

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, OCTOBER 31, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY

No. 64

**SENATE**

MONDAY, October 31, 2011

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend GERALD OZLANSKI, of Assumption of the Virgin Mary Ukrainian Orthodox Church, Chester, offered the following prayer:

Let us pray.

Hear us, O God, the great God of our fathers, Abraham, Isaac, and Jacob. Through the psalmist, David, You have told that it is good and pleasant for brother to dwell together in unity. You have told us that it is like the precious ointment upon the head that ran down the beard of Aaron. You have told us it is like the dew of Hermon descending upon the mountains of Zion, for there the Lord commanded the blessing, even life forevermore.

Ever mindful of the great responsibilities placed on this body by the people of the great State of Pennsylvania, we pray that all Your actions may be for the benefit of all Your people. Where there is anger, we pray that we can hold out the olive branch of peace and forgiveness. Where there is mistrust, may we stretch out the hand of good will. May we embrace each other in trust as children of our Creator.

Where there is disagreement, grant us the ability to discern what is important and to stand up for those things, and to respect those whose ideas and opinions differ from ours. Let us fight for justice and remove all vestiges of inequality that may exist. May all of Your deliberations be filled with concern for the good of all the people of this great State of Pennsylvania.

We pray that our God will grant these petitions so that we may indeed come to experience what the psalmist has promised us, that it is good, indeed, and it is pleasant for brother to dwell together in unity, and that we may experience the blessing bestowed upon us by God, even life forevermore.

We ask this in the name of our God, who is a good God and loves mankind always, now and ever, and unto ages of ages. Amen.

The PRESIDENT. The Chair thanks Father Ozlanski, who is the guest today of Senator Pileggi.

**PLEDGE OF ALLEGIANCE**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY**

October 28, 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, Robert J. Salera, Esquire, 1102 North 2nd Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2012, vice The Honorable Flora Barth Wolf, resigned.

**TOM CORBETT**  
Governor

**MAGISTERIAL DISTRICT JUDGE**

October 28, 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, Stephanie Moore, 349 Orchard Road, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Montgomery County *[sic]*, Magisterial District 38-1-08, to serve until the first Monday of January 2012, vice The Honorable William R. Householder, Jr., resigned.

**TOM CORBETT**  
Governor

**HOUSE MESSAGES**

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 278, HB 279, HB 284, HB 288, HB 289** and **HB 291**.

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

October 31, 2011

**HB 1052 and 1720** -- Committee on Aging and Youth.  
**HB 1875 and 1886** -- Committee on Transportation.

**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 27, 2011

Senators TOMLINSON, PICCOLA, SCARNATI, DINNIMAN, M. WHITE, ALLOWAY, GREENLEAF, EARLL and MENSCH presented to the Chair **SB 1308**, entitled:

An Act authorizing the State System of Higher Education and its employees to enter into certain economic development agreements; providing for approval and notice, for reports and for limitations; and making an inconsistent repeal.

Which was committed to the Committee on EDUCATION, October 27, 2011.

October 31, 2011

Senators EARLL, SCHWANK, EICHELBERGER, YAW, VANCE, SMUCKER, BLAKE, FOLMER, PICCOLA, ROB-BINS and FONTANA presented to the Chair **SB 1321**, entitled:

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, in coordination plans, further providing for collective bargaining; in consolidation and merger, further providing for collective bargaining; in financial distress for third class cities, further providing for consent decrees; and, in receivership for third class cities, further providing for confirmation.

Which was committed to the Committee on LOCAL GOVERNMENT, October 31, 2011.

Senators YAW, VOGEL, GORDNER, BRUBAKER, SCHWANK, FONTANA, ALLOWAY, RAFFERTY, ARGALL, SOLOBAY, WAUGH, BREWSTER, MENSCH, PILEGGI and BAKER presented to the Chair **SB 1323**, entitled:

An Act amending Titles 3 (Agriculture) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for the Agriculture Disaster Recovery Program; and further providing for First Industries Program.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, October 31, 2011.

**GENERAL COMMUNICATIONS**

**AUDITOR GENERAL'S CERTIFICATE**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Office of the Auditor General  
229 Finance Building  
Harrisburg, PA 17120-0018

October 25, 2011

The Honorable Joseph Scarnati  
President Pro Tempore  
PENNSYLVANIA SENATE  
292 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Senator Scarnati:

In accordance with the provisions of Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999, as amended), I am providing you with the accompanying certification in connection with the general obligation bond sale of October 18, 2011.

A duplicate original of the Auditor General's Certificate is enclosed.

Sincerely,

JACK WAGNER  
Auditor General

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**AUDITOR GENERAL'S CERTIFICATE**

Pursuant to  
ARTICLE VIII, Section 7(a)(4)  
of the  
CONSTITUTION OF PENNSYLVANIA  
and

Section 304 of the Capital Facilities Debt Enabling Act

To the Governor and The General Assembly:

I, Jack Wagner, Auditor General of the Commonwealth of Pennsylvania, pursuant to Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999, as amended), certify as follows:

The amount of outstanding net debt  
as of October 27, 2011 ..... \$8,402,564,862

The difference between the limitation  
upon all net debt outstanding as provided  
in Article VIII, Section 7(a)(4) of the  
Constitution of the Commonwealth  
of Pennsylvania and the amount of  
outstanding net debt as of  
October 27, 2011 ..... \$49,757,744,328

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 25th day of October 2011.

JACK WAGNER  
Auditor General  
Commonwealth of Pennsylvania

**2012-13 BUDGET REQUEST OF THE  
OFFICE OF SMALL BUSINESS ADVOCATE**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

October 27, 2011

Hon. Thomas W. Corbett  
Governor of Pennsylvania  
Room 225  
Main Capitol Building  
Harrisburg, PA 17120

Hon. Samuel H. Smith  
Speaker of the House  
House of Representatives  
P.O. Box 202066  
Harrisburg, PA 17120-2066

Hon. Joseph B. Scarnati III  
President Pro Tempore  
Senate of Pennsylvania  
Room 292, Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Corbett, Senator Scarnati, and Representative Smith:

In accordance with the requirements of Section 6 of Act 181 of 1988, 73 P.S. §391.41 *et seq.*, and Section 610 of the Administrative Code of 1929, I am submitting the enclosed Budget Request of the Office of Small Business Advocate ("OSBA") for Fiscal Year 2012-13. Copies are also being delivered today to the Secretary of the Budget, the Secretary of Community and Economic Development, and the Insurance Commissioner.

As explained in detail in the enclosed Budget Request, the total expenses that the OSBA estimates it will incur in Fiscal Year 2012-13 for both its utility and insurance regulatory activities are \$1,286,000. That is the same amount approved for Fiscal Year 2011-12.

None of the money used to support the OSBA comes from the general funds of the Commonwealth. The OSBA's utility regulatory activities are funded by assessments on public utilities, while the money to support the OSBA's activities concerning workers' compensation insurance rates comes from assessments on the insurance companies that issue such policies in Pennsylvania.

If you or members of your staff have any questions, please contact the OSBA at (717) 783-2525.

Sincerely,

WILLIAM R. LLOYD, JR.  
Small Business Advocate

The PRESIDENT. This report will be filed in the Library.

**BILLS SIGNED**

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

**HB 278, HB 279, HB 284, HB 288, HB 289, HB 291, HB 1459 and HB 1460.**

**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 Folmer.

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

Senator WILLIAMS. Mr. President, I request a temporary Capitol leave for Senator Costa, and a legislative leave for Senator Leach.

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

Senator Williams requests a temporary Capitol leave for Senator Costa, and a legislative leave for Senator Leach. Without objection, the leaves will be granted.

**LEAVE OF ABSENCE**

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

**SENATE CONCURRENT RESOLUTION**

**WEEKLY RECESS**

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, October 31, 2011

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, November 14, 2011, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, November 14, 2011, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

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

**YEA-49**

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

**NAY-0**

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

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

**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 Appropriations to be held in the Rules room, to be followed by a meeting of the Committee on Veterans Affairs and Emergency Prepared-

ness 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 Philadelphia, Senator Williams.

Senator WILLIAMS. Mr. President, after the committee meetings, we, too, will have a Democratic caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Veterans Affairs and Emergency Preparedness, 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 CANCELLED**

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

**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, and legislative leaves for Senator Smucker and Senator Corman.

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

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Yudichak, and legislative leaves for Senator Washington and Senator Williams.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Piccola, and legislative leaves for Senator Smucker and Senator Corman.

Senator Costa requests a temporary Capitol leave for Senator Yudichak, and legislative leaves for Senator Washington and Senator Williams.

Without objection, the leaves will be granted.

**CALENDAR**

**BILL ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 286 (Pr. No. 1667)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for regulation of contracts; providing for adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 286?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 286.

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-49

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**THIRD CONSIDERATION CALENDAR**

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 342 (Pr. No. 549)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for definitions, for creation of board, for requirements for licensure, for practice and referral, for renewal of licenses and for refusal, suspension or revocation of license; and providing for impaired professionals program.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

**SB 349 (Pr. No. 1701)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of indoor tanning facilities and for penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

**YEA-48**

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

**NAY-1**

Ferlo

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

**BILL OVER IN ORDER TEMPORARILY**

**SB 444** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL OVER IN ORDER**

**HB 563** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 954 (Pr. No. 1090)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

**AMENDMENT OFFERED**

Senator WOZNIAK offered the following amendment No. A5654:

Amend Bill, page 1, line 7, by inserting after "amended":

and the section is amended by adding a subsection

Amend Bill, page 1, line 18, by inserting after "(ii)":

except as provided in subparagraph (iv).

