an increasingly difficult job, so it is timely that we should do a resolution to honor their work. Thank you very much.

The PRESIDENT. The Chair could not agree more.

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

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

Senators DINNIMAN, GREENLEAF, TARTAGLIONE, FONTANA, BOSCOLA, TEPLITZ, SABATINA, RESCHENTHALER, KILLION, SCHWANK, COSTA, FARNESE, EICHELBERGER, VULAKOVICH, BROWNE, YUDICHAK, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 440**, entitled:

A Resolution designating the week of October 2 through 8, 2016, as "Juvenile Detention Centers and Alternative Programs Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Mr. President, we have to be increasingly concerned with helping our juveniles who get themselves into trouble. When we have successful juvenile detention centers, when we have excellence in terms of probation officers, when we devise alternative programs such as community work programs where people give back, young people realize if they disobey the law, they have a responsibility to give back to the community through service, all of this is essential in our program of juvenile justice. Every year I offer this resolution so that we can recognize those who work hard to reform and to change the direction of so many young people in the Commonwealth. We thank them for their work, and I ask for approval of this resolution so that thanks can be expressed by the Senate as we turn around the lives of many young people.

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, DINNIMAN, LEACH, SCHWANK, BOSCOLA, TARTAGLIONE, RESCHENTHALER, McGARRIGLE, SABATINA, GREENLEAF, BARTOLOTTA,

FONTANA, SCARNATI, KILLION, COSTA, MENSCH, VULAKOVICH, HUTCHINSON, WARD, BROWNE, YUDICHAK, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 441**, entitled:

A Resolution recognizing the holiday beginning with Rosh Hashanah and concluding with Yom Kippur.

On the question,
Will the Senate adopt the resolution?

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

Senator TEPLITZ. Mr. President, I, along with my colleagues Senator Dinniman, Senator Leach, and Senator Schwank, offer this resolution to recognize the observance of the Jewish High Holy Days beginning with Rosh Hashanah and concluding with Yom Kippur. Sundown on October 2 marks the beginning of the Jewish New Year 5777, and the start of the High Holy Days, or Yamim Noraim, which means Days of Awe. The first holiday is Rosh Hashanah, which begins October 2 and ends October 4. These holy days celebrate the creation of the world. The Days of Awe conclude with Yom Kippur, which begins on the evening of October 11 and ends on the evening of October 12. Yom Kippur is the day of atonement, and is the holiest day of the year on the Jewish calendar. During our High Holy Days, Jewish residents fast, attend synagogue, seek forgiveness from the Creator for our sins, and renew our commitment to doing that which is right.

We offer this resolution to recognize the importance of this most sacred time of year and to provide an opportunity for all of us to wish Jewish families across the Commonwealth a happy and peaceful new year. So, Mr. President, I ask my colleagues in the Senate to join us in recognizing the Jewish High Holy Days and wishing our Jewish constituents L'shanah tovah.

Thank you, Mr. President.

The PRESIDENT. The Chair wishes the Jewish community the happiest and most peaceful of holy days.

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

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

Senators MENSCH, GREENLEAF, RESCHENTHALER, SABATINA, BREWSTER, SCAVELLO, DINNIMAN, TEPLITZ, SCHWANK, ARGALL, BAKER, FONTANA, FARNESE, FOLMER, EICHELBERGER, VULAKOVICH, HUTCHINSON, VOGEL, KILLION, BROWNE, YUDICHAK, COSTA, BOSCOLA, AUMENT and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 442**, entitled:

A Resolution designating the week of October 16 through 22, 2016, as "Community College Completion Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator MENSCH. Mr. President, I am pleased to rise and offer this resolution designating the week of October 16 through 22 as "Community College Completion Week" in Pennsylvania.

Community colleges offer the most affordable pathway to a bachelor's degree through their more than 2,700 transfer and articulation agreements so that students can seamlessly transfer to a senior college offering a 4-year degree. Nearly 34,000 students transfer each year. Seventy percent of those transfers nationwide go on to finish their bachelor's degree successfully. This resolution encourages students to complete at least their associate's degree or certificates before leaving the community college. There will be many events held at the community colleges across our State during this week to encourage community college completion.

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.

Senator LEACH, by unanimous consent, offered **Senate Resolution No. 443**, entitled:

A Resolution designating the week of September 26 through October 2, 2016, as "Diaper Need Awareness Week" in Pennsylvania.

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

Senators BOSCOLA, COSTA, FONTANA, FARNESE, DINNIMAN, SABATINA, TARTAGLIONE, WOZNIAK, BROWNE, AUMENT, GREENLEAF, RAFFERTY, RESCHENTHALER and KILLION, by unanimous consent, offered **Senate Resolution No. 444**, entitled:

A Resolution recognizing the month of September 2016 as "Vertebral Subluxation Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator BOSCOLA. Mr. President, I rise today to commend the healthcare professionals of the Chiropractic Fellowship of Pennsylvania with this resolution. Their efforts to educate the public on the importance of correcting spinal column issues called vertebral subluxations are very important. A vertebral subluxation happens when one or more bones of the spine move out of position, causing pain and other health problems. Chiropractors are the only licensed professionals who undergo years of training to learn how to properly correct and adjust these problems.

So thank you, Mr. President, for consideration of this resolution today.

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

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

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The time has come in our order of business to assemble in the Hall of the House of Representatives for a Joint Session.

For the information of the Members, pursuant to Senate Rule 21, permission has been granted for a photographer from the Senate Republican Communications department to take still photographs during Session today.

The President pro tempore has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to Joint Session: The gentleman from Lycoming County, Senator Yaw, Chair; the gentleman from Delaware County, Senator Killion; and the gentleman from Cambria County, Senator Wozniak. The committee will leave immediately to discharge its duties.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session.

RECESS

The PRESIDENT. The Chair now declares a recess of the Senate.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request legislative leaves for Senator Gordner and Senator Greenleaf.

The PRESIDENT. Senator Corman requests legislative leaves for Senator Gordner and Senator Greenleaf. Without objection, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 385 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 340 (Pr. No. 2098) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in indebtedness and borrowing, further providing for definitions, for classification and authority to issue bonds and notes, for cost of project and for exclusion of other self-liquidating

debt to determine net nonelectoral debt or net lease rental debt; providing for preliminary filings with the department prior to the issuance of certain debt; further providing for small borrowing for capital purposes, for debt statement, for submission to department, for certificate of approval of transcript, for effect of failure of timely action by department and for records of department; and providing for duties of participants in transactions relating to incurring debt and issuing bonds and notes.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Mr. President, several years ago I was asked, as chairman of the Committee on Local Government, to look at a problem with the Harrisburg incinerator that had gained a lot of attention because of financial problems and the inability to operate the incinerator that has cost millions of dollars for the ratepayers in this area of the Commonwealth. They actually were under the threat of being shut down at that point by the EPA. They looked for ways to upgrade the incinerator. The authority found a designer, contractor from out of State. They found him in a magazine article. They looked into him for a brief period, decided to hire this person, bring him in and upgrade their facility, and the contractor had never done a project that large. So it was an experimental design. They found out that his financials were not good enough for him to get a performance bond, so they worked around the laws and required what they termed as an alternative security package and allowed him to operate without a performance bond.

We have a package of bills, starting with Senate Bill No. 340, that address many of these issues. They put together the project, members of the authority, they had decided that they did not have a minority contractor, a member of the authority was a minority, they decided that he would become part of the deal, and even though, as an authority member, they were strictly prohibited from hiring anybody connected from the authority with the project, and they had a letter from their solicitor telling them specifically not to do that, they did it anyway. Someone went to the Ethics Commission at a later day. The Ethics Commission said that they had no authority to act to stop that or penalize anybody in any certain way. One of the bills addresses that today.

So the project, after it started, failed. The contractor was not able to pay his bills and eventually filed for bankruptcy during the project. As I recall, it cost the authority about \$17 million at that point. They kept borrowing money, and Senate Bill No. 340 looks at the process for local municipal governments to borrow money. They kept doubling down on this investment. They borrowed and borrowed and borrowed again, each time misrepresenting the paperwork to the Department of Community and Economic Development, saying the project was self-liquidating, which means it would pay for itself. Obviously, it was not paying for itself, the project never cash-flowed and it was actually shut down during periods of time because the work was interrupted.

They had many professional people around them, people from the financial community, attorneys, others, and from what the hearings that we had on this issue showed, not one of them ever

went to the authority or the city of Harrisburg and said do not do this anymore. This does not work. You are misrepresenting things on documents. You should not continue to borrow money and operate in this manner. They found that their professional help sometimes did not represent their best interests. One of the bills here also addresses the fact that people have a fiduciary responsibility, and as the structure and the people were brought into place for the deal to go on, that those professionals would declare who they have allegiance to before the project begins.

We also see that there were guarantees done throughout this project because the authority could not stand on its own financial strength, so they used the city of Harrisburg to produce a guarantee to pay if the project failed. The city of Harrisburg charged for that guarantee, which is the first and only case of that we uncovered in the Commonwealth. Senate Bill No. 340 addresses the fact that no one can charge for a guarantee. Once the city got into trouble, then the county guaranteed. The guarantees then also took precedence over other bills that should have been paid. Once the refinancing was done, after the deals went bad, they refinanced. They got money, they paid off the municipalities, and then they went on to the next deal. This was bad practice. It should have never happened that way. They worked through this time and time again and did a lot of risky financing, too, with swaps. We have a bill that addresses that.

It was bad practice, it was done by people who are still operating in Pennsylvania, and we have to make sure that something like this does not happen anywhere else again. I am very fearful that in some small doses it is happening again in other places. We do not have knowledge of that, but if the same folks are involved and they are operating other places, we can only assume that they are doing the same kind of work. So we spent several years working on these with many stakeholders trying to work through the very complicated financial laws, federal laws, fiduciary requirements, ethics requirements and so on to get these bills in place, and working closely with DCED in two administrations to get this done.

The leaders in this effort have been Senator Folmer, Senator Blake, and Senator Teplitz. They deserve a lot of credit for getting these bills to the place where they are today. So, I thank them, and I ask my colleagues to take these bills very seriously, support them, and help us get them through the House in the time remaining that we have in this fall Session.

