

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, OCTOBER 18, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 58

## SENATE

TUESDAY, October 18, 2011

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

The PRESIDENT (Lieutenant Governor Jim Cawley) in the Chair.

## PRAYER

The Chaplain, Reverend CURTIS MORRIS, Pastor of Bethany Baptist Church, Chester, offered the following prayer:

Our Heavenly Father, we thank You for this beautiful day that You have given us. We pray, God, for the business that will be conducted here. We thank You for each one of these brave men and women who have chosen public service. We pray, God, that during this process we realize that it is a privilege to serve Your people. We pray, God, that Your wisdom, Your strength, Your courage be with them. We thank You, God, for this beautiful day. We thank You for allowing these men and women to govern the lives of the people in this wonderful Commonwealth of Pennsylvania. We ask You to bless us even now. Amen.

The PRESIDENT: The Chair thanks Pastor Morris, who is the guest today of Senator Pileggi.

## PLEDGE OF ALLEGIANCE

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

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate SB 631, with the information the House has passed the same without amendments.

## BILLS INTRODUCED AND REFERRED

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

October 18, 2011

Senators YAW, RAFFERTY, ERICKSON, SCHWANK, GREENLEAF, MENSCH and EARLL presented to the Chair SB 1224, entitled:

An Act providing for credentialing of physicians by health insurers, for physician payment during credentialing process and for the powers

and duties of the Department of Health; establishing a private right of action; and prescribing administrative fines.

Which was committed to the Committee on BANKING AND INSURANCE, October 18, 2011.

Senators KASUNIC, DINNIMAN and YUDICHAK presented to the Chair SB 1289, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in State System of Higher Education, providing for exemption from taxation.

Which was committed to the Committee on FINANCE, October 18, 2011.

Senators FARNESE, STACK, FONTANA, SOLOBAY, EICHELBERGER, TARTAGLIONE, ALLOWAY, WILLIAMS and YUDICHAK presented to the Chair SB 1290, entitled:

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.

Which was committed to the Committee on FINANCE, October 18, 2011.

Senators BAKER, YUDICHAK, GORDNER, SOLOBAY, FERLO, GREENLEAF, KASUNIC, LEACH, SCHWANK, WILLIAMS, BLAKE, BOSCOLA, COSTA, ARGALL, BROWNE and BREWSTER presented to the Chair SB 1297, entitled:

An Act providing for a Small Business Flood Relief Program; making an appropriation; and providing for termination of the program.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, October 18, 2011.

Senators SMUCKER, VOGEL, D. WHITE, ALLOWAY, FONTANA, WASHINGTON, WAUGH, M. WHITE, FOLMER, EICHELBERGER and BRUBAKER presented to the Chair SB 1298, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for definitions and for land devoted to agricultural use, agricultural reserve, and/or forest reserve.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 18, 2011.

## RESOLUTIONS INTRODUCED AND REFERRED

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

October 18, 2011

Senators MENSCH, BAKER, FONTANA, ARGALL, TOMLINSON, GORDNER, TARTAGLIONE, VOGEL, ORIE, ERICKSON, COSTA, BREWSTER, SCHWANK, LEACH, GREENLEAF, DINNIMAN, McILHINNEY, ALLOWAY, BOSCOLA, BROWNE, FARNESE and STACK presented to the Chair **SR 170**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and to issue a report on the status of and any disparities found in dental care for Pennsylvanians with disabilities.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 18, 2011.

Senators KASUNIC, YUDICHAK, ALLOWAY, BOSCOLA, BREWSTER, FONTANA, HUGHES, SOLOBAY, TARTAGLIONE, WASHINGTON and D. WHITE presented to the Chair **SR 202**, entitled:

A Resolution urging the oil and gas industry to utilize acid mine water in fracturing Marcellus Shale for natural gas extraction, whenever economically feasible and environmentally safe.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 18, 2011.

### BILL SIGNED

The PRESIDENT (Lieutenant Governor Jim Cawley) in the presence of the Senate signed the following bill:

#### SB 631.

#### BILLS REPORTED FROM COMMITTEE

Senator RAFFERTY, from the Committee on Transportation, reported the following bills:

#### SB 86 (Pr. No. 1680) (Amended)

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for dealing in proceeds of unlawful activities, for the unlawful disposition of motor vehicles and for investigation by police officers; and repealing the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act.

#### SB 390 (Pr. No. 1681) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for definitions; in registration of vehicles, further providing for vehicles exempt from registration; in commercial drivers, further providing for definitions; and in inspection of vehicles, further providing for requirement for periodic inspection of vehicles, for operation of vehicle without official certificate of inspection, for securing loads in vehicles and for width of vehicles.

#### SB 539 (Pr. No. 545)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for grading and for penalties.

#### SB 954 (Pr. No. 1090)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under influence of alcohol or controlled substance.

#### SB 1147 (Pr. No. 1346)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in size, weight and load, further providing for permit for movement during course of manufacture.

#### SB 1179 (Pr. No. 1682) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for speed timing devices.

#### SB 1184 (Pr. No. 1457)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for occupational limited license, for definitions, for penalties, for ignition interlock, for Accelerated Rehabilitative Disposition and for illegally operating a motor vehicle not equipped with ignition interlock.

#### HB 170 (Pr. No. 114)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving on right side of roadway, for overtaking vehicle on the left, for no-passing zones, for required position and method of turning and for minimum speed regulation.

#### HB 563 (Pr. No. 619)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for motorcycle safety education program.

#### HB 864 (Pr. No. 2576) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for requirement for commercial driver's license and for the Pedalcycle and Pedestrian Advisory Committee.

#### HB 869 (Pr. No. 907)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for drivers in funeral processions.

#### HB 1203 (Pr. No. 1598)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating antique, classic and collectible plates.

#### HB 1458 (Pr. No. 1764)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for nonreciprocity of operational limitations.

