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TUESDAY, JUNE 22, 2010

SESSION OF 2010 194TH OF THE GENERAL ASSEMBLY

No. 39

SENATE

TUESDAY, June 22, 2010

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

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

PRAYER

The Chaplain, Reverend Dr. WILLIAM ALEXANDER, of Saint Stephen's United Church of Christ, Philadelphia, offered the following prayer:

Let us pray.

O God, we begin this Session acknowledging that all proceedings that are conducted here today are done so before You and that You want to bless these men and women as they conduct their business. We confess that we fall short of Your standards, and yet You are still so good to us. Make goodness toward others be dominant here today, even in the midst of disagreement. And we are thankful, God, for all that You have given us, including our relationships with one another. Just as iron sharpens iron, we need one another, even though it is often difficult to interact with one another.

Now, dear God, we come to You with an agenda, one that needs to be addressed today. Our prayer is that Your higher purposes, as best they can be understood by these men and women, will be served as they conduct their matters at hand. We especially have in mind carrying out the greater good for the people of Pennsylvania. These considerations are not easily discerned, and when they are, they are often met with strong resistance. That is why we are asking for Your help. As competent and talented as these men and women are, it is often not enough. They need to look for a higher guidance from You.

The opposing forces of good are strong, but as each of these draw from their deeper parts and their faith in You, God, good things will happen. May You cause them to focus sharply on matters that are brought forth before them today. Enable them to discern wisely, as You would define wisdom, for what is to be decided upon. And finally, may they continue to choose the high road of courage and integrity, one that they have taken many times before in their lives in the decisionmaking process. And may justice and love--that is doing what is best for others--prevail.

Now, may the Lord bless you and keep you. May the Lord make His face shine upon you. May the Lord be gracious to you, and may the Lord turn His face toward you and give you peace. Amen.

The PRESIDENT. The Chair thanks Reverend Dr. Alexander, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 174**, **SB 928** and **SB 1246**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 87**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

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

SB 174, **SB 928** and **SB 1246**.

BILLS REPORTED FROM COMMITTEES

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

SB 1171 (Pr. No. 2079) (Amended)

An Act providing for Advisory Committee on Immunization Practices recommendations for influenza vaccination in children.

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

SB 728 (Pr. No. 2082) (Amended)

An Act requiring the design, construction and renovation of certain State buildings to comply with specified energy and environmental building standards.

SB 1394 (Pr. No. 2044)

An Act amending the act of December 19, 1984 (P.L.1093, No.219), known as the Noncoal Surface Mining Conservation and Reclamation Act, further providing for mining permit and reclamation plan.

HB 444 (Pr. No. 3951) (Amended)

An Act requiring the design, construction and renovation of State-owned or State-leased buildings to comply with specified energy and environmental building standards.

HB 786 (Pr. No. 3952) (Amended)

An Act establishing the State Energy Office; and imposing duties on the State Energy Office.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 229 (Pr. No. 2080) (Amended)

A Resolution urging the United States Preventive Services Task Force to reexamine its recommendations on mammograms for women beginning at 40 years of age.

SR 348 (Pr. No. 2081) (Amended)

A Resolution directing the Legislative Budget and Finance Committee to conduct a performance audit of Pennsylvania's methadone treatment programs and the medical assistance transportation program.

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

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Piccola.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Mellow, and a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola.

Senator O'Pake requests a legislative leave for Senator Mellow, and a temporary Capitol leave for Senator Williams.

Without objection, the leaves will be granted.

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 4, 2010, is now in print.

The Clerk proceeded to read the Journal of the Session of May 4, 2010.

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

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

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

YEA-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, many of us have been visited today by young men from the American Legion sponsored Keystone Boys' State, who are here in the area for a week. They are studying various phases of government, State and local, and they seem like a very, very interested group of young people. Most of them are in the gallery right now. I know we all have guests who are represented here by this American Legion group.

I know, from my district, we have four fine young men who are seniors in high school, and I would like the Chair to recognize Alex Kershetsky, Kyle Smith, Drew Hoffman, and Dylan Weaknecht. We encourage them to continue in their interest in good government, and I ask that the Senate extend its usual warm welcome.

The PRESIDENT. Would the guests of Senator O'Pake please rise to be welcomed by the Senate.

(Applause.)

GUESTS OF SENATOR EDWIN B. ERICKSON PRESENTED TO THE SENATE

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

Senator ERICKSON. Mr. President, I, too, have some young men in the audience. I will not repeat Senator O'Pake's introduction but would like to recognize Daniel Sparks from Swarthmore, Daniel Pcsolyar from Newtown Square, Dan McCollum from Springfield, and Myquan Harris-Moore from Upper Darby, who is on staff. Thank you.

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

(Applause.)

GUESTS OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Mr. President, I, too, would like to welcome all of the men in the gallery from the Keystone Boys' State program. In particular, I would like to welcome a group of outstanding young men from my district. They are Tyler Alan, Ryan Davis, Zach Hebda, Troy Jzwaczkowski, Michael Koon, Ben Lesniak, Daniel Loughran, Mike Matjasko, Brett McElroy, Joseph Sadecky, and Eric Snyder.