Amend Bill, page 2, line 3, by inserting a bracket before "or"

Amend Bill, page 2, line 3, by inserting a bracket after "or"

Amend Bill, page 2, line 5, by inserting a bracket before "or"

Amend Bill, page 2, line 5, by inserting after "(ii)":

1. (ii) or (iv); or

(iv) methadone.

Amend Bill, page 2, by inserting between lines 21 and 22:

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(I) Definition.--As used in this section, "methadone" shall mean a synthetic opioid agonist which binds with opioid receptors in the brain to initiate drug actions that mimic the effects of opiates.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I had two amendments to this bill, one of which I am withdrawing because it was not written right dealing with the cost of transportation of those using methadone clinics. But, what this amendment does, in specificity, is after you take a dose of this prescription narcotic, you are not allowed to drive back from a methadone clinic.

Folks, put it in perspective. If someone was in an automobile, cracked up another automobile, and inside his system was heroine, then people would be outraged and say, my God, that guy is a junkie who crashed into those people and killed them. Methadone is a synthetic narcotic used to replicate the chemical imbalance that heroine causes in individuals. In our efforts to try to help human beings make their lives more normal, scientists have come up with this synthetic narcotic that we feed to addicts of heroine. I have read on the Internet over the past few weeks that there are other ways to resolve the addiction problem, both psychological and physical, that those on heroine have, but we have chosen a path to these methadone clinics which, basically, gives a dose of methadone to a heroine addict to supposedly stabilize them. It does not give them the high highs that they usually have, and it allows them to function normally and go off to work, et cetera.

I would like to call this the Mary Davis amendment because one of those who was coming back from a methadone clinic smashed into her parents' automobile. The mother died immediately, and the father lingered for a few weeks. Folks, we came down on alcohol, making .08 the legal limit by which people can drive under the influence, which is like three beers over an hour span of time. We are giving somebody a dose, so we know that they are injecting or drinking, or whatever they do with metha-

done, that they are taking it at this particular point in time. So, we know that they are driving under the influence of a synthetic narcotic.

What I am trying to say is that we are trying to help you. Every one of us who has had major or minor surgery were told after surgery, after you come out of the recovery room, you feel okay, you think your mind is sharp, but were told do not drive because you are impaired. In your opinion, you are saying, I am not impaired, I am fine, but your wife or somebody comes and gives you a ride home anyhow because the doctor says you are impaired.

I do not know a whole lot about methadone and heroine, I know heroine is a narcotic. I think it is a dangerous thing, but I also think a synthetic narcotic that simulates the process of what heroine does is also a dangerous thing. Maybe it does something to the nerve synapses to keep you normal, but it is affecting something. Just like whatever they did when you went into surgery, there is a reason the doctors said do not drive. What I am saying here, there have been accidents, there have been fatalities, and they are directly, not indirectly, but directly the reason because the individual was under the influence of methadone at the time.

So, my amendment is very simple. We are not stopping your treatment, but, folks, you need somebody to take you home after you are treated with a dose of methadone. Thank you.

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

Senator EICHELBERGER. Mr. President, I share my colleague's concern about people driving on our highways after they have received methadone. In fact, I worked on this legislation for quite a while, introduced it in the last Session, and worked with various interest groups to develop a product now that, I think, is very workable.

If people have any understanding of methadone treatment methodology and they believe in it at all, they understand that stabilizing people and getting them away from what was said as those high highs and those lows, and making sure that they could become productive citizens again by maintaining this proper dosage with the methadone treatment program, that all works as long as it is done appropriately and under a physician's care. If that is done correctly, people should not be a threat when they are on the highways.

I have visited clinics, I have met with many of the providers in the State and lots of folks involved in drug treatment, and I have been convinced that most of the clinics do a good job, most of the physicians do a good job, and they stabilize their patients. They are careful about the introductory patients, making sure when in the most dangerous zone of new treatment that they are monitored closely and they do not drive during that timeframe. But once they are stabilized and the physician is comfortable with the dosage that has been given to them, they can continue to operate vehicles and go about their workday and be productive citizens.

So I do not see the threat that my colleague sees. What I am mostly concerned about and what the bill speaks to is other abuses along with methadone treatment, and that is what the bill will help stop for the people who are abusing that treatment program in Pennsylvania.

So I ask for a "no" vote on this amendment. Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, just one last push. We are trying to help people who have an addiction to heroine. We are supplying, at the taxpayers' expense, methadone for them to live a normal life. Well, the two people who are in this letter from Mrs. Davis were trying to live a normal life, too. The individual came from a methadone clinic, he was erratic, and I am just saying, hey, we are here to help. But you know what? You have to help yourself a little bit, too. Let us be responsible citizens out there. If I am under the influence of methadone or alcohol, I should not be driving an automobile. If you are going to get medications--just as they tell you in the hospital after surgery, do not drive, these are the same kind of medicines that these people are getting, synthetic narcotics.

One last effort to ask for--look, folks, you have people who take you to the mall, you have people to take you to a restaurant to get something to eat, you certainly can find a friend or two to take you to and from what might be most important, your doctor's appointments and your methadone clinic. Thank you very much.

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

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

YEA-13

Boscola	Farnese	Solobay	Wozniak
Brewster	Fontana	Stack	Yudichak
Costa	Kasunic	Tartaglione	
Dinniman	Leach		

NAY-36

Alloway	Erickson	Orie	Vance
Argall	Ferlo	Piccola	Vogel
Baker	Folmer	Pileggi	Ward
Blake	Gordner	Pippy	Washington
Browne	Greenleaf	Rafferty	Waugh
Brubaker	Hughes	Robbins	White Donald
Corman	Kitchen	Scarnati	White Mary Jo
Earl	McIlhinney	Smucker	Williams
Eichelberger	Mensch	Tomlinson	Yaw

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

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

On the question,  
Shall the bill pass finally?

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-49

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

#### NAY-0

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

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

### SECOND CONSIDERATION CALENDAR

#### BILL REREFERRED

**HB 10 (Pr. No. 2430)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for title, for legislative findings, for definitions, for port authorities, for board, for eminent domain, for conveyance and for integrated operation; providing for exclusive jurisdiction and for report; and making editorial changes.

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 86, SB 152, HB 170, HB 332, HB 333, SB 338, SB 390, HB 398, SB 413, HB 424, SB 433, SB 477, SB 532, SB 539, HB 608, HB 715, HB 735 and SB 746** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILLS REREFERRED

**HB 755 (Pr. No. 846)** -- 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, further providing for other meeting expenses paid by counties.

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

**HB 816 (Pr. No. 1853)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for qualifications for license.

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

#### BILLS OVER IN ORDER

**HB 860, HB 864, HB 869, SB 878, SB 920, SB 1004, SB 1019, SB 1049, HB 1054, SB 1066, SB 1069 and SB 1092** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION, AMENDED

**SB 1095 (Pr. No. 1664)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing an independent informal dispute resolution process for long-term care nursing facilities to dispute Department of Health survey deficiencies; and providing for the powers and duties of the Department of Health.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCARNATI offered the following amendment No. A5945:

Amend Bill, page 7, by inserting between lines 7 and 8:  
Section 6. Liability and responsibility.

Except as otherwise provided in this act, nothing in this act is intended to affect common law or statutory liability and responsibility of licensees.

On the question,

Will the Senate agree to the amendment?

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

The PRESIDENT pro tempore. Mr. President, I believe this is an agreed-to amendment. It is just clarifying some language in the bill.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

#### BILL OVER IN ORDER

**SB 1099** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 1100 (Pr. No. 1723)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated Statutes, consolidating the Oil and Gas Act with modifications relating to definitions, well permits, well location restrictions, protection of water supplies, well reporting requirements, bonding, enforcement orders, penalties, civil penalties and local ordinances; providing for containment, for transportation regulations, for emergency response information and for model ordinance; providing for a model zoning ordinance; and making a related repeal.

Considered the second time and agreed to,

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

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

**BILLS OVER IN ORDER**

**SB 1150 and SB 1179** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL REREFERRED**

**SB 1184 (Pr. No. 1457)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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 1200, HB 1203, SB 1228, SB 1263 and SB 1267** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 1276 (Pr. No. 1630)** -- 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, further providing for classification of counties.

Considered the second time and agreed to,

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

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

**BILL OVER IN ORDER**

**SB 1279** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 1310 (Pr. No. 1700)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for the definition of "wages," for determination of contribution rate, for additional contribution for interest, for collection of contribution and interest and injunctions, for Interest Fund, for recovery and recoupment of compensation; and providing for unemployment compensation solvency bonds and for unemployment compensation amnesty program.