Thank you, Mr. President.

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

Senator TEPLITZ. Mr. President, the city of Harrisburg's financial challenges have made national and international headlines over the past several years, and it has been a trying time for those who live, work, and raise a family here. The crisis that occurred around the time of 2010, 2011, 2012 has cast a shadow over the capital of our great Commonwealth. So, since taking office in January of 2013, one of my top priorities has been to try to lift that shadow for a more prosperous city and region. For example, the city of Harrisburg deserves ongoing State support for providing fire and emergency services and public safety services to the Capitol complex, and this body, for the first time, has provided that reimbursement, and then made that reimbursement permanent in the Fiscal Code.

Additionally, those involved in the incinerator project that Senator Eichelberger was talking about must be held accountable

for their actions. We have been calling for a criminal investigation since the Committee on Local Government held hearings that Senator Eichelberger and Senator Blake chaired, and Senator Folmer helped lead, before I got to this body, and as a result of those efforts, law enforcement conducted an investigation which referred findings to the State Attorney General's Office, and then charges were filed against our former mayor. The recovery plan for the city also appropriately includes the pursuit of civil claims against those who are responsible. Finally, there is a clear need to improve State oversight of municipal financing deals across the State so that this kind of financial crisis does not occur again here or elsewhere. That is why Senator Eichelberger, Senator Blake, Senator Folmer, and I introduced a bipartisan legislative package that makes these kinds of critical reforms that are necessary.

During this Session, when Senator Hutchinson took over as the Majority chair of the Committee on Local Government, he joined our effort and has been very supportive and contributed significantly to the development of this legislation. So today we have Senate Bill No. 340, Senate Bill No. 341, and Senate Bill No. 344. We are still working on Senate Bill No. 342, which includes Senate Bill No. 343 from the original package. These bills will go a long way toward preventing financial catastrophes not just in the capital city, but in municipalities that we all represent. We have to continue to take steps to prevent financial fiascoes like what occurred here from occurring elsewhere across Pennsylvania. While there is much work to be done, this puts my city that I represent on the right path towards financial recovery, and it will also, hopefully, help prevent similar crises from around the State.

I thank my colleagues and their staffs for working together in a bipartisan way on this package. I thank the Majority for bringing it up, and I urge a positive vote on Senate Bill No. 340, Senate Bill No. 341, and Senate Bill No. 344 today. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I will not be long. I echo the remarks of my colleagues, Senator Eichelberger and Senator Teplitz, and may talk a little bit, simply, if I can, about what this really means, because at the end of the day what we found, what a forensic audit revealed, what the hearings revealed, and what this entire legislative effort revealed is taxpayers exposed to ill-advised decisions that can endanger the fiscal health of an entire community.

This package of legislation has been in the works probably for, as Senator Teplitz and Senator Eichelberger said, over 3 years. It has been fully vetted. There have been dozens of discussions with stakeholders along the way, and it is a good package and good public policy. I also echo what Senator Teplitz said, we have Senate Bill No. 340, Senate Bill No. 341, and Senate Bill No. 344. I do hope Senator Folmer's bill, Senate Bill No. 342, can be taken up and satisfactorily cross the finish line here in the Senate as well as in the House, and I also recommend swift passage of this package in the House. It really does require, I think, little effort to know 3 1/2 years' worth of work and full vetting has attended this process.

In the fall of 2012, we held hearings, as Senator Eichelberger said, in the wake of that forensic audit, and we learned quite a few things that were short, if you will, in State law. So, while much of the information presented at the hearings centered on

the provisions of the Local Government Unit Debt Act, the findings of the forensic audit and testimony from the two hearings also touched on certain aspects of the Public Official and Employee Ethics Act and the Municipal Authorities Act of 1945. Senate Bill No. 341, which will come up shortly, will specifically incorporate a reference to the Municipal Authorities Act and prohibit a conflict of interest and allow the Ethics Commission the appropriate jurisdiction to get involved, if the need arises, in a conflict of interest.

Finally, and this might seem novel, the legislation would amend the Consolidated Statutes under Title 53 to require proceeds from borrowing under the Local Government Unit Debt Act to be used only for the purpose intended for that borrowing. In other words, it cannot be used for unrelated purposes. You would think this was already the law in Pennsylvania, but, in fact, it is not. It will be once we pass this package.

So, let me thank Senate Republican Leadership for bringing these bills up. I thank Senator Eichelberger, Senator Teplitz, Senator Folmer, and Senator Hutchinson for helping to move this along. It is good public policy, and I recommend an affirmative vote for all three bills on the Calendar today.

Thank you, Mr. President.

LEAVE CHANGED

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

Senator COSTA. Mr. President, I request that Senator Haywood's personal leave be changed to a legislative leave.

The PRESIDENT. Senator Costa requests that Senator Haywood's personal leave be changed to a legislative leave. Without objection, the leave will be changed.

LEGISLATIVE LEAVE

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Smucker.

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

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

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 341 (Pr. No. 475) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 53 (Municipalities Generally) and 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for money of authority and for competition in award of contracts; and, in ethics standards and financial disclosure, further providing for investigations by commission.

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

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

SB 342 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 344 (Pr. No. 478) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1967 (P.L.869, No.385), known as the Public Works Contractors' Bond Law of 1967, further providing for duty of prime contractor to provide financial security in certain contracts involving public works and public improvements.

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

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 535 and **SB 559** -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 869 (Pr. No. 2096) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30 (Fish), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in administration and enforcement relating to gaming, further providing for prohibited acts and penalties; in inchoate crimes, further providing for the offense of manufacture, distribution, use or possession of devices for theft of telecommunications services; in assault, further providing for the offense of terrorism; in loss of property rights relating to sexual offenses, further providing for general rule, repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and fraudulent practices, further providing for the offenses of copying and recording devices and for trademark counterfeiting; in riot, disorderly conduct and related offenses, further providing for the offense of gambling devices, gambling, etc.; in wiretapping and electronic surveillance, further providing for seizure and forfeiture of electronic, mechanical or other devices; in minors, further providing for sentencing and penalties for trafficking drugs to minors; in nuisances, further providing for the offense of scattering rubbish; in other offenses, further providing for drug trafficking sentencing and penalties; in vehicle chop shop and illegally obtained and altered property, further providing for loss of property rights to Commonwealth and repealing provisions relating to procedure with respect to seized property subject to liens and rights of lienholders; in enforcement relating to Fish and Boat Code, further providing for forfeiture of fish and devices; in actions, proceedings and other matters generally relating to Judicial Code, adding provisions relating to forfeiture of assets; in forfeitures, further providing for controlled substances forfeiture and repealing provisions relating to terrorism forfeiture and to procedure with respect to seized property subject to liens and rights of lienholders; in size, weight and load relating to Vehicle Code, further providing for transporting foodstuffs in vehicles used to transport waste; in liquid fuels and fuel use tax enforcement, further providing for forfeitures and process and procedures and

for disposition of fines and forfeitures; providing for conduct of forfeiture; and making repeals of provisions of the Liquor Code, the Tax Reform Code of 1971 and another act relating to certain forfeiture of property.

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

MOTION TO REVERT TO PRIOR PRINTER'S No.

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

Senator WILLIAMS. Mr. President, I move to revert to prior Printer's No. 1015 on Senate Bill No. 869.

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

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

Senator FOLMER. Mr. President, I ask for a "no" vote on the motion to revert to the prior printer's number. By doing so, we would be taking away about a year's worth of very hard work, and every day that we do not get something done in Pennsylvania on this very important issue is one more day that the status quo stays in effect.

So, I am asking for a "no" vote on the motion to revert to the prior printer's number.

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

Senator WILLIAMS. Mr. President, I want to make a few things clear at the very beginning of my comments. One, I actually drafted the bill and got the willing and very grateful support of a colleague from the other side of the aisle. While I certainly agree that this legislation is a lot more profound than people would understand, I cannot agree that another day will pass and something significant will occur if we agree with the compromise and, frankly, a watered down version that is now presented to the body.

The reason why I am moving to the prior printer's number is because I was, up to a point, a very intricate part of that year's worth of work. It is a very significant part of the constituency that I represent, working-class people. By the way, there are people who look at me and think I only represent Philadelphia County. I represent Philadelphia and Delaware Counties, with all types of working-class people who, unfortunately, have come under the unscrupulous axe of having their properties taken from them. I find it curious that many who will stand today supporting this compromise are many who will tell you that the government is very overreaching in its activities. They spend too much money, they waste too much of the taxpayers' money, and they reach into the background and involvement of individuals.

For those who do not understand what this particular bill represents, it represents, for once, us standing up on behalf of people who have had their property taken from them, a forfeiture, if you will. The suggestion has been that the district attorneys' organizations across the State are now in denial. They have done some outstanding work removing criminals from properties and prosecuting individuals criminally, as they should, but this very tawdry activity, which is occurring right in Pennsylvania, is a crisis across this country, and Pennsylvania is right in the middle of it.

So, let me explain to you what has occurred. All too often, someone who is doing something illegal, maybe doing it in someone's home or someone's car without their knowledge, and clearly without their consent, and that may be a senior citizen, a retired veteran, a disabled individual, opening up their door to their grandson, granddaughter, niece, nephew, child, whoever it may be, and that other party is involved in some illegal activity. Under the current set of circumstances, properties -- the person doing it may be arrested and booked. That is appropriate. What is not appropriate is right after that they come and seize the house, the money, the jewelry, whatever is in the house, the car, without a note or explanation as to why it is being seized.

All too often there is someone--and I do not care what part of Pennsylvania you are in, I do not care whether you are Republican, Democrat, white, black, Latino, Asian, young, or old, all of Pennsylvania is affected by this, and that is why at the beginning of this we had bipartisan activity. This particular moment allows for, and this is what has been removed from the bill that we are considering today, forfeiture is allowed for them to take the property, not prosecute, and then you have to fight to get your property back. That is the most un-American activity that the government is engaged in that I can ever imagine. There is not one that I can imagine that anybody here with common sense who understands it can support.