### LEGISLATIVE LEAVES

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

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

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

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

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

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

### JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of September 19, 2011, is now in print.

The Clerk proceeded to read the Journal of the Session of September 19, 2011.

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	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earll	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

#### NAY-0

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

The PRESIDENT. The Journal is approved.

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR WAYNE D. FONTANA PRESENTED TO THE SENATE

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

Senator FONTANA. Mr. President, today I have two young ladies from my district in the Pittsburgh area shadowing me from GirlGov, which is a program of the Women and Girls Foundation. I would like to commend their school districts and their organization for encouraging them to visit the Capitol today as a learning experience.

Mr. President, the two young ladies who are shadowing me are Jessica Cohen, who is a junior at Mt. Lebanon High School, and Mackenzie Ferris, who is a freshman at Chartiers Valley High School. I ask that we give them a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Fontana please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### GUESTS OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE

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

Senator PILEGGI. Mr. President, it is my pleasure this afternoon to introduce the Senate Chaplain for today, Pastor Curtis D. Morris of the Bethany Baptist Church in Chester, Delaware County. Pastor Morris has served Bethany as senior pastor since 2004. He also serves as an associate chaplain at the Widener University Interfaith Center. Prior to joining Bethany, Pastor Morris served as the pastor of evangelism and missions at Sharon Baptist Church, and associate minister at the 19th Street Baptist Church in Philadelphia. He also serves as a chaplain at Cheyney University.

Pastor Morris is joined today by his wife, Kim, and son, Matthew, who are seated in the Senate gallery. Mr. President, I ask that we extend our traditional warm welcome to Pastor Morris and his family.

The PRESIDENT. Would the guests of Senator Pileggi please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### GUESTS OF SENATOR JOHN R. PIPPY PRESENTED TO THE SENATE

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

Senator PIPPY. Mr. President, good afternoon. Like my colleague, Senator Fontana, I, too, have the pleasure of having two wonderful students shadowing me today, participating in the GirlGov program. Seated in the gallery are Lauren White, a senior from Peters Township High School, who plans on majoring in dermatology and minoring in political science. She is looking at the University of Richmond.

We also have Laura Cherner, who is a senior at Mt. Lebanon High School. She is very active in student council, plans on majoring in political science, and thankfully for us, aspires to hold a position of government in the future. I would appreciate if you would give them a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Pippy please rise so that the Senate may give you its usual warm welcome.

(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 some young ladies who are participating in the GirlGov program: Maive Bellios, from Sacred Heart Elementary School; and Janice Yi, from Shady Side Academy. They are here with 100 other young women students from southwestern Pennsylvania as part of the Women and Girls Foundation GirlGov program.

Mr. President, when you consider Pennsylvania ranks fourth from the bottom out of all 50 States for women participating in the political process, what a wonderful program this is for these young ladies by the Women and Girls Foundation. I am hoping in the future that both Maive and Janice consider getting involved in the legislature. They both have been engaged in various meetings with me throughout the day, and you can see the interest and desire in both of them.

I know many of my colleagues, Senator Fontana and Senator Pippy, are participating, and I cannot thank them enough for offering this type of opportunity for young women in Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Orie please rise so that the Senate may give you its usual warm welcome. (Applause.)

### **GUEST OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, I, too, have a young lady shadowing my staff and me. Amy Doherty is my guest today. A graduate of Lower Dauphin High School here in Dauphin County, she was a member of the swim team, received an award for her Latin studies, and served as a very active Girl Scout. She is currently a freshman at Washington and Jefferson College in Pennsylvania.

Amy's interests lie in the area of politics and government, and that is why she has spent the last 2 days shadowing me, my staff, and the work of the Senate Committee on Education. She is in the gallery this afternoon, and I would appreciate it if the Senate would give her a warm welcome.

Thank you, Mr. President.

The PRESIDENT. Would the guest of Senator Piccola please rise so that the Senate may give you its usual warm welcome. (Applause.)

### **LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Argall has returned, and his legislative leave is cancelled.

### **SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JOHN R. GORDNER PRESENTED TO THE SENATE**

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

Senator GORDNER. Mr. President, we are joined in the gallery by a number of college and university students participating in the Undergraduate Research Day at the Capitol. This is an event that showcases outstanding and award-winning research projects by undergraduate students from Pennsylvania. The event is an opportunity to bring together college students, faculty, and Pennsylvania legislators and staff, to share the experiences of students engaged in research or scholarships at their colleges and universities.

I hope that you might have an opportunity to see these projects that are down by the cafeteria and to talk to these students.

I am going to name the universities that are represented here, and as I name them, if the students from the university would stand, and remain standing, I would appreciate that. Cabrini College, Edinboro University, Harrisburg University of Science and Technology, Indiana University, Keystone University of Fine Arts, Kutztown University, Lebanon Valley College, Millersville University, Penn State University, Susquehanna University, Saint Vincent College, Washington and Jefferson College, Waynesburg University, and Widener University. I am just checking to make sure they are all standing, which they are. I ask that the Senate give its usual warm welcome to these students, and wish them well for the remaining part of their semester.

The PRESIDENT. Would the Senate please join me in welcoming Senator Gordner's guests.

(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, it is my privilege to introduce Ryan Welby, an intern in my Montgomery County office. Ryan is currently a junior at Ursinus College studying international relations and political science, with plans on heading to law school after he graduates.

He is a member of Ursinus's mock trial and debate teams, and spends his weekends volunteering at various charitable organizations in the greater Philadelphia area. In his spare time, which I understand he has very little, he enjoys running, soccer, listening to both good and bad music, and spending time with his friends and family. Mr. President, join me in giving a warm welcome to Ryan.

The PRESIDENT. Would the guest of Senator Mensch please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### **GUESTS OF SENATOR TIMOTHY J. SOLOBAY PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Solobay.

