COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, NOVEMBER 14, 2011

SESSION OF 2011 195TH OF THE GENERAL ASSEMBLY No. 66

SENATE

MONDAY, November 14, 2011

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend ANASTASIOS BOURANTAS, Saint George Greek Orthodox Church, Media, offered the following prayer:

Glory to God. As You pray for all those who have gathered here, on behalf of whom they have offered to serve, we pray for those who bring their time, talent, and treasure for the glory of freedom of our nation. We pray, Lord, that we pass our lives in patience, humility, and peace. Let us pray for our most devout and faithful rulers whom You have set to govern on the earth. Crown them with a weapon of truth, a weapon of good will, and strengthen their souls. Grant to them deep and untroubled peace. Speak good things to their hearts. In Your goodness, keep those who are good. In Your kindness, restore benevolence to those who have strayed. Fill the homes of our citizens with every good thing. Preserve their marriages in peace, nourish the infants, guide the young, strengthen the aged, comfort the faint-hearted, gather the scattered, sail with those who sail, comfort the widows, protect the orphans, heal the sick.

We pray for all those who are in tribulation and are troubled. We pray for all here present, for You are the help of the helpless, the hope of those without hope, the protector of the storm-tossed. Be all things to all people. Deliver our Commonwealth, our country, and every city and town from famine, plague, earthquake, flood, fire, sword, invasion by enemies, and civil war. We thus pray for thee to grant us great and abundant mercies. All this we pray. Amen.

The PRESIDENT. The Chair thanks Father Bourantas, 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:

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

November 2, 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, Daniel S. DiMucci, RLA, ASLA, 213 Fowler Drive, West Chester 19382, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

CORONER, MONROE COUNTY

November 4, 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 M. Allen, RR 6 Box 6674 Maplewood Court, Saylorsburg 18353, Monroe County, Sixteenth Senatorial District, for appointment as Coroner, in and for the County of Monroe, to serve until the first Monday of January 2014, vice The Honorable David Thomas, Stroudsburg, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

November 4, 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, William George Harris, 502 Cherry Lane, Johnstown 15904, Cambria County, Thirty-five *[sic]* Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Bennett Goldstein, Elkins Park, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

November 4, 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, Donald J. Murphy (Public Member), 348 North 24th Street, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

November 9, 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, Steven R. Cohen, Ph.D., FPPR, 967 Street Road, Southampton 18966, Bucks County, Twelfth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Alex Siegel, Penn Valley, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

November 9, 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, Jeffrey Fremont, Ph.D., 1264 Wyoming Avenue, Forty-Fort 18704, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Bricklin, Wayne, deceased.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

November 9, 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, Richard F. Small, 8 Cardinal Place, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Psychology, to serve until February 2, 2014, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Dr. Eve Orlow, Ardmore, forfeiture of seat.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 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, Barbara C. Chaffee, 4045 Colonial Avenue, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until her successor is appointed and qualified, vice Sister Catherine M. Manning, Erie, resigned.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 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, Dennis Frampton, 246 DeVore Drive, Meadville 16335, Crawford County, Fiftieth Senatorial District, for reappointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 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, Ronald A. Steele, 610 West Third Street, Erie 16507, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice The Honorable John R. Evans, Edinboro, resigned.

TOM CORBETT
Governor

MEMBER OF THE ERIE COUNTY CONVENTION CENTER AUTHORITY

November 10, 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, Susan N. Sutto, 3112 Madeira Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until her successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

November 14, 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, The Honorable Maureen Lally-Green, 207 Greenbriar Drive, Cranberry Township 16066, Butler County, Forieth *[sic]* Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2017, or until her successor is appointed and qualified, vice Daniel W. Fogarty, Fleetwood, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

November 14, 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, Larry A. Wittig, 709 Orchard Road, Andreas 18211, Schuylkill County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Education, to serve until October 1, 2017, or until his successor is appointed and qualified.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

November 14, 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, The Honorable Vincent J. Gastgeb, 5791 Glen Ora Drive, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice The Honorable Thomas A. Michlovic, North Braddock, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

November 14, 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, J. Paul McMillen, 300 Black Latch Lane, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 2015, and until his successor is appointed and qualified, vice Steven D. Irwin, Harrisburg, whose term expired.

TOM CORBETT
Governor

MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION

November 14, 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, The Honorable Sandra Schultz Newman, 1120 Ginkgo Lane, Gladwyne 19035, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 2015, and until her successor is appointed and qualified, vice Robert M. Lam, Rydal, whose term expired.

TOM CORBETT
Governor

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF PSYCHOLOGY

November 9, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 21, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the State Board of Psychology, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Bricklin, Wayne, deceased.

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

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
EDINBORO UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 29, 2011, for the appointment of Mike Downing, 123 Stanford Court, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice The Honorable John R. Evans, Edinboro, resigned.

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

TOM CORBETT
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF EDINBORO UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 10, 2011

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated September 29, 2011, for the appointment of Bryan Troop, 2 South Market Street, Apartment 205, Elizabethtown 17022, Lancaster County, Forty-eighth Senatorial District, as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve for a term of six years and until his successor is appointed and qualified, vice Sister Catherine M. Manning, Erie, resigned.