So let me explain what the other bill had that this bill does not. Forfeiture only after criminal conviction of the property owner is what was proposed in the original bill. That means, yes, if someone did something criminally and there was somebody who was convicted and they were involved in that property, certainly that property should be seized and used. Currently, that is not the case under this particular bill. You should have a guarantee to right of counsel. Far too many people are being required to go to court who have no knowledge of the court system, can barely get there themselves, and are asked to defend what occurred on their property that they have no knowledge of. The standard of evidence, beyond a reasonable doubt, is what should be the standard. It is not the standard. If we recognize this is a criminal activity, why are we not involved in the criminal process? Why are we watering down the process to allow the DA in a county to take it simply because they need the revenue? The burden of proof is on a DA to prove property is directly connected to the crime. For all of those who stand here and say, we stand for all Pennsylvanians whom the government has trampled over, then this should abound strongly with you, because there is somebody in your county who has been stepped on the back of to take that property. Cash property and proceeds of forfeiture were kept separate from district attorneys' spending. That means there is no accounting of the money. Now, I do not want to tell the big secret, but many of you in this Chamber have received phone calls from your district attorneys, who stand with these grand checks and say, we are helping out your community, after they have taken grandma's property.

I want you to understand something: this fight is not over. We are going to run ads so that people understand when somebody is standing up with that big old fat check, it came on the back of somebody who defended our country, or may be disabled, or is living on a fixed income, who was not involved in a crime, who someone is subjectively saying, you knew, with no standard of proof. That is not American. That is not what this country is

about. This is not a feeble activity, nor is it a feeble moment that sort of just goes off to the side.

This is a very critical moment. Real property, houses, could not be seized without a trial. That means the district attorney cannot just show up and say, I think you are involved, I will talk to you about it later on. I will get back to you and you have to figure it out. Under this particular bill, forfeiture remains civil in nature, not criminal in nature. That means the standard is lower. Cases are brought against the property itself rather than the property owner. That means the person who is actually involved, if they do not have an asset, you cannot take mine because I was not involved. Yes, my grandson may be a drug dealer. Many DAs are running across Pennsylvania saying it is a drug dealers' bill. No, it is not. No, it is not. It is disrespectful to those people who had their property seized for them to say that, and they should say that publicly. If they believe that, they should stand up in their counties and say that publicly.

This is all about inside baseball. It is repugnant in terms of how it is occurring. No connected criminal charges, much less a conviction, are required. Let me repeat that. No connected criminal charges, much less a conviction, are required. How does that work? How does that represent democracy? How does that represent fair play? I do not understand how we negotiate these rights away.

Even if the person is acquitted, the property owner must still go through a complex and confusing civil hearing to regain their property. Now, understand something: this person who may or may not have done something goes to trial, they may have been a drug dealer or may not have been a drug dealer, is found innocent of the charges, they get to get up and walk out of the courtroom free, while the person whose property, who is not engaged in this activity, has to go regain their property? I do not understand. Evidentiary standards only slightly raised from preponderance of the evidence to clear and convincing evidence. Still much lower standard than beyond a reasonable doubt. I guess we will discuss right to counsel at some point in time, and I think there is an amendment to make sure that occurs with a public defender's office that frankly is overburdened.

I ask my colleagues, whether you are Democrat or Republican, to rethink this. I recognize that my friend on the other side of the aisle is doing the best that he can, and I have heard this a thousand times: at least we are starting. We are starting, but what we are starting is the promise of hope, when the truth is, there still would be far too many Pennsylvanians who have their property seized, removed, taken, and they will never get them back. There are far too many stories that are in the newspapers, let alone that I hear about, that someone has their property taken and sold before a hearing occurs. That means before a person is convicted, the property is sold and disposed of and when somebody actually goes back to find out how to get the property back, it is gone. We represent one of the most senior States in the nation. We represent millions of Pennsylvanians who live on a fixed income. We represent hundreds of thousands of veterans who live on fixed incomes. We represent some of the poorest people in the nation in Pennsylvania, all of whom have told me personal stories that affected them about their property.

So, while I suggest to you that I respect the district attorneys across Pennsylvania, and I certainly respect the prosecution of someone who is doing something criminally, I cannot and will not compromise when it comes to actually defending those who

are most vulnerable, those who are having their property stolen from them. Taken. The government takes it and then uses those proceeds to present that they are doing something to strengthen their community. That is why I ask for us to revert to the prior printer's number. I stand committed to the process of moving this repugnant activity forward and shining the light of the day upon it. Those who should be accountable are the DAs who know quite clearly the vast canyons or caverns of unfairness that are occurring. They need to be a partner in fixing this. I am certainly not opposed to them using the appropriate proceeds to add to police departments which are underfunded or even their departments, but the manner in which this is occurring is far, far, far from what we should be proud of.

Thank you, Mr. President.

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

Senator LEACH. Mr. President, I rise to support Senator Williams' motion and offer a very brief perspective as someone who has been involved in some of these cases. When I was a younger attorney, I frequently handled cases such as this, including all the way up to the Supreme Court. I remember the first time I argued one of these cases before the Supreme Court. It was a case involving a bar in Allentown, Pennsylvania, which was located in a difficult, challenging neighborhood. Someone had sold drugs to an undercover officer on the stoop of the bar, outside the bar but on the stoop of the bar, and the district attorney came in and took the bar. Just took it. They said, well, they must have known something was going on. We eventually got that bar back under what was called the innocent owner defense at the time. But my client had to, as Senator Williams alluded to, file petitions, have multiple hearings at the trial court, intermediate appellate court, Supreme Court. So finally, hundreds of thousands of dollars later, they got their bar back. They were never accused of anything, of any crime. I am not saying they were not convicted, they were never charged with anything.

This was emblematic of cases I handled like this where people, sometimes who were, you know, who knew the alleged perpetrator of a crime and sometimes did not, had property taken from them, and often they would come to me and say, I had my property taken and I would tell them what it would cost to try to get it back and they would say, well, that costs more than what the property is worth. But for these people it was really important. That was a lot of money to them or a very important property to them or a very important vehicle to them. And they just took it. And this has always struck me as one of the more egregious and horrific miscarriages of justice that we have in this country. It is being reformed State by State because I do not think it is tenable any longer to do this.

These are the problems, very quickly, with this civil asset forfeiture protocol. Number one, as I alluded to and Senator Williams alluded to, you do not have to do anything illegal. You do not even have to be accused of doing anything illegal, number one. Number two, the district attorney's office gets the remedy they are seeking against you before proving anything. They do not have to prove anything. They have zero burden of proof when they take your property. They just take it. We have seen many famous cases around the country. There was one case where a woman who was a victim of domestic--well, look, it will take a long time to get into the facts of these cases, and I will try to keep my remarks short. I want to mention one quick case that

I read about recently where someone was driving across country and the police pulled them over. They found a couple thousand dollars in his car and said, well, that is consistent with drug--this is all they had on them--that is consistent with drug purchasing, so they took his money away from him. This is the sort of thing, the cases where someone is selling pot out of the back window of grandma's house and they take grandma's house. That actually happens, and the district attorney does not have to prove anything. They just take it. Then it is up to you to go out, hire counsel, and get the money back. That is backward.

Number one, this is what the current bill that we would be reverting away from does not address, they should have to prove something before they get anyone's property, period. Number two, there should not be any forfeiture without a conviction. If you are convicted of a crime, I have no problem with the government taking the instrumentalities of the crime, but without proving that, they should not be able to do that.

The other big problem with this issue, and again, this is breathtaking that this is still allowed in modern America, is the conflict of interest. The district attorney is the one who decides whether the asset is forfeited, and they are the ones who benefit from the proceeds. They are the accuser and they are the beneficiary of the punishment. In no other area of the law do we do that. We have judges every day who assess fines against people civilly and criminally. Okay, but if I were a judge and I assessed a fine against you for violating some law, I would not say, now, I am fining you \$5,000, make the check out to Daylin Leach. Okay? If I did that, you would think, my God, there is something wrong with the system. The money should not go to the people who are deciding whether or not the item is seized.

We had hearings on this, and district attorneys' offices were there, for whom 25 percent of their budget was from seized assets. Now, if you rely on those seized assets, does that not give you an incentive to seize more assets? You have to get rid of that conflict of interest. One of the district attorneys who testified said, when I raised the issue of there is no requirement of proof before you take people's property away from them, they said, well, you know, sometimes we cannot prove a case beyond a reasonable doubt, but this is good because it gives us a chance to punish people we know are criminals, even if we do not have the evidence to prove it. That has to send a chill down the spine of anyone who cares about due process. We cannot prove it, but we have a way to punish you anyway because we know you must be guilty. If not this, you are guilty of something else. Is that consistent with the Constitution? Is that consistent with our notions of due process?

There are ways to handle this: require a conviction, give people counsel, require proof beyond a reasonable doubt, and if it is there, take the money, take the car, take the house, put it into either the general fund or some other fund that is separated from the people who bring the charges. That is the fair way to do it. What we have now is sort of the wild west, and it is really leading to severe injustices, and certainly the appearance of injustice. We can do better than that, and that is why I rise in support of Senator Williams' motion. Thank you.

The PRESIDENT. The Chair thanks the liberal lion.

The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I will not speak too long. I really have not been close to this particular piece of legislation

except that it was brought to my attention by a letter that Senator Williams had written with respect to an amendment that changed the bill.

There are a couple of things I need to say. First of all, I am not a lawyer, so I cannot claim practical experience in these kinds of circumstances as my colleague, Senator Leach, articulated just now. I can tell you, however, that the reason this gets close to me is because I served for about 10 years as a redevelopment authority executive director, and I administered several programs, projects really, that involved the acquisition of private property for public use, mainly flood control work. I had to take up that work under a Federal regulation called the Uniform Real Property Acquisition Act. It traces directly to our Constitution, Mr. President.

When someone commits a crime, as my colleagues have said, they do forfeit some rights and there ought to be consequences. But if there is one person in the Commonwealth who is not charged, not prosecuted, not convicted of a crime, and yet their property is still taken from them, it is a violation of the U.S. and the Pennsylvania Constitution. Now, I do not carry a Constitution and I do not often quote it on the floor here, but I think this might be worthwhile. Article 7 of the Bill of Rights amended into the U.S. Constitution says, "No person shall...be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The Pennsylvania Constitution, Section 8, says, "The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures...." Section 10 of the Pennsylvania Constitution says, "...nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured."

