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Legislative Journal

WEDNESDAY, APRIL 26, 2017

SESSION OF 2017 201ST OF THE GENERAL ASSEMBLY

No. 21

SENATE

WEDNESDAY, April 26, 2017

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

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

PRAYER

The Chaplain, Reverend JOSHUA R. BROMMER, Pastor of Cathedral Parish of Saint Patrick, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, Father of all goodness and giver of all good gifts, pour out Your blessing upon us with renewed vigor this day. Through the power of Your divine providence, guide our minds by holy wisdom to seek what best serves the well-being of the people under our care. Direct our lives with genuine humility to set aside personal ambition to take up the cause of true justice. Govern our hearts with sincere charity to advocate courageously for those who struggle on life's way. May our work undertaken today ennoble the citizens of this Commonwealth, safeguard the dignity, serve the common good of all persons, and honor the memory of our forebears whose voices still echo in this Chamber and throughout these halls hallowed by their principled dedication. Amen.

The PRESIDENT. The Chair thanks Reverend Brommer, who is the guest today of Senator DiSanto.

PLEDGE OF ALLEGIANCE

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

BILLS REPORTED FROM COMMITTEE

Senator HUTCHINSON, from the Committee on Finance, reported the following bills:

SB 300 (Pr. No. 606)

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

SB 508 (Pr. No. 504)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in tobacco products tax, further providing for definitions and for incidence and rate of tax; and imposing a vapor products tax.

SB 611 (Pr. No. 762) (Amended)

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further providing for definitions, for disqualification and forfeiture of benefits and for restitution for monetary loss; and repealing a retroactivity provision.

SB 627 (Pr. No. 700)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in corporate net income tax, further providing for definitions.

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 McIlhinney.

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

Senator COSTA. Mr. President, I request legislative leaves for Senator Leach and Senator Williams.

The PRESIDENT. Senator Corman requests a temporary Capitol leave for Senator McIlhinney.

Senator Costa requests legislative leaves for Senator Leach and Senator Williams.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of February 7, 2017, and February 8, 2017, are now in print.

The Clerk proceeded to read the Journals of the Sessions of February 7, 2017, and February 8, 2017.

Senator CORMAN. 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 requested by Senator CORMAN and were as follows, viz:

YEA-49

| | | | |
|---------|--------------|------------|-------------|
| Alloway | DiSanto | Martin | Tartaglione |
| Argall | Eichelberger | McGarrigle | Tomlinson |
| Aument | Farnese | McIlhinney | Vogel |
| Baker | Folmer | Mensch | Vulakovich |

| | | | |
|------------|------------|---------------|----------|
| Bartolotta | Fontana | Rafferty | Wagner |
| Blake | Gordner | Regan | Ward |
| Boscola | Haywood | Reschenthaler | White |
| Brewster | Hughes | Sabatina | Williams |
| Brooks | Hutchinson | Scarnati | Yaw |
| Browne | Killion | Scavello | Yudichak |
| Corman | Langerholc | Schwank | |
| Costa | Laughlin | Stefano | |
| Dinniman | Leach | Street | |

NAY-0

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

The PRESIDENT. The Journals are approved.

**GUESTS OF SENATOR MICHAEL R. REGAN
PRESENTED TO THE SENATE**

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

Senator REGAN. Mr. President, I am very excited and thrilled to introduce a truly impressive team of young women who have earned their third consecutive State championship in soccer in an unprecedented sweep. This team of winners is the Trinity High School Shamrocks from Camp Hill in Cumberland County. The team's three-peat elevates them to a special place on the Senate floor today. Mr. President, I have coached soccer for many years, so I have more than a healthy respect for these young ladies and their abilities. Knowing the high level of play in Pennsylvania, I have an authentic and deep-seated admiration for what it took for the Shamrocks to capture the State's soccer title in 2014, in 2015, and in 2016. Our State is populated with so many great and gifted athletes blessed with extraordinary and natural abilities, who then develop that ability to new heights through passionate and relentless workouts and practice. These ladies rose to the top every time. In watching Trinity, I have had so many wow moments, especially when they were playing against my daughter's team at Northern High School. They are truly a remarkable team.

In this past year's championship game, the Shamrocks won 4-1 over Mercyhurst Prep in Erie. These girls never seem to get tired, get sloppy, get distracted, or lose their focus on the goal. Mr. President, even more remarkable to me is the fact that these girls just do not excel on the soccer field, they pull on pink shirts and play fundraising games for breast cancer research and have bagged tens of thousands of meals for the hungry and homeless in the region. There is a reason why they are called the Lady Rocks, because, Mr. President, they truly do. When any girls' soccer team in Pennsylvania sees the green and white take the field, they and the entire crowd know that they are in for a long day. Every team has to bring their A game, because the Trinity High School Shamrocks always do. In winning their third State championship in a row and placing those medals around their necks once again, the girls said in their own words, this is what dreams are made of. I am so happy to know what these exceptional young women are made of as well.

Mr. President, my fellow Senators, please join me in applauding the three-time PIAA Class AA State Girls' Soccer Champions, the Trinity High School Shamrocks.

The PRESIDENT. Would the guests of Senator Regan, the three-time champs, the girls that rock, the girls' championship soccer team, the Lady Rocks from Trinity High School, please stand.

(Applause.)

The PRESIDENT. For purposes of all of the Members and the folks in the gallery, only three-time champs get to be on the Senate floor. So, it is a special honor to have the young ladies. Ladies, you absolutely rock. I also give a special shout-out to Rachel Busler, the niece of my great scheduler, Anne Shriver, who I was embarrassing a little bit back there. Her mother, Molly, is also here. Molly, who is in the gallery, is very proud of her daughter. Molly, take a bow for the great job you have done with your daughter.

(Applause.)

The PRESIDENT. It is wonderful to have you here, girls. Congratulations.

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

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

Senator MENSCH. Mr. President, today it is my pleasure to introduce Mr. Edmond Matten and his guest, Mr. Thomas Ashman. Edmond currently resides in Hereford, Pennsylvania. He is retired from a procurement and sales management position. He worked with several companies in the commercial, industrial, and aerospace fasteners and machined components industry.

Thomas currently resides in Fleetwood, Pennsylvania, and is a retired vice principal from Fleetwood High School.

Mr. President, please join me in welcoming Mr. Edmond Matten and Mr. Thomas Ashman to their day today here at the Capitol.

The PRESIDENT. Would the guests of Senator Mensch, Mr. Edmond Matten and Mr. Thomas Ashman, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

**GUESTS OF SENATOR MICHAEL R. REGAN
PRESENTED TO THE SENATE**

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

Senator REGAN. Mr. President, as it is becoming obvious, my district is filled with very talented people. I am also pleased today to be joined by the American Government and Citizenship class from Red Land High School. Mr. Jevon Ford brought the government class to the Capitol to watch the Senate in action. They wanted to see a day at the office, so they are joining us today in the Senate Chamber. As we all know, there is rarely a typical day at the office in this historic Chamber, but I hope that these students can enjoy a marvelous and memorable learning experience that they can take back to Red Land High School and apply to their lives moving forward. We all know that government does not operate exactly like the flow charts in civics books, so I am thrilled that these young men and women can learn by seeing the real deal in witnessing our daily deliberations and debate.

I note that Mr. Ford, their adviser himself, is an exemplary model of service. He is not only a social studies teacher but also the head golf coach--from whom I am sure we can all use help--the junior class adviser, UMHC tutor, and ski club adviser. Please join me in giving Mr. Ford and these wonderful young people our customary warm Senate welcome.

The PRESIDENT. Would the guests of Senator Regan, Mr. Ford and the Red Land High School American Government and Citizenship group, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

GUESTS OF SENATOR CAMERA BARTOLOTTA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, today we have a group of very special guests who are seated in the gallery, members of the Pennsylvania NewsMedia Association. I am very grateful to be able to introduce them today, as my very own daughter is in the news media business. She is a reporter and anchor at the moment with CBS in Baltimore, Maryland.

The Pennsylvania NewsMedia Association, or PNA, is a trade organization that supports the newspaper industry, advances the business interests of Pennsylvania news media organizations, and promotes a free and independent press. The association represents Pennsylvania news media interests in the legislature, provides public education service, and acts as an information clearinghouse. PNA was founded in 1925 as the Pennsylvania Newspaper Publishers Association, PNPA, by John L. Stewart, the publisher of two newspapers in Washington, Pennsylvania, the center of my district. PNA provides training opportunities for members and is involved in promoting access to Pennsylvania's freedom of information legislation.

Mr. President, please join me in extending a very warm Senate welcome to the members of the Pennsylvania NewsMedia Association.

The PRESIDENT. Would the guests of Senator Bartolotta, the Pennsylvania NewsMedia Association members, please rise so that we may welcome you to the Pennsylvania State Senate.

(Applause.)

GUESTS OF SENATOR DAVID G. ARGALL PRESENTED TO THE SENATE

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

Senator ARGALL. Mr. President, in the gallery today I recognize fourth-grade students from Trinity Academy at the Father Walter J. Ciszek Education Center. They represent a long tradition of Catholic education in northern Schuylkill County. The school is in Shenandoah, and I understand that you understand that community very well. We wish the students a very warm welcome.

The PRESIDENT. Would the guests of Senator Argall, the fourth-grade students from Trinity Academy, please rise so that we may welcome you, teachers and staff as well.

(Applause.)

The PRESIDENT. I hope to visit with you kids next time I am in Shenandoah, so it is great to have you with us.

GUESTS OF SENATOR JOHN M. DiSANTO PRESENTED TO THE SENATE

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

Senator DiSANTO. Mr. President, I rise today to welcome our guest Chaplain, Father Joshua Brommer. Father Brommer is a dynamic young leader, which is very important in today's world to engage the youth in matters of faith. He is the pastor at our cathedral for the Diocese of Harrisburg. In addition, he was educated at the Pontifical North American College in Rome, and that is very important to note, because that is where we send the smart ones to get educated, in Rome. He is also fluent in Spanish and Italian, and he is the director of the Office of Divine Worship for the Diocese of Harrisburg, which is a very important position assisting the Bishop of Harrisburg. I am happy to welcome him to our Senate, and encourage you to welcome a young, dynamic leader to the Senate floor. Thank you.

The PRESIDENT. Would the guest of Senator DiSanto, today's guest Chaplain, Reverend Joshua Brommer, please rise so that we may welcome you to the Pennsylvania Senate, and thank you for your prayers.

(Applause.)

Senator DiSANTO. Mr. President, I also introduce to the Senate a good friend of Father Brommer and myself, Michele Tantardini from Italy, who is a professor at Penn State teaching public administration, and he is visiting here, bringing an international dynamic to the public administration school at Penn State. Please give him a warm Senate welcome. Thank you.

The PRESIDENT. Would Michele Tantardini please rise so that we may welcome you here as well.

(Applause.)

SPECIAL ORDER OF BUSINESS SENATE RESOLUTIONS ADOPTED

Senators VULAKOVICH, COSTA, AUMENT, BAKER, BLAKE, BREWSTER, BROOKS, BROWNE, DINNIMAN, FARNESE, FOLMER, FONTANA, GORDNER, GREENLEAF, HUTCHINSON, KILLION, LANGERHOLC, MARTIN, RAFFERTY, RESCHENTHALER, SABATINA, TARTAGLIONE, WHITE, YAW, YUDICHAK, MENSCH, BOSCOLA, VOGEL, HUGHES, SCAVELLO and WARD, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution designating April 26, 2017, as "National Guard Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator VULAKOVICH. Mr. President, our General Assembly considers many important issues each year, but few have the lasting impact or the worldwide influence of the one it considered nearly 262 years ago. In 1755, the General Assembly of the Province of Pennsylvania received a great number of petitions from several counties of the colony that made it clear that many citizens were, and I quote, "very willing to defend themselves and their country and desirous of being formed into regular Bodies for that Purpose, instructed and disciplined under proper Officers with suitable and legal Authority." Responding to those petitions, the General Assembly passed Pennsylvania's first militia law on November 25, 1755, and the rest, as they say, is history.

Pennsylvania's militiamen played a role in every major military action from the French and Indian War through the second Gulf War. They were there for the Revolution, and they served in the War Between the States. Some of the most storied exploits of the division came on the European battlefields of World War I and World War II. They fought in Korea, Vietnam, and the Middle East. Pennsylvania's citizen soldiers continue to serve with honor and distinction today in military and disaster relief roles.

Pennsylvania's National Guard force reaches from the Joint Force Headquarters located at Fort Indiantown Gap, Lebanon County, to almost 90 communities across the Commonwealth. In fact, the Pennsylvania National Guard is one of the top employers in the Commonwealth, with about 3,600 of its members serving in a full-time capacity, and another 16,000 men and women serving as traditional members who train on a part-time basis while pursuing civilian education or careers. Yes, it is important that we remember the citizen soldiers are ordinary people who make extraordinary sacrifices. It is truly fitting that we recognize the service and fidelity of all the men and women who have served our great Commonwealth.

GUEST OF SENATOR RANDY VULAKOVICH
PRESENTED TO THE SENATE

Senator VULAKOVICH. As part of the Guard Day at the Capitol, I am proud to have Brigadier General Anthony Carrelli, the Adjutant General, with us today. Brigadier General Tony Carrelli assumed duties as Adjutant General on June 29, 2016. In this cabinet-level position with the Pennsylvania Department of Military and Veterans Affairs, headquartered at Fort Indiantown Gap, Brigadier General Carrelli is responsible for the command, control, and supervision of National Guard units, Army and Air. Allocated to the Commonwealth of Pennsylvania are six State-owned veterans homes and programs for Pennsylvanians, more than 894,000 veterans. We owe them our deepest gratitude, and in that spirit, Mr. President, I ask my colleagues to adopt this resolution and ask all Pennsylvanians to remember and give thanks to all of the soldiers and airmen from across Pennsylvania who have served our Commonwealth and our country.

Thank you, Mr. President.

The PRESIDENT. As an 8-year former member of the National Guard, Senator, I could not agree with you more. Would your guests, members of the National Guard, both Air and Army, please rise so that we may welcome you here to the Pennsylvania Senate. And thank you for all your service.

(Applause.)

The PRESIDENT. Will those brave soldiers, men and women in the gallery, also please rise so that we may show our love for all of your great service.

(Applause.)

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

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

REMARKS BY THE ADJUTANT GENERAL

The PRESIDENT. At this time, I ask Brigadier General Anthony Carrelli, the Adjutant General, to please address the Senate.

Brigadier General CARRELLI. Mr. President, thank you. Good morning, everyone. I have the distinct pleasure of overseeing the operations of the Department of Military and Veterans Affairs, as was said, nearly 20,000 Guardsmen, and we represent nearly 900,000 veterans in the Commonwealth of Pennsylvania. I will tell you, I have the absolute best job in the Commonwealth, no offense to anyone in this room. I would argue with you any day. You can look at our training, you can look at our equipment, you can look at the things that we do, and all of our accomplishments, and I will tell you it all boils down to the people who you see standing to my left, the people who are sitting up in the gallery there. We cannot do anything as an organization, whether it is to fight our wars overseas, whether it is to keep the Commonwealth safe, or providing safety and security in response to the storms that we do, without our Guardsmen.

I thank you so much for the resolution. I thank you so much for hosting us here on National Guard Day at the Capitol, and for keeping with that local hero theme, because we are full of local heroes. Our Guardsmen are members of your community. They live in your communities. They work and they raise their families in your communities. In the Guard, we do not all live on bases. We do not congregate like our active-duty counterparts. We are all residents of our local communities. When called, we rise and fall into action, whether called to do things here in the Commonwealth or to do things across the nation.

I would like to introduce a couple of those heroes who are with me today and recognize some of their service. I ask that when I call your name, you please stand.

Staff Sergeant Jacqueline Rettew, Harrisburg, Pennsylvania, serves at the Joint Force Headquarters at Fort Indiantown Gap. She served as a noncommissioned officer for personnel in the Joint Emergency Operation Center at Fort Indiantown Gap for last month's Winter Storm Stella, where we had approximately 900 Guardsmen in response to that great storm. It was actually the third all-time worst snowstorm in Pennsylvania a few days before spring. She was a key leader in our Joint Emergency Operation Center, so thank you, Jacqueline, for your service.

(Applause.)

Sergeant First Class Chad Dupstadt, Harrisburg, Pennsylvania, from the 28th Infantry Division. The administrative noncommissioned officer in charge of a nearly 100-member team from different services - Army, Air Force, and Marine service members - he led that team in Kosovo for approximately a year supporting Operation Joint Guardian. He returned home just before the holidays this year, but he is one of our most recent Kosovo veterans. Thank you for your service.

(Applause.)

Staff Sergeant Troy Lallemand, Hamburg, Pennsylvania, a heavy vehicle driver and National Guard Liaison Officer to PEMA. He also served in Operation Keystone Freeze, which was last month's Snowstorm Stella. He is also a veteran of the Presidential inauguration, and the 2016 Democratic National Convention. Thank you for your service.

(Applause.)

Staff Sergeant Laura Leer, Camp Hill, Pennsylvania, from the 213th Regional Support Group. She is a wheeled vehicle mechanic and logistics expert studying criminal justice at Shippensburg University. She has responded to multiple State active duty missions that include Hurricane Sandy, multiple winter storms, the Democratic National Convention, and the Pope's visit. Thank you for your great service.

(Applause.)

Staff Sergeant Jason Bacchus, Philadelphia, Pennsylvania, a member of the 111th Attack Wing. He is a services journeyman who deployed twice to Al Udeid Air Base in Qatar in support of Operation Iraqi Freedom and Operation Enduring Freedom. He also participated in the Pope's visit, the Democratic National Convention, and the Presidential inauguration. Thank you, Jason, for your service.

(Applause.)

Master Sergeant Jeremy Cameron, Butler, Pennsylvania. Jeremy is a security forces airman and current first sergeant with the 171st Air Refueling Wing out in Pittsburgh. He has an associate's degree in criminal justice, a bachelor's degree in history, and a master's degree in teaching. He has deployed to Iraq for Operation Iraqi Freedom, and supported missions for Hurricane Katrina and the Haiti earthquake. He has also participated in detainee moving operations out of Guantanamo Bay, Cuba. Thank you for your service.

(Applause.)

Sergeant First Class David Maser, Mechanicsburg, Pennsylvania, a Readiness NCO with the 28th Infantry Division and information technology specialist. He was deployed to Iraq for Operation Iraqi Freedom, to Louisiana for Hurricane Katrina, and within the Commonwealth for eleven different State active duty missions in his career. Thank you so much for your service.

(Applause.)

Lastly, Sergeant First Class Angelo Tartaglia, Allentown, Pennsylvania. He is a battalion logistics noncommissioned officer in charge with the 213th Regional Support Group. He has deployed to Afghanistan for Operation Enduring Freedom, to Iraq for Operation Iraqi Freedom, and has responded to multiple State active duty missions, including Hurricane Katrina, Hurricane Sandy, the G20 Summit, the Democratic National Convention, and the Papal visit. He has numerous Federal decorations, including the Bronze Star. Thank you so much for your service.

(Applause.)

Ladies and gentlemen, these are just a handful of our local heroes. I will tell you, our formation of nearly 20,000 is full of great Pennsylvanians just like those who I introduced today. I thank you so much for your support of our programs, for your support of the National Guard, the military in general, and for our veterans.

Please, if you have a chance, we have some booths set up in the East Wing Rotunda. I know many of you have already had a chance to stop by, but we have a number of other Guardsmen who are down there with some displays. We would certainly appreciate to hear from you and recognize your support as well. Thank you so much for the honor today of having the National Guard at the Capitol. We appreciate it.