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

TOM CORBETT
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1461.**

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 458**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 818**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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:

November 10, 2011

HB 244 -- Committee on Education.
HB 298, 1126 and **1531** -- Committee on Judiciary.
HB 1344 -- Committee on Banking and Insurance.

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:

November 9, 2011

Senators DINNIMAN, BAKER, COSTA, FONTANA, KASUNIC, RAFFERTY, SCHWANK, TARTAGLIONE, WAUGH, PILEGGI, SOLOBAY, WARD, BREWSTER, STACK, YUDICHAK and BOSCOLA presented to the Chair **SB 1328**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for exclusions from tax.

Which was committed to the Committee on FINANCE, November 9, 2011.

Senators DINNIMAN, ALLOWAY, ARGALL, BAKER, BLAKE, BOSCOLA, BREWSTER, EICHELBERGER, ERICKSON, FARNESE, FERLO, WOZNIAK, YUDICHAK, GREENLEAF, PILEGGI, ORIE, SMUCKER, FONTANA, HUGHES, KASUNIC, KITCHEN, McILHINNEY, PICCOLA, RAFFERTY, SOLOBAY, STACK, SCHWANK, TARTAGLIONE, TOMLINSON, WARD, WASHINGTON, M. WHITE, WILLIAMS, MENSCH and LEACH presented to the Chair **SB 1329**, entitled:

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, further providing for prohibited means of destroying animals, for methods of destruction of animals, for exclusions, for use of carbon monoxide systems and for use of drugs by humane societies and animal shelters; providing for enforcement; and further providing for penalties.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, November 9, 2011.

Senators MENSCH, HUGHES, RAFFERTY, ORIE, TARTAGLIONE, WASHINGTON, FARNESE, SOLOBAY, ALLOWAY, LEACH, BOSCOLA, COSTA, SCHWANK, YUDICHAK, ARGALL and FERLO presented to the Chair **SB 1333**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for coverage for mammographic examinations.

Which was committed to the Committee on BANKING AND INSURANCE, November 9, 2011.

November 10, 2011

Senators COSTA, FONTANA, FERLO, SOLOBAY and HUGHES presented to the Chair **SB 1315**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in hospital plan corporations, further providing for rates and contracts.

Which was committed to the Committee on BANKING AND INSURANCE, November 10, 2011.

Senators COSTA, FONTANA, FERLO, SOLOBAY, TARTAGLIONE, EARLL and HUGHES presented to the Chair **SB 1316**, entitled:

An Act amending the act of November 26, 1997 (P.L.508, No.55), known as the Institutions of Purely Public Charity Act, further providing for criteria for institutions of purely public charity.

Which was committed to the Committee on FINANCE, November 10, 2011.

Senators COSTA, FONTANA, FERLO, SOLOBAY and HUGHES presented to the Chair **SB 1317**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for rates and contracts.

Which was committed to the Committee on BANKING AND INSURANCE, November 10, 2011.

Senators COSTA, FONTANA, FERLO, SOLOBAY, WARD, TARTAGLIONE, SCHWANK, EARLL and HUGHES presented to the Chair **SB 1318**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in general regulation, providing for contract negotiation; and making an editorial change.

Which was committed to the Committee on BANKING AND INSURANCE, November 10, 2011.

Senator YAW presented to the Chair **SB 1324**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for actions to quiet title involving subsurface rights.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 10, 2011.

Senators WOZNIAK, ALLOWAY, SOLOBAY and FERLO presented to the Chair **SB 1330**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for the dissolution of nonviable boroughs; and making editorial changes.

Which was committed to the Committee on LOCAL GOVERNMENT, November 10, 2011.

Senators WOZNIAK, FONTANA, WAUGH, SOLOBAY, BROWNE, BREWSTER, BOSCOLA, MENSCH and FERLO presented to the Chair **SB 1331**, entitled:

An Act establishing the Real Rainy Day Fund; and providing for the deposit of a portion of the liquor tax into the fund and for use of fund.

Which was committed to the Committee on FINANCE, November 10, 2011.

Senators MENSCH, HUGHES, ORIE, RAFFERTY, TARTAGLIONE, WASHINGTON, FARNESE, SOLOBAY, ALLOWAY, LEACH, BOSCOLA, COSTA, SCHWANK, YUDICHAK, ARGALL, BROWNE, GREENLEAF, BAKER and FERLO presented to the Chair **SB 1332**, entitled:

An Act requiring the notification of breast density to patients who receive a mammogram.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 10, 2011.

Senators D. WHITE, STACK, ERICKSON, WAUGH, BAKER, SCHWANK, PILEGGI, EARLL, RAFFERTY, ORIE and SOLOBAY presented to the Chair **SB 1336**, entitled:

An Act amending the act of December 18, 1996 (P.L.1066, No.159), known as the Accident and Health Filing Reform Act, dividing the act into Federal compliance and Commonwealth exclusivity; in Federal compliance, further providing for definitions, for required filings, for review procedure, for notice of disapproval, for use of disapproved forms or rates, for review of form or rate disapproval, for disapproval after use, for filing of provider contracts, for record maintenance, for public comment and for penalties and providing for regulations and for expiration; in Commonwealth exclusivity, providing for regulations and for action by the Insurance Commissioner; and making editorial changes.

Which was committed to the Committee on BANKING AND INSURANCE, November 10, 2011.