Considered the second time and agreed to,

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

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

**BILLS OVER IN ORDER**

**HB 1337, HB 1349, HB 1417, HB 1441 and HB 1458** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**THIRD CONSIDERATION CALENDAR RESUMED**

**SB 444 CALLED UP**

**SB 444 (Pr. No. 625)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

**BILL AMENDED**

**SB 444 (Pr. No. 625)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions and for prize limits; providing for insured games of chance; further providing for sales limited, for regulations of department, for licensing of eligible organizations to conduct games of chance, for revocation of licenses, for advertising and for penalties; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ALLOWAY offered the following amendment No. A5961:

Amend Bill, page 1, lines 8 through 14, by striking out "further providing for " in line 8, all of lines 9 through 13 and "editorial changes" in line 14 and inserting:

further providing for legislative intent, for definitions, for games of chance permitted, for prize limits, for limits on sales, for distributor licenses, for regulations, for licensing of eligible organizations and for special permits; providing for club licensees; further providing for revocation of licenses, for enforcement, for local option, for advertising and for prohibited persons; providing for civil penalties; further providing for penalties; and making editorial changes

Amend Bill, page 1, lines 17 through 22; pages 2 through 20, lines 1 through 30; page 21, lines 1 through 25, by striking out all of said lines on said pages and inserting:

Section 1. The act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, is amended by adding a chapter heading to read:

**CHAPTER 1**  
**PRELIMINARY PROVISIONS**

Section 2. Section 1 of the act is renumbered to read:

Section [1] 101. Short title.

This act shall be known and may be cited as the Local Option Small Games of Chance Act.

Section 2.1. Section 2 of the act is renumbered and amended to read:

Section [2] 102. Legislative intent.

The General Assembly hereby declares that the playing of [small] games of chance for the purpose of raising funds, by certain nonprofit associations, for the promotion of charitable or civic purposes, is in the public interest. In some cases the proceeds from games of chance may be utilized to support certain operating expenses of certain organizations.

It is hereby declared to be the policy of the General Assembly that all phases of licensing, operation and regulation of [small] games of chance be strictly controlled, and that all laws and regulations with respect thereto as well as all gambling laws should be strictly construed and rigidly enforced.

The General Assembly recognizes the possibility of association between commercial gambling and organized crime, and wishes to discourage commercialization of [small] games of chance, prevent participation by organized crime and prevent the diversion of funds from the purposes herein authorized.

Section 3. The definitions of "civic and service associations," "club," "daily drawing," "eligible organizations," "fraternal organizations," "games of chance," "public interest purposes," "raffle" and "weekly drawing" in section 3 of the act, amended December 19, 1990 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), are amended and the section is renumbered and amended by adding definitions to read:

Section [3] 103. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Civic and service [associations] association." Any Statewide or branch, lodge or chapter of a nonprofit national or State organization which is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a civic or service purpose within this Commonwealth, which shall have existed in this Commonwealth for one year. The term also means a similar local nonprofit organization, not affiliated with a national or State organization, which is recognized by a resolution adopted by the governing body of the municipality in which the organization conducts its principal activities. The term shall include[, but not be limited to,] Statewide or local bona fide sportsmen's and wildlife associations, federations or clubs, [Statewide or local in nature,] volunteer fire companies, volunteer rescue squads and volunteer ambulance associations and [bona fide] senior citizens organizations. In the case of bona fide senior citizens organizations, the licensing authority may accept alternative documentation for proof of purposes when there are no bylaws or articles of incorporation in existence. The term shall also include nonprofit organizations which are established to promote and encourage participation and support for extracurricular activities within the established primary and secondary public, private and parochial school systems. Such organizations must be recognized by a resolution adopted by the appropriate governing body. In the case of organizations associated with the public school system, the governing body shall be the school board of the school district. In the case of

private or parochial school organizations, that body shall be either the board of trustees or the Archdiocese.

"Club." [A club, as defined in section 102] An organization that:

(1) is licensed to sell liquor under section 404 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code[, that]; and

(2) qualifies as an exempt organization under section 501(c) or 527 of the Internal Revenue Code of [1954 (68A Stat. 3] 1986 (Public Law 99-514, 26 U.S.C. § 501(c) or 527) [and is licensed to sell liquor at retail and has a charitable, religious or civic purpose or is organized to benefit a political party].

"Club licensee." A club that holds a license to conduct small games of chance.

"Daily drawing." A game of chance in which a bona fide member selects or is assigned a number for a chance at a prize with the winner determined by [a] random drawing to take place on the licensed eligible organization's licensed premises during the same operating day. The term includes games of chance commonly known as "member sign-in lotteries" and "half-and-half lotteries." [Nothing in this act shall be construed to prohibit the carrying over of a jackpot where the winning number has not been entered in the game on a particular operating day.] Daily drawing winners may be determined with the aid of a passive selection device or reference to drawings conducted by the department pursuant to the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. Daily drawing chances may not be sold for an amount in excess of \$1, and no more than one chance per individual may be sold [to an individual during the same operating day] per drawing. Nothing in this definition shall restrict an eligible organization from conducting more than one drawing per day.

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"Eligible [organizations." Includes qualifying nonprofit charitable, religious, fraternal and veterans organizations, clubs and civic and service associations as defined by this act] organization." A charitable, religious, fraternal or veterans organization, club, club licensee or civic and service association. In order to qualify as an eligible organization for purposes of this act, an organization shall have been in existence and fulfilling its purposes for one year prior to the date of application for a license.

"Fraternal [organizations] organization." A nonprofit organization within this Commonwealth which is created and carried on for the mutual benefit of its members, has a limited membership and a representative form of government and is a branch, lodge or chapter of a national or State organization. Such organizations shall have been in existence in this Commonwealth and fulfilling their purposes for one year prior to the date of application for a license.

"Games of chance." Punchboards, daily drawings, weekly drawings, raffles and pull-tabs, as defined in this act, provided that no such game shall be played by or with the assistance of any mechanical or electrical devices or media other than a dispensing machine or passive selection device and further provided that the particular chance taken by any person in any such game shall not be made contingent upon any other occurrence or the winning of any other contest, but shall be determined solely at the discretion of the purchaser. This definition shall not be construed to authorize any other form of gambling currently prohibited under any provision of Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or authorized under 4 Pa.C.S. (relating to amusements). Nothing in this act shall be construed to authorize games commonly known as "slot machines" or "video poker."

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"Licensed distributor." A distributor of games of chance licensed under section 307.

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"Prize." Cash or merchandise awarded for games of chance.

"Proceeds." As follows:

(1) For games of chance required to be purchased from a licensed distributor, the difference between:

(i) the face value, as indicated by the registered manufacturer, collectible by a licensed eligible organization from a game of chance; and

(ii) the maximum amount of prizes available, as indicated by the registered manufacturer, by a licensed eligible organization from a game of chance.

(2) For games of chance not required to be purchased from a licensed distributor, the difference between:

- (i) the actual gross revenue collected by a licensed eligible organization from a game of chance; and
- (ii) the actual amount of prizes paid by a licensed eligible organization from a game of chance.

"Public interest [purposes] purpose." [One or more of the following:

(1) Benefiting persons by enhancing their opportunity for religious or education advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical, emotional or social well-being, by assisting them in establishing themselves in life as worthy and useful citizens or by increasing their comprehension of and devotion to the principles upon which this nation was founded.

(2) Initiating, performing or fostering worthy public works or enabling or furthering the erection or maintenance of public structures.

(3) Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people.

(4) Improving, expanding, maintaining or repairing real property owned or leased by an eligible organization and used for purposes specified in paragraphs (1), (2) and (3). The term does not include the erection or acquisition of any real property, unless the property will be used exclusively for one or more of the purposes specified in this definition.] A nonprofit benevolent, religious, educational, philanthropic, humane, scientific, patriotic, social welfare, social advocacy, public health, public safety, environmental or civic objective.

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"Raffle." A game of chance in which a participant buys a ticket for a chance at a prize with the winner determined by a random drawing of corresponding ticket stubs to take place at a location and date or dates printed upon each ticket. Such games of chance shall include lotteries but not daily drawings. Raffle winners may be determined by reference to drawings conducted by the department pursuant to the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law.

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"Weekly drawing." A game of chance in which a bona fide member selects or receives a number or numbers for a chance at a prize with the winner determined by a random drawing to take place on the licensed eligible organization's licensed premises at the end of a seven-day period. [Nothing in this act shall be construed to prohibit the carrying over of a jackpot where the winning number has not been entered in the game in a particular week.] Weekly drawing winners may be determined with the aid of a passive selection device or reference to drawings conducted by the Department of Revenue pursuant to the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. Weekly drawing chances may not be sold for an amount in excess of \$1.

Section 4. The act is amended by adding a chapter heading to read:

### CHAPTER 3 GAMES OF CHANCE

Section 5. Section 4 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered and amended to read: Section [4] 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this [act] chapter may conduct games of chance for the purpose of raising funds for public interest purposes. [All] Except as provided in Chapter 5, all proceeds of [games of chance] a licensed eligible organization shall be used exclusively for public interest purposes or for the purchase of games of chance as permitted by this act.

Section 6. Section 5 of the act, amended December 19, 1990 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is renumbered and amended to read:

Section [5] 302. Prize limits.

(a) Individual prize limit.--[The] Except as provided under subsections (c) and (d), the maximum [cash value] prize which may be awarded for any single chance shall be [\$500] \$1,000.