It is pretty clear, it is pretty prescriptive, and it is pretty obvious. I think everything that Senator Williams and Senator Leach have said thus far indicates the bill does not go too far and that the reversion is probably appropriate.

Now, that said, I acknowledge Senator Folmer, Senator Williams, and Senator Reschenthaler, who have weighed in on this, that they do want to continue to work on it. I also understand that in this building sometimes you can only get incremental wins, and I appreciate that. Senator Folmer is sincere in his willingness to continue to work on it. We have an opportunity to get this better now, and as such, I support Senator Williams' motion to revert.

Thank you, Mr. President.

LEGISLATIVE LEAVE

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

Senator FOLMER. Mr. President, I request a temporary Capitol leave for Senator Baker.

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

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

The PRESIDENT. Senator Folmer, would you like to speak one more time?

Senator FOLMER. Mr. President, actually no. I think enough has been said.

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

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

YEA-19

Blake	Farnese	Leach	Wiley
Boscola	Fontana	Sabatina	Williams
Brewster	Haywood	Schwank	Wozniak
Costa	Hughes	Tartaglione	Yudichak
Dinniman	Kitchen	Teplitz	

NAY-31

Alloway	Eichelberger	Mensch	Vance
Argall	Folmer	Rafferty	Vogel
Aument	Gordner	Reschenthaler	Vulakovich
Baker	Greenleaf	Scarnati	Wagner
Bartolotta	Hutchinson	Scavello	Ward
Brooks	Killion	Smucker	White
Browne	McGarrigle	Stefano	Yaw
Corman	McIlhinney	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?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

Senator FOLMER. Mr. President, I ask for patience from my fellow colleagues here. Senate Bill No. 869 represents my ongoing efforts to reform Pennsylvania's asset forfeiture law by adding various protections for property owners should their assets be seized by law enforcement, from possible forfeiture if they are suspected of being involved in a crime. Last year the Committee on Judiciary held a public hearing on Senate Bill No. 869, and the rhetoric of both the supporters and the opponents was very high. The opponents called my bill the drug dealers' bill of rights, and later the same referred to me, because I was working on medical cannabis at the time: We all know where Folmer stands on drugs. While I did not appreciate that characterization, I followed Senator Greenleaf's counsel to work with the parties to see if it was possible to find areas of agreement.

Over time several groups were able to find consensus on a number of issues to better protect property owners, and while some of these changes seem rather technical to those of us who are not attorneys, the explanations for laymen tell me that these are important changes which were incorporated into a bill through amendments over the past few days. Mr. President, I have to admit the areas of agreement represent some major con-

cessions, and I recognize the need to wholeheartedly support them in my mutual efforts.

Mr. President, Senate Bill No. 869, in a modified form, makes significant and unprecedented changes to civil asset forfeiture in Pennsylvania in the following key areas: higher burdens of proof imposed on the Commonwealth; protection for third party owners by placing an additional burden of proof on the Commonwealth; improved transparency and auditing and reporting at the county and State level; specific and additional protection in real property cases by prohibiting the preforfeiture seizure of real property without a hearing; additional procedure protections for property owners, such as returning property prior to forfeiture proceeding if there is undue hardship; and an extra level of protection for anyone acquitted of a related crime who is trying to get their property back.

Mr. President, while some may disagree with Senate Bill No. 869 in its current form, I believe these are solid reforms that need to be considered and enacted into law to streamline the forfeiture process and to provide greater protections to all types of property owners. Senate Bill No. 869, while not perfect, is an important first step toward smarter forfeiture practice and to provide at least some level of due process for property owners. I urge my colleagues to support Senate Bill No. 869.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I thank my colleague for his comments. I also thank him for his work. I want everyone in this Chamber to understand that I recognize that in many of your districts your DAs and alike are respected and revered. I cannot suggest that all of their motives are simply for the cash. I suggest that for as much as will be considered today and the die is cast, there are certainly Members on this side of the aisle who have voted for the bill already, but there is a lot more work to be done. I think that the one thing I did get out of this moment is that Senator Folmer and I recognize there is a lot more to get done. I hope that many of you who are maybe not as educated about this issue become educated, because once you do become educated, you really do not care, other than if you live in Pennsylvania, you would not want to have this happen to anyone in your district. For all of those who recognize that the government can overreach, this is an area that they are grandly overreaching.

So, I am respectful of this moment. I will not be voting for it based upon the statements that I made earlier that the bill does not go as far, but I am certainly not here to say you should vote against it. I think we need to be thoughtful about what we do about it, because after today there will be people that the process and the government will overrun. They will take their property and they will have a challenged process getting it back, even with the amended and new version of civil forfeiture in Pennsylvania. I think that Senator Folmer and I both agree with that. I do think it is very unfortunate that this activity, which is representative of protecting the least of us, has gotten into a name calling activity, and for me I really could give two hoots about it. I do feel badly for my colleague, Senator Folmer, who extended his generosity and kindness to be represented with some of the indignities that he was represented with and some of the characterizations. I think that no one should be challenged with regard to their motives because they are trying to do the right thing to protect those who are the most vulnerable.

So, I thank him and the work of the committee. I look forward to continuing this process. As I mentioned in my previous comments, I will not compromise. I will still push forward, but I thank him for his work. I thank you, Mr. President, for the opportunity to make comments.

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-43

Alloway	Dinniman	Mensch	Vance
Argall	Eichelberger	Rafferty	Vogel
Aument	Folmer	Resenthaler	Vulakovich
Baker	Fontana	Sabatina	Wagner
Bartolotta	Gordner	Scarnati	Ward
Blake	Greenleaf	Scavello	White
Boscola	Hutchinson	Schwank	Wiley
Brewster	Killion	Smucker	Wozniak
Brooks	Leach	Stefano	Yaw
Browne	McGarrigle	Teplitz	Yudichak
Corman	McIlhinney	Tomlinson	

NAY-7

Costa	Haywood	Kitchen	Williams
Farnese	Hughes	Tartaglione	

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 1048 (Pr. No. 2079) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for title of act, for definitions and for notification of breach; prohibiting employees of the Commonwealth from using nonsecured Internet connections; and providing for encryption required, for Commonwealth policy and for entities subject to the Health Insurance Portability and Accountability Act of 1996.

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	Eichelberger	McIlhinney	Vance
Argall	Farnese	Mensch	Vogel
Aument	Folmer	Rafferty	Vulakovich
Baker	Fontana	Resenthaler	Wagner
Bartolotta	Gordner	Sabatina	Ward
Blake	Greenleaf	Scarnati	White
Boscola	Haywood	Scavello	Wiley
Brewster	Hughes	Schwank	Williams

Brooks	Hutchinson	Smucker	Wozniak
Browne	Killion	Stefano	Yaw
Corman	Kitchen	Tartaglione	Yudichak
Costa	Leach	Teplitz	
Dinniman	McGarrigle	Tomlinson	

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 1266, SB 1300 and SB 1330 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

LEGISLATIVE LEAVES

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

Senator CORMAN. Mr. President, I request a temporary Capitol leave for Senator Alloway, and a legislative leave for Senator Stefano.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator Alloway, and a legislative leave for Senator Stefano. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1341 (Pr. No. 2080) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for performance-based budgeting; establishing the Performance-based Budget Board and providing for its powers and duties; and conferring powers and imposing duties on the Independent Fiscal Office.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator MENSCH. Mr. President, this is an issue that I feel rather strongly about, so I want to make a few comments. I know it has been a long afternoon already and I ask my colleagues for a bit more indulgence. Let me start by talking about issues other than the bill itself and how we arrived at this point.

I spent 35 years in business, Mr. President, 28 of those were with a company called AT&T, a company that started in March 10, 1876, and by the time I joined in 1973, it had grown into a million-plus employee company. It was the largest corpo-

ration in the world. We had AT&T Corporate, we had AT&T Long Lines, and there was a company called Western Electric, which was part of the corporation. For many of you, if you went through business school in the 1960s, 1970s, 1980s, and the 1990s, Western Electric was held up as the model for manufacturing, logistics, and supply chain.

We had Bell Laboratories. For the 100-year history of Bell Laboratories, they averaged one patent per day, You might remember some of them or at least two of them. A notable one would be the transistor, which led to this little device here called the cell phone. Fiber optics was another thing that came out of Bell Laboratories. Again, if you were in business school, you would have read about Bell Laboratories being the preeminent research corporation in the world. AT&T had its own navy. We had four cable ships. We contracted to countries all over the world to lay trans-Atlantic and trans-Pacific cables. We had the largest recycling corporation in the world on Long Island called Sandia, because we were recycling so much copper wire, as you can imagine, across the United States. It paid us to do that.

What does all of this have to do with Senate Bill No. 1341, which is also called performance-based budgeting? It has everything to do with it, because in business, Mr. President, we inspect what we expect. We do a great deal of justification of spending. We look at operations, we look at personnel practices, we do everything we can to make sure a business operates as efficiently as it can. The diversity of the kinds of operations that AT&T had are very similar to the diversity of a State government, such as Pennsylvania's government, between fleets, all the employees, fixing roads where we had installations, and so forth and so on. There are many, many parallels between AT&T and this State. Many of my friends in business would say to me, it must be fun working for AT&T. It is such a well-run corporation. Everything must be in place all of the time. Anything but that was true. That was not true. We were constantly refining our practices and processes. We were constantly examining what we were doing to be efficient, to be accountable to our management and to our stockholders.

Now, who are the stockholders for the State of Pennsylvania? Well, they happen to be the taxpayers. So, here we are with Senate Bill No. 1341, performance-based budgeting, and we have the chance, Mr. President, to begin to put in place additional measures to begin to manage the finances of the State of Pennsylvania. I heard the other day someone say, well, we have a process. We do not have to change it. Imagine if a company like AT&T or any other business in the private sector would say to themselves, or say to their stockholders, we have a process, we do not have to change it. Where would they be? How competitive would they be? We bemoan the fact today that the American economy is not as strong as it needs to be, and yet we are checking every day, those business managers. They are doing things like looking at accounts receivable--sales outstanding, they would call it. Inventory terms. In the medical field they look at hospital day beds. How many beds are occupied during the day? Businesses look at liquidity, leverage. We use terms like ROI, ROE here all of the time; that is another measure of efficiency that businesses use, return on equity, return on investment, return on assets, return on assets managed. They do those kinds of measurements constantly, Mr. President.