(Applause.)

Senators KILLION, AUMENT, BAKER, BARTOLOTTA, BLAKE, BOSCOLA, BREWSTER, BROOKS, BROWNE, COSTA, DINNIMAN, FARNESE, FOLMER, FONTANA, GREENLEAF, HAYWOOD, HUGHES, MARTIN, McGARRIGLE, MENSCH, RAFFERTY, RESCHENTHALER, SABATINA, SCARNATI, SCAVELLO, SCHWANK, VOGEL, VULAKOVICH, WARD, WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution recognizing the month of May 2017 as "Blue Star Mothers of America Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator KILLION. Mr. President, it is my pleasure this morning to offer this resolution recognizing the month of May 2017 as "Blue Star Mothers of America Month" in Pennsylvania. This is especially fitting, given that we have our Pennsylvania Guardsmen with us today. The Blue Star Mothers organization was founded as a patriotic service organization on February 1, 1942, to unite mothers with sons or daughters in the United States Armed Forces. The work of the Blue Star Mothers includes providing support for active duty service personnel and families, promoting patriotism, and assisting various veterans organizations, including the American Gold Star Mothers.

GUESTS OF SENATOR THOMAS H. KILLION PRESENTED TO THE SENATE

Senator KILLION. Mr. President, today we have with us a number of representatives from the southeast chapter of the State who are visiting with us here in Harrisburg. They include Marian Moran, chapter president, Chapter 9, Philadelphia; and board members Jean Abdollahian, Diane Horan, and Cindy McCallum.

It is important for us to recognize this organization for their ongoing dedication, sacrifice, and hard work on behalf of the many active duty service personnel and their families. I am proud of the work they have been doing for over 75 years. Mr. President, our visitors are seated in the gallery today, and I ask that we extend our warm Senate welcome to these very, very special guests.

The PRESIDENT. Would our special Blue Star Mothers please rise so that we may welcome you to the Pennsylvania Senate. Thank you for all that you do.

(Applause.)

The PRESIDENT. Now, because you are here, we will pass this resolution right in your presence and you are going to help put it over the top.

And the question recurring,

Will the Senate adopt the resolution?

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

The PRESIDENT. The resolution is adopted unanimously for our Blue Star Mothers. Thank you.

(Applause.)

GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Mr. President, today is a bittersweet day. Today is Carl Henke's last day with the Senate after 31 years of service to our Commonwealth. For as long as I can remember, and for as long as I am sure many of you can remember, the Senate Chamber and our facilities have been overseen by Carl. Carl has served as a Senate facilities manager for the last 19 years. There he is right over there. He has exemplified what it means to be a public servant, and he can always be seen with a smile and willingness to help in any way that he can. It is not often that we quote wives around here, but as his wife, Denise, said, "After 40-plus years of marriage, I honestly cannot remember him being in a bad mood. It just does not happen. He never complains and always has a positive, patient, and can-do attitude. He is a people person and gets along with everybody. He is a wonderful father to our two sons, Kyle and Logan, and a wonderful husband."

Carl grew up in Marysville, Pennsylvania, and attended Susquenita High School. He started working when he was 11, running a newspaper delivery route, and then worked cutting grass, and helped with maintenance at what was the old Penn Harris Motor Inn, now the Radisson Hotel in Camp Hill. Carl became an apprentice with an electrical contractor and then worked as an electrician, and later as an electrical inspector at DGS for 12 years before coming to the Senate.

In his spare time, Carl enjoys biking, listening to music, walking, kayaking on the Yellow Breeches Creek, bird watching, fishing, and traveling - no wonder you have a smile on your face all of the time. Over the last several years, Carl has been a great participant in the Scarnati 100 Charity Bike Ride along with our lieutenant governors over the years. There is something about that bike ride because the first day is just about 50 miles, and the last mile of that bike ride is all hill. Carl is not the youngest guy on that bike ride, I can tell you, and Carl would always be found, after he got up the hill, usually before myself and many others, smiling and always sharing a few beers with everybody.

As he enters retirement, Carl and Denise's first order of business will be a trip to Spain and Italy next month. Carl, you have been a great friend to me and to many of us in this Chamber and you will be missed by all. We wish you nothing but happiness, good health, and fortune in your retirement. We will miss you and we love you. Thank you very much for your service.

(Applause.)

RECESS

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

Senator CORMAN. Mr. President, I request a recess of the Senate for purposes of a Republican caucus to be held in the Rules room in the back of the Chamber, followed by an off-the-floor meeting of the Committee on Community, Economic and Recreational Development.

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

Senator COSTA. Mr. President, before the meeting, Senate Democrats will meet in our caucus room for a brief caucus as well.

The PRESIDENT. For purposes of Republican and Democratic caucuses, followed by a meeting of the Committee on Community, Economic and Recreational Development, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 8 (Pr. No. 719) -- 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, extensively revising forfeiture provisions as follows: 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 and 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, providing for forfeiture of assets; in forfeitures, repealing provisions relating to controlled substances forfeiture, 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 and another act relating to certain forfeiture of property.

On the question,

Will the Senate agree to the bill on third consideration?

STREET AMENDMENT A0983 OFFERED

Senator STREET offered the following amendment No. A0983:

Amend Bill, page 1, lines 1 through 32; page 2, lines 1 through 11; by striking out all of said lines on said pages and inserting: 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 of possession of devices for theft of telecommunications services; in criminal homicide, further providing for drug delivery resulting in death; in loss of property rights relating to sexual offenses, further providing for general rule and repealing provisions relating to process and seizure, to custody of property and to disposal of property; in forgery and other fraudulent practices, further providing for the offenses of copying and recording devices and of 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; adding provisions relating to asset forfeiture in Judicial Code; in forfeitures, further providing for controlled substances forfeiture and for 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; and making repeals of provisions of the Liquor Code, the Tax Reform Code of 1971 and another act relating to certain forfeiture of property.

Amend Bill, page 2, lines 14 through 35; pages 3 through 70, lines 1 through 30; page 71, lines 1 through 16; by striking out all of said lines on said pages and inserting:

Section 1. Section 1518(f) of Title 4 of the Pennsylvania Consolidated Statutes is amended to read:
§ 1518. Prohibited acts; penalties.

(f) Property subject to seizure, confiscation, destruction or forfeiture.--Any equipment, device or apparatus, money, material, gaming proceeds or substituted proceeds or real or personal property used, obtained or received or any attempt to use, obtain or receive the device, apparatus, money, material, proceeds or real or personal property in violation of this part shall be subject to [seizure, confiscation, destruction or forfeiture] the provisions of 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

Section 2. Sections 910(c.1), 2506(f) and 3141 of Title 18 are amended to read:

§ 910. Manufacture, distribution, use or possession of devices for theft of telecommunications services.

(c.1) Forfeiture of unlawful telecommunication devices.--Upon conviction of a defendant under this section, the court may, in addition to any other sentence authorized by law, direct that the defendant forfeit any unlawful telecommunication devices in the defendant's possession or control which were involved in the violation for which the defendant was convicted. The forfeiture shall be conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

§ 2506. Drug delivery resulting in death.

(f) Forfeiture.--Assets against which [a forfeiture petition] an information or indictment seeking forfeiture has been filed and is pending or against which the Commonwealth has indicated an intention to file [a forfeiture petition] an information or indictment seeking a forfeiture shall not be subject to a fine. Nothing in this section shall prevent a fine from being imposed on assets which have been subject to an unsuccessful forfeiture [petition] proceeding.

§ 3141. General rule.

A person:

(1) convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or

(2) required to register with the Pennsylvania State Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders);

may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. [Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the person's criminal misconduct.] The forfeiture shall be conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

Section 3. Sections 3142, 3143 and 3144 of Title 18 are repealed:
[§ 3142. Process and seizure.

(a) Seizure.--Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property.

(b) Seizure without process.--Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.

(c) Return of property.--Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

§ 3143. Custody of property.

Property taken or detained under this subchapter is deemed to be the property of the law enforcement authority having custody thereof and is subject only to the court of common pleas having jurisdiction over the criminal or forfeiture proceedings, the district attorney in the matter or the Attorney General.

§ 3144. Disposal of property.

Property taken or detained pursuant to the provisions of this subchapter shall be sold in the manner of property forfeited under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net proceeds, as determined by the law enforcement authority having custody thereof, shall be utilized for investigation or prosecution of sexual offenses or donated to nonprofit charitable institutions which provide counseling and other assistance to victims of sexual offenses.]

Section 4. Sections 4116(1), 4119(f)(1) and (2)(I), 5513(b), 5707, 6314(f), 6501(b)(5) and (d), 7508(e) and 7707 of Title 18 are amended to read:

§ 4116. Copying; recording devices.

(I) Forfeiture.--

(1) No property right shall exist in any property used or intended for use in the commission of a violation of this section or in any proceeds traceable to a violation of this section, and the same shall be deemed contraband and forfeited in accordance with the provisions [set forth in section 6501(d) (relating to scattering rubbish)] of 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

[(2) Property and proceeds found in close proximity to illegally recorded devices shall be rebuttably presumed to be used or intended for use to facilitate a violation of this section.]

(3) The provisions of this subsection shall not, in any way, limit the right of the Commonwealth to exercise any rights or remedies otherwise provided by law.

§ 4119. Trademark counterfeiting.

(f) Seizure, forfeiture and disposition.--

(1) Any items bearing a counterfeit mark, any property constituting or derived from any proceeds obtained[, directly or indirectly,] as the result of an offense under this section and all personal property, including, but not limited to, any items, objects, tools, machines, equipment, instrumentalities or vehicles of any kind, used in connection with a violation of this section shall be seized by a law enforcement officer.

(2) (I) All seized personal property and property constituting or derived from any proceeds referenced in paragraph (1) shall be

forfeited in accordance with [the procedures set forth in section 6501(d) (relating to scattering rubbish)] 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

* * *

§ 5513. Gambling devices, gambling, etc.

* * *

(b) Confiscation of gambling devices.--Any gambling device possessed or used in violation of the provisions of subsection (a) of this section shall be seized and forfeited to the Commonwealth. [All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under the provisions of this section.] The forfeiture shall be conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

* * *

§ 5707. Seizure and forfeiture of electronic, mechanical or other devices.

Any electronic, mechanical or other device possessed, used, sent, distributed, manufactured, or assembled in violation of this chapter is hereby declared to be contraband and may be seized and forfeited to the Commonwealth in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

§ 6314. Sentencing and penalties for trafficking drugs to minors.

* * *

(f) Forfeiture.--Assets against which [a forfeiture petition] an information or indictment seeking forfeiture has been filed and is pending or against which the Commonwealth has indicated an intention to file [a forfeiture petition] an information of indictment seeking forfeiture shall not be subject to a fine under this section.

* * *

§ 6501. Scattering rubbish.

* * *

(b) Penalty.--

* * *

(5) Any vehicle, equipment or conveyance, including any private automobile and small truck, used for the transportation or disposal of trash, garbage or debris in the commission of a second or subsequent offense under subsection (a)(3) may be deemed contraband and forfeited in accordance with [the provisions set forth in this section] 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

* * *

[(d) Forfeiture.--

(1) Property subject to forfeiture under this section may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property.

(2) Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement authority subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney. When property is seized under this section, the law enforcement authority shall place the property under seal and either:

(i) remove the property to a place designated by it; or

(ii) require that the district attorney take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(3) Whenever property is forfeited under this section, the property shall be transferred to the custody of the municipal corporation. The municipal corporation shall sell any forfeited property, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be used for the enforcement of this act.

(4) The proceedings for the forfeiture or condemnation of property, the sale of which is provided for in this section, shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of common pleas of the judicial district where the property is located, verified by oath or affirmation of an officer or citizen, containing the following:

(i) A description of the property seized.

(ii) A statement of the time and place where seized.

(iii) The owner, if known.

(iv) The person or persons in possession, if known.

(v) An allegation that the property is subject to forfeiture

pursuant to this subsection and an averment of material facts upon which the forfeiture action is based.

(vi) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law, unless cause be shown to the contrary.

(5) A copy of the petition required under paragraph (4) shall be served personally or by certified mail on the owner or upon the person or persons in possession at the time of the seizure. The copy shall have endorsed a notice, as follows:

To the Claimant of within Described Property:

You are required to file an answer to this petition, setting forth your title in, and right to possession of, the property within 30 days from the service hereof, and you are also notified that, if you fail to file the answer, a decree of forfeiture and condemnation will be entered against the property.

The notice shall be signed by the district attorney, deputy district attorney or assistant district attorney.

(6) If the owner of the property is unknown or there was no person in possession of the property when seized or if the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property shall have been seized, once a week for two successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding. The notice shall contain a statement of the seizure of the property with a description of the property and the place and date of seizure and shall direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication. If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(7) For purposes of this section, the owner or other such person cannot be found in the jurisdiction of the court if:

(i) a copy of the petition is mailed to the last known address by certified mail and is returned without delivery;

(ii) personal service is attempted once but cannot be made at the last known address; and

(iii) a copy of the petition is left at the last known address.

(8) The notice provisions of this section are automatically waived when the owner, without good cause, fails to appear in court in response to a subpoena on the underlying criminal charges. Forty-five days after such a failure to appear, if good cause has not been demonstrated, the property shall summarily forfeit to the Commonwealth.

(9) Upon the filing of a claim for the property setting forth a right of possession, the case shall be deemed at issue and a time shall be fixed for the hearing.

(10) At the time of the hearing, if the Commonwealth produces evidence that the property in question was unlawfully used, possessed or otherwise subject to forfeiture under this section, the burden shall be upon the claimant to show:

(i) That the claimant is the owner of the property or the holder of a chattel mortgage or contract of conditional sale thereon.

(ii) That the claimant lawfully acquired the property.

(iii) That it was not unlawfully used or possessed by him.

In the event that it shall appear that the property was unlawfully used or possessed by a person other than the claimant, then the claimant shall show that the unlawful use or possession was without his knowledge or consent. Such absence of knowledge or consent must be reasonable under the circumstances presented.

(11) If a person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale presents a petition to the court alleging over the property lawful ownership, right of possession, a lien or reservation of title and if, upon public hearing, due notice of which having been given to the district attorney, the claimant shall prove by competent evidence to the satisfaction of the court that the property was lawfully acquired, possessed and used by him or, it appearing that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent, then the court may order the property returned or delivered to the claimant. Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, it shall be retained for official use

or sold in accordance with paragraph (4).]

§ 7508. Drug trafficking sentencing and penalties.

(e) Forfeiture.--Assets against which [a forfeiture petition] an information or indictment seeking forfeiture has been filed and is pending or against which the Commonwealth has indicated an intention to file [a forfeiture petition] an information or indictment seeking forfeiture shall not be subject to a fine. Nothing in this section shall prevent a fine from being imposed on assets which have been subject to an unsuccessful forfeiture [petition] proceeding.

§ 7707. Loss of property rights to Commonwealth.

[a] Forfeitures generally.--The following shall be subject to forfeiture to the Commonwealth, and no property right shall exist in them:

(1) Any tool, implement or instrumentality, including, but not limited to, a vehicle or vehicle part used or possessed in connection with any violation of this chapter.

(2) All materials, products and equipment of any kind which are used or intended for use in violation of this chapter.

(3) All books, records, microfilm, tapes and data which are used or intended for use in violation of this chapter.

(4) All money, negotiable instruments, securities or other things of value used or intended to be used to facilitate any violation of this chapter and all proceeds traceable to any transactions in violation of this chapter.

(5) All real property used or intended to be used to facilitate any violation of this chapter, including structures or other improvements thereon and including any right, title and interest in the whole or any lot or tract of land and any appurtenances or improvements which are used or intended to be used in any manner or part to commit or to facilitate the commission of a violation of this chapter.

(b) Exceptions.--

(1) No property shall be forfeited under this section, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge or consent of that owner.

(2) No valid lien or encumbrance on real property shall be subject to forfeiture or impairment under this paragraph. A lien which is fraudulent or intended to avoid forfeiture under this section shall be invalid.

(c) Process and seizure.--Property subject to forfeiture under this chapter may be seized by the law enforcement authority upon process issued by a court of common pleas having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search warrant or inspection under 75 Pa.C.S. § 6308 (relating to investigation by police officers) or any other administrative inspection;

(2) the property subject to seizure has been the subject of a proper judgment in favor of the Commonwealth in a criminal injunction or forfeiture proceeding under this chapter;

(3) there is probable cause to believe that the property is dangerous to health or safety; or

(4) there is probable cause to believe that the property has been used or is intended to be used in violation of this chapter.

(d) Seizure without process.--In the event seizure without process occurs as provided in this chapter, proceeding for the issuance thereof shall be instituted forthwith.

(e) Custody of property.--Property taken or detained under this section shall not be subject to replevin but is deemed to be in the custody of the law enforcement authority, subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney or the Office of Attorney General. When property is seized under this chapter, the law enforcement authority shall place the property under seal and either:

(1) remove the property to a place designated by it; or

(2) require that the district attorney or the Office of Attorney General take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(f) Use of property held in custody.--

(1) Whenever property is forfeited under this chapter, the property shall be transferred to:

(I) the custody of the district attorney, if the law enforcement authority seizing the property has local or county jurisdiction; or

(ii) the Office of Attorney General, if the law enforcement authority seizing the property has Statewide jurisdiction.

(2) The district attorney or the Office of Attorney General, where appropriate, may:

(I) Retain the property for official use.

(ii) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale must be used to pay all proper expenses of the proceeding for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be dealt with in accordance with subsections (g) and (h).

(g) Use of cash, property or proceeds of property.--Cash or proceeds of forfeited property transferred to the custody of the district attorney under subsection (f) shall be placed in the operating fund of the county in which the district attorney is elected. The appropriate county authority shall immediately release from the operating fund, without restriction, a like amount for the use of the district attorney in enforcing the criminal laws of this Commonwealth. The entity having budgetary control shall not anticipate future forfeitures or proceeds from such forfeitures in adoption and approval of the budget for the district attorney.

(h) Distribution of property among law enforcement authorities.--If both State and municipal law enforcement authorities were substantially involved in effecting the seizure, the court having jurisdiction over the forfeiture proceedings shall equitably distribute the property between the district attorney and the Office of Attorney General.

(I) Annual audit of forfeited property.--A county shall provide, through the controller, board of auditors or other appropriate auditor and the district attorney, an annual audit of all forfeited property and proceeds obtained under this section. The audit shall not be made public but shall be submitted to the Office of Attorney General. The county shall report all forfeited property and proceeds obtained under this section and the disposition thereof to the Office of Attorney General by September 30 of each year.

(j) Annual report; confidential information regarding property.--The Office of Attorney General shall annually submit a report to the Appropriations Committee of the Senate, the Appropriations Committee of the House of Representatives, the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives specifying the forfeited property or proceeds thereof obtained under this section. The report shall give an account of all proceeds derived from the sale of forfeited property and the use made of unsold forfeited property. The Office of Attorney General shall adopt procedures and guidelines governing the release of information by the district attorney to protect the confidentiality of forfeited property or proceeds used in ongoing enforcement activities.

(k) Proceeds and appropriations.--The proceeds or future proceeds from forfeited property under this chapter shall be in addition to any appropriation made to the Office of Attorney General.] Forfeiture of property shall be authorized for violation of this chapter and conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

Section 5. Section 7708 of Title 18 is repealed:

[§ 7708. Procedure with respect to seized property subject to liens and rights of lienholders.