Senators GREENLEAF, ERICKSON, SOLOBAY, WAUGH, COSTA, BREWSTER, FERLO, TARTAGLIONE, HUGHES, WASHINGTON and LEACH presented to the Chair **SB 1337**, entitled:

An Act establishing the Pennsylvania Commission on Conviction Integrity; and imposing powers and duties.

Which was committed to the Committee on JUDICIARY, November 10, 2011.

Senators GREENLEAF, ERICKSON, SOLOBAY, BREWSTER, FERLO, WASHINGTON, HUGHES and LEACH presented to the Chair **SB 1338**, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for tampering with biological evidence; further providing for expungement; providing for informant testimony, further providing for controlled substance forfeiture, for sovereign immunity and for exceptions to sovereign immunity; providing for wrongful conviction and imprisonment; further providing for preservation of biological evidence; repealing provisions relating to postconviction DNA testing; further providing for jurisdiction and proceedings; providing for postconviction DNA testing; and providing for comparisons with CODIS data, for recording of custodial interrogations, for eyewitness identifications, for forensic laboratories and for powers and duties of the board.

Which was committed to the Committee on JUDICIARY, November 10, 2011.

November 14, 2011

Senators ALLOWAY, WAUGH, ERICKSON, HUGHES, ARGALL, PILEGGI and McILHINNEY presented to the Chair **SB 1319**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for wastewater processing cooperative planning.

Which was committed to the Committee on LOCAL GOVERNMENT, November 14, 2011.

Senator D. WHITE presented to the Chair **SB 1334**, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for additional

powers of incorporated institutions related to conduct of business; and providing for ownership of property.

Which was committed to the Committee on BANKING AND INSURANCE, November 14, 2011.

Senators McILHINNEY, D. WHITE, STACK, TOMLINSON, ALLOWAY, ORIE, FERLO and WAUGH presented to the Chair **SB 1335**, entitled:

An Act amending the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, further providing for names permitted to be used and for prohibition of adoption, use or advertisement of certain names, titles and descriptions.

Which was committed to the Committee on BANKING AND INSURANCE, November 14, 2011.

Senators D. WHITE, YAW, ALLOWAY, GREENLEAF, RAFFERTY, SOLOBAY and BREWSTER presented to the Chair **SB 1339**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in financial responsibility, further providing for definitions.

Which was committed to the Committee on BANKING AND INSURANCE, November 14, 2011.

GENERAL COMMUNICATION

AUDITED FINANCIAL STATEMENTS OF TEMPLE UNIVERSITY

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

TEMPLE UNIVERSITY
Office of the Controller
1805 N. Broad Street (038-17)
11th Floor Wachman Hall
Philadelphia, PA 19122-6094

October 26, 2011

The Honorable Mark R. Corrigan
Senate Secretary/Parliamentarian
Senate Box 203053
462 Main Capitol Building
Harrisburg, PA 17120-3053

Dear Senator *[sic]* Corrigan:

In compliance with Act 12A of June 30, 2011, I submit to you herewith the consolidated audited financial statements of Temple University - of The Commonwealth System of Higher Education for the fiscal year 2010-2011.

Sincerely,

FRANK ANNUNZIATO
Associate Vice President
& Controller

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:

SB 458, HB 563 and **HB 1461**.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request legislative leaves for Senator Tomlinson, Senator Mary Jo White, and Senator Ward.

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

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

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Tomlinson, Senator Mary Jo White, and Senator Ward.

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

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator COSTA asked and obtained a leave of absence for Senator KITCHEN, 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, November 14, 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, December 5, 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 House of Representatives recesses this week, it reconvene on Monday, November 21, 2011, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses the week of November 21st, it reconvene on Monday, December 5, 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	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald
Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Leach	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earll	Mensch	Tomlinson	
Eichelberger	Orie	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.

SPECIAL ORDER OF BUSINESS GUESTS OF THE PRESIDENT AND SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

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

Senator PICCOLA. Mr. President, you and I together today have two guests in the gallery, Joy Shill and her daughter, Nia. Joy and Nia are two of my constituents who reside here in the 15th Senatorial District, and they recently spent time here in our State Capitol building on a tour and visiting your office, the Lieutenant Governor's office. I am told that Nia, Joy's 4-year-old daughter, was spellbound, not only by the beauty of this building, but by its rich history as well. She also was not shy in expressing her interest in and knowledge of Pennsylvania history. Both Joy and Nia are in the gallery today, and I ask the Chair and my colleagues to join me in extending a warm Senate welcome to them.

Thank you, Mr. President.

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

(Applause.)

The PRESIDENT. In addition, I might add that Nia had the good judgment to go as me for Halloween. I cannot think of a scarier costume.

GUEST OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Mr. President, that is a tough act to follow. I have the distinct privilege today to have a young man, who is a constituent from West Norriton Township, shadow me and have a chance to interact with my staff. Jack Perkins is with us, and he is a senior at Christopher Dock High School. He plays soccer, tennis, is involved with golf, and is a volunteer ref at the Upward Christian Athletic Association, making sure children and their parents are involved in the athletic process and working together as a family.

Jack is the son of John and Debbie Perkins. He has a sister. He busies himself with lawn care, taking care of many lawns in the area, cutting and raking leaves, and he also works as cashier at the local Giant supermarket in Audubon, Pennsylvania.