(b) [Weekly] Aggregate prize limit.--No more than [\$5,000]

\$25,000 in [cash or merchandise] prizes shall be awarded from games of chance by [any] a licensed eligible organization in any seven-day period.

(c) [Limit on raffles] Raffles prize limit.--[No more than \$5,000 in cash or merchandise shall] Subject to the limitations under subsection (b), up to \$10,000 in prizes may be awarded in raffles in any calendar month.

(c.1) Total limit.--All prizes awarded under this section and section 301 shall be subject to the aggregate prize limits under subsection (b).

(d) Exception for raffles.--[An] Notwithstanding subsection (b) or (c), a licensed eligible organization may conduct a raffle and award a prize or prizes valued in excess of [\$500] \$1,000 each only under the following conditions:

(1) The licensing authority has issued a special permit for the raffle under section [11] 308.

(2) [Eligible organizations] A licensed eligible organization shall be eligible to receive no more than [two] eight special permits in any licensed [year] term except that a volunteer fire, ambulance [and] or rescue [organizations] organization that is not a club licensee shall be eligible to receive [no more than three] ten special permits in any licensed [year] term.

(3) Only one raffle may be conducted under each special permit issued under section 308.

(4) [The] Except as provided under paragraph (5), the total [cash value] of all prizes awarded under this subsection shall be no more than [\$100,000 per calendar year.] \$200,000 per licensed term.

(5) A volunteer fire, ambulance or rescue organization may, in addition to the total under paragraph (4), award up to \$50,000 from raffles which shall not be subject to the aggregate limit under subsection (b).

(e) Limit on daily drawings.--Daily drawings shall be governed by the prize limitations contained in subsections (a) and (b). An eligible organization shall not conduct daily drawings during a period when a weekly drawing is taking place.]

(f) [Exception] Daily drawing carryover.--The prize limitation contained in subsections (a) and (b) may be exceeded by a daily drawing under the following circumstances: a daily drawing may award a prize [where the cash value is] in excess of [\$500] \$1,000 if such prize is the result of a carryover of a drawing [or drawings] which resulted from the winning number in such drawing [or drawings] not being among the eligible entrants in such drawings. Nothing contained herein shall authorize the prize [limitations] limitation as contained in subsections (a) and (b) to be exceeded as a result of a failure to conduct a drawing on an operating day during which chances were sold for a daily drawing or for a daily drawing for which chances were sold in excess of \$1 or for which more than one chance was sold to an eligible participant.

(g) [Daily drawing and weekly drawing] Additional exception.--When a daily drawing or weekly drawing is set up or conducted in such a manner as to pay out or award 100% of the gross revenues generated from such drawing, the [limitations] limitation contained in subsection (b) shall not apply.

(h) [Limit on weekly drawings] Weekly drawing carryover exception.--Weekly drawings shall be governed by the prize [limitations] limitation contained in subsection (b). [The prize limitation contained in subsection (b) may be exceeded by a weekly drawing under the following circumstances: a weekly drawing may award a prize where the cash value is in excess of \$5,000 if such prize is the result of a carryover of a drawing or drawings which resulted from the winning number or numbers in such drawing or drawings not being among the eligible entrants in such drawings.] The portion of a prize awarded in a weekly drawing that results from the carryover of a weekly drawing in which the number or numbers were not among the eligible entrants in the drawing shall not be included when applying the limitation under subsection (b). Nothing contained in this [act] chapter shall authorize the prize [limitations as contained in] limitation under subsection (b) to be exceeded as a result of a failure to conduct a drawing for a week during which chances were sold for a weekly drawing or for a weekly drawing for which chances were sold in excess of \$1. [An eligible organization shall not conduct weekly drawings during a period when a daily drawing is taking place.]

Section 7. Sections 6 and 7 of the act, amended December 19,

1990 (P.L.812, No.195), are renumbered and amended to read:  
Section [6] 303. Sales limited.

(a) General rule.--No person shall sell, offer for sale or furnish games of chance for use within this Commonwealth except to an eligible organization or [distributor] licensed distributor under this [act] chapter.

(b) Organizations.--No game of chance, other than a raffle under section 302(d), sold, offered for sale or furnished to a licensed eligible organization for use within this Commonwealth shall contain, permit, depict or designate a prize having a [cash value] prize limit in excess of [\$500] \$1,000.

Section [7] 304. Distributor licenses.

(a) License required.--No person shall sell, offer for sale or furnish games of chance to eligible organizations licensed under this [act] chapter unless such person shall have obtained a distributor license as provided in this section.

(b) Application.--An applicant for the grant or renewal of a distributor license issued pursuant to this section shall provide to the department, upon the form prescribed, all of the following:

- (1) The applicant's State sales tax number.
- (2) The applicant's State corporate tax number.
- (3) The applicant's State employer withholding tax number.
- (4) The applicant's unemployment compensation account number.

(5) A statement that:

- (i) all State tax reports have been filed and all State taxes paid;
- (ii) all State taxes are subject to a timely administrative or judicial appeal; or
- (iii) all State taxes are subject to a duly approved deferred payment plan.

(6) The names and business addresses of all owners, officers, directors, partners and sales personnel.

(c) Waiver of confidentiality.--An applicant for the grant or renewal of any license issued pursuant to this section shall, by the filing of an application insofar as it relates to the department, waive any confidentiality with respect to State tax information in the possession of the department, the Office of Attorney General or the Department of Labor and Industry regarding that applicant, regardless of the source of that information, and shall consent to the providing of that information to the department by the Office of Attorney General or the Department of Labor and Industry.

(d) Review of tax status.--Upon receipt of any application for the grant or renewal of any license issued pursuant to this section, the department shall review the State tax status of the applicant. The department shall request State tax information regarding the applicant from the Office of Attorney General or the Department of Labor and Industry and that information shall be provided.

(e) Limitation on approval.--The department shall not approve any application for the grant or renewal of any license issued pursuant to this section where the applicant has failed to:

- (1) provide any of the information required by subsection (b);
- (2) file required State tax reports; or
- (3) pay any State taxes not subject to a timely administrative or judicial appeal or subject to a duly authorized deferred payment plan.

(f) Records.--The licensee shall keep such records, reports and books as the department shall prescribe. Applicants shall be required to make such records, reports and books available as required by the department pursuant to regulation.

(g) Ineligibility.--The department shall not issue or renew a distributor license for the sale of games of chance to a person, including any corporation, firm or partnership which has as an officer, director or other person in a supervisory or management position, or employee eligible to make sales on behalf of the distributor, who:

- (1) has been convicted of a felony in a state or Federal court within the past five years; or
- (2) has been convicted within ten years of the date of application in a state or Federal court of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act or of a gambling-related offense under Title 18 of the Pennsylvania Consolidated Statutes (relating to crimes and offenses) or other comparable State or Federal law.

(h) License and renewal fees.--The fee for a distributor license shall be \$1,000. Licenses shall be renewable on an annual basis.

(l) Exception.--This section shall not apply to the manufacture or distribution of raffle tickets.

Section 8. Section 8 of the act is renumbered to read:  
Section [8] 305. Registration of manufacturers.

(a) Registration required.--No manufacturer of games of chance shall sell any games of chance to any person unless the manufacturer has registered with the department and has been issued a certificate of registration.

(b) Annual certificate; fee.--A certificate under this section shall be valid for one year. The annual fee for registration shall be \$2,000.

(c) Prohibited sales.--A manufacturer shall not sell games of chance to any person not licensed as a distributor unless the manufacturer is also a licensed distributor.

(d) Exception.--This section shall not apply to the manufacture or distribution of raffle tickets.

Section 9. Section 9 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered and amended to read:  
Section [9] 306. Regulations of department.

(a) Authorization.--The department shall promulgate regulations to:

(1) Impose minimum standards and restrictions applicable to games of chance manufactured for sale in this Commonwealth, which may include standards and restrictions which specify the maximum number of chances available to be sold for any single game of chance or prize and such other standards and restrictions as the department deems necessary for the purposes of this [act] chapter. The department shall consider standards adopted by the National Association of Gambling Regulatory Agencies and other standards commonly accepted in the industry.

(2) Establish procedures by which manufacturers may register and distributors of games of chance may apply for licensure on forms which the department shall provide. Procedures shall include a requirement that manufacturer and distributor applicants provide criminal history record information obtained from the Pennsylvania State Police under 18 Pa.C.S. § 9121(b) (relating to general regulations) for each officer and manager of the manufacturer's or distributor's organization and for any other individual specified by the department. As used in this paragraph the term "criminal history record information" has the meaning given in 18 Pa.C.S. § 9102 (relating to definitions).

(3) Provide for the suspension or revocation of distribution licenses or manufacturer certificates for violations of this act or regulations of the department.

(4) Carry out other provisions of this act.

(b) Limitation on recordkeeping requirements.--This section shall not be construed to authorize the department to promulgate regulations providing for recordkeeping requirements for licensed eligible organizations which require unreasonable or unnecessary information or a repetitious listing of information. The department shall strive to keep such recordkeeping requirements from being an undue hardship or burden on licensed eligible organizations. Under no circumstances shall the department require the retention of records for a period in excess of two years.