Mr. President, I am impressed by their passion to serve others, as many are volunteers with the American Legion and participate in the Boy Scouts. One young man even told me how he helped needy children in Pittsburgh by collecting Christmas presents for them. Mr. President, Theodore Roosevelt once said, "I dream of men who take the next step instead of worrying about the next thousand steps." That is what the future is, and I welcome them here to the Senate floor.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE

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

Senator BRUBAKER. Mr. President, I also have three young men in the gallery who are here with the Keystone Boys' State organization, and they are Christian Nolt, Donavon Stadel, and Andrew Wolgemuth. I met them here earlier today, and they had a lot of very probing and thoughtful questions about how the State General Assembly does its job. It is a privilege for me to introduce them at this time, Mr. President.

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

(Applause.)

Senator BRUBAKER. Mr. President, for the second introduction, I have four students here today who won a student essay challenge, and they are Jonathan Brown, second grade at H.C. Burgard Elementary School; Emily Krill, fifth grade at Landisville Intermediate Center; Rachel Wilkowski, seventh grade at Twin Valley Middle School; and Logan Newcomer, ninth grade at Manheim Central High School. They won an essay contest, and they are very thoughtful students interested in how we do our business here in State government.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Mr. President, I am pleased today to introduce Miss Paige Wyant, a student--I do not get many down here--from my district who submitted the winning entry in my annual "There Ought To Be A Law" essay competition that I hold for all sixth-grade students in the 41st District. Paige's suggestion that every student be required to pass a first aid class to graduate from high school is truly worthy, I think, of legislative consideration.

Paige is a student at Lenape Elementary in Ford City, Pennsylvania, and she enjoys chorus and is active in her church. She is accompanied today in the gallery by her parents, Joseph and Kristen Wyant; her sister, Lauren; her grandmother, Helen Wyant; her teacher, Kathy Walters; Kathy's husband, Daniel; and Jeremy Dias of my Kittanning office. I ask that the Senate extend its usual warm welcome to Paige and her guests.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR VINCENT J. HUGHES PRESENTED TO THE SENATE

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

Senator HUGHES. Mr. President, I have the opportunity to introduce a fine group of young people who are participants in our Youth Employment Initiative. They are seated in the gallery and represent some of Pennsylvania's finest. They are Gabrielle Bright, who is at Dominican College; Najwa Miller, who is at Penn State Brandywine; Clayford Burgos, who is at Wilmington University; Markia Carson, from the Community College of Philadelphia; Rahdearra Paris, a recent graduate of Cheyney University; Kassandra Coates, from Edinboro University; Amber Sims, from Eastern University; Fawaaz Fields, a graduate of Cheyney University; and Marques Smith, from the Community College of Philadelphia.

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

(Applause.)

GUEST OF SENATOR ROBERT B. MENSCH PRESENTED TO THE SENATE

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

Senator MENSCH. Mr. President, I have two introductions today. My first is to recognize Derrick Backer, who is an intern in my Northampton County office in Easton. He is 19 years old, just finished his first year at Northampton County Community College, and is now transferring to Kutztown University where he will be pursuing a degree and career in political science. He attended Nazareth Area High School and graduated in 2009. He is a volunteer fireman, loves to play sports, and also coaches 12- and 13-year-old baseball. He has been shadowing me here today, Mr. President, and I welcome Derrick to the Chamber.

The PRESIDENT. Would the guest of Senator Mensch please rise to be welcomed by the Senate.

(Applause.)

GUESTS OF SENATOR JAMES FERLO PRESENTED TO THE SENATE

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

Senator FERLO. Mr. President, with your permission, and I am sure I can speak for other colleagues as well, the series of meetings that many of us were engaged in this morning may not have provided us an opportunity to meet or greet some of the young people who may have visited our offices. So I want to apologize for that. More importantly, since only a few young folks have been introduced and permitted to stand for recognition from the American Legion sponsored Keystone Boys' State, I thought it would be appropriate, since there are probably a couple hundred young people all across the Capitol, if we could just politely have them all stand. And I apologize for not knowing the names of the young folks from my three-county area - parts of Allegheny, Armstrong, and Westmoreland Counties - but with your permission, since there is such a large gathering, if we could, just for half a second, recognize all of them. Thank you.

The PRESIDENT. The Chair thanks the gentleman. Would all of the guests please rise to be welcomed by the Senate.

(Applause.)

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, I, too, have some members of the American Legion organization here today, and I want to recognize them. I have four young gentlemen: Kevin Anderson, from Southern Lehigh High School; Frank Gordon, from Souderton High School; Jacob DeHaven, from Boyertown High School; and Sean Basile, from Quakertown Community High School. I spent some time with them earlier today, Mr. President, and they are indeed exemplary, extraordinary young men. I feel the future of our country is much safer knowing these four gentlemen. Thank you.

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

(Applause.)

GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, it is a privilege to introduce guests here today who are also from the American Legion Boys' State. By the way, for those of you who might not be familiar with this, it is a wonderful program. And even when I was a kid, there was Boys' State, and I remember participating in it way back in Connecticut. But today we have Sebastian Hardinger, from Conestoga High School; Kevin Shaddock, from Bishop Shanahan High School; Thomas Berkman, from Salesianum School; and Jacob McCleary, from Henderson High School. I ask that we give a warm welcome to these gentlemen who are here today from Keystone Boys' State.