Well, it is time, I think, for State governments to begin to think more like that. So we have a chance with perfor-

mance-based budgeting to embark upon that. Let me tell you a little bit about how that legislation will do this. The legislation creates a performance-based budget plan for each agency, and the plan will be considered during the budgeting process not only for the legislature but also for the Governor, as well. The Secretary of the Budget, in conjunction with the IFO, will create a performance-based budget schedule for the upcoming years so that each agency we have looked at will have foreknowledge about which year they are being examined. The intent is for every 3 years to be able to look at every department in the State government and then be able to apply these. These are metrics, they are measurable, they are quantitative, they can be measured against the same measurements in other States. Once the schedule is completed, starting in the next fiscal year, the IFO will work in consultation with the different agencies and submit a performance-based budget plan that will then be voted on by the performance-based budget board. That board will consist of the four chairmen of the Committees on Appropriations and the Secretary of the Budget.

Mr. President, in September 2016, our own IFO already introduced something called using performance measures in the State budget. They are well on the way, Mr. President, to anticipating what it is that we want to do here and what we want to codify. This type of budgeting is a normal occurrence in the business world, as I said.

The key word or the key phrase in business is you need to inspect what you expect. Pennsylvania is like every other business in the world. People say government is not a business. Yes, it is. We are dependent upon revenues coming in in order to meet our financial obligations to pay our bills. We are a business, Mr. President. So we have the same choices as every other business in the world. There are three: you can improve your revenues, we call that taxation; you can control or reduce operating expenses; or you can optimize investments in assets, things like State Stores, Turnpikes, and so forth. All too often, the first alternative that we see in government when we have those three options in front of us is, we need to raise taxes. That needs to be the last alternative, Mr. President.

We are now managing a budget of \$31.5 billion. It is no surprise to anyone in this room, we know that our revenues are falling short for this year. Forget the fact that we have not yet met the obligations of the State Store changes or the changes in gambling. Just our embedded revenue, Mr. President, is not meeting obligations. We are falling behind. We have some choices. We can increase revenue, we can control expenses, we can optimize assets. Those are our three choices.

So, what do we do? Well, we have continued to increase the tax burden on taxpayers over the years. I have been here 10 years. I have seen some budgets that I thought were particularly onerous to the taxpayer, but we cannot keep doing that. I think we have to ask ourselves, just as a business would, how good is our product? Can we afford to raise the price for what we are selling to our taxpayers? I am not sure our products are worth a whole lot more right now, particularly in the economy that we are suffering through and have since 2008. I think that we need to be much more serious about the considerations that we give to our taxpayers, our customers, but also our stockholders.

So, Mr. President, before I close, let me relay to you, we had a hearing last Tuesday which was comprised of the Budget Secretary, the Association of Budget Offices, Pew Research, we had

two school districts, we had the county of Montgomery, and we had the IFO testify. Let me touch upon each of those very briefly. Let me say that the Association of Budget Offices' national association was so interested in the bill that they want to have continued conversations, and they are hopeful that we can implement this so that Pennsylvania will be among the leaders in the nation with this kind of budgeting process. Pew Research has something they call Results First, which they are also offering to the State of Pennsylvania, and that happens to be very complementary, they told us, to our process. It works very well. So Pew Research, we have all heard of Pew Research. We respect them. and they have told us it is a good process.

I found it very interesting that I have several school districts in my district that are now using zero-based budgeting, that is what they call it - Souderton School District in Montgomery County, Quakertown School District in Bucks County, and I just had a meeting last Friday with superintendents from my district and I found out that other school districts are also implementing or have implemented very similar processes. So we have government entities that are already doing this, they are called school districts. The county of Montgomery implemented it 3 years ago. They credited it with giving them better credit ratings, again, from the rating agencies, because they put in place what they call zero-based budgeting.

So, Mr. President, it works. It works very well. It is a new idea. I understand that it will take some time for some people to adapt to it and to understand it. The intent the first year will be to phase it in. Certainly, we are not going to, as much as I think we would like to say, we have to go after the larger departments, the reality is, we have to start with the smaller ones so that we can understand how this works exactly and what benefits we have. At the end of the day, everyone in this room, and particularly those of us on the Committee on Appropriations, will have much more measurable and credible information with which to make budget decisions. We can identify programs that are successful that need to be bolstered, and we can identify programs that are not quite meeting the mark, and either we change them or we abandon them. Those are options that we have to begin to consider. We cannot keep saying every line item every year is an A priority. It just is not. That is not a reality. Our finances will no longer allow us be that cavalier about the approach to the budgeting process. So we need something that is going to give us measurable, controllable, exacting data, and performance-based budgeting, Mr. President, will begin to do that.

So, I ask my colleagues for a positive vote on Senate Bill No. 1341.

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

Senator HUGHES. Mr. President, I will attempt to be brief in my response with a few points that I think we need to pay close attention to. Process-wise, we are addressing what could become a very significant change in how we do budgeting here in the Commonwealth of Pennsylvania. With limited time reviewing this new concept or this new idea, and also mindful that there has only been one public hearing on the matter that we have had on this process, and after today we will only have, on this side of the building, 6 additional days that we are scheduled to be in Session, as you are, of course, well aware. So we are talking about having a change in how we do budgeting in Pennsylvania. This is not a mom-and-pop operation that we are talking about. As

you know, Mr. President, we have multiple facets of State operation, of what is about, in round figures, \$31 billion or \$32 billion of State spending, which impacts and accesses almost the same amount of money of Federal spending. That kind of \$60 billion to \$70 billion worth of revenue that comes through the Commonwealth of Pennsylvania needs a lot more time for deliberation in terms of how we address process and how we determine how we spend our dollars.

Now, with that being said, the concept, at least in name, the name itself, performance-based budgeting, sounds good. The idea of continuing to review how we process and analyze how the State spends its money is appropriate, and I believe the Budget Secretary said at the hearing that was convened a week ago that he would be willing and is more than interested in sitting down with the Leadership of the four Caucuses, and especially the leaders of the Committee on Appropriations, to discuss the different ways that we could make some changes. The administration has already adopted a number of changes that have saved the State money. All departments within the State are subject to the Auditor General's review. Consequently, the issue of transparency is addressed there.

One other thing that we need to be thoughtful about, Mr. President, is the additional staff that probably will be required to staff up this performance-based and these kinds of metrics that will have to be incorporated in the proposal that is in front of us. I think everyone testified at the hearing that there would probably have to be additional staff of folks, not just in the single-digit numbers but a dramatic increase in staff to address how we deal with this whole new way of analyzing how the State is operating. So we need to be thoughtful about that.

Members should also be concerned about making sure that the balances in power are maintained as we go down this process. Do we want a process that strengthens the General Assembly and strengthens the Members' ability to review and prioritize State spending? Or do we want to transfer increased power over to the front office, over to the administration? That is not just a function of a Democratic Governor, a Republican Governor, a Democratic-controlled legislature, or a Republican-controlled legislature. We need to have a long-term view about that to make sure that the balance of power that we have thoughtfully tried to manage over decades and centuries is still maintained.

Finally, I think it behooves us to say and remind everyone who is paying attention, who is listening, who is watching, that government, in this case State government, although it may be appropriate to adopt certain formats and processes that are utilizing the private sector, but government has a different bottom line that it must be responsive to. We are not trying to turn a profit here. We have a different series and set of responsibilities as the government and as Members of this body are assigned to and sworn to uphold. We need to also be thoughtful when there is a consistent conversation about how business does things better. Well, we need to be mindful that business did not do things better in Wells Fargo. We saw what happened there with 2 million accounts that were falsely established. Business did not do too well with AIG, or Enron, or J.P. Morgan, or Lehman Brothers. That was about 2008, if I have my calculations correct, Mr. President, where so much was invested in the business community and the business community almost destroyed entire financial systems not just of this nation, but of the world. So be mindful about how we rush to want to adopt or mimic systems or

mimic the way business does things. They have a different bottom line, one that needs to be monitored, a bottom line that needs to be examined, regulated, yes, and they need to be watchful of how they operate. But we, as a government responsible for the needs of the least of these, the needs of individuals who sometimes it is hard to quantify their circumstances, have a different responsibility than protecting the interests of the shareholders.

Be very careful about when we go down this process of saying that the business sector knows how to do it and knows how to do it well. We are replete with examples of the business community wreaking havoc over the international economy, creating false outcomes, false accounts--2 million or so recently revealed to us at Wells Fargo--and almost potentially collapsing the national economy and the international economy.

I suggest we be very careful about moving forward on Senate Bill No. 1341, and I suggest a "no" vote on this measure.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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-33

Alloway	Dinniman	Mensch	Vogel
Argall	Eichelberger	Rafferty	Vulakovich
Aument	Folmer	Reschenthaler	Wagner
Baker	Gordner	Scarnati	Ward
Bartolotta	Greenleaf	Scavello	White
Boscola	Hutchinson	Smucker	Yaw
Brooks	Killion	Stefano	
Browne	McGarrigle	Tomlinson	
Corman	McIlhinney	Vance	

NAY-17

Blake	Haywood	Schwank	Wozniak
Brewster	Hughes	Tartaglione	Yudichak
Costa	Kitchen	Teplitz	
Farnese	Leach	Wiley	
Fontana	Sabatina	Williams	

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.

RECONSIDERATION OF SB 869

BILL ON FINAL PASSAGE

SB 869 (Pr. No. 2096) -- Senator COSTA. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 869, Printer's No. 2096, passed finally.

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

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-42

Alloway	Eichelberger	Rafferty	Vogel
Argall	Folmer	Resenthaler	Vulakovich
Aument	Fontana	Sabatina	Wagner
Baker	Gordner	Scarnati	Ward
Bartolotta	Greenleaf	Scavello	White
Boscola	Hutchinson	Schwank	Wiley
Brewster	Killion	Smucker	Wozniak
Brooks	Leach	Stefano	Yaw
Browne	McGarrigle	Teplitz	Yudichak
Corman	McIlhinney	Tomlinson	
Dinniman	Mensch	Vance	

NAY-8

Blake	Farnese	Hughes	Tartaglione
Costa	Haywood	Kitchen	Williams

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 ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1352 (Pr. No. 2052) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for rates of pilotage and computation, for pilotage fees and unit charge and for charges for services.