(a) General procedure.--The proceedings for the forfeiture or condemnation of property, the sale of which is provided for under this chapter, shall be in rem in which the Commonwealth shall be the plaintiff and the property the defendant. The Pennsylvania Rules of Civil Procedure shall apply to all forfeiture proceedings brought under this chapter. A petition shall be filed in the court of common pleas of the judicial district where the property is located, verified by oath or affirmation of an officer or citizen, containing the following:

(1) A description of the property seized.

(2) A statement of the time and place where seized.

(3) The owner, if known.

(4) The person or persons in possession, if known.

(5) An allegation that the property is subject to forfeiture under section 7707 (relating to loss of property rights to Commonwealth) and an averment of material facts upon which the forfeiture action is based.

(6) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law unless cause be shown to the contrary.

(b) Notice to property owners.--A copy of the petition required

under subsection (a) shall be served personally or by certified mail on the owner or upon the person or persons in possession at the time of the seizure. The copy shall have endorsed a notice as follows:

To the claimant of within described property: You are required to file an answer to this petition, stating your title in and right to possession of the property within 30 days from the service of this petition, and you are also notified that, if you fail to file an answer, a decree of forfeiture and condemnation will be entered against the property.

The notice shall be signed by the Attorney General, Deputy Attorney General, district attorney, deputy district attorney or assistant district attorney.

(c) Substitute notice.--

(1) If the owner of the property is unknown or there was no person in possession of the property when seized or if the owner or such person or persons in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be given by the Commonwealth through an advertisement in only one newspaper of general circulation published in the county where the property was seized once a week for two successive weeks. No other advertisement of any sort shall be necessary, any other law to the contrary notwithstanding.

(2) The notice shall:

(I) contain a statement of the seizure of the property with a description of the property and the place and date of seizure; and

(ii) direct any claimants to the property to file a claim on or before a date given in the notice, which date shall not be less than 30 days from the date of the first publication.

(3) If no claims are filed within 30 days of publication, the property shall summarily forfeit to the Commonwealth.

(d) Property owners not in jurisdiction.--For purposes of this section, the owner or other such person cannot be found in the jurisdiction of the court if:

(1) A copy of the petition is mailed to the last known address by certified mail and is returned without a delivery.

(2) A personal service is attempted once but cannot be made at the last known address.

(3) A copy of the petition is left at the last known address.

(e) Notice automatically waived.--

(1) The notice provisions of this section are automatically waived when the owner, without good cause, fails to appear in court in response to a subpoena on the underlying criminal charges.

(2) Forty-five days after such a failure to appear, if good cause has not been demonstrated, the property shall summarily forfeit to the Commonwealth.

(f) Preservation of the property subject for forfeiture.--

(1) Upon application of the Commonwealth, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to preserve the availability of property described in section 7707 for forfeiture under this section either:

(I) upon the filing of an information or an indictment charging a violation of this chapter for which criminal forfeiture may be ordered under this chapter and alleging that the property with respect to which the order is sought would be subject to forfeiture; or

(ii) prior to the filing of such an indictment or information if, after notice to persons appearing to have an interest in the property and an opportunity for a hearing, the court determines that:

(A) There is a substantial probability that the Commonwealth will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court or otherwise made unavailable for forfeiture.

(B) The need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

(2) An order entered under this subsection shall be effective for not more than 90 days unless extended by the court for good cause shown or unless an indictment or information described in paragraph (1)(I) has been filed.

(g) Temporary restraining order.--

(1) A temporary restraining order under subsection (f) may be entered upon application of the Commonwealth without notice or opportunity for a hearing when an information or indictment has not yet been filed with respect to the property if the Commonwealth demonstrates that:

(I) there is probable cause to believe that the property with respect to which the order is sought would be subject to forfeiture under this chapter; and

(ii) the provision of notice will jeopardize the availability of the property for forfeiture.

(2) Such temporary order shall expire not more than ten days after the date on which it is entered, unless:

(I) extended for good cause shown; or

(ii) the party against whom it is entered consents to an extension for a longer period.

(3) A hearing requested concerning an order entered under this subsection shall be held at the earliest possible time and prior to the expiration of the temporary order.

(h) Hearing regarding property; rules of evidence.--The court may receive and consider at a hearing held under subsection (f) or (g) evidence and information that would be inadmissible under the rules of evidence.

(I) Hearing time set.--Upon the filing of a claim for the property setting forth a right of possession, the case shall be deemed at issue, and a time shall be fixed for the hearing.

(j) Owner's burden of proof.--At the time of the hearing, if the Commonwealth produces evidence that the property in question was unlawfully used, possessed or otherwise subject to forfeiture under section 7706 (relating to presumptions), the burden shall be upon the claimant to show that:

(1) The claimant is the owner of the property or the holder of a chattel mortgage or contract of conditional sale thereon.

(2) The claimant lawfully acquired the property.

(3) It was not unlawfully used or possessed by the claimant.

In the event that it shall appear that the property was unlawfully used or possessed by a person other than the claimant, then the claimant must show that the unlawful use or possession was without the claimant's knowledge or consent. Such absence of knowledge or consent must be reasonable under the circumstances presented.

(k) Court-ordered release of property.--

(1) If a person claiming the ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale presents a petition to the court alleging over the property lawful ownership, right of possession, a lien or reservation of title and if, upon public hearing, due notice of which having been given to the Office of Attorney General or the district attorney, the claimant proves by competent evidence to the satisfaction of the court:

(I) that the property was lawfully acquired, possessed and used by him; or

(ii) if it appears that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent,

then the court may order the property returned or delivered to the claimant.

(2) Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, the property shall be retained for official use or sold in accordance with section 7707(f).]

Section 6. Section 927 of Title 30 is amended to read:

§ 927. Forfeiture of fish and devices.

(a) General rule.--A person convicted of an offense under this title shall forfeit any fish seized under section 901(6) (relating to powers and duties of waterways patrolmen and deputies) and any device confiscated under this title. Forfeitures shall be conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

[(b) Disposition of confiscated property.--Any property confiscated by the commission under this title shall be sold or otherwise disposed of by the executive director. These dispositions shall be recorded on the books of the commission.]

Section 7. Title 42 is amended by adding a chapter to read:

CHAPTER 58

ASSET FORFEITURE

Sec.

5801. Scope of criminal asset forfeiture.

5802. Criminal asset forfeiture in general.

5803. Process for criminal asset forfeiture.

5804. Process for third-party interest holders.

5805. Interaction with the Federal Government.

§ 5801. Scope of criminal asset forfeiture.

(a) Certain forfeitures exempted.--Forfeitures of property shall be conducted in accordance with this chapter, except for forfeitures authorized by:

(1) Section 3 of the act of July 8, 1978 (P.L.792, No.140), known as the Public Employee Pension Forfeiture Act.

(2) Section 6 of the act of April 6, 1980 (P.L.102, No.39), entitled "An act restricting the acquisition by certain aliens of an interest in agricultural lands."

(3) Sections 207, 211 and 505-A of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law.

(4) 18 Pa.C.S. § 3021 (relating to asset forfeiture).

(5) 18 Pa.C.S. § 5511 (relating to cruelty to animals).

(6) 18 Pa.C.S. § 6110.1 (relating to possession of firearm by minor).

(7) 18 Pa.C.S. § 6321 (relating to transmission of sexually explicit images by minor).

(8) 27 Pa.C.S. § 6208 (relating to penalties).

(9) 37 Pa.C.S. § 511 (relating to criminal penalties).

(10) 42 Pa.C.S. § 6801.1 (relating to terrorism forfeiture).

(11) 75 Pa.C.S. § 9405 (relating to forfeitures; process and procedures).

(b) Contraband per se exempted.--Nothing in this chapter shall be construed to apply to the forfeiture of contraband per se, the possession of which is inherently unlawful. Such forfeiture includes, but is not limited to, forfeiture of the following:

(1) Items bearing a counterfeit mark under 18 Pa.C.S. § 4119 (relating to trademark counterfeiting).

(2) Liquor, alcohol or malt or brewed beverages illegally manufactured or possessed under section 601 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(3) Unlawfully stamped cigarettes under section 307 of the act of December 30, 2003 (P.L.441, No.64), known as the Tobacco Product Manufacturer Directory Act.

(4) Unstamped cigarettes under section 1285 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(c) Conflicting law superseded.--The procedures in this chapter shall supersede any conflicting provisions of other State laws.

(d) Preemption.--This chapter preempts any local ordinance or regulation insofar as it is inconsistent with this chapter, irrespective of the effective date of the ordinance or regulation.

§ 5802. Criminal asset forfeiture in general.

(a) Criminal in form.--Unless otherwise provided, forfeitures under this chapter are criminal.

(b) Forfeiture disfavored.--Forfeitures are not favored under State law and any ambiguity in this chapter shall be strictly construed against the Commonwealth.

(c) Forfeitures generally.--

(1) After a person is convicted of an offense for which forfeiture is expressly authorized as a penalty, the following shall be subject to forfeiture to the Commonwealth and no property right shall exist in them:

(I) The convicted person's property constituting or derived from any proceeds obtained directly from the commission of the offense.

(ii) The convicted person's property that:

(A) Was used or intended to be used to commit or facilitate the commission of the offense.

(B) Bears a significant relationship to the offense.

(2) No additional penalties, including, but not limited to, personal money judgments, shall be authorized under this chapter except as provided by section 5803(k) (relating to process for criminal asset forfeiture). Any restitution made to a victim using property forfeited under this chapter shall serve to satisfy in part or in whole any restitution order against the convicted person.

(3) Nothing in this section shall be construed to prevent property from being forfeited by the terms of a plea agreement approved by a court or of any other agreement of the parties to a criminal proceeding. Forfeiture by agreement shall be subject to the requirements of section 5804 (relating to process for third-party interest holders).

(d) Claims for damage, loss or impermissible sale of property.--After a finding under this chapter that seized property is not subject to forfeiture, the property owner may bring a claim against the law enforcement authority that had custody of the property and lost, damaged

or impermissibly sold it.

(e) Use of property held in custody.--

(1) Whenever property is forfeited under this chapter and after all ancillary proceedings under section 5804 are concluded, the property shall be transferred to the custody of the district attorney, if the law enforcement authority seizing the property has local or county jurisdiction, or the Attorney General, if the law enforcement authority seizing the property has Statewide jurisdiction.

(2) The district attorney or the Attorney General, as applicable, shall sell any forfeited property that is not required to be destroyed by law and is not harmful to the public.

(3) Sale of forfeited property to an employee of the district attorney or Attorney General, a person related to an employee by blood or marriage or another law enforcement authority is prohibited.

(4) The proceeds from sale shall be used to pay all reasonable expenses related to the maintenance of custody and sale of such property. The balance of the proceeds shall be subject to subsection (f).

(f) Use of cash or proceeds or property.--Cash or proceeds of forfeited property transferred under subsection (e) shall be distributed in the following order:

(1) To satisfy any restitution orders for victims of the underlying offense.

(2) To pay any liabilities owed by the Commonwealth to defendants or claimants who substantially prevail under subsection (l).

(3) Either:

(I) if, in the custody of the Attorney General, to the Department of Revenue for deposit into the General Fund; or

(ii) if, in the custody of the district attorney, to the operating fund of the county in which the district attorney is elected.

(g) Distribution of property among law enforcement authorities.--If both municipal and State law enforcement authorities were substantially involved in effecting the seizure, the court having jurisdiction over the forfeiture proceedings shall equitably distribute the property between the district attorney and the Attorney General who shall dispose of the property in accordance with subsections (e) and (f).

(h) Annual audit of forfeited property.--A county of this Commonwealth shall provide, through the controller, board of auditors or other appropriate auditor and the district attorney, an annual audit of all forfeited property and proceeds obtained under this section and the disposition thereof, as well as of all fees awarded under subsection (l). The audit shall be submitted to the Office of Attorney General by September 30 of each year.

(I) Annual report.--The Attorney General shall annually submit a report to the Appropriations Committee and Judiciary Committee of the Senate and the Appropriations Committee and Judiciary Committee of the House of Representatives describing the forfeited property or proceeds thereof obtained under this section, as well as the fees awarded under subsection (l). The report shall include an accounting of all proceeds derived from the sale of forfeited property.

(j) Public access.--All accounting and audit records generated under subsections (h) and (I) shall be subject to the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(k) Taxpayer standing.--A taxpayer of this Commonwealth has standing to challenge in court any action contrary to subsection (e), (f), (g), (h), (I) or (j).

(l) Fee shifting.--In any forfeiture proceeding under this chapter in which the defendant or claimant substantially prevails, the Commonwealth shall be liable for:

(1) Reasonable attorney fees and other litigation costs reasonably incurred by the defendant or claimant.

(2) Postjudgment interest.

(3) In cases involving currency or other negotiable instruments:

(I) Interest actually paid to the Commonwealth, from the date of seizure or arrest of the property, that results from the investment of the property in an interest-bearing account or instrument.

(ii) An imputed amount of interest that the currency, instruments or proceeds would have earned at the rate applicable to the 30-day Treasury Bill, for any period during which no interest was paid, not including any period when the property reasonably was in use as evidence in an official proceeding or in conducting scientific tests for the purpose of collecting evidence, commencing 15 days after the property was seized by a State law enforcement authority or was turned over to a State law enforcement authority by a Federal law enforcement author-

ity.

§ 5803. Process for criminal asset forfeiture.

(a) Seizure.--

(1) Property subject to forfeiture under this chapter may be seized by a law enforcement authority upon process issued by any court of common pleas having jurisdiction.

(2) Seizure without process may be made if:

(I) the seizure is incident to an arrest or a search under a search warrant or inspection under an administrative inspection warrant and there is probable cause to believe that the property is subject to forfeiture under section 5802(c)(1) (relating to criminal asset forfeiture in general);

(ii) the property subject to seizure has been the subject of a prior judgment in favor of the Commonwealth in a criminal injunction or forfeiture proceeding under this chapter; or

(iii) there is probable cause to believe that the property is subject to forfeiture under section 5802(c)(1) and process or delay is likely to result in the destruction or removal of the property or in its otherwise being made unavailable for forfeiture.

(b) Seizure of real property.--Absent exigent circumstances, no real property subject to forfeiture shall be seized unless the Commonwealth first provides property owners and occupants with notice and an opportunity for a hearing. The hearing shall be conducted in accordance with subsections (d) and (e).

(c) Receipt for seized property.--When property is seized, the law enforcement authority shall provide an itemized receipt to the person in possession of the property or, in the absence of any person, leave a receipt in the place where the property was found, if reasonably possible. The receipt shall provide notice of the right of interest holders to move for the return of seized property under subsections (d) and (e).

(d) Pretrial motion for return of seized property.--When property has been seized for forfeiture and the defendant or another putative interest holder in the property files a pretrial motion for its return, the property shall promptly be returned unless the Commonwealth proves that there is probable cause that the property is subject to forfeiture.

(e) Hardship release of property subject to forfeiture.--When the defendant or another putative interest holder in the property files a motion for the hardship release of property, the court shall order the release of seized property from the seizing law enforcement authority pending the final determination of forfeiture, if the putative interest holder establishes by a preponderance of the evidence that:

(1) The putative interest holder has a possessory interest in the property.

(2) Continued possession by the law enforcement authority pending the final disposition of the forfeiture proceedings will cause substantial hardship to the interest holder, such as:

(I) preventing the functioning of a legitimate business;

(ii) preventing an individual from working;

(iii) preventing a minor child or student from attending school;

(iv) preventing or hindering an individual from receiving necessary medical care;

(v) hindering the care of an elderly or disabled dependent child or adult;

(vi) leaving an individual homeless; or

(vii) any other condition that the court determines causes a substantial hardship.

(3) The hardship from the continued possession by the law enforcement authority of the seized property outweighs the risk that the property will be unlawfully used, destroyed or removed from the jurisdiction of the court or otherwise made unavailable for forfeiture if it is returned to the owner during the pendency of the proceeding.

(f) Initiation of forfeiture.--

(1) The proceedings for forfeiture of property shall be tried in the same proceeding as the criminal case concerning the determination of the defendant's guilt or innocence for the underlying offense, unless the defendant moves to bifurcate the trial of the forfeiture from the trial of the underlying criminal case.

(2) An information or an indictment charging the defendant with an offense shall include notice to the defendant that the Commonwealth will seek forfeiture as part of any sentence. The notice shall include:

(I) An itemized list of the specific property subject to forfeiture, including, but not limited to, the address of any real property, the exact dollar amount of any money, negotiable instrument or security

and the make, model, year and license plate number of any vehicle.

(ii) A statement of the time and place of the offense.

(iii) A description of the particular use of the property in the commission of the offense or derivation therefrom.

(g) Forfeiture phase of criminal proceeding.--After a person is convicted on any count in an indictment or information for which forfeiture is sought, the Commonwealth must establish at a forfeiture hearing by clear and convincing evidence that the property is forfeitable under section 5802(c)(1) before the court enters a preliminary order of forfeiture.

(h) Extent of forfeitable interest.--If the court determines it is in the interests of judicial economy, the court or jury may determine the extent of the convicted person's forfeitable interest in the property before a preliminary order of forfeiture is entered. The determination shall be subject to amendments under section 5804 (relating to process for third-party interest holders).

(I) Right to trial by jury.--

(1) At the forfeiture hearing, the defendant shall have the right to trial by jury of the forfeiture.

(2) The defendant may waive this right while preserving the right to trial by jury of the offense charged or other sentencing issues.

(3) Alternatively, the defendant may preserve this right while waiving the right to trial by jury of the offense charged or other sentencing issues.

(j) Excessive fines.--

(1) In order to enter a preliminary order of forfeiture under section 5802(c)(1)(ii), the court must make a determination that the forfeiture is not grossly disproportional to the gravity of the underlying offense.

(2) The Commonwealth shall have the burden of establishing proportionality by clear and convincing evidence.

(3) The value of property forfeited shall be determined by considering, among other factors:

(I) Its market value.

(ii) Its subjective value to the defendant and the defendant's family members.

(4) The gravity of the offense shall be determined by considering, among other factors:

(I) The penalty imposed as compared to the maximum penalty available for the offense upon which the forfeiture is based.

(ii) Whether the offense was isolated or part of a pattern of criminal conduct.

(iii) The specific harm resulting from the offense upon which the forfeiture is based.

(k) Forfeiture of substitute property.--

(1) After entering a preliminary order of forfeiture, the court may order the forfeiture of substitute property up to the value of the property subject to the order, if the Commonwealth establishes by clear and convincing evidence that:

(I) The convicted person intentionally transferred, sold or deposited the property to avoid the court's jurisdiction.

(ii) The substitute property is owned solely by the convicted person.

(2) No codefendant shall be subject to joint and several liability for forfeiture judgments owed by other defendants under this subsection.

§ 5804. Process for third-party interest holders.

(a) Notice to third parties.--After the court enters a preliminary order of forfeiture, the Commonwealth shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in an ancillary proceeding under subsection (I). Potential claimants include, but are not limited to:

(1) Partial or joint owners of the property subject to the preliminary order of forfeiture.

(2) Holders of a bona fide security interest in the property subject to the preliminary order of forfeiture.

(3) Bona fide purchasers for value of the property subject to the preliminary order of forfeiture.

(4) Obligees of court-ordered child support from the convicted person.

(5) Claimants of employment-related compensation from the convicted person.

(b) Contents of notice.--Notice shall include:

(1) A description of the specific property subject to the prelim-

inary order of forfeiture, including, but not limited to, the address of any real property, the exact dollar amount of any money, negotiable instrument or securities and the make, model, year and license plate number of any vehicle.