Thank you, Mr. President.

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

(Applause.)

GUESTS OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator McIlhinney.

Senator McILHINNEY. Mr. President, it is my pleasure to introduce Jeff Fariday, a constituent of mine from Bucks County. Jeff is joined by his mother, Lynne Fariday, and he is a lifelong resident of Levittown. He is an architect and works for an architectural firm outside of Trenton, New Jersey. Jeff won a day at the Capitol through Morrisville Presbyterian Church's Ivins House silent auction. His mother, Lynne, is a retired homemaker and an artist. Please join me in giving the Fariday family a warm welcome to the Senate.

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

(Applause.)

GUEST OF SENATOR LeANNA WASHINGTON PRESENTED TO THE SENATE

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

Senator WASHINGTON. Mr. President, it is my honor today to have a guest with me, Amber Bagby. She is a 17-year-old native of Philadelphia, is currently a student at Masterman High School, and hopes to become an attorney after graduating from high school and attending college and law school. She is a guest Page today, and I ask that we give her a warm welcome.

The PRESIDENT. Would the guest of Senator Washington please rise to be welcomed by the Senate.

(Applause.)

GUEST OF SENATOR KIM L. WARD PRESENTED TO THE SENATE

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

Senator WARD. Mr. President, I, too, have a guest today. His name is Perry Artz, from Harrison City, and he is also part of the Keystone Boys' State. We met before Session, and I was so happy that he came into my office and told me about this program. I did not know about it. I came downstairs, and there they were, very, very many young men learning all about their civic duty. Senator Pileggi was up here with about 10 of them, getting his picture taken. So I am very happy to have Perry here today, and it was very nice to meet him. Please join me in welcoming Perry Artz.

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

(Applause.)

GUESTS OF SENATOR ROBERT TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I would like to introduce a constituent of Senator McIlhinney, and that is Tim Kurz, who is here today with his daughter, Courtney, an outstanding young student who just graduated from Grey Nun Academy with honors. She was actually tied for the highest grade point average and was president of her class, and she is going to move on to Notre Dame High School in New Jersey next year. She is up here today to see how our government works and to visit this beautiful Capitol. So I would like to wish her well in moving on to Notre Dame, and I ask the Senate to welcome her to our Chamber today.

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

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, I am very fortunate today to have three constituents here with the Keystone Boys' State. One I happened to know as a young child, and today, he is--well, was--a senior in high school. All three men are looking at the possibility of the military for their careers and are fine examples of young people today doing the right thing. I would like to take a moment to introduce, from Downingtown High School, Joe Miller; from Perkiomen Valley High School, William McGuffin; and from The Hill School, Jessie Fleck.

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

(Applause.)

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Piccola and Senator Williams have returned, and their temporary Capitol leaves are cancelled.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MICHAEL J. STACK PRESENTED TO THE SENATE

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

Senator STACK. Mr. President, I have a couple more guests. Actually, you recognized him at the beginning of Session, but I also want to make sure that I recognize our guest Chaplain today, Reverend Dr. William A. Alexander. He is the Pastor at Saint Stephen's United Church of Christ, located in my district of northeast Philadelphia, and is also the Chaplain at ACTS Retirement-Life Communities of Pennsylvania, and he is here today with his son, John. So I want to take this moment, Mr. President, to thank Reverend Alexander for serving as our guest Chaplain today, and I ask the Senate to give its usual warm welcome, which we have been doing resoundingly today.

The PRESIDENT. Would the Senate join in welcoming Senator Stack's guests today.

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room immediately.

The PRESIDENT. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Mr. President, likewise, I ask the Democratic Senators to report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL AMENDED

HB 115 (Pr. No. 2093) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for an exception to the interlocking business prohibition; further exempting certain hotels from certain requirements; and further providing for responsible alcohol management.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RAFFERTY offered the following amendment No. A7883:

Amend Bill, page 1, lines 17 and 18, by striking out all of line 17 and "prohibition;" in line 18 and inserting:

further providing for the definition of "eligible entity" and for limiting the number of retail licenses to be issued in each county;

Amend Bill, page 1, line 19, by striking out "and further providing" and inserting:

further providing for revocation and suspension of licenses and

Amend Bill, page 1, line 20, by inserting after "management":
; providing for licensees engaged in or allowing other business on licensed premises; further providing for unlawful acts relative to liquor, malt and brewed beverages and for limited wineries

Amend Bill, page 1, lines 23 through 25; page 2, lines 1 through 30; page 3, lines 1 through 25, by striking out all of said lines on said pages and inserting:

Section 1. The definition of "eligible entity" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended November 29, 2006 (P.L.1421, No.155), is amended to read:

Section 102. Definitions.--The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club in a city of the third class which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library,

a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, a museum operated by a nonprofit corporation in a city of the third class or township of the first class, a nonprofit corporation engaged in the performing arts in a city of the third class, borough or in an incorporated town, an arts council, a nonprofit corporation that operates an arts facility or museum in a city of the third class in the county of the fourth class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of boroughs and which has been recognized as such by a municipal resolution, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine assisted activities for children and adults with special needs, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production, a county tourist promotion agency as defined in section 3(1) of the act of April 28, 1961 (P.L.111, No.50), known as the "Tourist Promotion Law," and located in a city of the third class in a county of the fourth class or located in a township of the second class in a county of the fifth class, a junior league in a third class county that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years, a nonprofit management organization defined under section 501(C)(3) of the Internal Revenue Code of 1986 located in a city of the second class whose purpose is to manage and improve the downtown business district within the city of the second class or a nonprofit organization as defined under section 501(C)(6) of the Internal Revenue Code of 1986 which is located in a city of the third class in a county of the third class and whose purpose is to support business and industry.