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

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 1353 (Pr. No. 2053) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 29, 1803 (P.L.542, No.156), entitled "An act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned," further providing for fees.

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1619, HB 1841, HB 1842 and HB 1948 -- Without objection, the bills were passed over in their order at the request of Senator ARGALL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 16, HB 74, HB 185, HB 245, SB 525, HB 813, HB 850, SB 851, HB 946, HB 971, HB 1070, HB 1103 and SB 1160 -- Without objection, the bills were passed over in their order at the request of Senator ARGALL.

BILLS ON SECOND CONSIDERATION

SB 1271 (Pr. No. 1837) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, further providing for definitions, for informal hearing and for disposition of dependent child.

Considered the second time and agreed to,

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

SB 1313 (Pr. No. 1997) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contract clauses and preference provisions, further providing for definitions, for contract provisions and for funding.

Considered the second time and agreed to,

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

SB 1323 (Pr. No. 2077) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of disorderly conduct and providing for unlawful use of unmanned aircraft; and, in particular rights and immunities, providing for action against operator of unmanned aircraft.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1324 and **SB 1331** -- Without objection, the bills were passed over in their order at the request of Senator ARGALL.

BILLS ON SECOND CONSIDERATION

SB 1340 (Pr. No. 2091) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in South Strabane Township, Washington County, and to grant and convey to the Bradford House Historical Association certain lands situate in the City of Washington, Washington County.

Considered the second time and agreed to,

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

SB 1344 (Pr. No. 2026) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in nomination of candidates, further providing for number of signers required for nomination petitions of candidates at primaries.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1354, SB 1357, SB 1360, SB 1362, SB 1363, SB 1365, SB 1366, SB 1369, HB 1398, HB 1403, HB 1437, HB 1452, HB 1476, HB 1496, HB 1683, HB 1774, HB 1779, HB 1838, HB 1872, HB 1923, HB 1959, HB 1974, HB 2025, HB 2058, HB 2084, HB 2107 and **HB 2148** -- Without objection, the bills were passed over in their order at the request of Senator ARGALL.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEE

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

SB 1269 (Pr. No. 2107) (Amended)

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for the title of the act; in general provisions, further providing for definitions, for State interagency agreement, for other duties of State agencies and for council; and, in Statewide system for provision of early intervention services, further providing for requirements, for program regulations and standards, for administration by Department of Public Welfare, for administration by Department of Education and for child identification, assessment and tracking system.

HB 162 (Pr. No. 3955) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in adoption, further providing for definitions and for original birth record.

HB 1104 (Pr. No. 3956) (Amended)

An Act providing for the use of investigational drugs, biological products and devices by terminally ill patients.

HB 1785 (Pr. No. 3356)

An Act requiring the preparation and publication of information relating to the influenza vaccine for individuals residing in assisted living residences and personal care homes; and imposing duties on the Department of Health and the Department of Human Services.

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 Allen Sweet and to John Knowles-Kellett by Senator Alloway.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Grigalonis, Mr. and Mrs. Joseph Kessler, Boyd Lenich, William E. Reichert, Matthew William Schappell, Pottsville Gymnastics and Theatrical Center, Inc., Mountaineer Hose Company No. 1 and to Sheppton-Oneida Volunteer Fire Company by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Watts, Mr. and Mrs. R. William Spacht, Harold Graybill, M. Richard Martin, Hazel E. Young, Eric William Shannon, Harry Aungst, Ellen A. Wagaman and to Garden Spot Fire Rescue by Senator Aument.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Wasilauski, Mr. and Mrs. Al Finn, Mr. and Mrs. Art Ridley, Richard Schwarz, Bob Simons, Matthew Trotter, Kittatinny Canoe and to the Center for Developmental Disabilities of Pike County by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Lou Goeringer, Michael Dougherty, Josephine Koze, Connie Scott and to Susquehanna Brewing Company by Senators Baker and Yudichak.

Congratulations of the Senate were extended to Alexandra Garlitz by Senator Bartolotta.

Congratulations of the Senate were extended to Raymond A. Capozucca and to Albert Capozucca by Senators Blake and Yudichak.

Congratulations of the Senate were extended to Bernard E. Roecker, Amanda K. Buss-Sivak, Charles Chrin Companies, Nancy Run Fire Company and to Saint Nicholas Greek Orthodox Church by Senator Boscola.

Congratulations of the Senate were extended to Robert Zentz by Senators Boscola and Browne.

Congratulations of the Senate were extended to Judith A. Hunsicker by Senators Boscola, Browne, and Scavello.

Congratulations of the Senate were extended to Warren Steigerwalt by Senator Boscola and others.

Congratulations of the Senate were extended to Regina H. Zahorchak, Jacob Robert Hebda and to Baldwin Emergency Medical Services by Senator Brewster.

Congratulations of the Senate were extended to John Leslie Marstellar, Christian R. Styborski, Scott Ladner, Marion Kent Brace, George Rutherford, Robert Devine, Ethan T. Keyes, Susan L. Marranconi, Charles M. Bestwick and to Village Friends, Inc., by Senator Brooks.

Congratulations of the Senate were extended to Herbert W. Levy, Gary L. Gray, Nestle Waters North America, Pure Life plant, Penn Sheet Metal and to Fogelsville Volunteer Fire Company by Senator Browne.

Congratulations of the Senate were extended to the Rodale family, the Honorable Michele A. Varricchio, Elizabeth Martinez, Alvaro A. Diaz, Javier Avila, Sabrina Albright and to Crayola of Easton by Senators Browne, Boscola, and Scavello.

Congratulations of the Senate were extended to Kathleen R. Hartley, Brandy Benson, Cinda Imperioli, Vickie McMullen, Lack-Tuscarora Emergency Medical Services, Inc., and to Grace Lutheran Preschool and Kindergarten by Senator Corman.

Congratulations of the Senate were extended to Dr. Judith Thomas, Mary Anne Feeley and to Brooke Mazepink by Senator Dinniman.

Congratulations of the Senate were extended to Lieutenant Colonel Johannes Kwena Moraka, Lieutenant Colonel Alfonso Pardo De Santayana Galbis, Lieutenant Colonel Vladimir Minarik, Lieutenant Colonel Mohamadou Abdoulaye Sylla, Colonel Mohammed Binshar, Colonel Saeed Alshahrani, Colonel Rwakabi Kakira, Lieutenant Colonel Lulacha Hayeshi, Lieutenant Colonel Kokou Oyome Kemence, Lieutenant Colonel Hichem Khalifa, Colonel Oleksandr Tarasenko, Colonel Mohammad Alsumaiti, Lieutenant Colonel Vuong Van Nguyen, Colonel Andrew Maskell, Colonel Ali Al Marri, Colonel Roman Przekwas, Colonel Susan Coyle, Lieutenant Colonel Artem Avdalyan, Colonel Bilbil Bitri, Lieutenant Colonel Brian Nissen, Colonel Karel Zapletal, Colonel Emilio Turina, Lieutenant Colo-

nel Patrick Sasa, Colonel Franklyn Gomez, Lieutenant Colonel Rodrigo Arce, Colonel Mamadou Adam Mahamat, Colonel Paul Peyton, Brigadier General Leangsong Buth, Colonel Remus Bondor, Colonel Romeo Brawner, Colonel Omar Noriega, Lieutenant Colonel Tony K. Aseavu, Brigadier Nadeem Ashraf, Brigadier Azhar Abbasi, Colonel Lars Lervik, Colonel Kapeh Kabaju Alwali Kazir, Colonel James Bliss, Colonel Lucas Schreurs, Colonel Santosh Kumar Dhakal, Lieutenant Colonel Abdelfettah Bouziani, Colonel Erdenebat Batsuuri, Colonel Yacouba Sanogo, Brigadier General Ahmad Nasir Abd Rahman, Lieutenant Colonel Darius Vaicikauskas, Lieutenant Colonel Sami El Hassanieh, Colonel Nawwaf Aljetaili, Colonel Jeton Dreshaj, Colonel Seokju Choi, Brigadier General Basem Alalaween, Colonel Shigemi Sugimura, Colonel Jaimie Ogilvie, Colonel Luigi Postiglione, Colonel Hilman Hadi, Brigadier Rakesh Kapoor, Lieutenant Colonel Nestoras Vargemezis, Colonel Johnson Kofi Akou-Adjei, Lieutenant Colonel Martin Werneke, Colonel Roman Jokhadze, Lieutenant Colonel Francois-Xavier Elias, Colonel Petteri Kajanmaa, Lieutenant Colonel Shiferaw Gemed, Lieutenant Colonel Mart Plakk, Colonel Bosbeli Recinos Magana, Brigadier General Moataz Elgabry, Lieutenant Colonel Ahmed Djama, Colonel Shay Klapper, Colonel Ahmad Faizal, Colonel Ernest Kisbedo, Colonel Anysio Negrao, Colonel Alberto Nunes, Lieutenant Colonel Predrag Vlskovic, Brigadier General Sayeed Siddiki, Colonel Todor Todorov, Shu-Wei Yang and to Nicholas E. Fasick by Senator Eichelberger.

Congratulations of the Senate were extended to Henry Will by Senator Folmer.

Congratulations of the Senate were extended to Prime Stage Theatre by Senator Fontana.

Congratulations of the Senate were extended to John Michael Thompson, Christopher Wend, Christopher P. McDonald, Martin Smith, Jeff Garwood, Corey Mathews, William D. Snow, Daniel M. Michael, Jay Joseph, Stephen Fleming, Jeremy Bergman, William Scott Moyer, Brad Carroll, Jim Gulick, Jr., Rich Loy and to the citizens of the Borough of Bryn Athyn by Senator Greenleaf.

Congratulations of the Senate were extended to Lois Smit, Wyatt Cannon Whitney and to East Mount Airy Neighbors by Senator Haywood.