Jack hopes to attend college upon graduation from Christopher Dock High School, and his ultimate goal is to become a veterinarian, a much-needed profession here in the Commonwealth of Pennsylvania. So I ask the Senate to extend its traditional warm welcome to Jack Perkins.

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

(Applause.)

GUEST OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Mr. President, it is my honor to introduce to you the 2011 Kimberton Fair queen, Sarah Hammaker. She is a senior at Phoenixville Area High School and is going onto college next year to major in psychology.

You know, we are now in the 83rd year of the Kimberton Fair. Even in Chester County, with its rapid growth, agribusiness still remains the number-one business in our county. Sarah's job is to make sure that all of us, those who live on farms and the new suburban residents, understand the importance of agriculture, and she has done an outstanding job, Mr. President. I would like the Senate to give her a warm welcome. Thank you.

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

(Applause.)

GUESTS OF SENATOR RICHARD L. ALLOWAY PRESENTED TO THE SENATE

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

Senator ALLOWAY. Mr. President, I am especially pleased to introduce my guests from LIFE Lutheran Services in Franklin County. LIFE residents were in the Capitol today for a rally to thank Pennsylvania on behalf of all LIFE, which stands for Living Independence for the Elderly. Programs throughout the State provide ongoing support of this program which serves our most frail citizens, keeping them where they want to live - in their homes and communities. LIFE programs have provided highly-coordinated, fully-integrated primary, acute, and long-term care to Medicare and Medicaid beneficiaries, with the goal of supporting these individuals at home and in their communities as an alternative to permanent nursing home placement. I ask that we give them a warm Senate welcome.

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

(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, today I have the pleasure of introducing Austin Higgins, who is serving as a guest Page in the Senate. Austin is an eighth-grader at Saint Michael School in Greenville. He is a member of the Saint Michael boys' varsity basketball team, volunteers at Saint Paul's Nursing Home, participates in the Youngstown English Festival, and was a State qualifier in both National History Day and Pennsylvania Junior Achievement of Science.

Austin is accompanied here today by his teacher, Mrs. Nancy Kremm, who is seated in the Senate gallery. Mr. President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

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

(Applause.)

GUESTS OF SENATOR LLOYD K. SMUCKER PRESENTED TO THE SENATE

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

Senator SMUCKER. Mr. President, firefighter Lieutenant Keith G. Rankin, an experienced volunteer firefighter in Lancaster Township, collapsed and died during a live burn training exercise in late September. Today we have with us in the gallery his mother, Nancy Crawford, his siblings, uncle, aunt, and other members of his family. As well, we have his pastor, the chief of his volunteer fire company, and other members of the volunteer fire company in Lancaster Township.

At age 38, Keith was taken from us much too young. A tragedy of this nature is always difficult to comprehend and accept. We pause today to express sadness over his loss, to show appreciation for his exceptional service, and to demonstrate understanding that these essential positions come with risk, hazard, and stress, irrespective of an individual's age and experience. It surely creates a considerable hole in our hearts and in the fabric of protective services when we lose someone of his character and quality.

Keith was a family man, a man of faith, a trusted, highly-capable firefighter, a devoted, dependable volunteer, a leader by action and through his instruction of others, and a man of demonstrated courage, having received honors for rescuing a woman from a burning building. Keith possessed in abundance the enthusiasm, commitment, and leadership that our communities depend on from volunteers. We are extremely fortunate, blessed, really, when individuals such as Keith Rankin step forward and contribute so intensively to serving their community. Given his record and example, it is important for us to memorialize his life and work, and to publicly extend our condolences to his family and fellow firefighters, who are with us in the gallery today.

Thank you, Mr. President.

The PRESIDENT. Would the guests of Senator Smucker and all present please rise for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Lieutenant KEITH G. RANKIN.)

RECESS

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

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

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

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

The PRESIDENT. For purposes of a meeting of the Committee on Education, followed by a meeting of the Committee on Rules and Executive Nominations, both to be held in the Rules room, 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 LEAVES CANCELLED

The PRESIDENT. Senator Tomlinson and Senator Ward have returned, and their legislative leaves are cancelled.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Baker and Senator Rafferty.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Baker and Senator Rafferty. Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 390 and **SB 405** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 473 (Pr. No. 468) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Alloway	Erickson	Piccola	Vogel
Argall	Farnese	Pileggi	Ward
Baker	Ferlo	Pippy	Washington
Blake	Folmer	Rafferty	Waugh
Boscola	Fontana	Robbins	White Donald

Brewster	Gordner	Scarnati	White Mary Jo
Browne	Greenleaf	Schwank	Williams
Brubaker	Hughes	Smucker	Wozniak
Corman	Kasunic	Solobay	Yaw
Costa	Leach	Stack	Yudichak
Dinniman	McIlhinney	Tartaglione	
Earll	Mensch	Tomlinson	
Eichelberger	Orie	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 853 (Pr. No. 870) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

BILL OVER IN ORDER

SB 864 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 1228 (Pr. No. 1716) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for presumption of a reasonable number of attempts.

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

SB 86 (Pr. No. 1680) -- The Senate proceeded to consideration of the bill, entitled:

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

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 152, HB 170, SB 338, HB 398, SB 413, SB 433, SB 477, SB 532, SB 539, HB 584 and **HB 608** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 735 (Pr. No. 2093) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 746, SB 775, HB 860, SB 866, HB 869 and **SB 878** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 920 (Pr. No. 1614) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing standards for carbon monoxide alarms; and imposing penalties.