Section 2. Section 404 of the act, amended January 6, 2006 (P.L.1, No.1), is amended to read:

Section 404. Issuance, Transfer or Extension of Hotel, Restaurant and Club Liquor Licenses.--Upon receipt of the application and the proper fees, and upon being satisfied of the truth of the statements in the application that the applicant is the only person in any manner pecuniarily interested in the business so asked to be licensed and that no other person will be in any manner pecuniarily interested therein during the continuance of the license, except as hereinafter permitted, and that the applicant is a person of good repute, that the premises applied for meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a hotel, restaurant or club, as defined in this act, and that the issuance of such license is not prohibited by any of the provisions of this act, the board shall, in the case of a hotel or restaurant, grant and issue to the applicant a liquor license, and in the case of a club may, in its discretion, issue or refuse a license: Provided, however, That in the case of any new license or the transfer of any license to a new location or the extension of an existing license to cover an additional area the board may, in its discretion, grant or refuse such new license, transfer or extension if such place proposed to be licensed is

within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license, transfer or extension is applied for a place which is within two hundred feet of any other premises which is licensed by the board: And provided further, That the board's authority to refuse to grant a license because of its proximity to a church, hospital, charitable institution, public playground or other licensed premises shall not be applicable to license applications submitted for public venues or performing arts facilities: And provided further, That the board shall refuse any application for a new license, the transfer of any license to a new location or the extension of an existing license to cover an additional area if, in the board's opinion, such new license, transfer or extension would be detrimental to the welfare, health, peace and morals of the inhabitants of the neighborhood within a radius of five hundred feet of the place proposed to be licensed: And provided further, That the board shall have the discretion to refuse a license to any person or to any corporation, partnership or association if such person, or any officer or director of such corporation, or any member or partner of such partnership or association shall have been convicted or found guilty of a felony within a period of five years immediately preceding the date of application for the said license. The board shall refuse any application for a new license, the transfer of any license to a new location or the extension of any license to cover an additional area where the sale of liquid fuels or oil is conducted. The board may enter into an agreement with the applicant concerning additional restrictions on the license in question. If the board and the applicant enter into such an agreement, such agreement shall be binding on the applicant. Failure by the applicant to adhere to the agreement will be sufficient cause to form the basis for a citation under section 471 and for the nonrenewal of the license under section 470. If the board enters into an agreement with an applicant concerning additional restrictions, those restrictions shall be binding on subsequent holders of the license until the license is transferred to a new location or until the board enters into a subsequent agreement removing those restrictions. If the application in question involves a location previously licensed by the board, then any restrictions imposed by the board on the previous license at that location shall be binding on the applicant unless the board enters into a new agreement rescinding those restrictions. The board may, in its discretion, refuse an application for an economic development license under section 461(b.1) or an application for an intermunicipal transfer of a license if the board receives a protest from the governing body of the receiving municipality. The receiving municipality of an intermunicipal transfer or an economic development license under section 461(b.1) may file a protest against the transfer of a license into its municipality, and the receiving municipality shall have standing in a hearing to present testimony in support of or against the issuance or transfer of a license. Upon any opening in any quota, an application for a new license shall only be filed with the board for a period of six months following said opening. Notwithstanding any other provision of law to the contrary, the board may not refuse to transfer or renew a license previously issued for premises located in a township of the second class within a county of the third class that is a dry municipality based on the fact that the municipality is a dry municipality if the premises for which the license is being transferred or renewed have been continuously licensed by the board for a period of fifty years or more.

Section 4. Section 461(c) of the act, amended July 16, 2007 (P.L.107, No.34), is amended to read:

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

Amend Bill, page 8, by inserting between lines 17 and 18:

Section 5. Section 471(b) of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 471. Revocation and Suspension of Licenses; Fines.--