Congratulations of the Senate were extended to the Reverend James Sterling Allen and to Robert E. Bryant by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph F. Lucas, Jr., Mr. and Mrs. Frank Baker, Mr. and Mrs. Lowell Walter, Mary Maleski, Sheryl Brock, WISR-AM 680 and to the citizens of the Borough of Clarion by Senator Hutchinson.

Congratulations of the Senate were extended to Tavia Isaac and to Wallingford Presbyterian Church by Senator Killion.

Congratulations of the Senate were extended to Essie M. Moates and to New Hope Temple Baptist Church by Senator Kitchen.

Congratulations of the Senate were extended to Ava Terosky by Senator Leach.

Congratulations of the Senate were extended to Matthew Paolizzi and to Jennifer Morgan by Senator McGarrigle.

Congratulations of the Senate were extended to the Honorable Colin L. Powell, Honorable Rochelle S. Friedman, Jin Roy Ryu, Nicholas Doan, Lara Spadaford, William N. Rowe, Michael Tomkinson, Peter A. Mills, Nicholas Marino, Shirley Skillman,

Daniel C. Froehlich, Patrick G. Roberts, Duane Carpenter, J. Earle Yerkes, Jr., Robert E. Bird, Shawn F. Harrington and to Dennis R. Swartley by Senator McIlhinney.

Congratulations of the Senate were extended to the Honorable C. Robert Roth, Sergeant Dean Miller, Chief Bob McDyre, Loretta Pigeon, Saint Mary's Catholic School and to the Family Caregivers Network by Senator Mensch.

Congratulations of the Senate were extended to Montgomery County Public Works Association by Senator Mensch and others.

Congratulations of the Senate were extended to James Tobin and to the members and coaches of the Spring City American Legion Prep Team by Senator Rafferty.

Congratulations of the Senate were extended to Glenn Holsten, Debbie Mackey, Thomas Skaria Pulimkalayil and to Star Career Academy by Senator Sabatina.

Congratulations of the Senate were extended to Jared Ethan McCoy and to Ciao Philadelphia by Senator Scarnati.

Congratulations of the Senate were extended to Lycoming-Clinton Counties Commission for Community Action by Senators Scarnati and Yaw.

Congratulations of the Senate were extended to William Laubner, Justine Pfaff, Kevin Hall, Amber DeYoung Wittel, James Feimster, Pete Treible, Rita P. Laubner, Dolores B. Savitz and to Missing Piece by Senator Scavello.

Congratulations of the Senate were extended to the East Penn Manufacturing executive team, management, staff and workers and to the Business and Professional Women's Club of Reading and to Barbey Electronics Corporation by Senator Schwank.

Congratulations of the Senate were extended to The Salvation Army, Lancaster Corps, by Senator Smucker.

Congratulations of the Senate were extended to Kathleen Trump, Matthew T. Shorraw, Karla Spangler, Florence Reynolds and to Sons and Daughters of Italy, Civiltà E. Progresso No. 643 by Senator Stefano.

Congratulations of the Senate were extended to West Newton Center for Active Adults by Senators Stefano and Ward.

Congratulations of the Senate were extended to the Honorable Edward G. Rendell, Honorable Thomas J. Ridge, Reverend Bonnie Camarda, William Boggs III, Pennsylvania Council on the Arts and to Friends of Pennypack Park by Senator Tartaglione.

Congratulations of the Senate were extended to Esperanza by Senator Tartaglione and Haywood.

Congratulations of the Senate were extended to Mr. and Mrs. Lenwood Bixler, Mr. and Mrs. Doyle Deppen, Dr. Jaunine Fouche and to Eric Murphy Nahm by Senator Teplitz.

Congratulations of the Senate were extended to Mr. and Mrs. Dennis Felty by Senators Teplitz and Folmer.

Congratulations of the Senate were extended to Andrew V. Foley, Joe Conklin, Joseph P. Hand, Jr., Just for the Kids Education Foundation, Bensalem Emergency Medical Services and to the Rotary Club of Shady Brook by Senator Tomlinson.

Congratulations of the Senate were extended to Thomas M. Perilli and to William C. Mogg, Jr., by Senators Tomlinson and Greenleaf.

Congratulations of the Senate were extended to A Woman's Place by Senator Tomlinson and others.

Congratulations of the Senate were extended to Mr. and Mrs. George F. Gardner, Mr. and Mrs. Paul Strickler, Matthew Scott

Lupi, Joshua Cramer, Gwendolyn Little, Robert E. Nickey, John C. Fralish, Jr., and to Carlisle Area School District by Senator Vance.

Congratulations of the Senate were extended to Trooper Douglas R. Miller, Trooper Thomas K. Plunkard and to Trooper James R. Salera by Senator Vogel.

Congratulations of the Senate were extended to Dr. David Buerger, Major General John E. Murphy, Mike Butia, Jordan Gapczynski, Samantha Goettman, Jeanne Newman Goldring, Bret Grote, Greg Hallos, Kelly Baritot Sorbo, Kari Steigerwald, Kevin Turner, Kevin Van Buskirk, Cathy Conroy, Jim Lorish, Cullen Linkenheimer and to Fairview Elementary School by Senator Vulakovich.

Congratulations of the Senate were extended to Jerry G. Beck, Jr., by Senators Vulakovich and Teplitz.

Congratulations of the Senate were extended to Dr. Edward Brajdic, Josh Sanner, Angela Rose-O'Brien, Jim Graham, Charley Family SHOP 'n SAVE, Court Appointed Special Advocates of Westmoreland, Inc., Westmoreland Diversity Coalition and to Saint Vincent Archabbey, Saint Vincent College and to Saint Vincent Seminary by Senator Ward.

Congratulations of the Senate were extended to Thelma Miller by Senator White.

Congratulations of the Senate were extended to Paul Scott and to Ronald A. DiNicola by Senator Wiley.

Congratulations of the Senate were extended to Ronald S. Coleman by Senator Williams.

Congratulations of the Senate were extended to West Catholic Preparatory High School by Senators Williams and Hughes.

Congratulations of the Senate were extended to Thomas M. Kurtz, Ralph Graff and to Kecia Bal by Senator Wozniak.

Congratulations of the Senate were extended to Mr. and Mrs. James Brown, Corporal Joseph D. Akers, Jennifer Wilson, Union County Association of Township Officials, Williamsport Symphony Orchestra and to Transitions of Lewisburg by Senator Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. Robert R. Warmouth, Mr. and Mrs. Francis Keithline, Mildred Catherine Hershner Rehrig, Ron Marchetti, Helen Partilla, Marion Lipenski, Saint Katharine Drexel Church and to the Greater Hazleton Area Polonaise Society by Senator Yudichak.

Congratulations of the Senate were extended to Richard Mitchell, Jr., Tom Ogorzalek, John Riccetti, Gretchen Seidel Sevison, Jay Amory, F. M. Kirby Center for the Performing Arts, Lehman Sanctuary and to Community Bank, N.A., by Senators Yudichak and Baker.

Congratulations of the Senate were extended to Sanofi Pasteur and to Gentex Corporation by Senator Yudichak and others.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Thomas J. Kindred by Senator Baker.

Condolences of the Senate were extended to the family of the late David Curtis Amidon, Jr., and to the family of the late Elmer Parkinson Prosser by Senator Boscola.

Condolences of the Senate were extended to the family of the late Miriam Esther Hershey Herr by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Mark Evan Hamilton by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Brigid Murray O'Connor and to the family of the late Louis J. Beltrami by Senator Yudichak.

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 Roy F. Johns, Jr., was extended to the family by Senator Reschenthaler.

A posthumous citation honoring the late Ralph Eyerman was extended to the family by Senator Vulakovich.

A posthumous citation honoring the late Lawrence Woltz was extended to the family by Senator Yaw.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1269, HB 162, HB 1104 and HB 1785.

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 11, 2016

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on the benefits of waste coal facilities and other reclamation projects)	Carbon Co. Comm., Jim Thorpe
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TUESDAY, OCTOBER 18, 2016

9:30 A.M.	AGING AND YOUTH (S) and AGING AND OLDER ADULT SERVICES (H) (joint public hearing to discuss issues surrounding the Aging Waiver enrollment process and MAXIMUS)	Room 8E-B East Wing
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WEDNESDAY, OCTOBER 26, 2016

9:00 A.M.	GAME AND FISHERIES (public hearing on Chronic Wasting Disease (CWD) with officials from the PA Dept. of Agriculture and the PA Game Commission)	Room 8E-B East Wing
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WEDNESDAY, NOVEMBER 16, 2016

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (joint hearing with the House Veterans Affairs and Emergency Preparedness Committee	Hrg. Rm. 1 North Off.
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to review emergency preparedness and response measures for natural gas/petroleum pipeline infrastructure across Pennsylvania)

PETITIONS AND REMONSTRANCES

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

Senator DINNIMAN. Mr. President, the school year has begun, and while school funding is in crisis and property taxes continue to rise in Pennsylvania, the Department of Education, since 2008, has signed contracts for over \$741 million for PSEA and Keystone testing. All of this money--and that is a lot of money, \$741 million--has gone to one company, Data Recognition Corporation, DRC, who received three contracts and also received two no-bid extensions of those contracts. While all of this money goes to a testing company, many of our schools do not have the funds to purchase textbooks that contain the Common Core curriculum upon which the students are tested. Does PDE not understand that it is simply unconscionable to stamp "failure" on the backs of students who do not even have the curriculum materials?

The cost to school districts for testing and supervising the required project assessments for those not passing the Keystone, and for doing the testing, was conservatively estimated in 2008 to be over \$300 million as an unfunded mandate on the schools. This means that between State and school districts' expenses, Pennsylvania's testing programs since 2008 have cost the taxpayers over \$1.1 billion. By the way, that is a conservative figure because that \$300 million unfunded mandate is probably closer to \$500 million and it is probably, the conservative figure, \$1.1 billion. That is a lot of money, especially when you consider that three-quarters of that money goes to one corporation that got two no-bid extensions. What is going on here?

