

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JULY 14, 2009

SESSION OF 2009 193RD OF THE GENERAL ASSEMBLY

No. 56

**SENATE**

TUESDAY, July 14, 2009

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

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the Chair.

**PRAYER**

The Chaplain, Reverend Dr. PAUL GEHRIS, retired pastor of American Baptist Churches - U.S.A., Shermans Dale, offered the following prayer:

Almighty and everlasting God, majestic in creation and wondrous in all Your work, we thank You for the gift of life and for this day and its opportunity. Grant us the good sense to realize the limits of our own power, the shortness of our own vision, and the strictures of our own minds. Give us the grace to count on You for all that is needful in our lives and in our work. Help us to lengthen our vision and broaden our thinking.

Bless this venerable Senate of Pennsylvania. In the intensity of serious work, help each Member and staff to continue to respect and be respectful of one another. We pray for our beloved Commonwealth and our wonderful country. In Your name, amen.

The PRESIDENT. The Chair thanks Reverend Gehris, who is the guest today of Senator Corman.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD

July 14, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lonnie E. Fuller, Jr., MD, 116 Koch Lane, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Robert F. Durkin, Olyphant, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD

July 14, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gary Leipheimer, M.P.H., 6635 Terrace Way, Apartment B, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Col. James E. Williams, Jr., Camp Hill, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD

July 14, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Catherine M. Poole, 250 Mapleflower Road, Glenmoore 19343, Chester County, Forty-fourth Senatorial District, for reappointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF THE WARREN STATE HOSPITAL

July 14, 2009

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Barbara French, 905 East South Street, Corry 16407, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of the Warren State Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATIONS  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD**

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 8, 2009, for the appointment of Lonnie E. Fuller, Jr., MD, 116 Koch Lane, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Robert F. Durkin, Olyphant, whose term expired.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD**

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 8, 2009, for the appointment of Gary Leipheimer, M.P.H., 6635 Terrace Way, Apartment B, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his successor is appointed and qualified, vice Col. James E. Williams, Jr., Camp Hill, whose term expired.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
CANCER CONTROL, PREVENTION  
AND RESEARCH ADVISORY BOARD**

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 8, 2009, for the reappointment of Catherine M. Poole, 250 Mapleflower Road, Glenmoore 19343, Chester County, Forty-fourth Senatorial District, as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until his *[sic]* successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,  
DEVICE AND COSMETIC BOARD**

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 5, 2009, for the appointment of Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Andrew J. Behnke, M.D., Carlisle, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION**

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the appointment of Dr. Vincent De Franco, 35 Club Court, Stroudsburg 18360, Monroe County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Harry Lee, Stroudsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the appointment of Lissette Marie Lahoz, 2830 Hodle Avenue, Easton 18045, Northampton County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Darrell Covington, M.D., East Stroudsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the appointment of Carolyn Lawson, 113 Great Bear Way, East Stroudsburg 18301, Monroe County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice David Sanko, Harrisburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the appointment of Marcus S. Lingenfelter, 2420 Beech Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Hussain Malik, M.D., Stroudsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the reappointment of Nancy V. Perretta, R.R. 1, Box 4006, Stroudsburg 18360, Monroe County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the reappointment of L. Patrick Ross, Box 161, Tannersville 18372, Monroe County, Fourteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2008, [sic] for the reappointment of Amy S. Welch, 5410 Upper Mountain Road, New Hope 18938, Bucks County, Tenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST  
STROUDSBURG UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 8, 2009, for the reappointment of Robert Willever, 2034 Penstock Court, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL  
Governor

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

July 14, 2009

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 5, 2009, for the appointment of Amy K. Kokos, 22 Woodview Drive, Mount Holly Springs 17065, Cumberland County, Thirty-first Senatorial District, as a member of the Tioga County Board of Assistance, to serve until December 31, 2010, and until her successor is appointed and qualified, vice John R. McCarthy, Mansfield, resigned.

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

EDWARD G. RENDELL  
Governor

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 109**, **HB 262** and **HB 270**.