Senator SOLOBAY. Mr. President, I, too, have two young ladies in the GirlGov program who are shadowing me today. Both are seniors from West Greene High School, back in Waynesburg, Pennsylvania. They are Kassie Reed and Mikayla Sonneborn, and I would appreciate it if they would also be recognized.

The PRESIDENT. Would the guests of Senator Solobay please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### **GUESTS OF SENATOR RICHARD A. KASUNIC PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, today I would like to welcome two young ladies who are participating in the GirlGov legislative shadowing program. Seated in the gallery are Ali

Beal, from Dunbar Borough, Fayette County; and Tiffany Kent, from Roscoe Borough, Washington County. Ali is in the eighth grade at Connellsville Junior High School, and Tiffany is a junior at California Area High School. They both participate in many extracurricular activities such as Youth and Government, marching band, softball, volleyball, and track.

Mr. President, I ask that the Senate please give them its usual warm welcome.

The PRESIDENT. Would the guests of Senator Kasunic please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Mr. President, I am pleased to introduce two young ladies from my district today who are visiting the Capitol as part of the GirlGov program that we have heard about already. This is an initiative of the Allegheny County Regional Change Agents, which is the project of the Women and Girls Foundation. GirlGov is a one-day legislative shadowing program for young ladies in grades 8 through 12 who live in Allegheny County.

Joining us earlier today for a number of meetings is Tori Hill, who is the daughter of Kelly Hill Brown and Harvey Brown of Homestead. She is in 10th grade at Propel-Andrew Street High School, she has an interest in going into law after high school, and she is concentrating on getting good grades to achieve that goal. Tori enjoys being involved in interesting programs, such as the GirlGov program.

We are also joined today by Kiana Salmon, who is the daughter of Janet and Keith Salmon, Sr., of Penn Hills. She is in 12th grade at City Charter High School in the city of Pittsburgh, and plans to attend college next year to study television production.

Mr. President, I ask my colleagues to join me in welcoming these two young ladies from Allegheny County to the Senate Chamber.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Costa please rise so that the Senate may give you its usual warm welcome.

(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, for several decades now, Marian Catholic High School in Schuylkill County has been sending social studies students to Harrisburg and to a variety of other locations as part of its job shadowing requirement. I think it is, perhaps, the most active job shadowing program in all of the six counties that I am now privileged to represent. Today, I would like to introduce Mr. Brendan McGowan of Barnesville, and Mr. Paul Martin of Frackville. Both men are seniors at Marian High School, and very active members of the football team and a variety of other activities.

I ask you to introduce them and to greet them in the proper fashion.

The PRESIDENT. Would the guests of Senator Argall please rise so that the Senate may give you its usual warm welcome.

(Applause.)

### ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. The Chair wishes to announce that permission has been given for one photographer from the Harrisburg Patriot-News to take still photographs during today's debate on Senate Bill No. 1151.

### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**SB 1151 (Pr. No. 1665)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for purpose and legislative intent; providing for fiscal emergencies in third class cities and for receivership for third class cities; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1151?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1151.

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

#### YEA-37

Alloway	Erickson	Pileggi	Ward
Argall	Folmer	Pippy	Waugh
Baker	Gordner	Rafferty	White Donald
Boscola	Greenleaf	Robbins	White Mary Jo
Browne	Kasunic	Scarnati	Williams
Brubaker	Leach	Smucker	Wozniak
Corman	McIlhinney	Solobay	Yaw
Dinniman	Mensch	Tomlinson	
Earll	Orie	Vance	
Eichelberger	Piccola	Vogel	

#### NAY-13

Blake	Ferlo	Kitchen	Tartaglione
Brewster	Fontana	Schwank	Washington
Costa	Hughes	Stack	Yudichak
Farnese			

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.

### PERMISSION TO ADDRESS

The PRESIDENT. With unanimous consent to speak on Senate Bill No. 1151, the Chair recognizes the gentleman from Lackawanna, Senator Blake.

Senator BLAKE. Mr. President, although the vote has already been completed and the amendments are concurred in, I did want to express some sentiments regarding Senate Bill No. 1151 consistent with my prior remarks on this legislation. I should precede my remarks by extending deep respect and admiration for my colleague, Senator Piccola, who, as the author of this bill, I think recognizes the urgency of the situation in the city in his district and felt the need to advance Senate Bill No. 1151 in its current form.

But, Mr. President, I need to express my reservations on a few fronts. I think Senate Bill No. 1151, as recently adopted in the Senate Chamber, disrespects longstanding principles of democracy, autonomy, and local sovereignty. We have a rich history of local control, local governance, and home rule in Pennsylvania, a long tradition of local government sovereignty. Our form of government - of the people, by the people, and for the people - is not flawless, but it has served us well. I think the bill takes powers from democratically-elected officials and gives it to appointees. The introduction of this new form of governance is that the city bypasses the elected officials.

I think this bill was advanced without a more comprehensive review and assessment of Act 47. There are two or three hearings this fall, including one this week, in order to find means to make substantial changes to Act 47, and this bill would basically advance without proper vetting by the four legislative committees. We also remove bankruptcy as an option, and Mr. President, I know that happened in the previous budget cycle through the Fiscal Code, but Act 47 did permit bankruptcy to be an option for local government officials, and this bill and the Fiscal Code, obviously, take that off the table.

Mr. President, this bill does not deal with the structural deficit problems that we need to examine statewide on the fiscal health of our cities. Senate Bill No. 1151 is a Band-Aid approach, if I can use the expression of the Pennsylvania League of Cities. The structural problems like the highly fragmented local government systems, antiquated tax base, rising operating and personnel expenses, migration to the suburbs, concentration of taxes and property, and the concentration of poverty as reported today in the city of Reading and other cities around the State. We have not been able to provide enough innovation for our cities to deal with the fiscal distress that they are living under.