(c) Reporting requirements.--Each eligible organization shall file an annual report to the department including:

(1) Prizes awarded as required under section 335 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(2) Amounts expended for public interest purposes.

Section 10. Section 10 of the act, amended December 19, 1990 (P.L.812, No.195) and October 18, 2000 (P.L.602, No.79), is renumbered and amended to read:

Section [10] 307. Licensing of eligible organizations to conduct games of chance.

(a) License required.--No eligible organization shall conduct or operate any games of chance unless such eligible organization has obtained and maintains a valid license or limited occasion license issued pursuant to this section. [Auxiliary groups within] An auxiliary group of a licensed eligible [organizations] organization shall be eligible to conduct [small] games of chance using the license issued to the eligible organization provided that the auxiliary group or groups are listed on the application and license of the eligible organi-

zation. An auxiliary group is not eligible to obtain a license or a limited occasion license. No additional licensing fee shall be charged for an auxiliary group's eligibility under this [act] chapter. Auxiliary groups shall not include branches, lodges or chapters of a Statewide organization.

(b) Issuance and fees.--The licensing authority shall license, upon application, within 30 days any eligible organization meeting the requirements for licensure contained in this [act] chapter to conduct and operate games of chance at such locations within the county or in such manner as stated on the application as limited by subsection (b.1). The license fee to be charged to each eligible organization shall be \$[100] \$200, except for limited occasion licenses which shall be \$[10] \$20. Licenses shall be renewable [annually] on a biennial basis upon the anniversary of the date of issue. The license fee shall be used by the licensing authority to administer this act.

(b.1) Location of [small] games of chance.--

(1) Every licensed eligible organization, except a limited occasion licensee, may conduct small games of chance only at a licensed premises. The licensed premises shall be indicated on the eligible organization's license application. Only one license shall be issued per licensed premises. Except as provided under paragraph (4), a licensed eligible organization may not share a licensed premises with another licensed eligible organization; and no licensed eligible organization may permit its premises to be used for small games of chance by another licensed eligible organization.

(2) Where there exists a location or premises which is the normal business or operating site of the eligible organization and the location or premises is owned or leased by that eligible organization to conduct its normal business, that site shall be the eligible organization's licensed premises [for small games of chance conducted by the eligible organization]. If that location consists of more than one building [and the eligible organization wishes to conduct its games in a different building at that location from the one that is listed on its application and license, the eligible organization must notify, in writing, the district attorney and the licensing authority of the change in building site and the dates and times that will be affected], the eligible organization shall choose the building that will be the licensed premises.

(3) When an eligible organization does not own or lease a specific location to conduct its normal business, [that] the eligible organization [may use another eligible organization's premises to conduct its games or] may make [such other] arrangements that are consistent with this act to establish a licensed premises, including[, but not limited to,] leasing a premise under a written agreement for a rental [which is not]; however, the rental may not be determined by either the amount of receipts realized from the [playing] conduct of games of chance [nor] or the number of people attending [except that an]. An eligible organization may lease a facility for a banquet [where a per head charge is applied] in connection with the serving of a meal based on a per-head charge. [When such eligible organization changes the site of its games from that which is listed on its application and license, the eligible organization must notify, in writing, the district attorney and licensing authority of the change in their games' site and dates and times that will be affected.]

(4) An eligible organization that has obtained a limited occasion license under subsection (b.3) may use another eligible organization's licensed premises to conduct its games of chance. When a licensed eligible organization is permitting a limited occasion licensee to use its licensed premises for purposes of games of chance, it shall cease the operation of its own games of chance during the period that the limited occasion licensee is conducting its games on the premises.

(b.2) Off-premises games of chance.--Notwithstanding any other provisions of this section, [an] all of the following apply:

(1) A licensed eligible organization may conduct [small] games of chance at a location off its premises when [such games] the games of chance are part of an annual carnival, fair, picnic or banquet held or participated in by that licensed eligible organization on a historical basis. The licensed eligible organization must notify, in writing, the district attorney and licensing authority of the location, date and times of [such events] the event where it will be conducting [small] games of chance.

(2) Raffle tickets may be sold off the licensed premises in a municipality which has adopted the provisions of this act by an affir-

mative vote in a municipal referendum. A licensed eligible organization which plans to sell raffle tickets in a municipality located in a county other than the county in which the eligible organization is licensed shall notify that county's district attorney and licensing authority as to the location and the dates that the licensed eligible organization plans to sell raffle tickets.

(b.3) Limited occasion licenses.--Eligible organizations which do not own their own premises or which do not lease a specific location to conduct their normal business may apply for a limited occasion license to conduct [small] games of chance on not more than three occasions covering a total of seven days during a licensed year. A limited occasion license entitles an eligible [organizations holding such a license] organization to conduct no more than two raffles during a licensed year where prizes may not exceed the established limits for regular monthly raffles. Holders of a limited occasion [licenses] license may not apply or be granted any other license or special permit under this act. No holder of a regular license or special permit under this act shall apply or be granted a limited occasion license.

(b.4) Gambling facility prohibited.--It shall be unlawful for a person, corporation, association, partnership or other business entity to offer for rent or offer for use a building or facility to be used exclusively for the [conducting] conduct of [small] games of chance. It shall also be unlawful for any eligible organization to rent or lease under any terms a [facility or] building or facility which is used exclusively for the [conducting] conduct of [small] games of chance.

(c) Display.--Licenses issued pursuant to this section shall be publicly displayed at the site [of the small] where games of chance will be conducted.

(d) Operation.--Each licensed eligible organization shall [comply with the following restrictions and rules governing the operation of games of chance] be prohibited from the following:

(1) [No] Permitting any person under 18 years of age [shall be permitted] to operate or play games of chance.

(2) [No] eligible organization shall permit Permitting any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act to manage, set up, supervise or participate in the operation of games of chance.

(3) [No] eligible organization shall pay Paying any compensation to any person for conducting any games of chance. Games of chance may only be conducted by managers, officers, directors, bar personnel and bona fide members of the eligible organization.

(4) [Games shall be conducted only] Conducting games of chance on any premises other than on the licensed premises or as otherwise provided by this [act] chapter.

(5) [The eligible organization shall not lease such] Leasing the licensed premises under either an oral or a written agreement for a rental which is determined by either the amount of receipts realized from the playing of games of chance or the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal. An eligible organization shall not lease such premises from any person who has been convicted of a violation of this act or the Bingo Law within the past ten years.

(6) [Games] Purchasing games of chance, other than raffles, daily drawings and weekly drawings, [shall be purchased only from manufacturers and distributors] from any person other than a registered manufacturer or licensed distributor approved by the department.

(7) No licensed eligible organization shall permit its premises to be used for small games of chance by another licensed eligible organization at the same time that it is conducting small games of chance on the premises. When a licensed eligible organization is permitting another licensed eligible organization to use its premises for purposes of small games of chance, it must cease the operation of its own small games of chance during the period that the other licensed eligible organization is conducting its games on the premises.

(8) Raffle tickets may be sold off the licensed premise in any municipality in this Commonwealth which has adopted the provisions of this act by an affirmative vote in a municipal referendum. A licensed eligible organization which plans to sell raffle tickets in a

municipality located in a county other than the county in which the eligible organization is licensed must notify that county's district attorney and licensing authority as to the location and the dates that the eligible organization plans to sell raffle tickets.]

(d) 1) Bank account and records.--The licensed eligible organization shall keep a bank account to hold the proceeds of games of chance, which shall be separate from all other funds belonging to the licensed eligible organization. Account records shall show all expenditures and income and shall be retained by the licensed eligible organization for at least two years.

(e) Application for license.--Each eligible organization shall apply to the licensing authority for a license on a form to be prescribed by the Secretary of Revenue. For a club license, the application shall include the most recent annual report filed by the club licensee under Chapter 5. The form shall contain an affidavit to be affirmed by the executive officer or secretary of the eligible organization stating that:

(1) No person under 18 years of age will be permitted by the eligible organization to operate or play games of chance.

(2) The facility in which the games of chance are to be played has adequate means of ingress and egress and adequate sanitary facilities available in the area.

(3) The eligible organization is not leasing such premises from the owner thereof under an oral agreement, nor is it leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance or by the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal.

(e.1) Proceedings.--Proceedings before the licensing authority are subject to 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action).

(f) List of licensees.--The licensing authority, on a semiannual basis, shall send a copy of all licensees to the Department of Revenue.

(g) List of municipalities.--The licensing authority shall include with any license or renewal license issued to an eligible organization, an up-to-date listing of those municipalities within the licensing county which have approved the referendum question on small games of chance.

(h) Background checks.--Each application for a license shall include the results of a criminal history record information check obtained from the Pennsylvania State Police, as defined in 18 Pa.C.S. § 9102 (relating to definitions) and permitted by 18 Pa.C.S. § 9121(b) (relating to general regulations), for the executive officer and secretary of the eligible organization making the application for a license or any other person required by the department.

Section 11. Section 11 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered and amended to read: Section [11] 308. Special permits.

(a) Issuance and fee.--The licensing authority shall issue a special permit for each raffle in which the [licensee] licensed eligible organization proposes to award individual prizes [having a cash value] in excess of [\$500] \$1,000. The licensing authority may establish and collect a fee not to exceed \$25 for the issuance of special permits under this section.