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

BILL ON SECOND CONSIDERATION

SB 923 (Pr. No. 960) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1004, SB 1019 and **SB 1049** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1054 (Pr. No. 1855) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for continuing professional competency requirements.

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 1066, SB 1069, SB 1092, SB 1099, SB 1141, SB 1150, SB 1174, SB 1179, SB 1200 and **HB 1203** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1263 (Pr. No. 1627) -- The Senate proceeded to consideration of the bill, entitled:

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

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 1279, SB 1321, HB 1337, HB 1349, HB 1355, HB 1417, HB 1441, HB 1458, HB 1500, HB 1792 and **HB 1875** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF EDUCATION

June 21, 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, Colleen A. Sheehan, 805 Brower Road, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2013, or until her successor is appointed and qualified, vice Joseph M. Torsella, Flourtown, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

September 14, 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, Donna M. Cosmello (Public Member), 9 Summit, New Milford 18834, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Bhavin Patel, Hazleton, resigned.

TOM CORBETT
Governor

MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION

June 16, 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, Pedro A. Ramos, 921 N. 6th Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2014, and until his successor is appointed and qualified, vice The Honorable David F. Girard-diCarlo, Philadelphia, resigned.

TOM CORBETT
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD OF EDUCATION

June 21, 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, Colleen A. Sheehan, 805 Brower Road, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2013, or until her successor is appointed and qualified, vice Joseph M. Torsella, Flourtown, resigned.

TOM CORBETT
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

September 14, 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, Donna M. Cosmello (Public Member), 9 Summit, New Milford 18834, Susquehanna County, Twenty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Bhavin Patel, Hazleton, resigned.

TOM CORBETT
Governor

MEMBER OF THE PHILADELPHIA
SCHOOL REFORM COMMISSION

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In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pedro A. Ramos, 921 N. 6th Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2014, and until his successor is appointed and qualified, vice The Honorable David F. Girard-diCarlo, Philadelphia, resigned.

TOM CORBETT
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

YEA-49

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators VANCE, BAKER, SCARNATI, PILEGGI, ERICKSON, WARD, KITCHEN, KASUNIC, SCHWANK, ALLOWAY, ARGALL, BROWNE, BRUBAKER, EARLL,

GORDNER, GREENLEAF, ORIE, PIPPY, RAFFERTY, VOGEL, WAUGH, D. WHITE, YAW, DINNIMAN, FERLO, FONTANA, SOLOBAY, STACK, TARTAGLIONE and YUDICHAK, by unanimous consent, offered **Senate Resolution No. 227**, entitled:

A Resolution designating the week of November 13 through 19, 2011, as "Rural Health Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, I introduce this resolution which marks the week of November 13 through 19 as "Rural Health Week" in Pennsylvania. In 2010, 3.5 million people lived in Pennsylvania's rural counties. This amounts to about 27 percent of the State's 12.7 million residents. By 2013, the population in rural counties is projected to grow 3 percent, to 3.57 million people.

Those living in rural counties really face unique health challenges. They have fewer primary care physicians than urban counties, and they have fewer dentists than urban counties. Supporting Pennsylvania's communities that are not able to supply or retain core services is essential to the health and welfare of the Commonwealth as a whole. I ask you to join me in supporting this resolution.

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

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

Senators VANCE, WARD, PILEGGI, ORIE, ALLOWAY, SCHWANK, STACK, EARLL, ERICKSON, RAFFERTY, BROWNE, BRUBAKER, GREENLEAF, PIPPY, TOMLINSON, D. WHITE, BOSCOLA, BREWSTER, COSTA, DINNIMAN, FARNESE, FERLO, FONTANA, HUGHES, KASUNIC, KITCHEN, SOLOBAY and TARTAGLIONE, by unanimous consent, offered **Senate Resolution No. 228**, entitled:

A Resolution designating November 17, 2011, as "Children's Grief Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Mr. President, children who lose a loved one carry that loss for a lifetime. I am startled to know that 1 child in 20 will have a parent die before their high school graduation. "Children's Grief Awareness Day" is held every year on the Thursday before Thanksgiving. This holiday and all winter holidays can be really tough on kids. Commemoration began in 2008 by the Highmark Caring Place. One way to show your support is to wear blue on November 17. Please join me in supporting this resolution.

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

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

LEGISLATIVE LEAVE CANCELLED

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

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 Jacob T. Rausch and to Alexander Lee Williams by Senator Argall.

Congratulations of the Senate were extended to Beltzville Lions Club by Senators Argall and Yudichak.

Congratulations of the Senate were extended to William Curtis Montz by Senator Baker.

Congratulations of the Senate were extended to Electric City Trolley Museum Association of Scranton by Senator Blake.

Congratulations of the Senate were extended to Cameron S. Hawk by Senator Boscola.