Mr. President, we have often said in this building about the need for less government, smaller government, less regulation, less oversight, and so forth. We say the State should not be in the liquor business. We say we should set up a privatization commission. We proclaim and reassert Pennsylvania State government's independence and sovereignty from Federal government. We rail against Federal healthcare reform, we rail against EPA regulations, et cetera. We want less government. But Senate Bill No. 1151 is certainly a heavy hand of government, reaching into Harrisburg and setting aside the powers of elected leadership.

In our colonial era founding, Thomas Jefferson stated that "the right to make rules and to govern belongs to the people, not to kings." In 1774, Jefferson wrote against British impositions that "properties within our own territories [should not] be taxed

or regulated by any power on earth but our own." Mr. President, the basic principle of democracy is that we do not support limiting the role of duly-elected local officials. This is the expression of the League of Cities. Only the voters should have the authority via the election process. This legislation gives third-class cities a black eye, singling them out, instead of applying to any distressed municipality. Eight of the 27 Act 47 municipalities are not cities.

Finally, again, Mr. President, this is only a Band-Aid, one small patch on a much larger broken system. Core communities across the Commonwealth are falling deeper and deeper into fiscal distress each and every day, and this legislation does nothing to acknowledge the cause or create a pathway to a better future.

Mr. President, I said this in previous remarks on the floor. The Pennsylvania Constitution says that "The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

Mr. President, I believe that this bill is an overreach. I think there are other solutions that could have been legislated to allow the city of Harrisburg and its elected leadership to represent their people and find a way out of the intractable crisis that was imposed upon them by prior action.

I will be the first on this floor to express the issue of Occupy Wall Street. I know my colleague, Senator Leach, will be upset that he did not get to say that first. But the fact of the matter is, Mr. President, this legislation is meant to protect monied interests at the expense of local taxpayers, under the guise of protecting public safety. I think it is an overreach of State government powers. I think that we should respect the elected leadership of our cities, and we should allow them the opportunity to represent the best interests of their people.

Thank you, Mr. President.

The PRESIDENT. Further under unanimous consent, the Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I join in the comments of my colleague, Senator Blake, who is someone who understands local government probably better than anybody on the Senate floor. I will add my remarks for the record and ask that they be submitted in lieu of providing them to the Members now.

The PRESIDENT. 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:)*

Mr. President, I rise today to ask for a negative vote on Senate Bill No. 1151. This is the legislation that provides for the State takeover of Harrisburg. Let us face it, the situation in Harrisburg has deteriorated. The fiscal problems seem beyond the financial means of city taxpayers, the local political situation is at an impasse, council is fighting with the mayor, and the mayor seems in a scrap with everyone.

City Council has either filed a legitimate bankruptcy petition in Federal court, or has acted inappropriately in taking this action. That is to be determined. Disastrous financial decisions have been made, leaving city residents on the hook for millions that they cannot generate. Many of us know of situations like this, to some degree, in our own communities, but I do not see any of us here with a bill to allow the State to step in and take away local control when there is something

objectionable. It is a transfer of power from local government to the State that is unprecedented and unnecessary.

It is an amazing thing to watch the Republican Party--the party of local control--wrestle local control from city officials and give it to the State. We all know what is at stake here. We all know that there are outside interests here that fear letting local officials--officials who know the details of the situation best--make decisions.

I think the Act 47 process should be given more time, and we should give Harrisburg more time and more of a say in its future. We should not be here wrenching the power from local officials and allowing an unelected receiver to craft a recovery plan with the ability to sell assets and make future decisions for which Harrisburg taxpayers will have to pay. We have no idea how this legislation impacts local police and firefighters, and we have no idea how it will impact local tax increases. Those are open questions.

Decisions made by lawfully- and locally-elected officials with whom we may disagree is not sufficient justification for State lawmakers to overturn government. No, when a municipality is out of fiscal options and throws up its hands, it turns to the Act 47 distress process. Those of us who have experience with this act know that it is a bumpy process, but a necessary process. It is a grind. State consultants work with local officials in crafting a real plan to provide relief. It takes time, and the plan that is developed has to have local support. That is not what is going on here.

This legislation, largely crafted by suburban legislators, puts the future of the capital city into the hands of a governor from Pittsburgh, a DCED Secretary from Clearfield, and bondholders who likely call Wall Street home. It makes an unelected receiver, who is not accountable to city taxpayers, the most influential and important person in Harrisburg's future.

Again, this person is not elected by anyone in the city. This person is not accountable to Harrisburg voters for the decisions they make. The legislation before us is a significant deviation from the Act 47 process; it is a broad seizure of local powers. Is this the precedent we are establishing here today?

That is democracy. The relief for Harrisburg rests with Act 47, council, the mayor, and, ultimately, the ballot box. That decision is for the citizens of Harrisburg to make. Let us defeat this bill and give the Act 47 process and the citizens of Harrisburg a chance to address this problem without State intervention and a State takeover.

I ask for a negative vote. Thank you, Mr. President.

The PRESIDENT. Further under unanimous consent, the Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, first, let me thank my colleagues for their affirmative vote on passage and concurrence in the amendments inserted by the House to Senate Bill No. 1151. Secondly, I would like to state my appreciation for the remarks of my colleague, Senator Blake, and, certainly, I understand and respect the reservations that he has concerning this legislation.

In fact, I share those reservations and did not initiate the legislative process on this proposal until I felt it was the very last minute, last spring. I, too, agree that the preferable course of action would be for the city of Harrisburg, through its elected officials on city council and the mayor, to work out an appropriate and acceptable pathway to fiscal solvency. And in that fact, this legislation represents that desire and that preferable course of action.

One of the beneficial amendments that was added by the House to this bill was a 30-day window of opportunity. If this bill does become effectuated and a declaration of fiscal emergency is made by the Governor, there is a 30-day window of opportunity for the mayor, city council, and the Commonwealth to resolve their differences and come to a consent agreement. We have placed limitations in this bill. Any receiver appointed in conformity with the provisions of this bill would have a limited life of 2 years, with the possibility of only an additional 2-year extension in order to effectuate the economic and fiscal recovery

plan that is approved by the court after the receiver would submit that proposal for approval.