(2) A statement that either:

(i) a petition contesting forfeiture must be filed within 60 days of the date of receipt of certified mail or personal service; or

(ii) in the case the service fails, a petition contesting forfeiture must be filed within 60 days of the date of final publication of substitute notice.

(3) A statement describing the required contents of a petition contesting forfeiture as set forth in subsection (h).

(4) The name and contact information for the Commonwealth attorney to be served with the petition.

(5) The signature of the Attorney General, Deputy Attorney General, district attorney, deputy district attorney or assistant district attorney.

(c) Means of serving notice.--Notice shall be served personally or by certified mail on the potential claimant.

(d) Substitute notice.--If a potential claimant cannot be personally served or located within the jurisdiction of the court, notice of the petition shall be provided by the Commonwealth through an advertisement reasonably calculated to provide notice to the potential claimant:

(1) in a newspaper of general circulation published in the county where the property was seized, once a week for two successive weeks; and

(2) on the publicly accessible Internet website of the prosecuting attorney for a period of two weeks.

(e) Potential claimants not in jurisdiction.--For purposes of this section, it shall be deemed that a potential claimant cannot be located in the jurisdiction of the court if:

(1) A copy of the petition is mailed to the potential claimant's last known address by certified mail and is returned without delivery.

(2) Personal service is attempted once but cannot be made at the last known address.

(3) A copy of the petition is left at the last known address.

(f) Proof of notice.--The Commonwealth shall file proof of notice with the court. No forfeiture order shall be final until the court finds that such proof satisfies the notice requirements under subsections (a), (b), (c), (d) and (e).

(g) Petitioning for hearing.--A person, other than the defendant, asserting a legal interest in property subject to a preliminary order of forfeiture under section 5803(g) (relating to process for criminal asset forfeiture) may, within 60 days of the date of receipt of certified mail or personal service or, in the case such service fails, the date of final publication of substitute notice, petition the court for a hearing to adjudicate the validity of the person's alleged interest in the property.

(h) Contents of third-party claimant petition.--The petition shall:

(1) Be signed by the petitioner under penalty of perjury.

(2) Describe the nature and extent of the petitioner's right, title or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title or interest in the property and any additional facts supporting the petitioner's claim.

(3) Identify the relief sought, which may include, but need not be limited to:

(i) Return of the petitioner's property.

(ii) Reimbursement for the petitioner's legal interest in the forfeited property.

(iii) Severance of the petitioner's property from the forfeited property.

(iv) Retention of the property by the petitioner subject to a lien in favor of the State to the extent of the forfeitable interest.

(v) Any relief the court deems appropriate and just.

(I) Ancillary proceeding in general.--

(1) If a third party claimant timely files a petition asserting a legal interest in property to be forfeited, the court shall conduct an ancillary proceeding, no later than four months after entry of the preliminary order of forfeiture. The hearing shall be a civil proceeding and the petitioner shall have a right to a jury trial.

(2) The hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within 30 days of the filing of the petition. The court may consolidate the hearing on the petition with a hearing on any other petition filed under this subsection related to the same underlying offense.

(3) At the hearing, the petitioner may testify and present evidence and witnesses on the petitioner's own behalf, and cross-examine witnesses who appear at the hearing. The Commonwealth may present evidence and witnesses in rebuttal and in defense of its claim to forfeit the property and may cross-examine witnesses who appear at the hearing. In addition to testimony and evidence presented at the hearing, the court shall consider any relevant portions of the record of the criminal case that resulted in the order of forfeiture.

(4) If, after the hearing, the court determines that the petitioner has established by a preponderance of the evidence that:

(i) the petitioner has a legal right, title or interest in the property and such right, title or interest renders the preliminary order of forfeiture invalid in whole or in part because the right, title or interest was vested in the petitioner rather than the defendant or was superior to any right, title or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this chapter; or

(ii) the petitioner is a bona fide purchaser for value of the right, title or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section.

The court shall amend the order of forfeiture in accordance with its determination.

(j) Entering a final order.--

(1) When the ancillary proceeding ends, the court shall enter a final order of forfeiture by amending the preliminary order as necessary to account for any third-party rights or interests.

(2) If no third party files a timely petition, the preliminary order shall become the final order of forfeiture.

§ 5805. Interaction with the Federal Government.

(a) Prohibition on adoptive seizures.--State law enforcement authorities shall not refer seized property to a Federal agency seeking the adoption by the Federal agency of the seized property. Nothing in this chapter shall be construed to prohibit the Federal Government, or any of its agencies, from seeking Federal forfeiture.

(b) Sharing of seized property.--All property, money or other things of value received by a State law enforcement authority under Federal law which authorizes the sharing or transfer of all or a portion of forfeited property or the proceeds of the sale of forfeited property to a State law enforcement authority shall be promptly transferred, sold and deposited as set forth in section 5803(e), (f), (g), (h) and (I) (relating to process for criminal asset forfeiture), if Federal law prohibits compliance with section 5803(e), (f), (g), (h) and (I), State law enforcement authorities shall not seek forfeited property or proceeds of the sale of forfeited property shared or transferred under Federal law.

(c) Civil and criminal liability.--Any law enforcement authority that violates subsection (a) is civilly liable to the State for three times the amount of the forfeiture diverted and for costs of suit and reasonable attorney fees. Any damages awarded to the State shall be paid to the State Treasury to the credit of the General Fund. Any agent, including a State law enforcement officer who is detached to, deputized or commissioned by, or working in conjunction with a Federal law enforcement authority, who knowingly transfers or otherwise trades seized property in violation of subsection (a) or who receives property, money or other things of value under subsection (b) and knowingly fails to transfer such property in accordance with that subsection is guilty of a misdemeanor of the second degree.

Section 8. Sections 6801 and 6802(a), (f), (j) and (k) of Title 42 are amended to read:

§ 6801. Controlled substances forfeiture.

(a) Forfeitures generally.--The following shall be subject to forfeiture to the Commonwealth and no property right shall exist in them:

(1) All drug paraphernalia, controlled substances or other drugs which have been manufactured, distributed, dispensed or acquired in violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(2) All raw materials, products and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing or exporting any controlled substance or other drug in violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2).

(4) All conveyances, including aircraft, vehicles or vessels,

which are used or are intended for use to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of, property described in paragraph (1) or (2), except that:

(I) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to a violation of The Controlled Substance, Drug, Device and Cosmetic Act;

(ii) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent, which absence of knowledge or consent must be reasonable under the circumstances presented;

(iii) no bona fide security interest retained or acquired under 13 Pa.C.S. (relating to commercial code) by any merchant dealing in new or used aircraft, vehicles or vessels, or retained or acquired by any licensed or regulated finance company, bank or lending institution, or by any other business regularly engaged in the financing of, or lending on the security of, such aircraft, vehicles or vessels, shall be subject to forfeiture or impairment; and

(iv) no conveyance shall be forfeited under this section for violation of section 13(a)(31) of The Controlled Substance, Drug, Device and Cosmetic Act.

(5) All books, records and research, including formulas, microfilm, tapes and data, which are used or intended for use in violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(6) (I) All of the following:

(A) Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of The Controlled Substance, Drug, Device and Cosmetic Act, and all proceeds traceable to such an exchange.

(B) Money, negotiable instruments, securities or other things of value used or intended to be used to facilitate any violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(C) Real property used or intended to be used to facilitate any violation of The Controlled Substance, Drug, Device and Cosmetic Act, including structures or other improvements thereon, and including any right, title and interest in the whole or any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of The Controlled Substance, Drug, Device and Cosmetic Act, and things growing on, affixed to and found in the land.

(ii) No property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the knowledge or consent of that owner. Such money and negotiable instruments found in close proximity to controlled substances possessed in violation of The Controlled Substance, Drug, Device and Cosmetic Act shall be rebuttably presumed to be proceeds derived from the selling of a controlled substance in violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(iii) No valid lien or encumbrance on real property shall be subject to forfeiture or impairment under this paragraph. A lien which is fraudulent or intended to avoid forfeiture under this section shall be invalid.

(7) Any firearms, including, but not limited to, rifles, shotguns, pistols, revolvers, machine guns, zip guns or any type of prohibited offensive weapon, as that term is defined in 18 Pa.C.S. (relating to crimes and offenses), which are used or intended for use to facilitate a violation of The Controlled Substance, Drug, Device and Cosmetic Act. Such operable firearms as are found in close proximity to illegally possessed controlled substances shall be rebuttably presumed to be used or intended for use to facilitate a violation of The Controlled Substance, Drug, Device and Cosmetic Act. All weapons forfeited under this section shall be immediately destroyed by the receiving law enforcement agency.

(b) Process and seizure.--Property subject to forfeiture under this chapter may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property. Seizure without process may be made if:

(1) the seizure is incident to an arrest or a search under a search warrant or inspection under an administrative inspection warrant;

(2) the property subject to seizure has been the subject of a prior judgment in favor of the Commonwealth in a criminal injunction or forfeiture proceeding under this chapter;

(3) there is probable cause to believe that the property is dangerous to health or safety; or

(4) there is probable cause to believe that the property has been used or is intended to be used in violation of The Controlled Substance, Drug, Device and Cosmetic Act.

(c) Seizure without process.--In the event seizure without process occurs, as provided herein, proceedings for the issuance thereof shall be instituted forthwith.

(d) Custody of property.--Property taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the law enforcement authority subject only to the orders and decrees of the court of common pleas having jurisdiction over the forfeiture proceedings and of the district attorney or the Attorney General. When property is seized under this chapter, the law enforcement authority shall place the property under seal and either:

(1) remove the property to a place designated by it; or

(2) require that the district attorney or Attorney General take custody of the property and remove it to an appropriate location for disposition in accordance with law.

(e) Use of property held in custody.--Whenever property is forfeited under this chapter, the property shall be transferred to the custody of the district attorney, if the law enforcement authority seizing the property has local or county jurisdiction, or the Attorney General, if the law enforcement authority seizing the property has Statewide jurisdiction. The district attorney or the Attorney General, where appropriate, may:

(1) Retain the property for official use.

(2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, but the proceeds from any such sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be dealt with in accordance with subsections (f) and (g).

(f) Use of cash or proceeds of property.--Cash or proceeds of forfeited property transferred to the custody of the district attorney pursuant to subsection (e) shall be placed in the operating fund of the county in which the district attorney is elected. The appropriate county authority shall immediately release from the operating fund, without restriction, a like amount for the use of the district attorney enforcing the provisions of The Controlled Substance, Drug, Device and Cosmetic Act. The entity having budgetary control shall not anticipate future forfeitures or proceeds therefrom in adoption and approval of the budget for the district attorney.

(g) Distribution of property among law enforcement authorities.--If both municipal and State law enforcement authorities were substantially involved in effecting the seizure, the court having jurisdiction over the forfeiture proceedings shall equitably distribute the property between the district attorney and the Attorney General.

(h) Authorization to utilize property.--The district attorney and the Attorney General shall utilize forfeited property or proceeds thereof for the purpose of enforcing the provisions of The Controlled Substance, Drug, Device and Cosmetic Act. In appropriate cases, the district attorney and the Attorney General may designate proceeds from forfeited property to be utilized by community-based drug and crime-fighting programs and for relocation and protection of witnesses in criminal cases.

(I) Annual audit of forfeited property.--It shall be the responsibility of every county in this Commonwealth to provide, through the controller, board of auditors or other appropriate auditor and the district attorney, an annual audit of all forfeited property and proceeds obtained under this section. The audit shall not be made public but shall be submitted to the Office of Attorney General. The county shall report all forfeited property and proceeds obtained under this section and the disposition thereof to the Attorney General by September 30 of each year.

(j) Annual report; confidential information regarding property.--The Attorney General shall annually submit a report, to the Appropriations and Judiciary Committees of the Senate and to the Appropriations and Judiciary Committees of the House of Representatives, specifying the forfeited property or proceeds thereof obtained under this section. The report shall give an accounting of all proceeds derived from the

sale of forfeited property and the use made of unsold forfeited property. The Attorney General shall adopt procedures and guidelines governing the release of information by the district attorney to protect the confidentiality of forfeited property or proceeds used in ongoing drug enforcement activities.

(k) Proceeds and appropriations.--The proceeds or future proceeds from forfeited property under this chapter shall be in addition to any appropriation made to the Office of Attorney General.] Forfeiture of property shall be authorized for violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, and conducted in accordance with Chapter 58 (relating to asset forfeiture). No conveyance may be forfeited under this section for a violation of section 13(a)(31) of The Controlled Substance, Drug, Device and Cosmetic Act.

§ 6802. Procedure with respect to seized property subject to liens and rights of lienholders.

(a) General procedure.--The proceedings for the forfeiture or condemnation of property, the sale of which is provided for in this chapter, shall be in rem, in which the Commonwealth shall be the plaintiff and the property the defendant. A petition shall be filed in the court of common pleas of the judicial district where the property is located, verified by oath or affirmation of an officer or citizen, containing the following:

- (1) A description of the property seized.
- (2) A statement of the time and place where seized.
- (3) The owner, if known.
- (4) The person or persons in possession, if known.
- (5) An allegation that the property is subject to forfeiture pursuant to section [6801(a) (relating to controlled substances forfeiture) or] 6801.1(a) (relating to terrorism forfeiture) and an averment of material facts upon which the forfeiture action is based.

(6) A prayer for an order of forfeiture that the property be adjudged forfeited to the Commonwealth and condemned and be ordered sold according to law, unless cause be shown to the contrary.

(f) Preservation of the property subject for forfeiture.--Upon application of the Commonwealth, the court may enter a restraining order or injunction, require the execution of a satisfactory performance bond or take any other action to preserve the availability of property described in section [6801(a) or] 6801.1(a) for forfeiture under this section either:

(1) upon the filing of an information or an indictment charging an offense in this Commonwealth for which criminal forfeiture may be ordered under this chapter and alleging that the property with respect to which the order is sought would be subject to forfeiture; or

(2) prior to the filing of such an indictment or information, if, after notice to persons appearing to have an interest in the property and an opportunity for a hearing, the court determines that:

(i) there is a substantial probability that the Commonwealth will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court or otherwise made unavailable for forfeiture; and

(ii) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

However, an order entered pursuant to this paragraph shall be effective for not more than 90 days unless extended by the court for good cause shown or unless an indictment or information described in paragraph (1) has been filed.

(j) Owner's burden of proof.--At the time of the hearing, if the Commonwealth produces evidence that the property in question was unlawfully used, possessed or otherwise subject to forfeiture under section [6801(a) or] 6801.1(a), the burden shall be upon the claimant to show:

(1) That the claimant is the owner of the property or the holder of a chattel mortgage or contract of conditional sale thereon.

(2) That the claimant lawfully acquired the property.

(3) That it was not unlawfully used or possessed by him. In the event that it shall appear that the property was unlawfully used or possessed by a person other than the claimant, then the claimant shall show that the unlawful use or possession was without his knowledge or consent. Such absence of knowledge or consent must be reasonable under the circumstances presented.

(k) Court-ordered release of property.--If a person claiming the

ownership of or right of possession to or claiming to be the holder of a chattel mortgage or contract of conditional sale upon the property, the disposition of which is provided for in this section, prior to the sale presents a petition to the court alleging over the property lawful ownership, right of possession, a lien or reservation of title and if, upon public hearing, due notice of which having been given to the Attorney General or the district attorney, the claimant shall prove by competent evidence to the satisfaction of the court that the property was lawfully acquired, possessed and used by him or, it appearing that the property was unlawfully used by a person other than the claimant, that the unlawful use was without the claimant's knowledge or consent, then the court may order the property returned or delivered to the claimant. Such absence of knowledge or consent must be reasonable under the circumstances presented. Otherwise, it shall be retained for official use or sold in accordance with section [6801(e) or] 6801.1(f).

Section 9. Sections 4909(c), 9405(a), (b), (c)(1), (d), (I) and (j) and 9406 of Title 75 are amended to read:

§ 4909. Transporting foodstuffs in vehicles used to transport waste.

(c) Vehicle forfeiture.--Any vehicle or conveyance used in the commission of an offense under this section shall be deemed contraband and forfeited [to the Department of Environmental Resources. The provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this section. Proceeds from the sale of forfeited vehicles or conveyances shall be deposited in the Solid Waste Abatement Fund] in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

§ 9405. Forfeitures; process and procedures.

(a) Subjects of forfeiture.--The following are subject to forfeiture to the Commonwealth and no property right shall exist in them:

(1) Any liquid fuels or fuels produced in or imported into this Commonwealth by any distributor who does not possess a valid liquid fuels tax permit or fuels permit as required by section 9003 (relating to liquid fuels and fuels permits; bond or deposit of securities), except liquid fuels or fuels imported in barrels, drums or similar containers with a capacity of not more than 55 gallons in each barrel, drum or container.

(2) All conveyances, including vehicles or vessels, used to transport liquid fuels or fuels as described in paragraph (1), [except:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of Chapter 90 (relating to liquid fuels and fuels tax); and

(ii) no bona fide security interest retained or acquired under Title 13 (relating to commercial code) by any merchant dealing in new or used vehicles or vessels, or retained or acquired by any licensed or regulated finance company, bank, lending institution or by any other business regularly engaged in the financing of or lending on the security of such vehicles or vessels, shall be subject to forfeiture or impairment.] Forfeiture of such conveyances shall be conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

(b) Method of seizure.--[Property] Liquid fuels or fuels subject to forfeiture under this section may be seized by the Department of Revenue upon process issued by any court of common pleas having jurisdiction over the property. Seizure without process may be made if the seizure is incident to an inspection or arrest for a violation of this chapter or Chapter 90 (relating to liquid fuels and fuels tax).

(c) Limit on return of [property] liquid fuels or fuels.--

(1) No [property] liquid fuels or fuels seized in accordance with this section, when in the custody of the Department of Revenue, shall be seized or taken therefrom by any writ of replevin or other judicial process unless a petition for forfeiture is not timely filed.

(d) In rem proceedings.--The proceedings for the forfeiture of any liquid fuels or fuels [or conveyances] seized under this section shall be in rem. The Commonwealth shall be the plaintiff and the property shall be the defendant. A petition shall be filed, within five days after seizure, in the court of common pleas of the county in which the property was seized by revenue agents of the Department of Revenue, verified by oath or affirmation of any revenue agent. In the event that the petition is not filed within the time prescribed herein, the seized property shall

be immediately returned to the person from whom seized or the owner thereof.

(I) Standard of proof.--The claimant shall have the burden of proving that he is not subject to the provisions of this section, but the burden of proof shall be upon the Commonwealth to prove all other facts necessary for the forfeiture of the property. In the event that the Commonwealth has not met its burden by a preponderance of the evidence or the claimant has proved that he is not subject to the provisions of this section, the court shall order the property returned to the claimant; otherwise, the court shall order the property forfeited to the Commonwealth. [In the case of a motor vehicle, vessel or conveyance, should the claimant prove to the satisfaction of the court that he is the registered owner of the motor vehicle, vessel or conveyance and that he did not know or have reason to know that it was being used to transport liquid fuels or fuels in violation of the provisions of section 9404 (relating to violations and penalties) or 9019 (relating to diesel fuel importers and transporters; prohibiting use of dyed diesel fuel on highways; violations and penalties), the court in its discretion may order the motor vehicle, vessel or conveyance returned to the claimant.