(b) Hearing on such citations shall be held in the same manner as provided herein for hearings on applications for license. Upon such hearing, if satisfied that any such violation has occurred or for other sufficient cause, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or both, notifying the licensee by registered letter addressed to his licensed premises. If the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) or (21), or has been found to be a

public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 (relating to prostitution and related offenses) or 6301 (relating to corruption of minors), at or relating to the licensed premises, the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both. If the licensee has been cited and found to have violated section 493(33), the administrative law judge shall immediately suspend or revoke the license and impose a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000). However, if a licensee has been cited and found to have violated section 493(1) as it relates to sales to minors or sales to a visibly intoxicated person but at the time of the sale the licensee was in compliance with the requirements set forth in section 471.1 and the licensee had not sold to minors or visibly intoxicated persons in the previous four years, then the administrative law judge shall immediately suspend or revoke the license, or impose a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or both. The administrative law judge shall notify the licensee by registered mail, addressed to the licensed premises, of such suspension, revocation or fine. In the event the fine is not paid within twenty days of the adjudication, the administrative law judge shall suspend or revoke the license, notifying the licensee by registered mail addressed to the licensed premises. Suspensions and revocations shall not go into effect until thirty days have elapsed from the date of the adjudication during which time the licensee may take an appeal as provided for in this act, except that revocations mandated in section 481(c) shall go into effect immediately. Any licensee whose license is revoked shall be ineligible to have a license under this act until the expiration of three years from the date such license was revoked. In the event a license is revoked, no license shall be granted for the premises or transferred to the premises in which the said license was conducted for a period of at least one year after the date of the revocation of the license conducted in the said premises, except in cases where the licensee or a member of his immediate family is not the owner of the premises, in which case the board may, in its discretion, issue or transfer a license within the said year. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the adjudication of the administrative law judge, there shall be a right to appeal to the board. The appeal shall be based solely on the record before the administrative law judge. The board shall only reverse the decision of the administrative law judge if the administrative law judge committed an error of law, abused its discretion or if its decision is not based on substantial evidence. In the event the bureau or the person who was fined or whose license was suspended or revoked shall feel aggrieved by the decision of the board, there shall be a right to appeal to the court of common pleas in the same manner as herein provided for appeals from refusals to grant licenses. Each of the appeals shall act as a supersedeas unless, upon sufficient cause shown, the reviewing authority shall determine otherwise; however, if the licensee has been cited and found to have violated section 493(1) insofar as it relates to sales to minors or sales to a visibly intoxicated person, section 493(10) insofar as it relates to lewd, immoral or improper entertainment or section 493(14), (16) [or], (21) or (33), or has been found to be a public nuisance pursuant to section 611, or if the owner or operator of the licensed premises or any authorized agent of the owner or operator has been convicted of any violation of "The Controlled Substance, Drug, Device and Cosmetic Act," or of 18 Pa.C.S. § 5902 or 6301, at or relating to the licensed premises, or if the license has been revoked under section 481(c), its appeal shall not act as a supersedeas unless the reviewing authority determines otherwise upon sufficient cause shown. In any hearing on an application for a supersedeas under this section, the reviewing authority may consider, in addition to other relevant evidence, documentary evidence, including records of the bureau, showing the prior history of citations, fines, suspensions or revocations against the licensee; and the reviewing authority may also consider, in addition to other relevant evidence, evidence of any recurrence of the unlawful activity occurring between the date of the citation which is the subject of the appeal and the date of the hearing. If the reviewing authority is the board, no hearing shall be held on the application for a supersedeas; however, a decision shall be made based on the application, answer and documentary evidence under this subsection. If the application for a

supersedeas is for a license that has been revoked under section 481(c), the reviewing authority shall grant the supersedeas only if it finds that the licensee will likely prevail on the merits. No penalty provided by this section shall be imposed for any violations provided for in this act unless the bureau notifies the licensee of its nature within thirty days of the completion of the investigation.

Amend Bill, page 8, line 18, by striking out "3" and inserting:

6

Amend Bill, page 8, by inserting between lines 25 and 26:

Section 7. The act is amended by adding a section to read:

Section 476. Licensees Engaged in or Allowing Other Businesses on Licensed Premises.--(a) Unless the board approves a request submitted by a licensee to do so, a licensee is prohibited from conducting another business on its licensed premises, or having an interior connection between its licensed premises and another business operated by it or a third party.

(b) The board may approve a request for an interior connection to another business or the operation of another business on licensed premises under subsection (a) in its discretion. In determining whether to approve a request under subsection (a), the board shall consider all relevant evidence consistent with the provisions of this act. The board shall deny a request under subsection (a) if the operation of the other business on the licensed premises would be prohibited by law or if the proposed licensed premises does not meet all the requirements of this act and the board's regulations, exclusive of space devoted to the other business.

(c) All storage and sales of liquor and malt or brewed beverages shall occur on the licensed premises unless the licensee is authorized by another provision of this act to store or sell alcohol off the licensed premises.

(d) The board may not approve an inside passage or communication to or with a residence other than a residence of a licensee, its corporate officers, shareholders or manager.

(e) If the board approves an interior connection between a licensed business and another business, then apart from the interior connection itself, the businesses must be separated by a permanent partition at least four feet in height. The partition may be a wall or any other structure, such as a railing or shelving, which prevents patrons from traversing between the businesses except through the approved interior connections. Each approved interior connection may not be greater than ten feet in width, absent another law that requires a greater width.

(f) Unless otherwise approved by the board, the licensed business and the other business shall have independent outside access for the public or independent access to a common area, such as an interior access in an enclosed mall.

(g) The board may only approve an interior connection under subsection (a) to a business that sells liquid fuels, so long as no liquid fuels-related activity occurs on the licensed premises.

(h) Notwithstanding any other provisions of this section, a licensee may become a lottery sales agent as defined by the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, and shall notify the board in writing of its designation. A licensee that is a lottery sales agent may engage in any activity on its licensed premises that is authorized by the State Lottery Law.