I agree with the gentleman that our cities have a lot of problems, fiscal and otherwise. That is a general issue before this General Assembly and before this State government. Act 47, I would agree, has need for attention, and I look forward to participating in the legislative process going forward as we look at Act 47 and how it applies to our distressed municipalities in this Commonwealth. But unfortunately, we do not have the time necessary, in our leisure, to look at these problems and devise solutions to these problems that are sometimes very big and very general. There is a process in place right now that is taking the city of Harrisburg--possibly, and we hope not--into bankruptcy, and we want to avoid that at all costs.

So, Mr. President, I feel that the provisions of Senate Bill No. 1151, as amended by the House and as concurred in by the Senate today, offer the best opportunity in a very relatively short period of time to resolve the fiscal crisis in the city of Harrisburg, and any other similarly situated third-class city in the Commonwealth. But, specifically, with regard to Harrisburg, since it is the cause du jour, to solve those problems in an effective and an appropriate way that will do the least amount of harm, first of all, to the residents of the city of Harrisburg, to the residents of our region, and to the residents of the Commonwealth of Pennsylvania.

Again, I thank my colleagues for the affirmative vote. Thank you, Mr. President.

## RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Education to be held in the Rules room immediately, to be followed by a meeting of the Committee on Labor and Industry, also to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room.

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

Senator COSTA. Mr. President, at the conclusion of the meetings, Senate Democrats will meet in the rear of the Chamber.

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

## AFTER RECESS

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

## LEGISLATIVE LEAVE

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. Senator Pileggi requests a temporary Capitol leave for Senator Piccola. Without objection, the leave will be granted.



## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 100 (Pr. No. 1668)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, further providing for the offense of burglary; in Pennsylvania Commission on sentencing, further providing for powers and duties and for publication of guidelines; in sentences, further providing for sentences for second and subsequent offenses, for sentencing generally and for sentence of county intermediate punishment; providing for court-imposed sanctions for offenders violating probation; further providing for county intermediate punishment programs; in visitation, further providing for general provisions; in inmate prerelease plans, providing for time eligibility for prerelease; in motivational boot camp, further providing for definitions and for selection of inmate participants; in State intermediate punishment, further providing for definitions and for referral to State intermediate punishment program; in recidivism risk reduction incentive, further providing for definitions; establishing the Safe Community Reentry Program; and providing for the powers and duties of the Pennsylvania Board of Probation and Parole and the Department of Corrections.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

## YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

## NAY-0

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

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

## BILL OVER IN ORDER

**SB 367** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 397 (Pr. No. 380)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in post-trial matters, prohibiting the imposition of the death sentence in cases of mental retardation.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator FERLO. Mr. President, Senate Bill No. 397 deals with the issue that has been discussed for several Sessions here in the Senate and in the legislature over many years. I can remember our good colleague, Senator Helfrick, who was a staunch opponent to the death penalty, and, I believe, he initially came to the defense of this legislation as it relates to the death penalty in cases where you have an individual who is--and I use the language of the Supreme Court--mentally retarded.

Senate Bill No. 397 deals with that issue, it has been discussed, and I am pleased to see the Senate is moving on this bill in a progressive fashion. Both the courts, the legislature, and certainly society have all struggled together with the issue of putting mentally retarded defendants on trial. What is fair, what is proper, and how can the rights of defendants be protected? Again, I know we have progressed in our language to use the phrases "intellectually disabled," "intellectually challenged," or "intellectual disabilities." I am using the phrase "mentally retarded" as it relates to both the Supreme Court ruling in this case, as well as, I believe, the existing language in this bill which continues to use that phrase, if I am not mistaken.

This is an especially difficult question, when the trial involves an individual in capital cases with mental retardation, and when there is a possibility that the death penalty would be imposed upon a guilty verdict. The U.S. Supreme Court, as I mentioned earlier, in the so-called *Atkins* decision held that it was unconstitutional to execute a person who has mental retardation and these intellectual disabilities and challenges, but as we all know, it did leave open to each State government based on the Criminal Code, the manner in which they would implement that Supreme Court ruling and decision.

There has been plenty of debate about how to approach this issue, whether it was appropriate for a jury or a court to decide this issue--and I think this was a bone of contention between the actions of the Senate and the actions in the House--and whether that decision should be made pre- or post-trial. There has been debate about the presentation of expert testimony and the use of psychiatric and psychological examinations, and when, in the particular course of that trial, all that should come into play in the process.

The Senate bill here today in this form before us, I believe, strikes the right balance. It ensures that the determination of whether a person is mentally retarded would be made by the court, as opposed to the jury. The measure outlines a fair and



balanced approach that provides for due process. The process outlined in the bill, if I understand it correctly, ensures that the mental capacity of the individual be taken into account prior to the trial and that a judge—not the jury, that a judge—will make the determination. The burden of proof rests with the defendant by a preponderance of evidence that the person is indeed mentally retarded. If the court determines, after all the expert testimony and evaluations are taken into consideration, that a defendant is mentally retarded, then the trial would proceed as a noncapital case.

The key to me with Senate Bill No. 397 is that it is balanced and that it protects the rights of those who are mentally retarded. Senate Bill No. 397 provides that we will be in compliance, I believe, with the United States Supreme Court's ruling and that Pennsylvania has developed a thoughtful, fair, and meaningful approach to what is a very troubling issue.

Thank you very much, Mr. President.

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

Senator LEACH. Mr. President, I just want to briefly comment on this bill because it was a bill that I was very involved with when I was in the House, and I want to commend Senator Mary Jo White for introducing this bill.

This is the correct approach for a couple of reasons. Eligibility for the death penalty should always be a pretrial determination. We would never say, for example, the United States Supreme Court said you cannot execute someone under 16 years of age, but we would never say, well, regardless of what evidence there is that the person is actually 15 or 14, we are going to let the jury decide that, and if the jury comes back and says they are really 16, then that is all there is to it. That is a threshold question of eligibility for the death penalty which must be decided ahead of the time.