Congratulations of the Senate were extended to Michael Bednar, Holly Edinger, Donna-Marie Daday, Jeff Glazier and to the Miller-Keystone Blood Center of Bethlehem by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Schuchman, Patrick Ross, William J. Tritt, Jr., Maureen Dresen, Marie M. Smith, Jamie Yousaitis, Christopher Leicht, Ryan Knarr, Paul Z. McDonough, Zach Shaff, Judy Neunzig, Sylvia Merkel, Paul Francis, Barbara, Paul Robert and Elizabeth McCarthy, Barley Creek Brewing Company of Tannersville, PPL LEAD and Air Products and Chemicals, Inc., HOLA programs, Taminco, Inc., T-Mobile, Northwood Racquet and Fitness Club of Easton, Susquehanna County Tennis Association and to the Wells Fargo Call Center by Senator Browne and others.

Congratulations of the Senate were extended to Beth Reifsnyder and to Kirk M. Rager by Senator Corman.

Congratulations of the Senate were extended to Keith Eldred by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. Tom Lawrence, Major Kevin Berry, Stephen Quatchak, Gerald Aufman, Thomas Monper and to Walter George Sanborn by Senator Orie.

Congratulations of the Senate were extended to Thomas M. Lastowka by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Dave Hammond, Joseph O. Mancuso and to the members and director of the Trinity High School Marching Band of Washington by Senator Solobay.

Congratulations of the Senate were extended to Margaret Helen Yaeger by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Larry Eslinger and to Mr. and Mrs. Jaye Alleman by Senator Vance.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late James B. McCusker, Sr., by Senator Baker.

Condolences of the Senate were extended to the family of the late Robert John Pellak by Senator McIlhinney.

Condolences of the Senate were extended to the family of the late Dr. Judith E. Orie by Senator Pileggi.

RECESS

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, the Senate will stand in recess.

AFTER RECESS

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, NOVEMBER 14, 2011

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 1100, 1183, 1264, 1266, 1267 1268, 1269, 1271, 1276, 1297, 1310 and 1323; and House Bill No. 1644)	Rules Cmte. Conf. Rm.
Off the Floor	EDUCATION (to consider the Governor's nominee Pedro Ramos to the Philadelphia School Reform Commission)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

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.
9:30 A.M.	TRANSPORTATION (to consider Senate Bills No. 344 and 1252; and House Bills No. 1399 and 1862)	Rules Cmte. Conf. Rm.
10:00 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 201, 939, 1334, 1335, 1336 and 1339)	Room 461 Main Capitol
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
10:30 A.M.	EDUCATION (to consider Senate Bill No. 1133, 1211, 1221, 1239, 1308 and 1322)	Room 8E-A East Wing
11:00 A.M.	LAW AND JUSTICE (to consider Senate Bill No. 790; and House Bill No. 242)	Room 461 Main Capitol
12:30 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (following joint public hearing beginning at 10 A.M. to consider House Bills No. 344 and 1630)	Hrg. Rm. 1 North Off.
Off the Floor	LOCAL GOVERNMENT (to consider House Bills No. 823 and 1582)	Rules Cmte. Conf. Rm.

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.
9:45 A.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 1039 criminal background checks requested by employers)	Room 8E-B East Wing
10:00 A.M.	FINANCE (to consider Senate Bills No. 371, 382, 1036, 1201 and 1301; and House Bill No. 1164)	Room 8E-A East Wing
1:00 P.M.	EDUCATION (to consider rescheduled public hearing on implementation and compliance with criminal history provisions in Act 24 of 2011 from PDE, PSEA, and PSBA)	Hrg. Rm. 1 North Off.

THURSDAY, NOVEMBER 17, 2011

9:15 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

9:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to hold a hearing on re-write of Title 35)	Hrg. Rm. 1 North Off.
9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (public hearing to review the OIT Strategic Plan)	Room 8E-A East Wing

PETITIONS AND REMONSTRANCES

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

Senator FONTANA. Mr. President, in my last 6 1/2 years in the Senate, I have rarely, if ever, risen on the floor to speak during Petitions and Remonstrances. I rise today because I can no longer be silent. I rise today to ask you to bring Senate Bill No.

549 to a vote. I rise today to ask you to act now. I rise today to plead with you to protect the children of our Commonwealth by considering Senate Bill No. 549.

Mr. President, you cannot turn on the news or open a newspaper today without hearing about the Attorney General's charges against former and current employees of Penn State University related to the sexual abuse of children. The charges and the events behind the charges are shocking and disturbing. As much as we would like to go back and change what happened, we cannot. No matter what action we take today, or tomorrow, we cannot change what happened to these children. We can only send our thoughts and prayers to the victims and their families.

But what we can do is take steps that will provide additional protections to our children moving forward. That is what Senate Bill No. 549 and the drafted amendment to it does. It amends the Child Protective Services Law to address suspected abuse by school employees. The bill is intended to lower the threshold for when suspected child abuse by a school employee must be reported and investigated. The bill also allows information from a report to be provided to a person's employer, if it relates to the employee's suitability in the workplace. The bill removes any separate reporting procedures and would require that reports are made in the same way, regardless of who the suspected perpetrator is or what the offense is, to insure that the child's welfare is the first priority. The bill also strengthens the immunity provisions for those individuals making reports, providing both civil and criminal immunity if the person participates in good faith in making a report, mandated or not, cooperating with an investigation, testifying in a proceeding, or referring a report to law enforcement.

Mr. President, I first introduced a version of this bill in September 2005, shortly after I was elected here to the Senate. Through each year, in every version of it, I have worked with stakeholders, both those who are in favor of the proposed changes and those who had concerns. In that process, I have made concessions and changes to the bill. I have met with those groups that my colleagues have asked me to, and my staff has spoken with each and every person who has contacted my office about this bill to hear their story, to determine if we can address their concerns, and to continue to improve the bill.