**HOUSE BILL FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

July 14, 2009

**HB 42** -- Committee on Community, Economic and Recreational Development.

**BILLS INTRODUCED AND REFERRED**

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

July 14, 2009

Senators WARD, D. WHITE, BAKER, WAUGH, KASUNIC, WASHINGTON, KITCHEN, ARGALL, EICHELBERGER and WONDERLING presented to the Chair **SB 984**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for contracting for State trooper services.

Which was committed to the Committee on LAW AND JUSTICE, July 14, 2009.

Senators RAFFERTY, GREENLEAF, M. WHITE, ALLOWAY and WARD presented to the Chair **SB 1010**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation; repealing provisions relating to limitation upon taxation and to valuation of mobilehomes or house trailers; and further providing for recorder of deeds in certain counties to furnish record of conveyances and compensation.

Which was committed to the Committee on FINANCE, July 14, 2009.

Senators ARGALL, CORMAN, PILEGGI, WONDERLING, ERICKSON, WARD, TARTAGLIONE, WAUGH, RAFFERTY, BOSCOLA, BROWNE, ORIE, ROBBINS, EICHELBERGER, BAKER and ALLOWAY presented to the Chair **SB 1029**, entitled:

An Act imposing limitations on the Department of Corrections relating to expenditures from certain funds available for inmates.

Which was committed to the Committee on JUDICIARY, July 14, 2009.

Senators McILHINNEY, BOSCOLA, O'PAKE, TARTAGLIONE, ARGALL, GREENLEAF, WARD, M. WHITE, ALLOWAY, MUSTO, FOLMER, YAW, VANCE, STACK, DINNIMAN, SCARNATI and WAUGH presented to the Chair **SB 1030**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for violation exceptions for personal care homes.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 14, 2009.

**BILLS SIGNED**

The PRESIDENT (Lieutenant Governor Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

**HB 109**, **HB 262** and **HB 270**.

**SPECIAL ORDER OF BUSINESS  
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet off the floor in the Rules room to consider Senate Bills No. 1, 107, 282, 284, 441, 607, 693, 896, and 954, and House Bills No. 372 and 602.

**BILLS REPORTED FROM COMMITTEE**

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

**HB 39 (Pr. No. 2058) (Rereported)**

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

**HB 222 (Pr. No. 227)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for identity theft; and making a related repeal.

**HB 485 (Pr. No. 2436) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of illegal dumping of methamphetamine waste; imposing a penalty; and providing for the offense of operation of methamphetamine laboratory.

**HB 1607 (Pr. No. 2295)**

An Act amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, consolidating the law relating to constables; in Title 44, revising provisions on second and third class cities, on boroughs, on townships, on the Constables' Training and Education Board, on use of firearms, on the Constables' Training and Education Account and on statutory authority; making editorial changes; and making related repeals.

**HB 1648 (Pr. No. 2294)**

An Act establishing a joint legislative, executive and judicial commission on juvenile justice.

**LEGISLATIVE LEAVES**

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

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

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Leach.

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

Senator Mellow requests a legislative leave for Senator Leach. Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

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

Senator MELLOW asked and obtained leaves of absence for Senator KITCHEN and Senator TARTAGLIONE, for today's Session, for personal reasons.

**SPECIAL ORDER OF BUSINESS  
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of July 1, 2009, is now in print.

The Clerk proceeded to read the Journal of the Session of July 1, 2009.

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

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

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

**YEA-47**

Alloway	Ferlo	O'Pake	Vance
Argall	Folmer	Oric	Vogel
Boscola	Fontana	Piccola	Ward
Browne	Gordner	Pileggi	Washington
Brubaker	Greenleaf	Pippy	Waugh
Corman	Hughes	Rafferty	White, Donald
Costa	Kasunic	Robbins	White, Mary Jo
Dinniman	Leach	Scarnati	Williams
Earl	Logan	Smucker	Wonderling
Eichelberger	McIlhinney	Stack	Wozniak
Erickson	Mellow	Stout	Yaw
Farnese	Musto	Tomlinson	

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR KIM L. WARD  
PRESENTED TO THE SENATE**

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

Senator WARD. Mr. President, I am so happy today to welcome two gentlemen from my district. Ron Dinsmore is from Jeannette, and if anybody heard about the floods over the last month, he lives in the area that was probably hardest hit, and he has done countless hours of service in his community. Also, Mr. Ernie DiMartino has an ice company where he employs people down in Jeannette.