(b) Permit application.--Each special permit application shall specify the location where the actual drawing will be held, the number of chances to be sold, the price per chance and the [cash value of the prize or prizes] prize to be awarded.

Section 12. The act is amended by adding a chapter to read:

#### CHAPTER 5 CLUB LICENSEES

Section 501. Club licensee.

(a) Report.--

(1) Beginning in 2013, the club licensee shall submit semi-annual reports to the department for the preceding six-month period on a form and in a manner prescribed by the department.

(2) The report must be filed under oath or affirmation of an authorized officer of the club licensee.

(3) The report shall include all of the following information:

(i) The proceeds received by the club licensee from each game of chance conducted, itemized by week.

(ii) The amount of prizes paid from all games of chance, itemized by week.

(iii) The amount of proceeds for all games of chance not purchased from a licensed distributor operated in the prior calendar year.

(iv) Other costs incurred related to the conduct of games of chance.

(v) The verification of amounts distributed for public interest purposes itemized under section 502(a)?(1), itemized by the recipient.

(vi) An itemized list of expenditures made or amounts retained and expenditures under section 502(a)?(3).

(vii) The address and the county in which the club licensee is located.

(viii) Other information or documentation required by the department.

(b) Distribution.--The department shall provide a copy of the report to the Bureau of Liquor Control Enforcement.

(c) Posting.--The reports under subsection (a) shall be published on the department's Internet website.  
Section 502. Distribution of proceeds.

(a) Distribution.--The proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 70% of the proceeds shall be paid to organizations other than the club licensee for public interest purposes in the calendar year in which the proceeds were obtained.

(2) No more than 30% of the proceeds obtained in a calendar year may be retained by a club licensee and used for the following expenses relating to the real property of the club licensee:

(i) Real property taxes.

(ii) Utility and fuel costs.

(iii) Heating and air conditioning equipment or repair

costs.

(iv) Water and sewer costs.

(v) Property or liability insurance costs.

(vi) Mortgage payments.

(vii) Interior and exterior repair costs, including repair to parking lots.

(viii) New facility construction costs.

(ix) Entertainment equipment, including television, video and electronic games.

(a.1) Amounts retained.--Amounts retained by a club licensee under subsection (a)(2) shall be expended within the same calendar year unless the club licensee notifies the department that funds are being retained for a substantial purchase or project. Notification shall include a description of the purchase or project, the cost and the anticipated date of the purchase or the project.

(b) Prohibition.--Proceeds shall not be used for wages, alcohol or food purchases or for the payment of any fine levied against the club licensee.

Section 503. Raffle tickets.

A club licensee shall purchase all raffle tickets from a licensed distributor.

Section 13. The act is amended by adding a chapter heading to read:

#### CHAPTER 7 ENFORCEMENT

Section 14. Section 12 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered and amended to read: Section [12] 701. Revocation of licenses.

(a) Grounds.--The [licensing authority shall revoke or refuse to renew the license of any eligible organization whenever the district attorney finds upon complaint and investigation that] following shall be grounds for suspension, revocation or nonrenewal of a license:

(1) Any of the funds derived from the operation of games of chance by an eligible organization are used for any purpose other than for:

(i) public interest purposes [or for];

(ii) the purchase of games of chance [as]; or

(iii) a purpose permitted by [this act] Chapter 5.

(1.1) Any of the funds derived from the operation of games of chance by a club licensee are used in a manner that does not com-

ply with section 502.

(2) Any person under 18 years of age is operating or playing games of chance [as defined in this act].

(3) The eligible organization has permitted any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act, to manage, set up, supervise or participate in the operation of games of chance.

(4) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.

(5) Any person or persons other than a manager, officer, director, bar personnel or a bona fide member of an eligible organization have been involved in managing, setting up, operating or running games of chance.

(6) Any person has received compensation for conducting games of chance.

(7) Any prize has been awarded in excess of the limits permitted under this act.

(8) The eligible organization has violated any condition of a special permit issued pursuant to section [11] 308.

(9) The eligible organization conducts the games of chance under a lease which calls for:

(i) leasing such premises from the owner thereof under an oral agreement; or

(ii) leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance.

(10) False or erroneous information was provided in the original application or in any information provided to the licensing authority or the department in any report.

(11) An eligible organization has been convicted of a violation of this act as evidenced by a certified record of the conviction.

(12) The eligible organization has permitted another eligible organization to conduct [small] games of chance on its licensed premises without suspending its own operation of [small] games of chance during the period that the other licensed eligible organization is conducting its games on the premises.

(13) A club licensee has failed to file an accurate report under section 501(a).

(14) A club licensee has failed to comply with section 502.

(b) Production of records.--The district attorney may require licensees to produce their books, accounts and records relating to the conduct of games of chance in order to determine [whether a license should be revoked or renewal thereof denied] if a violation of this act has occurred. Licensees shall also be required, upon request, to [produce] provide their license, books, accounts and records relating to the conduct of games of chance to [other] the licensing authority, the Bureau of Liquor Control Enforcement or to a law enforcement [officials upon proper request.] agency or official. A club licensee shall retain records for a period of five years.

Section 15. Section 13 of the act is renumbered and amended to read:

Section [13] 702. Enforcement.

[(a) District attorney.--The district attorney shall investigate alleged violations of this act. If the district attorney finds probable cause to believe that a violation has occurred, he may file a complaint against the alleged violator in the court of common pleas of said county, except in counties of the first class where the complaint may be filed in the municipal court. In addition, the district attorney shall prosecute said complaint in the manner provided by law.

(b) Other law enforcement officials.--Nothing in this act shall be interpreted to restrict the power of a State, county or local law enforcement officials to conduct investigations and enforce the provisions of this act.]

(a) Licensing authority.--The licensing authority may enforce the provisions of this act and may impose the penalties under subsection (d).

(b) Bureau of Liquor Control Enforcement.--If the licensee is a club licensee, the Bureau of Liquor Control Enforcement may enforce the provisions of this act. An administrative law judge under section 212 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, may impose the penalties under subsection (d) fol-

lowing the issuance of a citation by the bureau.

(c) Random audits.--The Bureau of Liquor Control Enforcement shall conduct annual random audits of 5% of all club licensees.

(d) Powers and duties.--The licensing authority, or, in the case of a club licensee, the Bureau of Liquor Control Enforcement may impose the following penalties:

(1) A civil penalty.

(2) Suspension or revocation of the license.

(e) District attorney.--The district attorney of the county that issued the license shall investigate alleged violations of this act. If the district attorney finds probable cause to believe that a criminal violation has occurred, the district attorney may file criminal charges and prosecute the complaint against the alleged violator in the court of common pleas of the county, except in counties of the first class where the complaint may be filed in the municipal court.

(f) Law enforcement officials.--Nothing in this act may restrict or limit the power of a State, county or local law enforcement official to conduct investigations and file criminal charges under this act.

(g) Liquor Code.--A violation of this act shall not constitute a violation of the Liquor Code.

Section 16. Section 14 of the act, amended July 11, 1990 (P.L.449, No.108) and December 19, 1990 (P.L.812, No.195), is renumbered and amended to read:

Section [14] 703. Local option.

(a) Election to be held.--In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not more than once in four years, to determine the will of the electors with respect to the issuance of licenses within the limits of such municipality under the provisions of this act. Where an election shall have been held at the primary election preceding a municipal election in any year, another election may be held under the provisions of this act at the primary election occurring the fourth year after such prior election. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county, or the governing body of the municipality adopts, by a majority vote, a resolution to place such a question on the ballot and a copy of the resolution is filed with the board of elections of the county, for a referendum on the question of issuing licenses, the county board of elections shall cause a question to be placed on the ballot or on the voting machine board and submitted at the primary election immediately preceding the municipal election. The question shall be in the following form:

Do you favor the issuance of licenses  
to conduct small games of chance in the  
of ?

(b) Vote.--If a majority of the electors voting on the question vote "yes," then licenses shall be issued by the licensing authority in such municipality, but if a majority of the electors voting on any such question vote "no," then the licensing authority shall have no power to issue or to renew, upon their expiration, any licenses in such municipality, unless and until, at a later election, a majority of the voting electors vote "yes" on such question.

(c) Voting proceedings.--Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(d) Applicability.--This act applies only to those eligible organizations located in municipalities which have adopted the provisions of this act by an affirmative vote in a municipal referendum in accordance with the provisions of this section.

(e) Withdrawal of approval.--The referendum procedure contained in this section shall also be available to withdraw the approval of the issuance of such licenses within such municipality which was granted through a prior referendum.

(f) Special exception.--Notwithstanding any other provision of this act to the contrary, in any municipality except a city of the first class where an election was held pursuant to this section on May 16, 1989, and a majority of the electors voted "NO" on the question, the municipality shall be able to resubmit the question, in accordance with the procedures set forth in this section, at the general election immediately following [the effective date of this amendatory act] July 11, 1990.

Section 17. Section 15 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered to read:

## Section [15] 704. Advertising.

It shall be unlawful for any eligible organization or person to advertise the prizes or their dollar value to be awarded in games of chance, provided that prizes may be identified on raffle tickets. Notwithstanding the prohibition of advertising contained within this section, an eligible organization may advertise prizes and values thereof in periodic publications which are limited in their circulation to members of the eligible organization.