(i) The board may approve an interior connection to another business regardless of the relative sizes of the licensed business and the other business.

(j) The board may not approve the operation of another business by the licensee or a third party if doing so provides a third party with a pecuniary interest in the licensed business or if the other business generates more income than the licensed business.

(k) For purposes of this section, "other business" or "another business" is defined as business activity which is not directly related to the licensed business. The term includes the selling of foods in bulk for off-premises consumption, the selling of unprepared foods and the selling of nonfood items such as sold by grocery stores, convenience stores, department stores and supermarkets. The term does not include businesses and activity intrinsically related to the licensed business, such as the sale of prepared foods "to go," by a restaurant or eating place license, or the activities of a pro shop for a licensed business located on a golf course. Activity that would otherwise constitute "other business" or "another business" but which generates less than one thousand dollars (\$1,000) in gross income a year shall not require board approval.

Section 8. Section 493 of the act is amended by adding a clause to read:

Section 493. Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees.--The term "licensee," when used in this section, shall mean those persons licensed under the provisions of Article IV, unless the context clearly indicates otherwise.

It shall be unlawful--
* * *

(33) Firearm, as defined in 18 Pa.C.S. § 6102 (relating to definitions). The following apply:

(i) For a licensee to furnish, sell or offer to sell, purchase or receive a firearm, or to aid and abet in the sale or purchase of a firearm, on the licensed premises unless the actions of the licensee are authorized by law.

(ii) For any servant, agent or employee of the licensee to furnish, sell or offer to sell, purchase or receive a firearm, or to aid and abet in the sale or purchase of any firearm, on the licensed premises unless the actions of the person are authorized by law. The licensee shall only be cited for a violation of this subclause if the licensee knew or should have known of the activity and failed to take substantial affirmative steps to prevent the activity on its premises.

Section 9. Section 505.2(a)(4) and (6.1) of the act, amended December 8, 2004 (P.L.1810, No.239) and July 16, 2007 (P.L.107, No.34), is amended to read:

Section 505.2. Limited Wineries.--(a) In the interest of promoting tourism and recreational development in Pennsylvania, holders of a limited winery license may:

* * *

(4) At the discretion of the board, obtain a special permit to participate in alcoholic cider, wine and food expositions off the licensed premises. A special permit shall be issued upon proper application and payment of a fee of thirty dollars (\$30) per day for each day of permitted use, not to exceed [five (5)] thirty (30) consecutive days. The total number of days for all the special permits may not exceed [forty (40)] one hundred (100) days in any calendar year. A special permit shall entitle the holder to engage in the sale by the glass, by the bottle or in case lots of alcoholic cider or wine produced by the permittee under the authority of a limited winery license. Holders of special permits may provide tasting samples of wines in individual portions not to exceed one fluid ounce. Samples at alcoholic cider, wine and food expositions may be sold or offered free of charge. Except as provided herein, limited wineries utilizing special permits shall be governed by all applicable provisions of this act as well as by all applicable regulations or conditions adopted by the board.

For the purposes of this clause, "alcoholic cider, wine and food expositions" are defined as affairs held indoors or outdoors with the intent of promoting Pennsylvania products by educating those in attendance of the availability, nature and quality of Pennsylvania-produced alcoholic ciders and wines in conjunction with suitable food displays, demonstrations and sales. Alcoholic cider, wine and food expositions may also include activities other than alcoholic cider, wine and food displays, including arts and crafts, musical activities, cultural exhibits, agricultural exhibits and farmers markets.

* * *

(6.1) Sell food for consumption on or off the licensed premises and at the limited winery's additional board-approved locations and sell by the glass, at the licensed premises and at the limited winery's additional board-approved locations, only wine and alcoholic ciders that may otherwise be sold by the bottle.

* * *

Section 10. Nothing in this act shall be construed as invalidating the license of an entity already licensed by the Liquor Control Board and which already has received permission to either conduct another business on the premises or have an interior connection to another business, so long as the arrangement is in conformity with the act.

Amend Bill, page 8, line 26, by striking out "4" and inserting:

11

Amend Bill, page 9, line 1, by striking out "5" and inserting:

12

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

The yeas and nays were required by Senator RAFFERTY and were as followed, viz:

YEA-37

Argall	Fontana	Musto	Washington
Boscola	Greenleaf	Pileggi	Waugh
Browne	Hughes	Pippy	White, Donald
Costa	Kasunic	Rafferty	White, Mary Jo
Dinniman	Kitchen	Scarnati	Williams
Earll	Leach	Stack	Wozniak
Erickson	Logan	Stout	Yaw
Farnese	McIlhinney	Tartaglione	
Ferlo	Mellow	Tomlinson	
Folmer	Mensch	Vogel	

NAY-13

Alloway	Eichelberger	Orie	Smucker
Baker	Gordner	Piccola	Vance
Brubaker	O'Pake	Robbins	Ward
Corman			

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

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

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

BILL OVER IN ORDER

SB 460 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 666 (Pr. No. 3940) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Authority for Industrial Development interests in certain lands situate in the 39th Ward of the City of Philadelphia; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator FARNese.