(j) Encumbered motor vehicle.--In the case of a motor vehicle, should the claimant prove that he holds a valid encumbrance upon such motor vehicle, notice of which encumbrance has been duly noted on the certificate of title to the motor vehicle in accordance with the provisions of Chapter 11 (relating to certificate of title and security interests), the forfeiture shall be subject to such encumbrance as of the date of the seizure less prepaid or unearned interest. Before the motor vehicle may be sold, exchanged or otherwise transferred or retained for use by the Commonwealth, the outstanding amount of the encumbrance shall be paid to the claimant or possession of the motor vehicle shall be turned over to the claimant who shall expose the same to public sale and shall pay over to the Commonwealth any amount realized in excess of the outstanding amount of such encumbrance less the reasonable costs incurred by claimant in conducting such sale.]

§ 9406. Disposition of fines and forfeitures.

All fines imposed under this chapter and the net proceeds received from the sale of forfeited [property] liquid fuels or fuels shall be payable to the Commonwealth and credited to the Motor License Fund.

Section 10. Notwithstanding any other provision of law to the contrary, the following forfeitures shall be conducted in accordance with 42 Pa.C.S. Ch. 58:

(1) The forfeiture of property specified in section 1 of the act of July 3, 1941 (P.L.263, No.121), entitled "An act providing for the forfeiture and condemnation of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law."

(2) The seizure of property specified in sections 211(a)(3) and 601 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(3) The forfeiture of property specified in section 1285 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(4) The forfeiture of property specified in section 614 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(5) The forfeiture of property specified in section 1715 of the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

(6) The forfeiture of property specified in section 1 of the act of December 1, 2004 (P.L.1766, No.227), entitled "An act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris."

Section 11. Repeals are as follows:

(1) The General Assembly finds that the repeals under paragraphs (2) and (3) are necessary to effectuate the addition of 42 Pa.C.S. Ch. 58.

(2) Sections 602 and 603(a) and (b) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, are repealed to the extent of any inconsistency with this act.

(3) The following acts and parts of acts are repealed absolutely:

(I) Sections 2, 3, 4 and 5 of the act of July 3, 1941 (P.L.263, No.121), entitled "An act providing for the forfeiture and condemnation

of vehicles used to store, possess or transport narcotics or drugs, the possession or transportation of which is in violation of law."

(ii) Section 603(c) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(iii) Section 1285(f), (g), (h), (l), (j), (k), (l), (m) and (n) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 12. This act shall take effect in 90 days.

On the question,

Will the Senate agree to the amendment?

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

Senator STREET. Mr. President, I offer this amendment to the civil asset forfeiture bill. This amendment would replace the civil asset forfeiture provisions with a criminal asset forfeiture provision. I offer this amendment because while many have -- the purpose of the bill originally was to add additional protections to many people whose assets could be forfeited because there has been a suggestion by a criminal prosecutor that criminal activity occurred. It seems right and appropriate to me that to the extent that criminal activity has occurred, that we should apply the criminal standard of proof of beyond a reasonable doubt, that we should offer the protections of having their rights read, the right to counsel and all the other due process that is afforded to criminal defendants that are not currently afforded to defendants in a civil asset forfeiture proceeding. While I will note that this bill does move us in the right direction, I simply believe that it does not go far enough, and if we are going to completely correct the situation, we should move from, if there are criminal facts that underlie the original assertions and there is a criminal prosecutor who is making the assertion, that these proceedings should be considered criminal proceedings.

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

Senator FOLMER. Mr. President, with all due respect to my esteemed colleague, this amendment undoes nearly 2 years of hard work and effort to reform Pennsylvania's civil asset forfeiture law by taking us back to my original bill. Rather than starting over, Mr. President, I believe it would be better to build upon the work that has gone into drafting and redrafting Senate Bill No. 8. Accordingly, Mr. President, I respectfully ask for a "no" vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-16

| | | | |
|----------|----------|----------|-------------|
| Blake | Dinniman | Hughes | Street |
| Boscola | Farnese | Leach | Tartaglione |
| Brewster | Fontana | Sabatina | Williams |
| Costa | Haywood | Schwank | Yudichak |

NAY-33

| | | | |
|---------|--------------|------------|------------|
| Alloway | Eichelberger | McIlhinney | Vogel |
| Argall | Folmer | Mensch | Vulakovich |
| Aument | Gordner | Rafferty | Wagner |
| Baker | Hutchinson | Regan | Ward |

| | | | |
|------------|------------|---------------|-------|
| Bartolotta | Killion | Reschenthaler | White |
| Brooks | Langerholc | Scarnati | Yaw |
| Browne | Laughlin | Scavello | |
| Corman | Martin | Stefano | |
| DiSanto | McGarrigle | Tomlinson | |

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

LEGISLATIVE LEAVE

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

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

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

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

STREET AMENDMENT A0984 OFFERED

Senator STREET offered the following amendment No. A0984:

Amend Bill, page 32, lines 21 through 30; page 33, lines 1 through 30; page 34, lines 1 through 14; by striking out all of said lines on said pages and inserting:

(f) Use of property held in custody.--

(1) Whenever property is forfeited under this chapter and after all proceedings under sections 5805 (relating to forfeiture procedure) and 5806 (relating to motion for return of property) are concluded, the property shall be transferred to the custody of the Attorney General if the law enforcement authority seizing the property has Statewide jurisdiction, or the district attorney if the law enforcement authority seizing the property has local or county jurisdiction.

(2) The Attorney General or district attorney, as applicable, shall sell any forfeited property that is not required to be destroyed by law and is not harmful to the public.

(3) Sale of forfeited property to an employee of the Attorney General or district attorney or a person related to the employee by blood or marriage or an employee of any other law enforcement authority is prohibited.

(4) The proceeds from sale shall be used to pay all reasonable expenses related to the maintenance of custody and sale of the property. The balance of the proceeds shall be subject to subsection (g).

(g) Use of cash or proceeds or property.--Cash or proceeds of forfeited property transferred under subsection (f) shall be distributed in the following order:

(1) To satisfy any restitution orders for victims of the underlying offense.

(2) One of the following:

(I) if in the custody of the Attorney General, to the Department of Revenue for deposit into the General Fund; or

(ii) if in the custody of the district attorney, to the operating fund of the county in which the district attorney is elected.

Amend Bill, page 34, line 15, by striking out "(j)" and inserting:

(h)

Amend Bill, page 35, line 9, by striking out "(k)" and inserting:

(l)

Amend Bill, page 35, line 18, by striking out "(j)" and inserting:

(h)

Amend Bill, page 35, line 25, by striking out "(k.1)" and inserting:

(j)

Amend Bill, page 35, line 30, by striking out "(j)" and inserting:

(h)

Amend Bill, page 36, line 1, by striking out "(l)" and inserting:

(k)

Amend Bill, page 47, line 17, by striking out "5803(j)" and inserting:

5803(h)

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

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

Senator STREET. Mr. President, this amendment addresses another concern that folks in the civil libertarian community, as well as the legal community, have had, which is that there should not be a fiduciary incentive in proceedings that are meant to provide justice. The purpose of the civil asset forfeiture proceedings, as has been suggested by prosecutors around the Commonwealth and around the country, is for the government to be able to seize assets that were committed through wrongdoing and that people should not be able to profit from criminal enterprises. That being said, the motivation for district attorneys to proceed in those proceedings should be the public good and justice, and it should not be a funding stream for those. There are those who have suggested that having a fiduciary incentive for prosecutors to seize the assets of defendants is inappropriate. This amendment would address those concerns by saying those assets that are seized by a district attorney through a civil asset forfeiture proceeding are not spent by the district attorney's office but spent by the county in which they are seized. The district attorney moves forward, thus moving the decisionmaking process for spending the money to the county commissioners or whatever form of county government exists in the county in which they are seized and away from the district attorney's office, which should be exercising prosecutorial discretion based solely upon the motivation for justice and not the motivation for economic funding.

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

Senator FOLMER. Mr. President, while I understand and appreciate the goals of the gentleman in offering the amendment to direct how forfeited assets would be distributed, I fear this proposal would actually hurt openness and transparency in the forfeiture process because it does not include the extensive reporting requirements of Senate Bill No. 8. Accordingly, Mr. President, I respectfully ask for a "no" vote on this amendment.

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

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

YEA-13

| | | | |
|----------|---------|----------|-------------|
| Blake | Farnese | Hughes | Street |
| Brewster | Fontana | Leach | Tartaglione |
| Costa | Haywood | Sabatina | Williams |
| Dinniman | | | |

NAY-36

| | | | |
|---------|--------------|------------|------------|
| Alloway | DiSanto | McGarrigle | Stefano |
| Argall | Eichelberger | McIlhinney | Tomlinson |
| Aument | Folmer | Mensch | Vogel |
| Baker | Gordner | Rafferty | Vulakovich |

| | | | |
|------------|------------|-------------|----------|
| Bartolotta | Hutchinson | Regan | Wagner |
| Boscola | Killion | Resenthaler | Ward |
| Brooks | Langerholc | Scarnati | White |
| Browne | Laughlin | Scavello | Yaw |
| Corman | Martin | Schwank | Yudichak |

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?

STREET AMENDMENT A0986 OFFERED

Senator STREET offered the following amendment No. A0986:

Amend Bill, page 25, by inserting between lines 15 and 16:
5806.3. Representation.

Amend Bill, page 46, by inserting between lines 27 and 28:
§ 5806.3. Representation.

Notwithstanding the act of December 2, 1968 (P.L.1144, No.358), known as the Public Defender Act, the following shall apply:

(1) If a person with standing to contest the forfeiture of property in a civil forfeiture proceeding under this chapter is financially unable to obtain representation by an attorney and the property subject to forfeiture is real property, the court, at the request of the person, shall ensure that the person is represented by an attorney with respect to the claim.

(2) If a person who has not been charged in a related criminal case and who has standing to contest the forfeiture of property in a civil forfeiture proceeding under this chapter is financially unable to obtain representation by an attorney, the court may authorize an attorney to represent that person with respect to the claim.

(3) In determining whether to authorize an attorney to represent a person under this section, the court shall take into account the following factors:

- (1) the person's standing to contest the forfeiture; and
- (ii) whether the claim appears to be made in good faith.

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

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

Senator STREET. Mr. President, I offer this amendment because if we are going to forfeit the assets of defendants and we are going to forfeit those assets pursuant to the assertion by a prosecutor that criminal acts have occurred, it is customary and normal, in fact, it is the law in a criminal proceeding that all defendants have a right to counsel. This amendment merely says that a person contesting the forfeiture of assets in the civil asset forfeiture proceeding would have the right to counsel. Clearly, anyone understands that our judicial system is an adversarial system, a system in which attorneys address the court speaking on different sides of a position. However, very often in the position of civil asset forfeiture proceedings, the defendant is not represented by counsel. Even if the defendant is represented by counsel in the underlying criminal proceedings, because these are civil proceedings, unless we statutorily provide it, there is not a right to counsel. Oftentimes, the defendants have no ability to get counsel. And I would point out to Members that this does not just impact the people who have actually committed the criminal activity, but any other people who might be involved. The classic example is the grandmother who has a grandchild living in her

house. It is asserted that he has committed crimes. He has not been convicted of those crimes in a criminal proceeding. He is represented by counsel in a criminal proceeding, but neither she nor he are represented in civil asset forfeiture proceedings. Then she may have reasonable explanations for how she got dragged into all of this, but does not understand how to navigate the criminal justice system, is unaided by counsel, and unable to offer counsel as her assets may have already been seized.

I said this amendment simply augments the bill's protections to defendants in those proceedings by providing that defendants would have the right to counsel. Mr. President, therefore, I urge Members to vote for the amendment and to make sure that the rights of every Pennsylvanian can be defended by counsel.

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

Senator FOLMER. Mr. President, this amendment was part of last Session's Senate Bill No. 869, which overwhelmingly passed the Chamber last Session. Unfortunately, Mr. President, this proposal was later determined to be an unfunded mandate on counties, which is why Senate Bill No. 8 did not include this provision. If the gentleman is able to offer a plan to pay for the representation under civil asset forfeiture proceedings, I would be happy to work with him to include this provision. Unfortunately, we were not able to solve this problem over the last six months, which is why I must respectfully ask my colleagues to vote "no" on this amendment.

Thank you, Mr. President.

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

Senator STREET. Mr. President, I ask you to ask the gentleman if we are able to work on a strategy for paying for the right to counsel--

The PRESIDENT. Would the Senator yield for one moment. I believe what the Senator is asking for is an opportunity to interrogate the Senator.

Senator STREET. Yes, Mr. President.

The PRESIDENT. It is your amendment, but he is the sponsor of the underlying bill. I think if Senator Folmer agrees, we will proceed. Senator Folmer, do you agree?

Senator FOLMER. Yes, Mr. President.

The PRESIDENT. Please proceed, Senator.

Senator STREET. Mr. President, thank you for your procedural and parliamentary advice.

The PRESIDENT. We all learn together.

Senator STREET. Absolutely, Mr. President.

I thank the gentleman for his earlier comment that we do need to address the issue of how it is paid. Perhaps the solution is, before portions of the assets are to be forfeited, could they be used to pay for the right to counsel? There are other ideas I would be prepared to explore and hold the amendment to the extent that we can hold the bill to have some discussion about how we address paying for counsel so that we do not create an unfunded mandate but still preserve the rights of folks to have an attorney.

The PRESIDENT. Senator Folmer, do you understand the offer that the Senator has made, and would you like to respond?

Senator FOLMER. Mr. President, what I would like to know is, is the good gentleman asking to work with us as the bill is moving forward as we are going from one Chamber, or just now?

I have to say this. While providing counsel for forfeiture cases is a laudable goal, ultimately it represents an unfunded mandate, and with our budgetary challenges, it would not be fair to burden the counties with more unfunded mandates. Separately, forfeiture is a civil process and counsel is not typically appointed in civil cases. So, I am going to have to say, as for now, no. I mean, if we wanted to, as we push it over to the other Chamber, I understand, if there is a way, but as of right now, I would say no.

The PRESIDENT. The Chair thanks the gentleman.

Senator, further questions or inquiries?

Senator STREET. Mr President, just to make sure I understand. Let me make sure I appropriately and clearly articulated the suggestion. The suggestion was merely that we wait a few days to see if we can work through these issues, and if we cannot, then we will move forward with the amendment and the bill and the votes will be what they are, but if not, we would like to proceed with the amendment. I think that this is an important enough right, to protect the assets of people who have been suggested to be affiliated with criminal activity but may have not been actually convicted, those folks should, at least, have the right to counsel. I ask the gentleman if he understands my request and if my clarification changes his position in any way?

Senator FOLMER. Mr. President, I certainly understand his request. I want to say we have been working on this bill for 18 months. We worked on this issue for 6 months, and every day that we do nothing in the State of Pennsylvania, the current status quo is hurting civil liberties of our citizens. While this bill may not go as far as some would like it to go, this bill is a great first step, and it is definitely better than what the status quo is. I believe we need to move on this. As I said, we have worked on this bill for 18 months. We have worked on this issue for 6 months to try to find a solution. Again, I have to stress that it is important to get this done.

Senator STREET. Mr. President, I thank the gentleman for his response.

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

Senator FARNESE. Mr. President, very quickly, because essentially what we are doing right now, and I understand the gentleman's comments, I have the utmost respect for him, but it seems that in this body where we are discussing what is essentially a taking of citizens' property or assets, a discussion on budgetary issues seems really, for lack of a better term, inappropriate. We must do whatever we possibly can to protect someone's right to their own property. There are other ways that we could certainly fund this. People say in this building, in this room, we have too many lawyers. Why do we not put some of them to work and let them be court-appointed lawyers through the CJC? Let them, as part of their CLEs, be required to represent these folks before the government comes in and takes their property.

We are certainly concerned about budgetary issues in this building. Absolutely. Unfunded mandates, whatever we call them, and I agree, but this particular time when we sit back and say that we are going to allow someone's property or their assets to be taken because we are not going to afford them counsel when we know we have lawyers in this State, and we know we have programs in this State where they could easily be afforded a lawyer. I think that in this particular case, the thing to do is to put the brakes on, stop this thing, and fix it, because we certainly

understand what is at stake, but an individual's constitutional right to protect their property is something that I believe we need to take a breather on, address, and get it done the right way.

Thank you, Mr. President.

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

Senator FOLMER. Mr. President, again, I appreciate the passion, especially on the constitutional aspect. We added this aspect, this amendment, to the bill in the Committee on Judiciary last Session. We passed it out of this Chamber overwhelmingly and it died in the House because of this issue. Mr. President, listen, all I can tell you is this, everything that my esteemed colleague has stated is correct. We should not be able to take somebody's property, and no one respects personal property and property rights more than myself, but I will tell you this, every day that we delay is a continuance to put in jeopardy the rights of those citizens as we go forward. While I do appreciate the attempt here, and I certainly do, I do say that we need to move forward. We should not put the brakes on this because the goal here is to get it to the Governor's desk, the goal here is to get it signed into law, the goal here is to protect our citizens, and this bill moves in the right direction. It is a good first step in the first part of the debate of this issue. So I am asking to not put a hold on this, and I ask for a negative vote.

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

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

YEA-15

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|----------|---------|----------|-------------|
| Blake | Farnese | Leach | Tartaglione |
| Boscola | Fontana | Sabatina | Williams |
| Costa | Haywood | Schwank | Yudichak |
| Dinniman | Hughes | Street | |

NAY-34

| | | | |
|------------|--------------|-------------|-------------|
| Alloway | DiSanto | McGarrigle | Tomlinson |
| Argall | Eichelberger | McIlhinney | Vogel |
| Aument | Folmer | Mensch | Vullakovich |
| Baker | Gordner | Rafferty | Wagner |
| Bartolotta | Hutchinson | Regan | Ward |
| Brewster | Killion | Resenthaler | White |
| Brooks | Langerholc | Scarnati | Yaw |
| Browne | Laughlin | Scavello | |
| Corman | Martin | Stefano | |

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

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 Baker, and a legislative leave for Senator White.

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

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, Senate Bill No. 8 represents over 2 years of work to reform Pennsylvania's civil asset forfeiture law by adding various protections for property owners, should their assets be seized by law enforcement for possible forfeiture if they are suspected of being involved in a crime. Last year this Chamber overwhelmingly passed this legislation to bring these much-needed and long-overdue changes to Pennsylvania. However, there was insufficient time for the House to pass this measure, which is why it needed to be reintroduced, and I am grateful to Senator Scarnati for joining with me in pushing these much-needed reforms. I am also grateful to the many groups that worked with us to craft this measure. In particular, I thank both the District Attorneys Association and the U.S. Justice Action Network for the many, many, many hours they devoted to helping draft the bill you see before you today. It certainly was not an easy process for any of the parties, myself included, to find common ground. However, Senate Bill No. 8 represents the hard work of all the parties who recognize the status quo does not provide adequate protections for property owners. All parties worked together to bring significant reforms to Pennsylvania's law. The bill you see before you today carefully balances the rights of property owners and the realities that law enforcement faces on a daily basis.

Mr. President, Senate Bill No. 8 is almost identical to the bill this Senate overwhelmingly passed last September. The major changes included removing the provision that would have been an unfunded mandate on counties and a variety of technical changes, including one which, thanks to Senator Reschenthaler's amendment in the Committee on Judiciary, further clarifies the content of annual audits and forfeited property. Mr. President, Senate Bill No. 8 makes significant and unprecedented changes to civil asset forfeiture in Pennsylvania in several key areas, including higher burdens of proof imposed on the Commonwealth, protection for third party owners by placing an additional burden of proof on the Commonwealth, increasing transparency in auditing and reporting at the county and State level, specific and additional protection in real property cases by prohibiting the pre-forfeiture seizure of real property without a hearing, additional procedure protection for property owners such as returning property prior to the forfeiture proceedings if there is undue hardship, and an extra level of protection for anyone reported of a related crime who is trying to get their property back.