It must be decided ahead of the time for a couple of reasons. First of all, if someone is eligible for the death penalty, that means you have to death-qualify the jury. You have to make sure that the jury is willing to impose the death penalty. Now, the court has ruled this acceptable, but the statistics show that a jury that is death-qualified is far more likely to convict in the first place than a jury that is just a neutral jury. So we are stacking the deck on the guilt and innocence before the trial even begins for someone who is not eligible, under the Supreme Court, for the death penalty.

The second reason it cannot be left to the jury is for very good reason: because we cannot second guess juries in Pennsylvania. We can never go to the jury and say, well, why did you rule this way, and ask for an explanation. But a judge who issues an opinion has to actually write down his or her reasons for finding something. So, if there is evidence that someone is retarded, theoretically, a jury could say, you know what, we agree he is retarded, but we do not like him or what he did anyway, and we are going to sentence him to death. And we would never know that. The result of that is that people who are mentally retarded would be executed in violation of the *Atkins* decision. Whereas if a judge does it, the judge has to write an opinion which could be appealed, which could be taken up by the appellate courts and reviewed for whether or not there is evidence to support the judge's conclusion.

So, for those two very important reasons, I commend Senator Mary Jo White for her excellent work on this bill, and I urge its passage.

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-43

Alloway	Erickson	McIlhinney	Vance
Argall	Farnese	Mensch	Vogel
Baker	Ferlo	Orie	Ward
Blake	Folmer	Pileggi	Washington
Browne	Fontana	Pippy	Waugh
Brubaker	Gordner	Robbins	White Donald
Corman	Greenleaf	Scarnati	White Mary Jo
Costa	Hughes	Schwank	Williams
Dinniman	Kasunic	Smucker	Yaw
Earll	Kitchen	Stack	Yudichak
Eichelberger	Leach	Tomlinson	

#### NAY-7

Boscola	Piccola	Solobay	Wozniak
Brewster	Rafferty	Tartaglione	

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

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

#### BILLS OVER IN ORDER

**SB 405 and SB 560** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 834 (Pr. No. 1669)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

Senator EICHELBERGER. Mr. President, I rise today to urge an affirmative vote on Senate Bill No. 834. This is a bill developed with the Local Government Commission that I introduced last Session, and am proud to do so again this year along with my fellow Democratic and Republican colleagues on the Commission.

Senate Bill No. 834 updates and revises the bonding requirements for elected and appointed county officers and county employees who handle money or property as part of their duties. Under current law, the County Code and Second Class County Code provide for bonds or crime insurance for county officers and certain county employees, to protect the county and its taxpayers from a loss of money or property through misconduct. The various bond amounts stated in the County Code and Second Class County Code have not been increased since their original enactment. For example, the amount of a bond for a recorder of deeds in sixth- to eighth-class counties is currently just \$5,000. This legislation would allow counties to determine the amount of security necessary and would also give counties the options for providing that security through an individual bond, a blanket bond, or an insurance policy.

I ask, again, for an affirmative vote on this bill. 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	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

#### NAY-0

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

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

#### BILL AMENDED

**SB 850 (Pr. No. 1582)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in minors, providing for the offense of cyberbullying by minors; in criminal history record information, further providing for expungement and for juvenile records; and, in relation to summary offenses, further providing for short title and purpose of chapter, for the

scope of the Juvenile Act, for inspection of court files and records, for conduct of hearings and for right to counsel.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A5567:

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

communication

Amend Bill, page 1, line 21, by striking out "message" and inserting:

communication

Amend Bill, page 2, line 12, by inserting after "electronic":

communication

Amend Bill, page 2, line 13, by inserting after "electronic":

communication

Amend Bill, page 2, by inserting between lines 22 and 23:

"Electronic communication" As defined in section 5702 (relating to definitions).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**HB 10, HB 278, HB 279, HB 284, HB 288, HB 289, HB 290, HB 291, SB 595 and SB 628** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

##### BILL REREFERRED

**HB 639 (Pr. No. 640)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in optional affordable housing funding, further providing for affordable housing programs fee in cities of first class.

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

##### BILLS OVER IN ORDER

**SB 733, SB 747, HB 755, SB 775, HB 816, SB 883, SB 887 and SB 920** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

##### BILL ON SECOND CONSIDERATION

**SB 961 (Pr. No. 1074)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in sheriff and coroner, further providing for official records of coroner.

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

#### BILLS OVER IN ORDER

**HB 1054, SB 1095, SB 1220 and SB 1237** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### EXECUTIVE NOMINATION

##### EXECUTIVE SESSION

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

Which was agreed to by voice vote.

##### NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

#### MEMBER OF THE PENNSYLVANIA LIQUOR CONTROL BOARD

July 6, 2011

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, Joseph E. Brion, Esquire, 922 Sconnelltown Road, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2015, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice The Honorable Thomas Goldsmith, Easton, whose term expired.

TOM CORBETT  
Governor

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

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

#### YEA-50

Alloway	Erickson	Orie	Vance
Argall	Farnese	Piccola	Vogel
Baker	Ferlo	Pileggi	Ward
Blake	Folmer	Pippy	Washington
Boscola	Fontana	Rafferty	Waugh
Brewster	Gordner	Robbins	White Donald
Browne	Greenleaf	Scarnati	White Mary Jo
Brubaker	Hughes	Schwank	Williams
Corman	Kasunic	Smucker	Wozniak
Costa	Kitchen	Solobay	Yaw
Dinniman	Leach	Stack	Yudichak
Earl	McIlhinney	Tartaglione	
Eichelberger	Mensch	Tomlinson	

#### NAY-0

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

Ordered, That the Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

#### UNFINISHED BUSINESS

##### BILLS REPORTED FROM COMMITTEE

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

##### SB 338 (Pr. No. 1688) (Amended)

An Act providing for the National Human Trafficking Resource Center Hotline Notification Act; and imposing duties on the Department of Labor and Industry.