Senator FARNese. Mr. President, I rise to speak on House Bill No. 666, which is a land transfer bill in my Senate district that would keep Pennsylvania ports competitive in the 21st century and usher in permanent, family-sustaining jobs to the region.

For more than three centuries, the ports of Philadelphia have been a major center of commerce and trade for Pennsylvania and the entire Mid-Atlantic region. Nearly 80 percent of the terminal acreage held by the Philadelphia Regional Port Authority, a State

agency, is located within my senatorial district. The ports are home to thousands of longshoremen, truck drivers, crane operators, and many other skilled workers who have leveraged good-paying family jobs at the ports to raise their families and grow stable neighborhoods. Most of these families are my constituents, and like many Pennsylvania families in the current economic climate, Mr. President, they need work.

To call House Bill No. 666 a land transfer bill does not do justice to the magnitude of what this legislation means. Shipping has now become more of a major global business than ever. Philadelphia faces stiff competition from New York; Baltimore; Norfolk, Virginia; and even ports clear across the country. For a business where products travel more than 10,000 miles to reach their final destination, a shipper will often choose one port over another because it costs pennies less per cargo container.

This bill makes nearly 200 acres available for the Southport shipping container facility at the former Navy Yard in South Philadelphia. Combined with the dredging initiative on the Delaware River, this project will insure that Philadelphia continues to have a world-class port accessible to larger and more modern ships. It will permit a development large enough to take advantage of the economics of scale that would not be possible on a smaller site.

Mr. President, this project comes at a critical moment in time, as other States are working faster to expand access to their own ports. Philadelphia is uniquely poised to stay competitive. It is the only port on the East Coast with access to three Class I railroads and has unparalleled access to interstate highways. We should not miss this opportunity to stay competitive, to both retain and expand this lucrative business in Pennsylvania.

As with any initiative of this size and scope, it has not been an easy road to get here, and there are many people who contributed to this effort. My staff has been working on this project constantly since I first took office last year. The Governor's Office, Mayor Nutter, Representative Mike O'Brien, and the International Longshoremen's Association have provided crucial support. At the Philadelphia Regional Port Authority, Executive Director Jamie McDermott and Chief Counsel Greg Iannarelli have always been accessible and responsive.

There are many others who supported the hard efforts that helped craft this legislation - some of my colleagues in this very Chamber, Senator Stack and, of course, Senator Williams are both supportive and have worked hard. But, Mr. President, I think we would all agree that no one has worked harder to make this a reality than Representative Bill Keller from Philadelphia. As just about everybody in this building knows, Bill Keller has been doggedly pursuing this project for more than 5 years, and with good reason.

If we are going to solve the budget crises that we constantly face, if we are going to turn around our economy, we need to put people back to work, and they need to go back to work right here in Pennsylvania. This development is the first step toward creating hundreds if not thousands and thousands of jobs, permanent, family-sustaining jobs that support communities and that will pump tax money back into the State. I wholeheartedly support this bill, and I urge my colleagues to do so.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL AMENDED AND LAID ON THE TABLE

SB 1250 (Pr. No. 1996) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, further providing for disposition of fees, fines and civil penalties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WAUGH, on behalf of Senator PILEGGI, offered the following amendment No. A7878:

Amend Bill, page 4, by inserting between lines 5 and 6:

Section 1.1. The amendment of section 9.2 of the act shall apply to revenue derived from fines, civil penalties and consent decrees, based on violations which occur after April 30, 2010.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 1250 TAKEN FROM THE TABLE

Senator WAUGH. Mr. President, I move that Senate Bill No. 1250, Printer's No. 2083, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1288 (Pr. No. 1805) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge that carries State Route 2018 over the Monongahela River from the Borough of North Charleroi, Washington County, to the City of Monessen, Westmoreland County, as the Governor John K. Tener Memorial Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1300 and **HB 2070** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2253 (Pr. No. 3630) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 11 from the bridge carrying State Route 11 over the Susquehanna River in Point Township, Northumberland County, known as the Barry King Memorial Bridge, to the Montour County line as the Sgt. Brett D. Swank Memorial Highway.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

HB 2275 -- Without objection, the bill was passed over in its order at the request of Senator WAUGH.

SECOND CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

HB 9 (Pr. No. 3939) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for expiration.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 47, HB 94, SB 250, HB 264, HB 291, HB 460, SB 522, SB 553, HB 621, SB 831, HB 838 and **SB 900** -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

SB 929 (Pr. No. 2077) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the sale of certain course materials at institutions of higher education, for responsibilities of faculty and institutions of higher education and for college textbook rental pilot programs; and establishing the College Textbook Policies Advisory Committee.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 976, SB 998, SB 1049, SB 1055, SB 1134, SB 1163, SB 1168, HB 1175, SB 1181, SB 1222, SB 1272, HB 1287, HB 1288, HB 1289, SB 1305, SB 1315 and SB 1317 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

BILL ON SECOND CONSIDERATION

SB 1328 (Pr. No. 2078) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1334, SB 1340, SB 1379, SB 1385, HB 1609, HB 1800, HB 1859, HB 1990 and HB 2246 -- Without objection, the bills were passed over in their order at the request of Senator WAUGH.