Implementing the reforms proposed by Senate Bill No. 8 is an important and necessary step toward smarter forfeiture practices that will provide better due process for property owners. Mr. President, reorganizing current forfeiture laws is vitally important to streamlining the process and providing greater protections for all types of property owners. The alternative to Senate Bill

No. 8 is doing nothing at all, which would allow the status quo to prevail with few, if any, protections for properties owners.

Mr. President, I urge my colleagues to vote in favor of the much-needed and long-overdue reforms as proposed by Senate Bill No. 8.

Thank you, Mr. President.

And the question recurring,
 Shall the bill pass finally?

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

YEA-39

| | | | |
|------------|--------------|---------------|------------|
| Alloway | Dinniman | McGarrigle | Stefano |
| Argall | DiSanto | McIlhinney | Tomlinson |
| Aument | Eichelberger | Mensch | Vogel |
| Baker | Folmer | Rafferty | Vulakovich |
| Bartolotta | Gordner | Regan | Wagner |
| Boscola | Hutchinson | Reschenthaler | Ward |
| Brewster | Killion | Sabatina | White |
| Brooks | Langerholc | Scarnati | Yaw |
| Browne | Laughlin | Scavello | Yudichak |
| Corman | Martin | Schwank | |

NAY-10

| | | | |
|---------|---------|--------|-------------|
| Blake | Fontana | Leach | Tartaglione |
| Costa | Haywood | Street | Williams |
| Farnese | Hughes | | |

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 25 (Pr. No. 314) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for definitions, for State Board of Nursing, for dietitian-nutritionist license required, for temporary practice permit, for graduates of schools of other states, territories or Dominion of Canada, for certified registered nurse practitioners, for scope of practice for certified registered nurse practitioners, for prescriptive authority for certified registered nurse practitioners, for Drug Review Committee and for professional liability; and providing for the expiration of the State Board of Nursing's power to license certified registered nurse practitioners.

Considered the third time and agreed to,

On the question,
 Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Washington, Senator Bartolotta.

Senator BARTOLOTTA. Mr. President, I rise today to seek support for my legislation to provide full practice authority for nurse practitioners. Over the past decade, exploding healthcare costs have hit employers, State budgets, and especially middle-class families hard, and these price hikes show no sign of slowing down. Making matters worse is the fact that many doctors are refusing to accept new patients and even turning away

some existing patients who qualify for Medicaid. The healthcare debate is no longer just a problem of dollars and cents, there is a crisis brewing in terms of access to basic healthcare services that all patients need.

This growing concern hits rural areas the hardest. I am privileged to represent a large number of rural communities throughout Washington, Greene, and Beaver Counties where access to quality healthcare is a serious problem. There are not enough doctors willing to practice in smaller communities, and as older doctors retire, fewer new doctors are coming in to replace them. Thankfully, there is a solution that holds the promise of easing this looming healthcare catastrophe. Pennsylvania is home to an army of qualified, knowledgeable, and experienced advanced practice registered nurses, or APRNs, who stand ready to answer the challenge. Studies have proven that nurse practitioners are perfectly suited to fill the need for quality healthcare services. However, current law creates too many obstacles that stand between caregivers and patients. The ability of nurse practitioners to serve patients has been hindered by a burdensome requirement for long-term collaborative agreements with physicians, as well as numerous administrative burdens that do nothing to improve patient care.

Senate Bill No. 25 would allow qualified nurse practitioners to operate independently of a physician after they fulfill a 3-year, 3,600-hour collaboration agreement with a doctor. Additionally, my bill would remove administrative burdens that serve as an obstacle to patients receiving quality healthcare services. Unshackling our nurse practitioners offers a promise of expanded access to care, and better patient outcomes without increasing costs to consumers, a goal that the *Scranton Times-Tribune* recently called the Holy Grail of public policy debate of our age. Full practice authority would allow nurse practitioners to expand access to care for patients who need healthcare the most. They are more likely to care for the people who need healthcare by practicing in underserved areas and providing care for large numbers of minority patients, Medicaid beneficiaries, and uninsured patients. The growth of telemedicine is also helping to feed greater access to nurse practitioners. Expanding full practice authority as well as evolving digital health technology makes it easier and less expensive for patients to connect online, a model that typically employs nurse practitioners under the supervision of an onsite physician.

Mr. President, it is worth noting that this idea is not new. Our former colleague, Senator Pat Vance, led this effort for many years, and her perspective as a former nurse was instrumental in earning strong bipartisan support for this measure. Likewise, my colleague, Senator Boscola, played a critical role in helping to get the bill through the Senate last Session. As one of the bill's 29 cosponsors this legislative Session, her continued collaboration on this issue is deeply appreciated. Working together, we have once again brought this issue to the Senate floor, and I am hopeful we can continue the spirit of cooperation to get this bill through the Senate, through the House of Representatives, and on to the Governor's desk to be signed into law.

Several statewide and national advocacy organizations have voiced their support for full-practice authority for nurses, including, but not limited to, the Hospital and Healthsystem Association of Pennsylvania, the National Academy of Medicine,

AARP, the Pennsylvania Rural Health Association, the National Governors Association, and the Pennsylvania Organization of Nurse Leaders. Twenty-two States and Washington, D.C., have already adopted full-practice authority of APRNs. In addition to those 22 States and Washington, D.C., the U.S. Department of Veterans Affairs recently announced that it has amended provider regulations to now allow nurse practitioners to have full-practice authority in all of their facilities.

The time has come for Pennsylvania to join this growing list. Full-practice authority is the right thing to do for patients, for underserved communities, and for the dedicated and hardworking nurses who serve them. I urge my colleagues to cast an affirmative vote on Senate Bill No. 25.

Thank you, Mr. President.

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

Senator WARD. Mr. President, I stand here with all great respect for our nurse practitioners, as well as my esteemed colleague who is a sponsor of this bill. I was a "no" vote last year on this bill and I will be a "no" vote again, and I stand to tell you why. Not in detail, but I believe this bill is changing the face of healthcare in our State. We have not even had a hearing on this bill at this time. To go through all of the different things that could be affected, and many times when we make law we have unintended consequences, and I believe there are some issues in this bill that need to be addressed or we will have some unintended consequences. While I respect the fact that in rural areas we do need help, and this bill would address that, there are many things in it that I question with a loophole that is not closed, and there are numerous issues on this. So I am hoping that after this bill leaves the Senate, that the House will look at some of these issues and hold some hearings and do their due diligence on this legislation. Thank you.

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-38

| | | | |
|------------|--------------|-------------|-------------|
| Argall | DiSanto | Laughlin | Schwank |
| Baker | Eichelberger | Leach | Stefano |
| Bartolotta | Farnese | McGarrigle | Street |
| Blake | Folmer | McIlhinney | Tartaglione |
| Boscola | Fontana | Mensch | Tomlinson |
| Brewster | Haywood | Rafferty | Williams |
| Brooks | Hughes | Resenthaler | Yaw |
| Browne | Hutchinson | Sabatina | Yudichak |
| Costa | Killion | Scarnati | |
| Dinniman | Langerholc | Scavello | |

NAY-11

| | | | |
|---------|---------|------------|-------|
| Alloway | Gordner | Vogel | Ward |
| Aument | Martin | Vulakovich | White |
| Corman | Regan | Wagner | |

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 201, HB 224, SB 288, SB 289, SB 298 and SB 354 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 399 (Pr. No. 399) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, in election of officers and vacancies in office, further providing for supervisors.

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 | DiSanto | Martin | Tartaglione |
| Argall | Eichelberger | McGarrigle | Tomlinson |
| Aument | Farnese | McIlhinney | Vogel |
| Baker | Folmer | Mensch | Vulakovich |
| Bartolotta | Fontana | Rafferty | Wagner |
| Blake | Gordner | Regan | Ward |
| Boscola | Haywood | Reschenthaler | White |
| Brewster | Hughes | Sabatina | Williams |
| Brooks | Hutchinson | Scarnati | Yaw |
| Browne | Killion | Scavello | Yudichak |
| Corman | Langerholc | Schwank | |
| Costa | Laughlin | Stefano | |
| Dinniman | Leach | Street | |

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 9, HB 16, HB 23, SB 88, SB 108 and SB 128 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

SB 143 (Pr. No. 95) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, in financial provisions, further providing for Underground Storage Tank Indemnification Board.

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

BILLS OVER IN ORDER

SB 144 and HB 165 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION

SB 168 (Pr. No. 140) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for notice and disclosure of proposed collective bargaining agreements and related documents and for open records.

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

BILL OVER IN ORDER

SB 200 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL OVER IN ORDER TEMPORARILY

SB 222 -- Without objection, the bill was passed over in its order temporarily at the request of Senator CORMAN.

BILL OVER IN ORDER

SB 242 -- Without objection, the bill was passed over in its order at the request of Senator CORMAN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 269 (Pr. No. 755) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, in preliminary provisions, further providing for definitions and for Uniform Construction Code Review and Advisory Council and providing for review of updated sections and adoption of updated sections into Uniform Construction Code; in Uniform Construction Code, further providing for revised or successor codes; in adoption and enforcement by municipalities, further providing for administration and enforcement; in training and certification of inspectors, further providing for education and training programs; and, in exemptions, applicability and penalties, further providing for applicability to certain buildings.

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

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

BILLS OVER IN ORDER

SB 273, SB 303, SB 332, SB 353, SB 363, SB 383, SB 406, SB 434, SB 435, SB 461, SB 494, SB 496 and SB 497 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

BILLS ON SECOND CONSIDERATION

SB 503 (Pr. No. 500) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in open meetings, further providing for executive sessions.

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

SB 504 (Pr. No. 753) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law, in procedure, further providing for exceptions for public records.

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

BILLS OVER IN ORDER

SB 510, SB 530, SB 531, SB 539, SB 577, SB 589, SB 592, SB 614, SB 630, SB 646 and SB 648 -- Without objection, the bills were passed over in their order at the request of Senator CORMAN.

RESOLUTION ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

Senator CORMAN, without objection, called up from page 9 of the Calendar, Senate Concurrent Resolution No. 6, entitled:

A Concurrent Resolution establishing a special bipartisan, bicameral legislative commission to recommend improvements to the delivery of emergency services in this Commonwealth and develop and promote legislation in furtherance of its recommendations.

On the question, Will the Senate concur in the amendments made by the House to Senate Concurrent Resolution No. 6?

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

Senator CORMAN. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Concurrent Resolution No. 6.

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

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

Senator VULAKOVICH. Mr. President, I rise in support of Senate Resolution No. 6. In 2003, our friend and former colleague, Senator Mike Waugh, introduced Senate Resolution No. 60, which called for a special commission to study and make recommendations on the improvement and delivery of fire and EMS services in the Commonwealth of Pennsylvania. In 2004, the Senate Resolution No. 60 commission put forth 23 recommendations. Last year we convened a working group to review where Senate Resolution No. 60 recommendations stood. A lot of hard work was done and we saw that many of those recommendations were completed and all saw some type of activity, some with good results, some needing more attention.

Most recently, the General Assembly passed and the Governor signed into law Act 172 of 2016, which allows municipalities to provide a tax credit to our first responders. Despite the work that was done, there remains a number of challenges for our fire and EMS, most importantly being the drop in the number of volunteers from 300,000 in the 1970s to only about 50,000 today. Furthermore, the cost of apparatus has grown to over \$1 million for ladder trucks. As some have said, that is a lot of chicken barbecues, trying to do the math. So we are here today to reboot the Senate Resolution No. 60 study so that we can have a comprehensive review of what was done and what is needed for our fire and EMS personnel. In the meantime, as chairman of the Committee on Veterans Affairs and Emergency Preparedness, there are a number of measures I am working on with co-chairman Senator Costa and other counterparts in the House to assist our first responders while the study is underway. Today, I ask my colleagues to support Senate Resolution No. 6.

Thank you, Mr. President.

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

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

YEA-49

Table with 4 columns of names: Alloway, DiSanto, Martin, Tartaglione, Argall, Eichelberger, McGarrigle, Tomlinson, Aument, Farnese, McIlhinney, Vogel, Baker, Folmer, Mensch, Vulakovich, Bartolotta, Fontana, Rafferty, Wagner, Blake, Gordner, Regan, Ward, Boscola, Haywood, Reschenthaler, White, Brewster, Hughes, Sabatina, Williams, Brooks, Hutchinson, Scarnati, Yaw, Browne, Killion, Scavello, Yudichak, Corman, Langerholc, Schwank, Costa, Laughlin, Stefano, Dinniman, Leach, Street

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 inform the House of Representatives accordingly.

SECOND CONSIDERATION CALENDAR RESUMED

SB 222 CALLED UP

SB 222 (Pr. No. 549) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Second Consideration Calendar, by Senator CORMAN.

BILL ON SECOND CONSIDERATION, AMENDED AND REREFERRED

SB 222 (Pr. No. 549) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, further providing for courts of common pleas.

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

McILHINNEY AMENDMENT A0538

Senator TOMLINSON, on behalf of Senator McILHINNEY, offered the following amendment No. A0538:

Amend Bill, page 3, lines 28 through 30; page 4, lines 1 through 5; by striking out all of said lines on said pages Amend Bill, page 4, line 6, by striking out "3" and inserting: 2

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

On the question, Will the Senate agree to the bill on second consideration, as amended?

BAKER AMENDMENT A0746

Senator CORMAN, on behalf of Senator BAKER, offered the following amendment No. A0746:

Amend Bill, page 4, line 2, by striking out "The" and inserting: Except as otherwise provided in paragraph (3), the Amend Bill, page 4, by inserting between lines 5 and 6: (3) The additional judgeship added to the 22nd Judicial District by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 2, 2022, and shall be initially filled by election at the 2021 municipal election.

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

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

It was agreed to.

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

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

THIRD CONSIDERATION CALENDAR RESUMED

RECONSIDERATION OF SB 25

BILL ON FINAL PASSAGE

SB 25 (Pr. No. 314) -- Senator CORMAN. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 25, Printer's No. 314, 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-39

Table with 4 columns of names: Argall, Baker, Bartolotta, Blake, Boscola, Brewster, Brooks, Browne, Costa, Dinniman, DiSanto, Eichelberger, Farnese, Folmer, Fontana, Haywood, Hughes, Hutchinson, Killion, Langerholc, Laughlin, Leach, McGarrigle, McIlhinney, Mensch, Rafferty, Reschenthaler, Sabatina, Scarnati, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Wagner, Williams, Yaw, Yudichak

NAY-10

Table with 4 columns of names: Alloway, Aument, Corman, Gordner, Martin, Regan, Vogel, Vulakovich, Ward, White

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.

UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

Senator SCAVELLO, from the Committee on Community, Economic and Recreational Development, reported the following bill:

HB 151 (Pr. No. 1571) (Amended)

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, in Small Business First, further providing for definitions; in machinery and equipment loans, further providing for definitions and for reporting and inspection; in Pennsylvania Industrial Development Program, further providing for definitions; providing for economic entertainment enhancement program; and making a related repeal.

SENATE RESOLUTIONS ADOPTED

Senators GORDNER, BROOKS, LANGERHOLC, EICHELBERGER, BROWNE, DINNIMAN, MARTIN, YAW, GREENLEAF, ARGALL, WARD, FOLMER, SCARNATI, AUMENT, RAFFERTY, YUDICHAK, MENSCH, BREWSTER, COSTA, SCAVELLO, HUTCHINSON, BARTOLOTTA, TARTAGLIONE, HUGHES, BAKER and BOSCOLA, by unanimous consent, offered Senate Resolution No. 95, entitled:

A Resolution recognizing May 4, 2017, as the "National Day of Prayer" in Pennsylvania and encouraging the celebration of religious freedom.

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

Senators BROOKS, HAYWOOD, STREET, SABATINA, TARTAGLIONE, BLAKE, FONTANA, BARTOLOTTA, RESCHENTHALER, MARTIN, AUMENT, COSTA, HUGHES, BROWNE, GREENLEAF, ARGALL, REGAN, FARNESE, SCHWANK, RAFFERTY, YUDICHAK, BAKER, FOLMER, KILLION, MENSCH, VOGEL and WARD, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution designating the month of April 2017 as "Child Abuse Prevention Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Mercer, Senator Brooks.

Senator BROOKS. Mr. President, as Senator Haywood and I offer this resolution to declare April as "Child Abuse Prevention Month," I have the privilege to speak on behalf of the thousands of voiceless children across Pennsylvania who have suffered or are suffering physical, sexual, or emotional abuse. This resolution has a solemn but important purpose: to help bring attention to the most horrifying of tragedies and to sanctify the memory of the angels in heaven who lived their brief lives here on earth in fear. It also pays tribute to those diligent workers in the field who fight child abuse every single day despite the hazards and heartache.

We know children can be our greatest joy as well as our greatest responsibility. From the second they are born we fret over every bump, bruise, and illness, while relishing every milestone. To think that a parent, relative, or family friend could be the cause of a child suffering is often too horrible for us to imagine, but all too regularly in the shadows it is occurring. Every day we hear of heartbreaking stories about children being neglected of basic needs or infants being thrown or shaken, resulting in unthinkable injuries. In 2015, close to 41,000 reports of suspected child and student abuse were received here in the Commonwealth. Sexual abuse was involved in approximately 47 percent of all substantiated reports. However, we need to remember, behind these statistics are innocent children. I also take a moment to recognize the caseworkers, police officers, first responders, and the many others who enter dangerous and violent circumstances where they are faced with unknown, unsuspecting abuse. They are truly doing God's work.

Today as we commemorate Child Abuse Prevention Month, I remind everyone that it is incumbent upon all of us, if we see something out of the norm or if something seems inappropriate, speak up and ask questions. Our children deserve nothing less.

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 VULAKOVICH, AUMENT, BREWSTER, BROWNE, DINNIMAN, EICHELBERGER, FONTANA, GREENLEAF, MARTIN, RAFFERTY, RESCHENTHALER, SABATINA, FARNESE and HUGHES, by unanimous consent, offered **Senate Resolution No. 97**, entitled:

A Resolution designating April 22, 2017, as "Woodlands Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator VULAKOVICH. Mr. President, this resolution simply designates April 22, 2017, as "Woodlands Day" in Pennsylvania. For those who may not be familiar with the Woodlands, they serve thousands of people annually and partner with agencies and organizations to host camps, retreats, and other programming for people with disabilities in western Pennsylvania. I thank my colleagues for their support.

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 BOSCOLA, MENSCH, FONTANA, FARNESE, BLAKE, BROWNE, BAKER, BREWSTER, DINNIMAN, GREENLEAF, LANGERHOLC, RAFFERTY, SABATINA, YUDICHAK, KILLION, VOGEL, HUGHES, FOLMER, VULAKOVICH and WARD, by unanimous consent, offered **Senate Resolution No. 98**, entitled:

A Resolution designating the month of April 2017 as "Pennsylvania Community College 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 to offer this resolution along with my colleague and good friend, Senator Mensch, marking April 2017 as "Pennsylvania Community College Month" here in our Commonwealth. We have been co-chairs of the bipartisan community college caucus together for several Sessions and we are always eager to demonstrate our support across the board for these institutions and their valuable contributions to education and job training. Not only do we very proudly represent their campuses, in my district I am proud to have Northampton Community College, but also, Mr. President, we value the business community and how they utilize our community colleges for certificate and training programs when it comes to high-demand and high-growth jobs. Community colleges are particularly well equipped to support jobs in industries where technology is quickly changing and evolving, such as manufacturing, electrical, mechanical systems, IT, and beyond. These require high skill and have strong local demand. Community

colleges are also a very successful pathway for nontraditional learning and retraining on a broad spectrum of ages and backgrounds as well.