##### SB 1069 (Pr. No. 1689) (Amended)

An Act providing for the registration and regulation of professional employer organizations and for powers and duties of the Department of State; and imposing penalties.

##### SB 1099 (Pr. No. 1690) (Amended)

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, further providing for minimum wages.

#### SENATE RESOLUTIONS ADOPTED

Senators VOGEL, ORIE, STACK, ROBBINS, ALLOWAY, YAW, FONTANA, WOZNIAC, WAUGH, ERICKSON, DINNIMAN, BROWNE, EARLL, SOLOBAY, WASHINGTON, GREENLEAF, BAKER, KASUNIC, SCARNATI, PILEGGI, MENSCH, BRUBAKER, D. WHITE, BOSCOLA, FERLO, TARTAGLIONE and PIPPY, by unanimous consent, offered **Senate Resolution No. 210**, entitled:

A Resolution designating October 2011 as "Pork Producers Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator Vogel.

Senator VOGEL. Mr. President, my resolution designates October 2011 as "Pork Producers Month" in Pennsylvania. Pennsylvania's pork industry contributes more than \$2.75 billion to the Commonwealth's economy, and it supports 8,000 jobs, ranking 13th in the nation. We have more than 3,600 family farms caring for more than 1.1 million hogs, which support agribusiness and crop producers and provide Pennsylvania consumers with abundant, wholesome choices of pork products. Pennsylvania pork producers are true stewards of the land, and are committed to producing safe foods, protecting and promoting animal well-being, ensuring practices to protect public health, safeguard-

ing natural resources in all of their practices, and contributing to a better quality of life in their communities.

Please join me in paying tribute and recognition to the outstanding contributions of the Pennsylvania pork producers, and to their historical, cultural, environmental, and economical success of the Commonwealth.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator ALLOWAY, by unanimous consent, offered **Senate Resolution No. 211**, entitled:

A Resolution designating the week of October 23 through 29, 2011, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Alloway.

Senator ALLOWAY. Mr. President, I rise to offer this resolution designating the week of October 23 through 29, 2011, as "Respiratory Care Week." I commend all respiratory therapists for their outstanding contributions to healthcare. I must give full disclosure, Mr. President, that my wife is a respiratory therapist, and has been so for a number of years. I want to make sure everyone is aware of that while I am commending them, that I am commending her as well.

National Respiratory Care Week will be observed nationwide, and this observance celebrates the contribution that respiratory therapists make to our nation's healthcare system. Respiratory therapists are the only allied health practitioners specifically trained to assist physicians in the care of respiratory patients. Across Pennsylvania, respiratory therapists assist with diagnostic procedures, administer oxygen and breathing treatments, conduct pulmonary therapy, teach home care to patients and family members, and provide acute care for patients on respirators.

So, please join me for designating this week, October 23 through 29, as Respiratory Care Week in Pennsylvania, and commend your respiratory therapists for all the outstanding work they do.

The PRESIDENT. In matters of full disclosure, I would advise the gentleman that the Chair's sister is a respiratory therapist. So, I join with you in advocating support of this resolution.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators RAFFERTY, STACK, FONTANA, ORIE, ERICKSON, M. WHITE, KASUNIC, BAKER, DINNIMAN, HUGHES, BREWSTER, COSTA, WAUGH, GREENLEAF, ALLOWAY, SCHWANK, BROWNE, SOLOBAY, FARNESE,

MENSCH, D. WHITE, FERLO, WASHINGTON, PILEGGI, BOSCOLA, TARTAGLIONE, PIPPY and EARLL, by unanimous consent, offered **Senate Resolution No. 212**, entitled:

A Resolution recognizing "School Bus Safety Week," which is being celebrated the week of October 16 through 22, 2011, in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, very briefly, Senator Pileggi, Senator Dinniman, and I have the opportunity to work very closely with the Krapf brothers, who are in the school bus business, as are many other companies here throughout the Commonwealth of Pennsylvania. We know the importance of School Bus Safety Week to them and to their charges.

Approximately 31,511 yellow school buses carry more than 1.5 million children within the Commonwealth of Pennsylvania. That is to and from school every day. The school buses comprise the largest mass transit fleet in the nation, and during the school year, school buses make more than 3 million passenger trips daily, carrying this Commonwealth's vital and precious future, our children. We salute them this week with School Bus Safety Week, and I ask for a unanimous vote, as do Senator Pileggi and Senator Dinniman, on this very important resolution.

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 BREWSTER, WARD, FERLO and FONTANA, by unanimous consent, offered **Senate Resolution No. 213**, entitled:

A Resolution honoring the life and service of Officer Derek Kotecki.

On the question,

Will the Senate adopt the resolution?

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

Senator BREWSTER. Mr. President, I rise with great sadness to introduce this resolution that honors the life and sacrifice of Lower Burrell Police Officer Derek Kotecki. Fondly remembered as a police officer's police officer, Officer Kotecki died in the line of duty earlier this month while courageously confronting a dangerous fugitive.

Officer Kotecki was 40 years old and leaves behind a loving wife and two sons. An 18-year veteran of the force, he was the canine officer and frequently visited local schools to talk to children about the dangers of drugs. He is credited with helping to organize some of the school district's first anti-drug programs.

Officer Kotecki's tragic death reminds us of the dangers of police work and the bravery of those who serve. He answered the call of duty and never wavered. Officer Kotecki spent his career

upholding the highest qualities and principles of being a police officer, and bravely risked his life for the citizens he swore to protect. Anyone who knew Derek will tell you that he was the best of the best, was well-respected, and admired throughout the Lower Burrell community. This resolution officially honors his life, sacrifice, and courage. Please keep Officer Kotecki and his family in your thoughts and prayers. I urge unanimous adoption of this resolution.