For 5 years I worked in the legislature to try to change this testing obsession. The Majority chairs worked with me on that endeavor. Finally, Act 1 of 2016 was unanimously passed suspending the use of Keystone Exams as a graduation requirement for 2 years. The legislature realized that a new approach was needed and approved a moratorium on the use of these tests because it became clear that Keystone Exams were not a fair or reliable vehicle for determining high school graduation. Accountability is important, but these exams--remember, we are talking about exams that are in the millions and millions of dollars--but these exams do not provide the right kind of accountability. Instead of following the law, and the law was that for a 2-year period you could not use the Keystone Exams or the project assessments--PDE told school districts that it is fine with them to continue to use the Keystone Exams as a graduation requirement if they want to. School districts certainly have local control in determining graduation requirements, but Act 1 made it abundantly clear that a school district, by our legislation, could not use the Keystone Exam or the project-based assessment as a graduation requirement, despite any PDE directive during this 2-year period. What I am trying to say is we passed a law. PDE decided to interpret our intention in a way which was not the intention of the legislature, since I, and certainly Senator Smucker, whose bill it was, know what our intentions were.

While the Federal government certainly continues to require testing, it does not require the use of the Keystone Exams as a

graduation requirement. If Pennsylvania wants to save money now--think of the \$1.1 billion--Pennsylvania can cancel its extensive Keystone contract and simply utilize the SAT or ACT tests, as other States have already done, and save millions. In addition, PDE just released a report in August 2016 which said that the use of Keystone Exams as a graduation requirement, quote, "too narrowly define postsecondary readiness." Yet PDE will, over the next 2 years, continue, contrary to law, to have a testing program that includes the use of the Keystone Exams for graduation.

I am mystified and I want to know why. Often when policy decisions do not make sense--because, remember, we spend all of this money. The PDE brought together all educators in the task force, and these task forces said that this exam is not a viable one in terms of graduation. They agreed with what we passed in the legislature, yet PDE still allows school districts to use them, and, in fact, in terms of seventh-grade algebra and ninth-grade biology, not only do they allow them to use them, but they require them to be used. But we have made it clear in the law that this cannot happen. Also, we said that the project-based assessments, which were given for students who failed the Keystone Exam, were not to be used. Yet, they continue to allow school districts to use them. In fact, if a parent wants to opt out their student, which is a matter of parental rights, school district after school district, based on PDE permission, still requires the project-based assessment if you try to opt out. This is contrary to parental rights. So what we have done is we have allowed the law that we passed to be ignored. We continue not to protect parental choice and rights in terms of the education of their own children.

When policy decisions do not make sense, what does then make sense is to follow the money. Transparency for a legislator or any citizen is only as good as PDE's willingness to post information.

When we went to discover and try to find out how much it cost in 2008, barrier after barrier existed. In fact, when we went to DGS, they told us that a multimillion-dollar contract had been lost and could not be found. Perhaps PDE would have it. Contact them. What we found on the computer screens at DGS is, we know these contracts are missing, check back with us. Some of that information had been there since 2008. You have to understand that millions of contract amendments were not originally put online by PDE, as required. In fact, three contract amendments to the 2009 DRC Keystone contract have still not been posted, despite my repeated requests to get that information. I, as Minority chair of the Committee on Education, and our committee has oversight, we cannot even get the information. So, this \$741 million could be even millions and millions more because we cannot get from PDE these three amendments. So, if anyone thinks that a citizen can get in there and there is transparency to this system, they are dead wrong, because I, as a legislator, could not even get most of this information, and two members of my staff and myself spent months and months trying to get it, and we faced roadblock after roadblock.

One of the problems we discovered was most of the vouchers, some dating back to the original 2008 contract, were never posted. The checks were posted, not the vouchers. It was only after we called and pushed the PDE again and again that many of these vouchers finally got on, but if you look, you will see that many of them are still not on. We are not talking about \$100,000 or \$1 million. We are talking about \$742 million. We are talking

about three-quarters of a billion dollars of State spending. My concern is, what is all this money being spent for? Why does one corporation have all of these contracts? Why are they given no-bid extensions? Why in the last round, when another company came in with less money, was the decision made because they said they used experience? Well, of course, if someone is there they are going to have the experience. When we have tried to get the records of the bids and how much they went in, they would not give us access to those records. Thus, think about it. Think what \$741 million could have done for education.

Realize that the students who have "failure" stamped on them do not even have the curriculum materials. Would we not have been wiser to spend the money on our schools so every child would have a chance to be taught to the top of the curriculum? We sat here and we debated \$5 million more for Head Start or we debated how we are going to help our colleges and universities with the rise in tuition. Why are we spending \$741 million on testing? The only thing these tests have a correlation with, my friends, is poverty. We are becoming impoverished in this State in terms of our budget, because there is no other correlation with this testing based on studies, the most recent one coming out of Penn State University. Is it a surprise when you give a test to a non-English speaker that the non-English speaker does not pass it? Then, when you retest them, they also have trouble. I taught in China for many summers. I will tell you right now, I would fail a test on the Chinese language because testing on a language requires more than just simple knowledge. It is cultural. It involves understanding the entire metrics, the entire perspective of which that language exists.

So, these tests, when you think of this, with limited resources for education, as we sit here and debate, whether we give another million dollars here or a million dollars there, for the last 8 years, \$740 million has gone to one company for testing, and \$300 million worth of testing costs have been an unfunded mandate on school districts. And it is even more. The total cost for testing is \$1 billion in the last 8 years, and in my judgment that is outrageous. These tests are based on a Common Core curriculum and Common Core standards, which many, including myself, and I have a doctorate degree in education, do not believe is the best curriculum. Do you understand that the Common Core curriculum--we do not know, we have never had it before, and yet, because the Federal government and the Gates Foundation and the States being afraid to stand up to the Federal government, we have imposed it on the children of this Commonwealth, and instead of educating them, we spend another \$1 billion to test them on the Common Core curriculum.

So, here we are. The new school year has begun, and once again, we are subjected to excessive testing and its costs that are negatively impacting our students, teachers, and taxpayers. PDE has talked about possible alternatives to the Keystone Exams as a graduation requirement. Down the road, they say; 2 years, they say. But the tests remain, despite our legislation in terms of graduation tests. It is not only keystones. We are spending excessive amounts of money on PSSA testing. In other words, in elementary school, if you are in eighth grade in this Commonwealth, you are subjected to three tests, if you are in algebra I or biology. In eighth grade, where a lot of students take algebra I, you take the test the teacher gives you in class. You then take the PSSA test, and then you go forward and have to take the Keystone test, and then you bank that for graduation. But we said, by law, they

cannot give these Keystone tests for graduation in eighth grade or any other grade. We are being ignored. And the money for testing continues to grow.

If we want to save money with this new budget, it is not that hard. Simply follow the lead of seven other States. Seven other States have gotten rid of the types of tests like Keystones, and they use SATs and ACT tests. If we did that, we could cut the cost of the Keystones by two-thirds. Not only could we do that, but the students who are taking these tests would be serious about the SAT and ACT. Yes, you have to purchase them, but you purchase them in bulk and you save tremendous amounts of money. Students of lower income whose parents could not afford letting them take SATs would have that opportunity, too. Save millions and allow every student in this Commonwealth to have an opportunity to prove and show whether they are ready for higher education and other opportunities.

But is that the direction we are going in this Commonwealth? No. We continue to spend the millions and, in fact, they become billions on testing. Testing for what purpose? In the Keystones and the PSSA tests, you do not even get the results in the same year. So if there is a student who is having problems, I might be a teacher in that school, but I, the students, and the parents do not know the results until the following year when that student is with another teacher in another classroom.

I understand accountability. I stand for accountability, but tests for the sake of testing makes no sense. Testing is for remediation to identify what a student needs. Testing is to help that student grow in their academic learning. The way it is being conducted in Pennsylvania, with one company getting \$741 million, that company not only prepares the tests, they prepare curriculum materials, is questionable because that testing is for the sake of testing. In the average suburban district, at least in southeast Pennsylvania, 26 days of the 180 days are spent either on taking the test or directly preparing for the test. Let us return the classroom to teaching and learning. Let us stop this obsession on testing.

Finally, let me say that while PDE criticizes the tests, admits they are a failure, admits that we should not have the project assessments, they continue to operate as if it is still okay to do all this. So, we know for the next 2 years, because they are only proposing changing something, and they did a model bill and they suggested we make changes in 2018-19, for the next 2 years those millions will continue to be spent. Those students will be subjected to losing classroom time. Why? For what purpose? It makes no sense to those of us who have spent our lives in education. It makes no sense to the vast majority of classroom teachers in this Commonwealth. Despite what we put into law under Act 1 of 2016 that was voted unanimously in the House and the Senate, that was put together by Senator Smucker and myself as a bipartisan bill to end these exams, they continue to be given in the Commonwealth of Pennsylvania, because PDE basically says to the legislature, too bad, we know what is best for students. How long are we going to allow government by bureaucracy? How long are we going to allow the Federal and State bureaucrats, some who have never been in a classroom in their lives, to continue to determine the education policy of this Commonwealth?

So, what is happening now as the school year begins, to put it all in conclusion, is we continue to contract for millions more and force school districts to pay millions in terms of the testing,

all of which will ultimately end up being paid by the taxpayers in the form of increased property taxes. Yes, accountability is vital, but this type of accountability is not real accountability. This type of accountability does not provide the remediation for students that is needed. This type of accountability is not the answer, because the only thing this type of accountability gives us is exorbitant spending. My friends, we in the legislature, who passed Act 1 of 2016, need to step in and stop this exorbitant spending; \$1.1 billion is a hell of a lot of money over 8 years while our school buildings deteriorate, while our students do not have curriculum materials, and it is about time, I hope, that we will stand up to the bureaucracy, insist that Act 1 be enforced, and once again make sure that in the Commonwealth of Pennsylvania, students are taught and learn, not just simply tested, in the classrooms of our Commonwealth. Thank you for listening.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 286**, 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.

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID 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 by amending said amendments to **HB 568**, in which concurrence of the Senate is requested.

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

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mike Stack) in the presence of the Senate signed the following bills:

HB 1711 and **HB 1787**.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Argall.

Senator ARGALL. Mr. President, I move that the Senate do now recess until Monday, October 17, 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 3:48 p.m., Eastern Daylight Saving Time.