So, I join with Senator Mensch in recognizing community colleges and their mission.

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

Senator MENSCH. Mr. President, first, I thank Senator Boscola for the fine partnership we enjoy as co-chairs of the community college caucus. I am one of a few legislators who represents three counties and I happen to have three community colleges, one in each of the counties. So it is very important to me to be involved with the community colleges, and I do appreciate the partnership that we have.

Community colleges provide a unique opportunity in the education continuum of Pennsylvania. It is not always about completing a 2-year or 4-year degree, but also adds to job enhancement, people who want to come back and enrich their opportunities to move forward in other career paths, as well as, of course, the academic opportunities that are provided through the community colleges. It is an excellent opportunity, very cost effective, great academics, and great curricular results.

So, on behalf of Senator Boscola and myself, congratulations to all 14 of the community colleges in the State of Pennsylvania. We truly appreciate the work that you do with your students.

The PRESIDENT. We love the community colleges and the great job that they do, and thank you to the Senators for sponsoring such an important resolution.

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

SENATE RESOLUTION ADOPTED

Senators BOSCOLA, FONTANA, FARNESE, BLAKE, BROWNE, BREWSTER, DINNIMAN, TARTAGLIONE, YUDICHAK, AUMENT, GREENLEAF, McGARRIGLE, RAF-FERTY, KILLION, MENSCH, HUGHES, FOLMER, VULAKOVICH and COSTA, by unanimous consent, offered **Senate Resolution No. 99**, entitled:

A Resolution designating the month of April 2017 as "Parkinson's Disease 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, each year "Parkinson's Disease Awareness Month" is designated. This resolution is needed to help boost awareness and further educate the public, especially since the exact cause of Parkinson's still remains unknown. As we all can recognize, Parkinson's is a daunting and

devastating disease. Nationwide, 1 million people are affected. Nearly 60,000 people across the country are diagnosed each year with Parkinson's, and 40 percent of them are less than 60 years old. It is a degenerative disorder of the central nervous system that impairs motor skills and speech. It can be described as the opposite of Alzheimer's disease. While Alzheimer's destroys the mind, leaving the body intact and functioning, Parkinson's keeps the mind strong but takes hold of a person's body. Many of us in this Chamber know of someone personally, or we have all heard of someone famous such as Michael J. Fox or the late Muhammad Ali, who suffered from Parkinson's.

Medical progress has been made throughout the years to combat Parkinson's, but much more research and much more testing is still required in order to pinpoint the disease's cause and find its cure. It is important that these efforts continue and that we support our medical community when it comes to working, finding solutions, and ridding our population of this disease.

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.

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. I welcome our young students who are in the gallery along with many teachers and faculty. Good to have you here, kids. Thank you for coming in. Just in time for a great Senator's resolution.

(Applause.)

SENATE RESOLUTIONS ADOPTED

Senator YAW, by unanimous consent, offered **Senate Resolution No. 100**, entitled:

A Resolution designating the week of May 7 through 13, 2017, as "Drinking Water Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lycoming, Senator Yaw.

Senator YAW. Mr. President, very briefly, for most of us drinking water is generally available instantly 24 hours a day and we do not think about how important drinking water is to us and we take it for granted. So for that reason, this resolution designates the week of May 7 through 13, 2017, as "Drinking Water Week" in Pennsylvania to heighten our awareness of how important drinking water is to all of us.

Thank you, Mr. President.

The PRESIDENT. Sounds very good and making me thirsty already.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator HUTCHINSON, on behalf of Senators WARD, TARTAGLIONE, DINNIMAN, FONTANA, BAKER, SABATINA, GREENLEAF, BLAKE, BROWNE, AUMENT, YUDICHAK, RAFFERTY, KILLION, FARNESE, HUGHES, VULAKOVICH and COSTA, by unanimous consent, offered **Senate Resolution No. 101**, entitled:

A Resolution recognizing the month of May 2017 as "Building Safety Month" in Pennsylvania and encouraging residents to participate in "Building Safety Month" activities.

On the question,
Will the Senate adopt the resolution?

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

Senator HUTCHINSON. Mr. President, I rise on behalf of my friend and colleague, Senator Ward, to offer this resolution designating May 2017 as "Building Safety Month" in Pennsylvania. Building Safety Month serves as a reminder to the public about the critical role played by building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, and others in the construction industry who work year-round to insure the safe construction of buildings and that the places where we work, where we live, where we worship, and where we play are all safe.

Mr. President, I ask my colleagues to please join me in supporting this important resolution.

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

Senator COSTA. Mr. President, I offer submitted remarks for the record on behalf of Senator Tartaglione.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentleman from Allegheny, Senator COSTA, on behalf of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

Mr. President, I want to speak briefly about a resolution Senator Ward and I introduce today calling for May to be "Building Safety Month" in Pennsylvania. Building codes are the forgotten backbone that insure the safety for all Pennsylvanians. Building Safety Month is intended to educate the public about what is needed to create and maintain safe structures and to highlight the work of those professionals who are entrusted with code enforcement.

Our citizens and our workers depend on standardized codes to insure that homes, buildings and other structures are crafted in a safe, effective way. The hardworking building safety professionals throughout the Commonwealth work tirelessly to design and implement building safety solutions, and we can all be proud of their efforts on our behalf.

Our buildings, built to code, protect our communities from severe storms, earthquakes, floods, and other natural disasters. Building safety professionals play a pivotal role in making residents in the Commonwealth safe. Therefore, Senator Ward and I feel that we should bring attention to Building Safety Month. The purpose of our resolution is to acknowledge the hardworking and skilled professionals who are quietly making buildings safer and more energy efficient.

Therefore, we ask our colleagues to support our resolution making the month of May Building Safety Month in Pennsylvania.

Thank you, Mr. President.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Nancy Cook, Stacey Green, Kayla Coover and to The Lodges at Gettysburg by Senator Alloway.

Congratulations of the Senate were extended to Dorothy T. Kotch, Dennis R. Teter, Jr., Cheryl A. Kramer and to Veterans of the Vietnam War Post No. 29 by Senator Argall.

Congratulations of the Senate were extended to Mr. and Mrs. J. Larry Griffith, Olivia Farwell, Ethel L. Secrest and to Dorothy L. Fuhrman by Senator Aument.

Congratulations of the Senate were extended to Dr. Gerald G. Huesken by Senators Aument and Martin.

Congratulations of the Senate were extended to Virginia John, Evan Tracey Newell, David Norman Williams, Robert Lee Dolbear, Charles Kishbaugh, Bernard C. Banks, Jr., Victoria Demuysere, Ashlei Rivera, Jessica Williams, Tunkhannock Borough Police Department and to Kiwanis Club of Dallas by Senator Baker.

Congratulations of the Senate were extended to Donna Cosmello and to Richard Ainey by Senators Baker and Yaw.

Congratulations of the Senate were extended to Rick Amato, Karleen M. Beischl, Isabelle F. Andrews, Henriette R. Engelson and to Ruth M. Kemmerer by Senator Boscola.

Congratulations of the Senate were extended to the members and coaches of the Kennedy Catholic High School Boys' Basketball Team by Senator Brooks.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Janson, Jr., Alice Schaffer, Mary Cecilia Pizzo, Shirley Ann Beiseigel, Anna J. Barna, Elizabeth Marsden, Grace E. Conti, Leo G. Clarke III, Roger Charles Reis, Gladys M. Lerch, Nancy S. Holbrook, Donald M. Christ, A. Marie Johnson, John H. Harting, Lehigh Valley Veterans' History Project and to PPL Electric Utilities by Senator Browne.

Congratulations of the Senate were extended to Cedarbrook Nursing Home-Allentown Auxiliary by Senator Browne and Boscola.

Congratulations of the Senate were extended to the Reverend Dr. Bernard F. O'Connor, Oakes Fegley, Shane Burcaw, Dennis Razze, Michael Pessina, Jill Odegaard, August Fegley, Jon Roycastle and to the National Association of Letter Carriers by Senators Browne, Boscola, and Scavello.

Congratulations of the Senate were extended to Dr. Susan Hakkarainen and to Dr. Nelvin Vos by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Leister H. Shirk, Kaleb James Norton and to Betsey E. Howell by Senator Corman.

Congratulations of the Senate were extended to the Honorable Ray Bodnar, Alison Hall, Kyle Michael Stramaski and to Ryan Phillip Monahan by Senator Costa.

Congratulations of the Senate were extended to Andrew Henry Johnson, Senthilmurugan V. Vel, Cameron A. Cox,

Benjamin G. Cheng, Charles Eugene Bernard and to the Friends of White Clay Creek Preserve by Senator Dinniman.

Congratulations of the Senate were extended to Margaret D. Gusz by Senators Dinniman and Killion.

Congratulations of the Senate were extended to Kevin Long, Carol Petersen, Cindy Diffendall, Jerry Nowak and to Benjamin Codd by Senators Dinniman, McGarrigle, and Rafferty.

Congratulations of the Senate were extended to Senior Master Sergeant Deborah Bashore by Senator DiSanto.

Congratulations of the Senate were extended to Senior Master Sergeant Anthony Paul Capretti, Stephen Holubec, Jennifer Gettle, Edmund R. Woods, Jr., Robert Lewis Darby, Ashlee McCollum-Giles, Rachel Frometa, Antonia Hiester and to William J. Brigham by Senator Folmer.

Congratulations of the Senate were extended to Matthew Richards by Senator Fontana.

Congratulations of the Senate were extended to Master Sergeant Simon S. Troyer, Abigail Henrichs, Kaiya Reed, Samantha Houser, Marjorie Carrathers Gotshall and to the Central Susquehanna Licensed Practical Nurse Career Center by Senator Gordner.

Congratulations of the Senate were extended to Thomas A. Abraham III, Alexander William Dixon, Joseph T. Seyler, Andy Thomas and to the members and coaches of the Hatboro-Horsham High School Boys' Swimming Team by Senator Greenleaf.

Congratulations of the Senate were extended to the Pennsylvania Prison Society by Senators Greenleaf and Farnese.

Congratulations of the Senate were extended to Michael B. Connor by Senator Greenleaf and others.

Congratulations of the Senate were extended to Calvin David Miller, Samuel J. Zurzolo, Kenneth E. Bonus, Jerome Emmett Nacey II, Parker T. Myers, Cameron Szish, Matthew S. Rechenberg, Jacob A. Rechenberg, Ethan Brooks, Dillon Matthew Latini and to the Butler County Chapter of the American Red Cross by Senator Hutchinson.

Congratulations of the Senate were extended to the Chester Mother's Day Parade by Senator Killion.

Congratulations of the Senate were extended to Brandywine Conservancy by Senators Killion and Dinniman.

Congratulations of the Senate were extended to Carol Hart Metzker by Senator Killion and others.

Congratulations of the Senate were extended to Bo Bassett by Senator Langerholc.

Congratulations of the Senate were extended to Tracey L. Cook by Senators Langerholc and Stefano.

Congratulations of the Senate were extended to Daniel James Orinick by Senator Laughlin.

Congratulations of the Senate were extended to John Spedden Bonetti, Armenian Sisters Academy and to Greater Philadelphia Falun Dafa Association by Senator Leach.

Congratulations of the Senate were extended to Matthew James Marquette by Senator Martin.

Congratulations of the Senate were extended to Daniel J. McGonigal by Senator McGarrigle.

Congratulations of the Senate were extended to Frances Sheehan by Senators McGarrigle and Dinniman.

Congratulations of the Senate were extended to Pamela Varkony, Jeremy Dioses, Arta L. Szathmary, Brigitte M. Walker-Quinn, Tam St. Claire, Cheryl Annette Kelton, Kathleen

Holt Whyte, Robyn Hirshburg, Heather L. Foor, Jenny C. Danzis, Kimberly Cambra and to Gwendolyn B. Coverdale by Senator McIlhinney.

Congratulations of the Senate were extended to Michael Dilanni, Bo Luna, Kelly DeKoyer, William Soloway and to Calkins Media, Inc., by Senator McIlhinney and others.

Congratulations of the Senate were extended to Lisa J. Gaier and to Joseph G. Landis by Senator Mensch.

Congratulations of the Senate were extended to Grayson Keaton by Senator Rafferty.

Congratulations of the Senate were extended to Noah Strawser, Kenneth Lee Hutchison and to H & H Sales Associates, Inc., by Senator Regan.

Congratulations of the Senate were extended to Jason Cook, Kara Touscany and to Watson Institute by Senator Reschenthaler.

Congratulations of the Senate were extended to Bea Streitfeld and to Max Komins by Senator Sabatina.

Congratulations of the Senate were extended to Samuel J. Martini, Naaman Houseal, Amala Abrahamsen, Allison R. Steinert, Madison P. Collins, Elizabeth Anthony, Melissa Henry, Cassandra R. Miller, Devon V. Pfeifer, Henry Pavis, Andrew Peters, Nathaniel Peterson, Eric D. Bellis, Bradlee Thrasher, Nikloas Sheats, Brian J. Gembariski, Mason Hudnall, Sue Werkheiser, John T. Lambert, Harry F. Lee, Timothy Matthew Dobroksi, Mark Steven Bartolacci, Victoria Padmos, Veronica Wright, Rian Power, Hannah Durham, Rebecca Sebring, Kayanna Verwey and to the Mattioli Foundation by Senator Scavello.

Congratulations of the Senate were extended to Dr. Lex O. McMillan, Hamid Chaudhry, Jean Arroyo, Adamaris Morales and to Prospectus Berco by Senator Schwank.

Congratulations of the Senate were extended to Topton Volunteer Fire Company No. 1 by Senator Schwank and Mensch.

Congratulations of the Senate were extended to Malcolm E. Harris by Senator Street.

Congratulations of the Senate were extended to Erica Montanez, Rita Devlin, John McBride, Jason Seigafuse, Doreen T. Napper, John McDonald, Daniel Sweeney, William Thrasher and to the Pennsylvania National Guard, 28th Infantry Division, 56th Brigade by Senator Tartaglione.

Congratulations of the Senate were extended to Gary Tennis, Anthony Agudo, Anderson Jimenez, Sean Foley, Michael Mitchell, Rafael Romos and to Patrick Clark by Senators Tartaglione and Sabatina.

Congratulations of the Senate were extended to Timothy Schrenk, Jesse McKnight, Cyndie Bowman and to Turning for Home, Inc., by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. Salvatore Esposito, Dr. William Magill, Travis Ford-Bey, Jr., James Brazill, Matt McFillin, Matt Cozza, Michael Mitros, Sandra Thielz, Julie Funk and to Frances Sheehan by Senators Tomlinson and Dinniman.

Congratulations of the Senate were extended to Christopher Anthony Piccoli, Brendan Andrew Grzyb and to Daniel Trombola by Senator Vulakovich.

Congratulations of the Senate were extended to George John Koontz, Eric Stiles, Darin Wise and to Voith York by Senator Wagner.

Congratulations of the Senate were extended to Nickolas Dupree, Andy Fergelec and to Boy Scouts of America Troop 345 by Senator Ward.

Congratulations of the Senate were extended to David P. Hardy by Senator Williams.

Congratulations of the Senate were extended to Master Sergeant Albert Maryott, Aaron R. Benfer, Joseph R. Wentzler and to Ryan M. Oliver by Senator Yaw.

Congratulations of the Senate were extended to Mr. and Mrs. George Morgan, InterMetro Industries Corporation, Interstate Building Materials, Inc., and to the citizens of the Borough of Sugar Notch by Senator Yudichak.

Congratulations of the Senate were extended to Christine Ferrato, Edward W. Stanks, Jr., Saint Elizabeth Ann Seton Parish, Hi-Lites Motor Club, Geisinger Medical Center Mobile Laboratory and to the Wilkes-Barre Fire Department by Senator Yudichak and Baker.

Congratulations of the Senate were extended to the Greater Hazleton Chamber of Commerce by Senators Yudichak, Baker, and Blake.

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 Ann Brennan, to the family of the late Mary Ann Patla Kukosky, to the family of the late Kathy Skammer Fiske, to the family of the late Robert L. Franklin and to the family of the late Arlene Bender by Senator Baker.

Condolences of the Senate were extended to the family of the late Nancy Frances Cepparulo and to the family of the late William Mount by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Ryan M. Cenk by Senator Vulakovich.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 300, SB 508, SB 611, SB 627 and HB 151.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, MAY 1, 2017

| | | |
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| 11:00 A.M. | AGING AND YOUTH, APPROPRIATIONS Subcommittee on Health and Human Services, HEALTH AND HUMAN SERVICES and | Univ. of Pitt. William Pitt Assem. Room |
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INTERGOVERNMENTAL OPERATIONS (joint public hearing to consider the impact of the proposed consolidation of the Departments of Health, Human Services, Aging, Drug & Alcohol Programs into a unified Department of Health & Human Services)

WEDNESDAY, MAY 3, 2017

| | | |
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| 1:00 P.M. | COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (S) and GAMING OVERSIGHT (H) (joint public hearing to gather information from gaming industry stakeholders regarding gaming expansion options and suggested changes to the local share assessment) | Mt. Airy Casino Resort Event Center |
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MONDAY, MAY 8, 2017

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| Off the Floor | APPROPRIATIONS (to consider Senate Bills No. 222, 269, 522, 523 and 651) | Rules Cmte. Conf. Rm. |
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| Off the Floor | RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 561 and certain Executive Nominations) | Rules Cmte. Conf. Rm. |
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TUESDAY, MAY 9, 2017

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| 9:00 A.M. | ENVIRONMENTAL RESOURCES AND ENERGY (public hearing to consider the nomination of Patrick McDonnell as Secretary of the Department of Environmental Protection) | Room 8E-A East Wing |
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| 9:00 A.M. | STATE GOVERNMENT (public hearing on Senate Bill No. 527) | Hrg. Rm. 1 North Off. |
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| 12:30 P.M. | LAW AND JUSTICE (to consider Senate Bill No. 403; Senate Resolution No. 75; and House Bill No. 27) | Room 8E-A East Wing |
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| Off the Floor | AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bills No. 632 and 679) | Rules Cmte. Conf. Rm. |
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WEDNESDAY, MAY 10, 2017

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| 9:30 A.M. | LAW AND JUSTICE (S) and LIQUOR CONTROL (H) (joint public hearing on pricing) | Hrg. Rm. 1 North Off. |
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| 9:30 A.M. | URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 586 and 667; and House Bills No. 595 and 758) | Room 461 Main Capitol |
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FRIDAY, MAY 12, 2017

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| 12:00 P.M. | EDUCATION (public hearing on Erie City School District and implementation of the Financial Watch & Recovery Status System) | Central Tech H.S. Erie, PA |
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MONDAY, MAY 15, 2017

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| 1:00 P.M. | EDUCATION Subcommittee on Support Services and Transportation (public hearing on current practices and issues in pupil transportation) | Hrg. Rm. 1 North Off. |
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PETITIONS AND REMONSTRANCES

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

Senator RAFFERTY. Mr. President, last night I was awarded a fun distinction. I was asked to celebrity bartend for a period of

time at Stock's on 2nd to raise money for leukemia research and cure to battle this disease that we know takes so many young lives, as well as elderly lives here in the Commonwealth of Pennsylvania. Money was raised last night from tips, and Stock's is donating part of their money for leukemia research. It was a great time. I thank Melissa Bova from the Pennsylvania Restaurant Association. She asked me, it was supposed to be two other individuals but she asked me to pinch-hit, so I went in and was able to use skills that I once used many years ago as a bartender. I will note, Mr. President, one Senator was relieved by two Representatives, so it took two to one. It was a fun time. Representative Harris and Representative Costa from the House, who are both very good friends, came in and they did a great job raising money for leukemia. I thank Steve Weinstock, who is the owner of Stock's on 2nd, for his assistance and for shepherding me through, and Matt Krepps, who is the manager at Stock's on 2nd, for their guidance, their assistance, and helpfulness throughout raising money for a great cause. There were a lot of people there to make sure that they donated toward leukemia research. I was happy to be able to help such a worthwhile cause.