Section 18. Section 16 of the act is renumbered and amended to read:

## Section [16] 705. Certain persons prohibited.

No licensed distributor nor any person who has been convicted of a felony or of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act or of any comparable State or Federal law shall have a pecuniary interest in the operation [or proceeds of games of chance] or in proceeds.

Section 19. The act is amended by adding a section to read:

## Section 706. Civil penalties.

(a) Penalty.--An eligible organization, other than a club licensee, that violates the provisions of this act shall be subject to the following civil penalties:

- (1) For an initial violation, up to \$500.
- (2) For a second violation, up to \$1,000.
- (3) For a third or subsequent violation, up to \$1,500.

(b) Club licensee.--A club licensee that violates the provisions of this act shall be subject to the following civil penalties:

- (1) For an initial violation, up to \$1,000.
- (2) For a second violation, up to \$2,000.
- (3) For a third or subsequent violation, up to \$3,000.

(c) Records.--The intentional or willful failure of a club licensee to provide accurate records shall result in a license suspension of a minimum of six months.

Section 20. Section 17 of the act, amended December 19, 1990 (P.L.812, No.195), is renumbered and amended to read:

## Section [17] 707. [Penalties] Criminal penalties.

(a) Eligible organizations and club licensees.--Any eligible organization violating the provisions of this act shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$1,000 [and shall] for a first offense[,] and \$1,500 for a subsequent offense. In addition:

- (1) For a first offense, the eligible organization shall forfeit the license to conduct games of chance issued to the eligible organization for [the remainder of the licensing period or six months, whichever is longer, for] a period of not more than 30 days.
- (2) For a second offense, the eligible organization shall forfeit [the] its license [issued to the eligible organization] for [the remainder of the current licensing period and be ineligible to be licensed for the following licensing period, for] a period of not less than 30 days nor more than 180 days.
- (3) For a third or subsequent offense[,] within three years of the first offense, the eligible organization shall forfeit [the] its license [issued to the eligible organization] and be ineligible for a license renewal for 30 months thereafter.

(b) Individuals.--Any person who conducts or assists in the conducting of games of chance in violation of the provisions of this act is guilty of a summary offense for a first violation. A second violation of this act shall be punishable as a misdemeanor of the third degree. A third or subsequent violation shall be punishable as a misdemeanor of the first degree.

(c) Distributors and manufacturers.--Any person who distributes games of chance without a license or in violation of any provision of this act or applicable regulations, and any manufacturer of games of chance who delivers games of chance for sale or distribution in this Commonwealth who fails to register and obtain a permit therefor is guilty of a misdemeanor of the first degree, provided that no license or permit shall be required for the manufacture or distribution of raffle tickets.

(d) Rigging.--A person commits a misdemeanor of the first degree if, with intent to prevent a game of chance from being conducted in accordance with the requirements of this act or the rules and usages governing the game of chance, he:

- (1) confers or offers or agrees to confer any benefit upon or threatens any injury to a participant or other person associated with the game of chance;

- (2) tampers with any person or [games] game of chance; or
- (3) solicits, accepts or agrees to accept any benefit.

(e) Contingent fees.--Any person who distributes, manufactures or operates a small game of chance and who requires, for equipment furnished or to play a game of chance, payment equal to a percentage of the total winnings of any game of chance commits a misdemeanor of the first degree.

Section 21. The act is amended by adding a chapter heading to read:

## CHAPTER 31

## MISCELLANEOUS PROVISIONS

Section 22. Section 18 of the act is renumbered to read:

Section [18] 3101. Effective date.

This act shall take effect in 60 days.

Section 23. This act shall take effect in 30 days.

On the question,

Will the Senate agree to the amendment?

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

Senator ALLOWAY. Mr. President, I rise today with some joy in my heart over an issue that this legislative body has struggled with for many, many years. It deals with amending the small games of chance law in Pennsylvania to allow our clubs and veterans operations to operate within the bounds of the law.

Mr. President, there has been a lot of work that has gone into this by a lot of Members who feel very strongly about this issue. They care deeply about this issue, but there were many, many moving parts and we struggled to find the right combination that we could all agree on, and I think that we have struck that here today.

One thing, before I just quickly go through what is in this amendment, I want to make sure everyone is clear that this amendment mostly affects club licenses which are liquor licenses with small games of chance. So, let us make sure we are clear on this. If it is your fire company, local soccer team, or Little League, they are going to be largely unaffected by these percentages. So, let us make sure we are clear on that.

Currently, the law requires that the clubs donate 100 percent of their winnings from their small games to charity. Now, the problem with that, Mr. President, is as any organization can tell you, it costs money to make money. So in order for us to go out and raise \$20,000 for a charity, we may have to spend \$10,000 in order to do that, so there are legitimate expenses with that. What we have done is we have allowed these clubs to keep 30 percent of the proceeds of their small games of chance, and then they would donate 70 percent to local charities in their area. That is the first change.

The second major change to this legislation--again, this law was implemented back in 1988 and has not been changed since then--is we are going to allow them to have a daily/weekly payout. It used to be \$5,000; we are going to ask for it to increase to \$25,000. I think in relative terms of almost 30 years of this being law, that this is a fair number for those organizations. Along with those other changes, there are some reporting requirements. Basically, what we expect from our charitable entities is we want them to make money, run their operation, donate money to local charities, and be held accountable, and this bill does so.

So I respectfully request a "yes" vote on this amendment. Thank you.

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

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

**YEA-45**

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

**NAY-4**

Brubaker	Gordner	Mclhinney	Smucker
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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.

**UNFINISHED BUSINESS**

**BILLS REPORTED FROM COMMITTEES**

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

**SB 866 (Pr. No. 910)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to volunteer fire companies and volunteer services, further providing for expiration of authority.

**SB 1264 (Pr. No. 1735) (Amended)**

An Act establishing the Supplemental Individual Assistance Program; and making an appropriation to the Governor for grants to individuals suffering losses because of Hurricane Irene and Tropical Storm Lee and for payment of the Commonwealth's share to secure individual assistance from the Federal Government.

**HB 1500 (Pr. No. 2108)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, consolidating the Long-Term Care Patient Access to Pharmaceuticals Act; further providing for declaration of policy, for definitions and for third-party drugs in long-term care facilities; and making a related repeal.

Senator CORMAN, from the Committee on Appropriations, reported the following bills:

**SB 473 (Pr. No. 468) (Rereported)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for license fee for deployed Pennsylvania National Guard members and for resident license and fee exemptions.

**SB 775 (Pr. No. 1602) (Rereported)**

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in DNA data and testing, further providing for policy, for definitions, for State DNA Data Base, for procedural compatibility with FBI and for DNA sample required upon conviction, delinquency adjudication and certain ARD cases; providing for collection from persons accepted from other jurisdictions; further providing for procedures for withdrawal, collection and transmission of DNA samples, for procedures for conduct, disposition and use of DNA analysis; providing for request for modified DNA search; further providing for DNA data base exchange and for expungement; and providing for severability.

**SB 853 (Pr. No. 870) (Rereported)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions for deployed Pennsylvania National Guard members.

**SB 923 (Pr. No. 960) (Rereported)**

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for powers of an authority.

**SENATE RESOLUTIONS ADOPTED**

Senator WARD, by unanimous consent, offered **Senate Resolution No. 220**, entitled:

A Resolution declaring November 14 through 18, 2011, as "Juvenile Detention Centers Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator WARD. Mr. President, this resolution declares the week of November 14 through 18 as "Juvenile Detention Centers Week" in Pennsylvania. Pennsylvania has 18 secure detention centers serving all 67 counties, and these facilities should be recognized for their ongoing protection of our communities and the care of youth in their custody. There are hundreds of men and women dedicated to insuring the proper care and supervision of youth in our juvenile detention centers and who are committed to the protection of Pennsylvania's communities on a daily basis. Pennsylvania's juvenile detention centers, in coordination with the Juvenile Detention Centers Association of Pennsylvania, merit recognition for their unending services aimed at protecting our communities and assisting our youth.

I ask all of my colleagues for an affirmative vote.

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

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

Senators ORIE, RAFFERTY, SCARNATI, PILEGGI, COSTA, ALLOWAY, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, DINNIMAN, EARLL, EICHELBERGER, ERICKSON, FARNESE, FERLO,

FONTANA, GREENLEAF, HUGHES, KASUNIC, KITCHEN, LEACH, MENSCH, PIPPY, ROBBINS, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 221**, entitled:

A Resolution recognizing November 10, 2011, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 236th anniversary of its founding.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, today I offer a resolution recognizing November 10 as the birthday of the United States Marine Corps. "Semper Paratus" translates to "Always Faithful," and I could not agree more with the Marine Corps motto. Since 1775, the Marine Corps has faithfully fought for our freedom on every continent and in every conflict in American history. There are 202,000 brave men and women currently serving in our Marine Corps, with many stationed in harm's way in Iraq and Afghanistan. President Reagan once said, "Some people spend an entire lifetime wondering if they made a difference in the world. But, the Marines don't have that problem."