SENATE RESOLUTION No. 343, ADOPTED

Senator WAUGH, without objection, called up from page 9 of the Calendar, **Senate Resolution No. 343**, entitled:

A Resolution directing the Joint State Government Commission to study and review The Library Code for modernization.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED

Senators ORIE, MELLOW, PILEGGI, ALLOWAY, BAKER, BOSCOLA, BROWNE, BRUBAKER, COSTA, DINNIMAN, EARLL, ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, KASUNIC, KITCHEN, LOGAN, MENSCH, MUSTO, O'PAKE, PIPPY, RAFFERTY, ROBBINS, STACK, TARTAGLIONE, VOGEL, WASHINGTON, WAUGH and D. WHITE, by unanimous consent, offered **Senate Resolution No. 365**, entitled:

A Resolution recognizing the month of October 2010 as "National Lupus Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, today I am offering a resolution designating October as "National Lupus Awareness Month" in Pennsylvania.

Mr. President, this resolution is designed to alert citizens of a disease which goes hidden from many individuals and their families. Lupus is a chronic inflammatory disease which causes the immune system to attack the body's own tissue and organs. Symptoms of lupus often mimic less serious illnesses, fooling carriers and their families, and therefore, there are so many of those across Pennsylvania who have this disease who go untreated.

While many of us have heard of this autoimmune disease, few of us know that lupus strikes more people than leukemia, multiple sclerosis, muscular dystrophy, and cystic fibrosis combined. Lupus affects 1 out of 185 Americans, most of whom are women between the ages of 15 and 45. However, the disease reaches men and children as well. Our goal is to educate people about its symptoms and the dangers so they can seek treatment and intervention immediately.

Mr. President, I ask all of my colleagues here in this Chamber to vote in the affirmative for National Lupus Awareness Month. 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.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR DAYLIN LEACH
PRESENTED TO THE SENATE

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

Senator LEACH. Mr. President, I would like to introduce a couple of special guests with me today. They are my constituents and biological children, Brennan and Justin Leach, and my lovely wife, Jennifer, who are here today to see what we do in the Senate. I am hoping they are not disillusioned by the proceedings they have witnessed today. But anyway, it is wonderful to have them. Thank you, Mr. President.

The PRESIDING OFFICER. Would the guests of Senator Leach please rise so that the Senate may give you its traditional warm welcome.

(Applause.)

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. and Mrs. John Handley, Mr. and Mrs. Otto Neher and to Martha Bellas by Senator Baker.

Congratulations of the Senate were extended to Michael J. McCarthy by Senators Browne and O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Paul D. Olbrich, Home Nursing Agency of Lewistown and to the New Bloomfield United Methodist Church by Senator Corman.

Congratulations of the Senate were extended to Sophie C. Nagy by Senators Dinniman and Brubaker.

Congratulations of the Senate were extended to the Graystone Society by Senators Dinniman and Rafferty.

Congratulations of the Senate were extended to Donna Hunt-Jones by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Sal Mamaux by Senator Logan.

Congratulations of the Senate were extended to the New Garden Township Historical Commission by Senators Rafferty, Pileggi, and Dinniman.

Congratulations of the Senate were extended to Nicholas R. Emerick by Senator Scarnati.

Congratulations of the Senate were extended to Joseph L. Hood by Senator Vance.

Congratulations of the Senate were extended to Ellwood Group Incorporated by Senator Vogel.

Congratulations of the Senate were extended to Daniel Bonner by Senator M.J. White.

CONDOLENCE RESOLUTION

The PRESIDING OFFICER laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Robert H. Benson by Senator Baker.

BILLS ON FIRST CONSIDERATION

Senator EICHELBERGER. 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 728, SB 1171, SB 1394, HB 444 and HB 786.

And said bills having been considered for the first time,

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

June 22, 2010

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Norman R. Gavlick, MBA, CPRW (District 7), 388 N. Maple Avenue, Kingston 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Penn-

sylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

June 22, 2010

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leonard B. Altieri III, 8 Valley View Lane, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Nicholas J. Barcio, Erie, graduated.

EDWARD G. RENDELL
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 23, 2010

9:00 A.M.	TRANSPORTATION (public hearing on Transportation Funding)	Hrg. Rm. 1 North Off.
9:30 A.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to receive testimony of Austin J. Burke, nominee for Secretary of the Department of Community and Economic Development; and to consider Senate Resolution No. 347 and the nomination of Austin J. Burke as Secretary of the Department of Community and Economic Development)	Room 8E-B East Wing
10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 60)	Room 461 Main Capitol

TUESDAY, JUNE 29, 2010

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (informational hearing on the "Stranded Premium" in Milk Pricing)	Room 8E-A East Wing
9:30 A.M.	MAJORITY POLICY COMMITTEE (Public Hearing on Legislative Term Limits)	Senate Maj. Caucus Rm.
10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (public hearing to review emergency response plans and natural gas drilling in the Commonwealth)	Hrg. Rm. 1 North Off.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Mr. President, I move that the Senate do now recess until Wednesday, June 23, 2010, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 3:15 p.m., Eastern Daylight Saving Time.