Mr. President, I want to thank you for attending the funeral, and for the Governor attending as well. It is my understanding that Senator Ward has some comments, and at the conclusion of her comments, I ask for a moment of silence.

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

Senator WARD. Mr. President, I am here today to also ask for prayers, thoughts, and condolences for the family and for Officer Kotecki. It was such a terrible shock to the citizens of Westmoreland County. Everywhere throughout the county, everyone has been in mourning and talking about it, and it is just so very sad.

The other day, as I left an event, I saw the procession of police cars escorting the officer's remains, and it was such a solemn, terrible sight to see, because right there and then you realized he went to work and he did not come home. He left behind Nicholas, 13; Alexander, 11; and his wife, Julie, who has also now given the ultimate sacrifice for all of us. It is a reminder that it does not matter if a police officer is serving in an urban war zone or a little peaceful town; every single day, every time they put on that uniform, they are putting their life on the line. Thank you.

The PRESIDENT. On the adoption of the resolution, all Members and guests will please rise for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Officer DEREK KOTECKI.)

### 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 Eugene Frank Riazzi by Senator Brewster.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Clompus by Senator Dinniman.

Congratulations of the Senate were extended to Madeline Suzanne Ammann by Senator Fontana.

Congratulations of the Senate were extended to Tami Morrone by Senator Piccola.

Congratulations of the Senate were extended to Louis C. Cecconi by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. Stephen Niechcielski, Ryan M. Burke and to George Wausnock by Senator Rafferty.

Congratulations of the Senate were extended to Church of the Good Shepherd of Boyertown and to Saint John's Evangelical Lutheran Church of Boyertown by Senators Rafferty and Schwank.

Congratulations of the Senate were extended to Sylvester Edward Enos IV by Senator Robbins.

Congratulations of the Senate were extended to C. William Shaffer by Senator Smucker.

Congratulations of the Senate were extended to Mr. and Mrs. Kevin Miles, Robert Heenan and to Sam Staten, Sr., by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Snider by Senator Vance.

### CONDOLENCE RESOLUTION

The PRESIDENT 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 Gerald T. Bannan by Senator Dinniman.

### BILLS ON FIRST CONSIDERATION

Senator McILHINNEY. 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 86, SB 338, SB 390, SB 539, SB 954, SB 1069, SB 1099, SB 1147, SB 1179, SB 1184, HB 170, HB 563, HB 864, HB 869, HB 1203 and HB 1458.**

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

#### WEDNESDAY OCTOBER 19, 2011

9:00 A.M.	<b>PUBLIC HEALTH AND WELFARE</b> (follow-up public hearing on the past payment practices of the Office of Developmental Programs)	Maj. Caucus Room 156
9:30 A.M.	<b>COMMUNICATIONS AND TECHNOLOGY</b> (public hearing on the Commonwealth's Justice Network, JNET)	Room 8E-A East Wing
10:30 A.M.	<b>EDUCATION</b> (public hearing to receive testimony from Secretary of Education Ronald Tomalis on results of PDE investigation and analysis of 2009 PSSA testing anomalies) <b>C A N C E L L E D</b>	Hrg. Rm. 1 North Off.

#### THURSDAY OCTOBER 20, 2011

9:30 A.M.	<b>COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT and LOCAL GOVERNMENT</b> (joint hearing with the House Local Government and House Urban Affairs Committees for an overview of Act 47 of 1987 and to begin discussion regarding possible enhancements to Act 47 and to discuss the challenges municipalities are facing as they relate to Act 47)	Room 140 House Maj. Caucus Rm.
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TUESDAY, OCTOBER 25, 2011

9:00 A.M.	<b>MAJORITY POLICY COMMITTEE</b> (public hearing on the uninsured and healthcare clinics)	Senate Maj. Caucus Rm.
12:00 P.M.	<b>GAME AND FISHERIES</b> (to consider Senate Bills No. 1037, 1049 and 1066; and House Bills No. 735 and 860)	Room 8E-A East Wing

WEDNESDAY, OCTOBER 26, 2011

9:30 A.M.	<b>PUBLIC HEALTH AND WELFARE</b> (public hearing concerning navigating possible changes in the western Pennsylvania healthcare delivery system)	Hrg. Rm. 1 North Off.
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TUESDAY, NOVEMBER 1, 2011

9:00 A.M.	<b>EDUCATION</b> (public hearing on Special Education Funding and Accountability)	Hrg. Rm. 1 North Off.
9:30 A.M.	<b>COMMUNICATIONS AND TECHNOLOGY</b> (public hearing on eHealth Collaborative)	Room 8E-A East Wing

THURSDAY, NOVEMBER 3, 2011

1:00 P.M.	<b>APPROPRIATIONS</b> (public hearing to consider the impact of FY 2011-2012 General Appropriations Act and other various topics)	Millersville Uni., Student Memorial Ctr., 21 S. George St., Millersville, PA
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TUESDAY, NOVEMBER 15, 2011

10:00 A.M.	<b>COMMUNICATIONS AND TECHNOLOGY and CONSUMER PROTECTION AND PROFESSIONAL LICENSURE</b> (joint public hearing on Act 183)	Hrg. Rm. 1 North Off.
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THURSDAY, NOVEMBER 17, 2011

9:30 A.M.	<b>COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT and LOCAL GOVERNMENT</b> (joint hearing with the House Local Government and House Urban Affairs Committees to continue discussion on Act 47 and the impact on local government, businesses, communities and labor)	Room 140 House Maj. Caucus Rm.
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WEDNESDAY, DECEMBER 7, 2011

9:30 A.M.	<b>COMMUNICATIONS AND TECHNOLOGY</b> (public hearing to review the OIT Strategic Plan)	Room 8E-A East Wing
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**RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, October 19, 2011, at 11 a.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was adopted by voice vote.

The Senate recessed at 4:43 p.m., Eastern Daylight Saving Time.