Due to the Marine Corps' dedicated service, as well as that of our entire Armed Forces, we live as residents of the greatest nation of the world, with freedoms envied and emulated by nations around the globe. Mr. President, I salute the Marines from the Commonwealth, I thank them for their service, and I ask for an affirmative vote.

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

Senator RAFFERTY. Mr. President, I stand and join with my colleague and friend in a resolution honoring the United States Marine Corps, an organization, by the way, that was founded in a tavern in the city of Philadelphia. They are par exemplar for our fighting units in the United States military.

Recently, I was given the honor of being made an honorary member of the Greater Pottstown Marine Corps League by Sergeant Major Cal Books, and I have had the distinct pleasure to work with them on a number of occasions. This past Saturday, I had my veterans breakfast, and Colonel Craig Williams spoke to 400 veterans about serving in the U.S. military, specifically the United States Marine Corps. They are first in battle, and first in our hearts. We thank them for their bravery. We thank them for the defense of our liberties. May God continue to bless each and every one of them today, especially those serving on foreign shores.

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 ORIE, PIPPY, ROBBINS, ALLOWAY, ARGALL, BAKER, BOSCOLA, BREWSTER, BROWNE, BRUBAKER, COSTA, DINNIMAN, EARLL, EICHELBERGER,

ERICKSON, FARNESE, FERLO, FONTANA, GREENLEAF, HUGHES, KASUNIC, KITCHEN, MENSCH, PICCOLA, PILEGGI, RAFFERTY, SCARNATI, SCHWANK, SOLOBAY, STACK, TARTAGLIONE, TOMLINSON, VANCE, VOGEL, WARD, WASHINGTON, WAUGH, D. WHITE, YAW and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 222**, entitled:

A Resolution honoring all military veterans on November 11, 2011.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Mr. President, Veterans Day is commemorated on November 11, which is quickly approaching. However, the truth is, every day is Veterans Day, and we should be thanking a veteran every time we meet one. As we are often reminded, freedom is not free. It is the sacrifice that the soldiers make that allow us as citizens to take for granted our religious freedoms, our system of electing leaders, and the premise that, through hard work, anyone can achieve the American dream. As President George Bush once stated, "All of America's veterans have placed our Nation's security before their own lives, creating a debt that we can never fully repay. Our veterans represent the best of America, and they deserve the best America can give them."

On November 11, we can commemorate these facts: over 48 million Americans have served in the military during war and peace since 1776. There are currently about 25 million living veterans, and of those, approximately 1.7 million are women. As of 2005, Pennsylvania was 1 of 6 States with 1 million or more veterans. In Pennsylvania, we have 1.2 million veterans. Sadly, every year, about 80,000 veterans are buried in one of the most solemn cemeteries, the National Cemetery system. Mr. President, this is a resolution by which all of us should commemorate our community heroes, our State heroes, our veterans.

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 GREENLEAF, STACK, SOLOBAY, KASUNIC, DINNIMAN, PIPPY, FARNESE, FONTANA, KITCHEN, BREWSTER, VOGEL, ORIE, BAKER, McILHINNEY, WARD, ERICKSON, COSTA, PILEGGI, BROWNE, FERLO, BOSCOLA, RAFFERTY, SCHWANK, ALLOWAY, TARTAGLIONE, HUGHES and EARLL, by unanimous consent, offered **Senate Resolution No. 223**, entitled:

A Resolution designating the month of November 2011 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, this resolution designates November of this year as "Lung Cancer Awareness Month." It aims to promote greater public awareness, enhance education, erase the stigma, and increase early diagnosis of this disease in order to reduce healthcare costs and save lives in this Commonwealth.

Lung cancer is the leading cause of cancer deaths. There will be an estimated 10,900 new cases of lung cancer and 7,960 deaths from lung cancer this year in the Commonwealth, and smoking is the cause of 80 to 90 percent of lung cancer deaths. The symptoms of lung cancer include chronic cough, hoarseness, coughing up blood, weight loss, loss of appetite, shortness of breath, fever without a known reason, wheezing, and repeated bouts of bronchitis, pneumonia, and chest pain.

This resolution is to help educate the citizens of Pennsylvania to the symptoms and prevention, and to help them in understanding this disease and the need for treatment and a cure. This resolution has been supported by the American Lung Association of Pennsylvania and is adopted on the national level as well. Pennsylvania will join the rest of the States in recognizing November as Lung Cancer 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.

### 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 Harvey John Rowe, Jr., by Senator Brubaker.

Congratulations of the Senate were extended to Rajant Corporation of Malvern by Senator Dinniman.

Congratulations of the Senate were extended to Maxine G. Colyer and to Leone M. Schmittle by Senator Eichelberger.

Congratulations of the Senate were extended to Vincent D. Gordon and to Springfield Township Environmental Advisory Council by Senator Erickson.

Congratulations of the Senate were extended to Sister Marie Dolores Griffith, Sister Mercedes Berbach, Sister Jean Anthony Alexandrunas, Sister Grace Jones, Sister Alicia Schweitzer, Sister Patricia Ann Moffett, Sister Ann Catherine Fuchs, Sister Marlene Luffy, Sister Assumpta Capaccio, Sister Barbara Maynard, Sister Ann Winschel, Sister Rose Michele Sieber, Sister Antoinette Basis, Sister Marietta Ruhe, Sister Antoinette Severin, Sister Dorothy Dolak, Father John Getsy, Sister M. Berchmans Siglow, Sister M. Loretta Shelby, Sister M. Cyrilla Czystuch, Sister M. DeChantal Serwinski, Sister Roberta Campbell, Sister Audrey Quinn, Sister Catherine Fedewa, Sister Mariella Bradley, Sister Karen Kellerski, Sister Alice Lubiak, Sister Raynita Kristofco, Sister Lucille Suttelle, Sister Bernadette Young, Sister Natalie Marchetti and to Sister Margaret Mary Wagner by Senator Orie.

Congratulations of the Senate were extended to Kevin Regan by Senator Piccola.

Congratulations of the Senate were extended to Michael Everett by Senator Pileggi.

Congratulations of the Senate were extended to Peter Alexander Keefe, Kevin Robert Carney and to Andrew James Steven by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Robert J. Dolan by Senator Tomlinson.

Congratulations of the Senate were extended to Andrew B. Seal by Senator Vance.

Congratulations of the Senate were extended to Treva May Hoke by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. W. Wayne Miller and to Montgomery Area Public Library by Senator Yaw.

### BILLS ON FIRST CONSIDERATION

Senator PILEGGI. 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 866, SB 1264 and HB 1500.**

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

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### MONDAY, OCTOBER 31, 2011

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 473, 775, 853, 923 and 1100)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 200 and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bills No. 866 and 1264; and House Bill No. 1500)	Rules Cmte. Conf. Rm.

#### TUESDAY, NOVEMBER 1, 2011

9:00 A.M.	EDUCATION (public hearing on Special Education Funding and Accountability)	Hrg. Rm. 1 North Off.
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing on eHealth Collaborative)	Room 8E-A East Wing
9:30 A.M.	TRANSPORTATION (to consider Senate Bill No. 799; and House Bills No. 584, 1355, 1792 and 1875)	Room 8E-B East Wing
10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 1141 and 1174)	Room 461 Capitol Bldg.

Off the Floor AGRICULTURE AND RURAL AFFAIRS Rules Cmte.  
(to consider Senate Bill No. 1323) Conf. Rm.

Off the Floor COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider Senate Bill No. 1297) Rules Cmte.  
Conf. Rm.

Off the Floor LOCAL GOVERNMENT (to consider Senate Bill No. 1321) Rules Cmte.  
Conf. Rm.

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 200 and 314; and certain executive nominations) Rules Cmte.  
Conf. Rm.

WEDNESDAY, NOVEMBER 2, 2011

10:30 A.M. AGING AND YOUTH (Aging Out of the Foster Care System) Uni. of PA  
Terrace Rm.  
Claudia Cohen  
Hall, 249 S.  
36th St.,  
Phila., PA

THURSDAY, NOVEMBER 3, 2011

1:00 P.M. APPROPRIATIONS (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

TUESDAY, NOVEMBER 15, 2011

9:00 A.M. ENVIRONMENTAL RESOURCES AND ENERGY and MAJORITY POLICY COMMITTEE (joint public hearing on issues related to flood mitigation through stormwater management) Senate Maj.  
Caucus Rm.

10:00 A.M. COMMUNICATIONS AND TECHNOLOGY and CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (joint public hearing on Act 183) Hrg. Rm. 1  
North Off.

10:00 A.M. GAME AND FISHERIES (public hearing with the House Game and Fisheries Committee and the PA Fish and Boat Commission for a presentation of the organization's "Hatchery Cost Savings Work Group Report") Room 8E-B  
East Wing

WEDNESDAY, NOVEMBER 16, 2011

9:00 A.M. ENVIRONMENTAL RESOURCES AND ENERGY and MAJORITY POLICY COMMITTEE (joint public hearing on issues related to flood mitigation through stormwater management) Senate Maj.  
Caucus Rm.

THURSDAY, NOVEMBER 17, 2011

9:30 A.M. COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT and LOCAL GOVERNMENT (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.

WEDNESDAY, DECEMBER 7, 2011

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

**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 Tuesday, November 1, 2011, 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 5:55 p.m., Eastern Daylight Saving Time.