In the past three legislative Sessions, Mr. President, the bill has died. This version, Senate Bill No. 549, Printer's No. 652, was unanimously reported from the Committee on Aging and Youth on May 24 of this year. It was rereferred to the Senate Committee on Appropriations on June 20, where it remains today. Senator Ward, the chair of the Committee on Aging and Youth, has remained involved in the discussions and negotiations of this legislation and has advocated for its consideration and passage by the Senate Committee on Appropriations. Past versions have been worked on in cooperation with Senator Vance's office and Senator Orie's office. This has been a bipartisan effort, Mr. President, all along.

I have been asked what difference Senate Bill No. 549 would have made in the Penn State case. If Senate Bill No. 549 were law, the graduate assistant's responsibility would have been to contact police and/or Child Protective Services immediately to report what he had seen. If Senate Bill No. 549 were law, administrators would have been notified of the report, but would not have had a role in getting it to law enforcement or Child Protective Services.

Senate Bill No. 549 is not just a knee-jerk reaction to what occurred at Penn State, and it is not grandstanding. It is a well-thought-out work product that has been developed and improved over 6 1/2 years. We should have already acted on this legislation, Mr. President, years ago. Each year that passes, I get more calls from parents whose children have been abused, and I know some of those parents and organizations have contacted many of my colleagues. Understand, they have no other recourse.

What happened at Penn State is horrible, but there were laws in place that could have protected these children. Mr. President, we have an opportunity to make the laws we do have better, and to protect more children with the passage of Senate Bill No. 549, and I will continue to advocate for that. I am asking, pleading with you, to join me in this. Please act now to protect our children.

Mr. President, last but not least, let me say this to those who may be watching these proceedings: you can no longer be silent, either. If you know or suspect that a child is being abused, please do not hesitate. Call 911 and report it to law enforcement; reach out to DPW's Child Protective Services at 1-800-932-0313; or contact Child Help, which is a nonprofit agency which provides reporting numbers and counselors who can provide referrals, at 1-800-422-4453. But whatever you do, Mr. President, whatever they do out there, to all of you, please rise and speak up.

Thank you, Mr. President.

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

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

Senator FARNESE. Mr. President, many times over the last several months and during the budget season I stood here, probably much to the chagrin of my colleagues across the aisle, and I repeatedly talked about a priority problem that I saw as very prevalent with this administration. I stand here today echoing the comments of my colleague from Allegheny County, and I want to try to put some of the issues that have been arising out of the Penn State situation in perspective because, again, I believe that when we look at what initiatives this administration is putting forward, it really does bring to light the continuation of a priority problem.

There is no question, and I think I can speak for everyone in this building when I express my absolute sadness and sympathy for the victims of this horrible, horrible tragedy and, of course, our hearts go out to them and their families. But the truth of the matter, Mr. President, is that right now today, the people in this building have the tools to address this problem. We as legislators have the opportunity to help those children who have been left behind. We have the opportunity to raise our voices, to protect those who cannot speak for themselves, and to protect those who should be protected. Too many of the children of Pennsylvania have had their lives irrevocably changed by the heinous and perverted acts committed against them by depraved and unscrupulous adults.

What are these tools that we have? There are tools, there are bills, legislation that exists right now. Let me be clear, Mr. President, what I am going to talk about are two pieces of legislation that are not knee-jerk reactions to the Penn State situation. Let

me say that again. These are not knee-jerk reactions, because I know that some folks in this building have used that term before.

The first tool that we have at our disposal was introduced back on October 18 by me, and that is Senate Bill No. 1290. What that bill does is it addresses a pension prohibition for anyone receiving a publicly-funded pension if they are required to register under Megan's Law. Right now, under the current Public Employee Pension Forfeiture Act, only crimes directly related to one's public office or public employment are listed as offenses that would cause the loss of pensions and other benefits. Senate Bill No. 1290, which was introduced on October 18 and sits in committee, would insure that anyone who should be held to the highest level of public trust, including those receiving public benefits, would not be able to receive a public pension if they had been convicted of or plead guilty or no defense to a sex crime against a minor. My legislation would be a huge deterrent to committing these offenses, but also an appropriate punishment for those who committed these acts.

We already know that my colleague, Senator Fontana, has Senate Bill No. 549, again, a piece of legislation that is not a knee-jerk reaction. It is not a piece of legislation that is driven by the media or newspaper articles. It has been around for years and is an opportunity to move a priority that we believe, on this side of the aisle, should be at the forefront of where this administration is guiding the Commonwealth.

Another piece of legislation is by Senator Blake, who was actually proposing to amend the Right-to-Know Law, which currently exists for State-related universities. Again, I believe when you look at this type of legislation, Senate Bill No. 1290, and, of course, Senate Bill No. 549 that was put forth by Senator Fontana, and, of course, the Blake legislation, and other pieces of legislation, they are designed to do one thing, to protect children. What better priority can we have in this building than to protect our most precious assets that we have in the Commonwealth of Pennsylvania, our children? What better can we do?