Today, they are here to support the arts, and I ran into them the other day at a festival and told them to come on up, we would

love to see them and welcome them here to the Senate. So please join me in welcoming my guests.

The PRESIDENT. Would the guests of Senator Ward please rise to be welcomed by Senate.

(Applause.)

### GUESTS OF SENATOR MICHAEL L. WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Mr. President, I have two guests here today in the gallery whom I would like to introduce. First of all, Maggie Stauffer is an intern in my district office in York. She is a student at Ursinus College, and she brought along her mom today, Kelly Stauffer. Kelly is a fifth-grade teacher at the Red Lion School District in York County. Maggie and Kelly are here somewhere. If they could stand, we will welcome them. There they are. Welcome.

The PRESIDENT. Would the guests of Senator Waugh please rise to be welcomed by the Senate.

(Applause.)

### PERMISSION TO ADDRESS

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

Senator COSTA. Mr. President, I rise this afternoon to allow my colleagues the opportunity to enjoy, for one more day, the wonderful season that our Stanley Cup-champion Pittsburgh Penguins have enjoyed. And to recognize that achievement, our friends from the Pittsburgh Penguins wanted to make certain that I was able to provide to each of my colleagues a Stanley Cup-champion Pittsburgh Penguin pin. There is one lying on each of their desks. They can add it to their collections.

As you recall, I provided Super Bowl pins previously to all of my colleagues, and I look forward to being able to provide many, many more of these. All of my colleagues can hold their breath and wait until the Pittsburgh Pirates provide a World Series championship.

Thank you very much, Mr. President.

### LEGISLATIVE LEAVE CANCELLED

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

### RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of, first, a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Rules and Executive Nominations, both to be held in the Rules room.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Rules and Executive Nominations, both to be held in the Rules room, without objection, the Senate stands in recess.

### AFTER RECESS

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

### CALENDAR

#### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 263 (Pr. No. 268)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 28, 1978 (P.L.87, No.41), known as the Pennsylvania Appalachian Trail Act, further providing for the content of zoning ordinances; and extending the time period necessary to implement certain provisions.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator BRUBAKER. Mr. President, House Bill No. 263 proposes to further amend the standard of authority for municipalities contiguous to the Pennsylvania Appalachian Trail to adopt, implement, and enforce zoning ordinances to preserve the trail's natural, scenic, historic, and aesthetic values, which the General Assembly has provided in Act 24. House Bill No. 263 would extend the timeframe to allow those municipalities that must comply with this act to do so.

I was initially concerned that the extended authority provided under this act could be viewed as a means to diminish existing preemptions in municipal authorities to restrict agricultural operations under the Right to Farm Law, the Agricultural Area Security Law, and the Nutrient Management Act.

I have had several discussions with the prime sponsor of this legislation regarding my concerns, and he has assured me that zoning ordinances adopted under these provisions are meant to protect the trail, and would in no way prohibit agricultural activity that is taking place in the municipality.

Further, I have been assured that the ordinances, once adopted, would still be subject to limitations contained in the Right to Farm Law and other laws enacted to protect agriculture. The prime sponsor also indicated that agriculture was a preferred neighbor to the trail, as agriculture acts as a buffer and serves to enhance the natural beauty of the trail and offers protections to the habitat of the local wildlife.

With these clarifications, I ask for an affirmative vote on House Bill No. 263, and I thank my colleagues for their assistance in clarifying this matter.

And the question recurring,  
Shall the bill pass finally?