Thank you, Mr. President.

The PRESIDENT. I am sure when they were saying do a charity event involving pouring beer, the first person who came to mind was Senator Rafferty. Well done.

The Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, I want to take advantage of this opportunity to raise a few points and make a few points about the recent budget that was conveyed to us by the House of Representatives. I guess I will preface my remarks by saying it is good that we have a budget from the House in April. That is better than the past several years in terms of the pace of our budget process and budget debates. I am encouraged by that. I also express my thanks to the Republican Leader in the Senate who indicated that perhaps what we got from the House will not be the final solution set for the 2017-18 Pennsylvania State budget, and that is good.

The Republican budget that came over, House Bill No. 218, purports to balance the budget by not raising taxes or cutting services, but, Mr. President, the fact of the matter is, hidden in these numbers is pressure on local governments to raise taxes due to the cuts that are embedded in House Bill No. 218. The County Commissioners Association of Pennsylvania has spoken on this. I think it is important to call attention to some of the elements of House Bill No. 218 that puts extraordinary pressure on local governments to face the decisions that we apparently do not have the courage to face here. You either are going to cut services or you are going to raise taxes. That is the space we are in, and in House Bill No. 218 we are forcing our counties to consider that very same decision. House Bill No. 218 makes drastic cuts to law enforcement; criminal justice; emergency services; the county court reimbursement fund is reduced by \$3.5 million, and the jurors' cost reimbursement is reduced by almost \$200,000. House Bill No. 218 eliminates funding for juvenile probation services by nearly \$19 million. It eliminates \$16.2 million for adult probation services. It eliminates \$18.2 million for intermediate punishment and treatment programs; \$200,000 for county trial reimbursement; \$1.4 million for senior judge reimbursement and court interpreters; county grants eliminated by \$1.5 million; capital fire protection, \$5 million for Harrisburg;

and the Red Cross extended care program is eliminating \$150,000. The House Republican budget proposes cuts in human services programs as well, Mr. President. The counties are still reeling from a 10-percent cut 5 years ago and the impacts of the prolonged budget impasse of 2015-16.

These cuts are in addition to the reduction in payments to local health departments in Chester, Bucks, Montgomery, Allegheny, and Erie Counties. Cuts to county and local human services projects include mental health services, reduced by \$5 million from the Governor's original executive budget, for a total cut of \$19.6 million for mental health services at a time when our citizens really, really need those services. Transitional behavioral health services are reduced by \$4 million; the Human Services Development Fund is reduced by \$2 million, or 15 percent; and homeless assistance is reduced by \$2.8 million.

The House bill does not stop at human services programs or criminal justice. It goes further into eliminating necessary investments that would allow Pennsylvania to thrive and grow economically. The programs at DCED that are vitally important to leverage private investment and grow jobs in this Commonwealth have been eliminated substantially. The budget proposal cuts to all DCED lines are almost 50 percent from the 2017-18 funding levels. Keystone Communities, a 48-percent cut, \$5.8 million. The Partnerships for Regional Economic Performance (PREP), which involves our LDDs, our tourism promotion agencies, as well as our IDAs, our industrial development authorities, is reduced by 50 percent, \$5.9 million. The Center for Local Government Services by nearly \$200,000, and the Pennsylvania First grants are eliminated by 100 percent, \$20 million.

Mr. President, we have an obligation to make some very important decisions in this building. Senate Democrats believe that we have an obligation in public service to advance the quality of life for all Pennsylvanians and in all of Pennsylvania. We want our businesses, small and large, to thrive and grow cutting-edge innovation and technology to compete in a 21st-century economy. We want our workers to be respected, to earn a living wage so that they can drive regional economies with their spending power. We want our schools to thrive so the current generation can have hope for their future and that the next generation can become good citizens and productive workers. We want our communities to be safe with strong healthcare and human services, a safety net for our aging population, and for persons with disabilities.

Mr. President, the budget that was suggested to us by the House does not enable us to meet those responsibilities of State government. We cannot continue to retreat from the responsibilities of State government and put so much pressure on counties to rely upon their local tax base to fill in the blanks. So, Mr. President, I wanted to get some remarks on the record today expressing my deep and abiding concern about House Bill No. 218. I hope that here in the Senate we will enact corrective measures, adopt an appropriate amendment, and get the budget done properly to make the appropriate investments in the future of our Commonwealth. Thank you very much.

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

Senator COSTA. Mr. President, I thank my colleague, the gentleman from Lackawanna County, for his very eloquent remarks about what we need to do on this side of the building as it relates to working to put together and fashion a budget that ad-

dresses the needs of Pennsylvanians, as this one does not. Mr. President, as I spoke yesterday at this podium, we talked about all of the folks who came to visit us over the course of the past couple of days and how important it is for all of us to be able to be sincere and honor the words we provide to them when they come and speak to us about trying to make changes or add resources to be able to provide the services that they need, whether it be through State government or other agencies or organizations to which we provide resources to assist them, and that is exactly what I rise about today as well.

Earlier today, we had the honor and privilege of having Adjutant General Carrelli of the National Guard and Air National Guard speaking with us, and today is National Guard Day here in this Commonwealth. We took time to recognize the men and women of our Commonwealth who serve in the National Guard and thank them for their service, which is certainly the right thing to do. General Carrelli's report to us on the work and sacrifice of our National Guardsmen in their communities, in the Commonwealth, and across the nation, and across the globe for that matter, really filled us with great pride.

However, Mr. President, the proposed budget that was adopted by the House of Representatives in the form of House Bill No. 218 does not support the mission that we stood and applauded and recognized and honored earlier today. They do not recognize to the degree that is important the responsibilities of the Guard to our Commonwealth. This simply does not put their money where their mouth is. The Department of Military and Veterans Affairs' ability to serve the military and our veteran community will be significantly challenged if House Bill No. 218 becomes law. Simply stated, funding House Bill No. 218 would push the DMVA, the Department of Military and Veterans Affairs, to really a critical failure position. Statistics about the economic impact of the DMVA reveal that we have 2,600 Commonwealth employees, 20,000 enlisted members in more than 90 communities across the Commonwealth, and more than \$1.4 billion economic impact. Funding cuts, which are included in House Bill No. 218, would render the DMVA's ability to support programs, support services, and outreach services to the nearly 900,000 veterans and National Guardsmen to the brink. We are very fortunate that the Governor recommended, particularly as it relates to the Veterans Outreach Program, a \$500,000 increase in the Veterans Outreach Program so we are able to reach the veterans who are not aware of, are not captured as relates to some of the benefits that may be available to them. In particular, I am referring to the wraparound services that oftentimes are provided that they may not necessarily be aware of.

Mr. President, funding reductions will also jeopardize Federal matching dollars, which total approximately \$800 million, again, further crippling the efforts of our folks who work through the Department of Military and Veterans Affairs. As we go forward, the next several months are the peak season for the National Guard. It is coming to us here and our own Fort Indiantown Gap in central Pennsylvania, one of the busiest U.S. Guard training facilities in the country. It is not only used by Guard personnel but also evolved to include training facilities for national and State law enforcement agencies as well. Many Pennsylvania units are preparing for deployment and mobilization across the nation and the globe over the next 18 months. House Bill No. 218 would have a devastating effect on those efforts. Further, this legislation would have a negative impact on our PA Guard

effort to recruit and retain personnel. Specifically, many National Guard members take advantage of education funding opportunities, and House Bill No. 218 would substantially reduce those funds and opportunities. Without those tools available to them, recruitment and retention of Guard members fails. Most concerning, Mr. President, if House Bill No. 218 is implemented as it currently stands, DMVA may only be able to maintain support for veterans and National Guardsmen until February 2018 if unemployment compensation is included. It may also force us to furlough up to 65 personnel in that agency and shutter some of the critical programs and services.

So, Mr. President, I ask my colleagues, who earlier today had the honor of recognizing the heroes that we had here today, our National Guardsmen and women and our Air National Guardsmen and women and our veterans, who we owe a duty to them that we are able to provide them with the services and level of services and resources that we stood for today and honored. So I am asking my colleagues, as we go forward in this budget process, to be able to stand with those individuals, those men and women we honored today, and provide them with the level of resources that they need through the appropriate State agencies and honor and respect the work that they do, unlike what the House has done.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman. Fort Indiantown Gap is indeed a world training base. I trained there and it is the best.

The Chair recognizes the gentleman from Lebanon, Senator Folmer.

Senator FOLMER. Mr. President, as Ronald Reagan said to Jimmy Carter during the October 1980 debate, there you go again. Yes, Mr. President, I am here again to talk about the need to pass Senator Argall's Senate Bill No. 76 to completely eliminate school property taxes, because I believe no tax should have the power to tax you out of your home. Mr. President, I again rise in support of Senate Bill No. 76 because it is the only plan that provides for the complete elimination of school property taxes, not partial reduction, not reduction for some but not all school property taxpayers, and not a new program to lessen the burden of school property taxes, but total elimination of school property taxes. Senator Argall and I have been working to educate people on how Senate Bill No. 76 would provide for the total elimination of school property taxes and to dispel the many myths that have been spread about the merits of Senate Bill No. 76.

As I have said on numerous occasions, Mr. President, to provide for the total elimination of school property taxes, you need approximately \$14 billion in replacement revenues, and there are just four basic replacement options: personal income tax, the earned income tax, the sales and use tax, and some other new tax. Senate Bill No. 76 reaches the much-needed and long-overdue goal by eliminating school property taxes through a dollar-for-dollar replacement of existing school property taxes by expanding the personal income tax and sales tax and giving school districts the ability to raise additional revenues through either a local personal income tax or other local earned income tax after local voter approval.

Some have said that Senate Bill No. 76 is overly complicated, but it really is not. Let me walk you through the provisions. Mr. President, well over one-half of Senate Bill No. 76 is devoted to

the expansion of the sales tax, which is, admittedly, a complicated law. Nevertheless, the key provision of Senate Bill No. 76 begins with Chapter 3, which would eliminate school districts' ability to levy property taxes while giving them authority to impose a personal or earned income tax after voter approval. Chapter 4 expands the personal income tax to provide for dollar-for-dollar replacement of existing school property taxes. Current estimates establish a rate of 4.95 percent, the expanded PIT, to replace the existing school property tax. Each 0.1 percent increase in PIT generates approximately \$400 million in replacement revenues for dollar-for-dollar replacement of existing school property taxes, and going from the current 3.07 percent PIT to the 4.95 percent PIT would generate approximately \$8 billion in replacement revenues.

Chapter 7 of Senate Bill No. 76, which includes subchapter B, is by far the longest and most detailed section of Senate Bill No. 76. Mr. President, it both increases the rate of the sales tax to 7 percent and expands the base, which is why this section of the bill is so long and so detailed. A 1-percent increase in the sales tax, which includes the hotel tax, from 6 percent to 7 percent, 7 percent to 8 percent in Allegheny County, and 8 percent to 9 percent in Philadelphia, would generate approximately \$1.7 billion in replacement revenues to provide for the dollar-for-dollar reductions in school property taxes. Combined, the increase in the PIT and sales tax account are about two-thirds of the needed revenues to totally eliminate school property taxes. The remaining one-third in revenues to provide for the dollar-for-dollar replacement of existing school property taxes would come from the current gaming moneys and expansion of the sales tax base.

Mr. President, not only is the expansion of the sales tax base complicated, it is also the portion of Senate Bill No. 76 that generates much of its opposition to it. However, rather than offering alternatives, critics of Senate Bill No. 76 oppose the entire bill. Expanding the base generates approximately \$4.6 billion in replacement revenues. If you do not like the proposed expansion of the sales tax base, offer some alternatives. However, Senate Bill No. 76 already has some protections built into it. For example, the proposed expansion of the sales tax base under Senate Bill No. 76 would not include food items on the WIC list: fruits, vegetables, milk, cheese, yogurt, juices for children and women, infant food, whole wheat breads and grains, breakfast cereals, peanut butter, and eggs. Expansion of the sales tax base under Senate Bill No. 76 would include food items such as sodas, fruit drinks, sport drinks, cheese spreads like Cheese Whiz, foods with added sugars, fats, salt or oils, and beans and franks. In other words, foods with little nutritional value would be taxed under Senate Bill No. 76, which is one of the protections of Senate Bill No. 76.

Another protection in Senate Bill No. 76 is the proposed expansion of the base to clothing, which would generate an estimated \$460 million in replacement revenues to eliminate school property taxes. However, the proposed expansion to clothing would exempt all clothing items under \$50 per item, which would help low-income people. Yet another protection of Senate Bill No. 76 is the proposed expansion of the sales tax base to services, which would generate an estimated \$2.5 billion in replacement revenues to eliminate school property taxes. However, the proposed expansion to include services would provide an exemption to ensure consumers would not pay this tax more than once.

So, Mr. President, once you get through the sales tax provisions of Senate Bill No. 76, the remaining provisions of Senate Bill No. 76 are less controversial, less detailed, and more easily explained. Chapter 11 of Senate Bill No. 76 would allow schools to continue to impose a property tax to repay outstanding debt. However, once repaid, the remaining property taxes would be eliminated as well. This provision of Senate Bill No. 76 was added to help insure school districts could repay their debts without fear of cash flow problems. However, I find it ironic that a proposed protection of Senate Bill No. 76 is being used as a reason to oppose Senate Bill No. 76, through the claims that it would not completely eliminate school property taxes. Senate Bill No. 76 does eliminate school property taxes, and this, Mr. President, is why I am standing here yet again in this august and historic Chamber talking about the one and only bill that offers a way to reach the much-needed and long-overdue goal of eliminating school property taxes, Senate Bill No. 76.

If you do not like the mixture of the taxes proposed by Senate Bill No. 76 to eliminate school property taxes, offer an alternative. If you do not like the proposed expansion of the sales tax as recommended by Senate Bill No. 76, offer an alternative. If you do not like allowing school districts to continue to impose the property tax after passage of Senate Bill No. 76 to cover their debts, offer an alternative. But please, Mr. President, if you are not able to offer alternatives to these provisions of Senate Bill No. 76, please, Mr. President, please do not offer plans that do not provide for the complete elimination of school property taxes. Do not offer plans that provide for partial elimination of school property taxes, do not offer plans that help some property taxpayers but not all property taxpayers, do not offer programs that provide limited relief of school property taxes, and lastly, please do not say we need a discussion on school property taxes, because this issue has been discussed for far too long and it is time for action. It is time for action, Mr. President, because it is only a matter of time before the current system will be unable to fund our schools. The reason I say this is because Senator Argall and I recently requested updated information from the Independent Fiscal Office on various estimates relating to existing school property taxes. Their April 6 report to us shows that the school property taxes are increasing at approximately a half-billion dollars a year. From last year to this year, the projected increases in school property taxes are estimated to be \$426 million, from \$13.868 billion to \$14.294 billion, and these increases are projected to continue: \$488 million the next year, \$537 million the year after that, \$558 million the following year, and \$578 million from 2020-21 on to 2021-22.

So, Mr. President, the clock is ticking. Property taxes continue to rise and taxpayers continue to bear the burden. As many times as I have stood here asking for alternatives to Senate Bill No. 76 to eliminate school property taxes, there remains just one bill that gets us to the much-needed and long-overdue goal - Senate Bill No. 76. Now, Mr. President, it is just a matter of time before the existing school property tax system reaches a point where we are going to be running out of people's money to fund our schools.

So yes, Mr. President, here I am again, counting the merits of Senate Bill No. 76 to eliminate school property taxes, because I continue to believe that no tax should have the power to leave you homeless.

Thank you, Mr. President.

The PRESIDING OFFICER (Senator Scott E. Hutchinson) in the Chair.

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

Senator COSTA. Mr. President, just a quick follow-up to the ongoing dialogue that Senator Folmer and I have been having over the past several weeks. I certainly appreciate his passion and desire to see property taxes be addressed in this General Assembly, and I share that. Our Caucus shares that desire to have the conversation about what is the best approach. We have asked for a Special Session on property tax relief or reform and have yet to be obliged to be able to do that, because we believe we have to have a discussion on property tax relief in this Commonwealth. It should not be a discussion, as outlined by the previous speaker, that only includes property tax elimination. That should be left to the body to determine that, whether it should be only that version or other versions that other folks have put forth. As the gentleman knows, our Caucus has advanced a Senate version that would allow for nearly 2 million individuals to have their property taxes covered or be reimbursed for their school property taxes. We believe that is an appropriate step going forward but it should be part of a dialogue, and that is all we are asking for. The gentleman is of the Majority party and I know he has spoken on this issue quite a bit. We are waiting until Senate Bill No. 76, this final, new version, is actually introduced into this General Assembly this Legislative Session. That has not occurred yet, but we do believe that it is important.

Mr. President, I am having a difficult time reconciling right now the comments of the gentleman in light of what was done earlier today during our Session when we dealt with, I believe it was Senate Bill No. 8, and I cannot reconcile the two positions that the gentleman takes, first with respect to his remarks about property taxes, and also the position that he took on Senate Bill No. 8 as the prime sponsor of a civil forfeiture process. Mr. President, as we know, both of them involve, as he alleges, taking property. In fact, his comments were to the effect that no tax should be the vehicle to be able to take somebody's property, and Mr. President, we agree with that. But even in that tax sale process that could possibly occur, there is a formal structure process that allows folks to be represented by counsel, allows folks to have due process rights.

Contrasting that with what we did on Senate Bill No. 8, which does not provide for the due process in the taking of somebody's property, it does not provide anyone the right to counsel when their assets are being taken through a civil forfeiture procedure when that person has not even been convicted. So, to me, Senate Bill No. 8 looks to be a process and an opportunity for a government to come in, whether it be school boards or whether it be the district attorney's office in the Commonwealth, provides them the opportunity to come in and take someone's properties. What they want in Senate Bill No. 76 or what Senate Bill No. 76 would provide with respect to that, if we eliminated it, would not be there, but Senate Bill No. 76 and that conversation about taking someone's property through tax sale provides far more rights where someone has not had the ability to pay and there has been a final determination that someone cannot pay. Contrasting that with Senate Bill No. 8, the civil forfeiture process does not provide the same level of due process or the right to counsel as a tax sale would, nor does it provide for a determination, the tax sale

being the determination if someone has not paid. That, to me, is wrong. The question I have for my colleagues today is what happened to protecting one's right to life, liberty, and property? That is a fundamental constitutional right that is provided in one area, but today we passed Senate Bill No. 8 that did not provide that due process to individuals who may not ever have a conviction on their record or as a result of that and yet still may lose their property to the government. That, to me, is wrong. That is more scary to me, Mr. President, than dealing with the consequences of a property tax at a local school district.

Thank you, Mr. President.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move that the Senate do now recess until Monday, May 8, 2017 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 2:13 p.m., Eastern Daylight Saving Time.