The time has come, Mr. President, that we get serious about where we are going as a Commonwealth, about where this administration believes we should be going. I have said it before, and I will continue to say it, there has to be a voice for the entire Commonwealth of Pennsylvania. You know, there are 20 seats on this side of the aisle, representing over 5 million people in the Commonwealth of Pennsylvania, 5 million people who also deserve to have their voices heard. Shutting them out of a process, shutting them out of budget negotiations--the time has come that we should work together. This administration needs to understand that it represents not just Republicans, but the 5 million Democrats whom we represent here, signified by the 20 people who sit in these seats.

I urge my colleagues to support the legislation from me, Senator Fontana, Senator Blake, and others from both sides of this Chamber. I have to give credit to House Members from Philadelphia as well, Representative Kevin Boyle, who has a very important piece of legislation addressing this issue as well with regard to the reporting of these types of crimes committed against children.

The theme that many of us on this side of the aisle have been talking about for months, since the very first Budget Address, is the desire and willingness to work together, to be heard, not to bully, but to contribute, to be a part of the discussion, to allow those 5 million people whom we represent to have their voices be heard. That is the way government should work. That is the way representative government should work. We are here, and we are willing to work together. But again, Mr. President, unfortunately, when I look at the legislation, the divisive legislation that has been moved forward by this administration, attacking people's right to vote, voter ID bills, English as a first language bill, over and over and over again, attempts to divide, when what we need right now more than ever is the Commonwealth of Pennsylvania coming together.

I thank you for your time, Mr. President. I thank you for the opportunity to be heard. The time is right now on these bills, on these priorities, on ways that we want to deal with Senate Bill No. 1290 and the pieces of legislation that we have spoken about. Time is of the essence to move right now. We owe it to the people of Pennsylvania, but most importantly, Mr. President, we owe it to the children. Thank you.

UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEE

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

SB 1100 (Pr. No. 1777) (Amended) (Rereported)

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, for notification to public drinking water systems, for corrosion control requirements, for gathering lines and for model ordinance; providing for a model zoning ordinance; and making a related repeal.

SB 1183 (Pr. No. 1778) (Amended) (Rereported)

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, extensively revising provisions relating to the treatment, classification, sentencing and registration of sexual offenders; further providing for obscene and other sexual materials and performances; and making editorial changes.

SB 1264 (Pr. No. 1779) (Amended) (Rereported)

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.

SB 1266 (Pr. No. 1773) (Amended)

An Act implementing the provisions of clause (1) of subsection (a) of section 7 of Article VIII of the Constitution of the Commonwealth of Pennsylvania authorizing the incurring of debt for the rehabilitation of areas affected by Hurricane Irene and Tropical Storm Lee; imposing duties upon the Governor, the Auditor General and the State Treasurer; prescribing the procedures for the issuance, sale and payment of general obligations bonds, the funding of debt and refunding of bonds; exempting said bonds from State and local taxation; creating certain funds; providing for allocation of proceeds; and making appropriations.

SB 1267 (Pr. No. 1722) (Rereported)

An Act authorizing abatement of real estate taxes because of destruction or damage of property by Hurricane Irene or Tropical Storm Lee, or the refund of the amount of such taxes by certain political subdivisions; and authorizing assessment of properties retroactive to August 1, 2011, and a limited moratorium on the increase of certain real estate taxes.

SB 1268 (Pr. No. 1774) (Amended)

An Act providing for the highway capital budget project itemization for flood-damaged highways to be financed from debt incurred under clause (1) or (4) of subsection (a) of section 7 of Article VIII of the Constitution of Pennsylvania.

SB 1269 (Pr. No. 1775) (Amended)

An Act providing for the adoption of capital projects related to the repair, rehabilitation or replacement of highway bridges and for disaster assistance projects to be financed from debt incurred under clause (1) or (4) of subsection (a) of section 7 of Article VIII of the Constitution of Pennsylvania.

SB 1271 (Pr. No. 1776) (Amended)

An Act itemizing public improvement projects for flood protection and flood damage repair to be constructed by the Department of General Services, together with their estimated financial costs; stating the estimated useful life of the projects; making an appropriation; and providing for the adoption of specific disaster mitigation or assistance projects to be financed from debt incurred under clause (1) or (4) of subsection (a) of section 7 of Article VIII of the Constitution of Pennsylvania.

SB 1276 (Pr. No. 1780) (Amended) (Rereported)

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.

SB 1297 (Pr. No. 1781) (Amended) (Rereported)

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

SB 1310 (Pr. No. 1782) (Amended) (Rereported)

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 definitions, for determination of contribution rate, for additional contribution for interest, for trigger determination, for collection of contribution and interest and injunctions, for compensation rate, for Unemployment Compensation Fund, for Interest Fund, for State Treasurer as custodian, for recovery and recoupment of compensation; and providing for unemployment compensation bonds and for unemployment compensation amnesty program.

SB 1323 (Pr. No. 1783) (Amended) (Rereported)

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; further providing for First Industries Program; and making an appropriation.

HB 1644 (Pr. No. 2730) (Amended) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, in contracts, further providing for applicability, for the abolishment of the office of jury commissioner and for sales of personal property and surplus farm products.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 1266, SB 1268, SB 1269 and **SB 1271**.

And said bills having been considered for the first time,

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

RECESS

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

Senator WAUGH. Mr. President, I move that the Senate do now recess until Tuesday, November 15, 2011, at 1 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 6:43 p.m., Eastern Standard Time.